

**City of Joondalup**  
**Register of Delegations**  
**Reviewed against WALGA template, Cities of Perth, Gosnells, Stirling, and Wanneroo**  
**October 2022**

**Background**

The City of Joondalup commissioned Conway Highbury to undertake a “Review of the City of Joondalup Delegation of Authority Register” under authority of Council resolved at the Council meeting held on 28 June 2022 as follows:

***That Council:***

- 1** ***ENDORSES the review of its delegations in accordance with sections 5.18 and 5.46 of the Local Government Act 1995;***
- 2** ***BY AN ABSOLUTE MAJORITY and in accordance with sections 5.16 and 5.42 of the Local Government Act 1995, section 127 of the Building Act 2011, section 48 of the Bush Fires Act 1954, section 44 of the Cat Act 2011, section 10AA of the Dog Act 1976, section 118(2)(b) of the Food Act 2008, section 16 and 17 of the Graffiti Vandalism Act 2016, sections 214(2), (3) and (5) of the Planning and Development Act 2005, clause 82 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and section 21 of the Public Health Act 2016 DELEGATES the local government functions as listed in the amended Register of Delegations of Authority forming Attachment 2 to Report CJ092-06/22;***
- 3** ***REQUESTS the Chief Executive Officer provide a full review of the Register of Delegation of Authority that would include, but not be limited to, comparisons with best practice and other similar sized local governments, as well as explanations and examples of the required delegations, with a subsequent report to be tabled to the Audit & Risk Committee by October 2022.***

This report addresses Part 3 highlighted above in red.

The Report does not assess:

- Delegations made by the CEO, as of right
- Sub delegations made by the CEO, because of a delegation from the Council to the CEO.

This report at Table 2 compares:

- all delegations of the City of Joondalup with comparable delegations in the WALGA template, and the Registers of Delegations of the Cities of Perth, Gosnells, Stirling and Wanneroo, for relevance and compliance,
- all delegations in the WALGA template, and the Registers of Delegations of the Cities of Perth, Gosnells, Stirling and Wanneroo, not in the City of Joondalup Register of Delegations, for relevance and compliance,
- all conditions attached to Delegations of the City of Joondalup with comparable delegations in the WALGA template, and the Registers of Delegations of the Cities of Perth, Gosnells, Stirling and Wanneroo, for relevance, and compliance,
- all conditions attached to Delegations in the WALGA template, and the Registers of Delegations of the Cities of Perth, Gosnells, Stirling and Wanneroo, not in the City of Joondalup Register of Delegations, for relevance and compliance,

The table below highlights the extent of the delegations considered in the report.

| City/Entity | Number of pages in Register of Delegations | Number of delegations |
|-------------|--|-----------------------|
| Joondalup   | 86 pages                                   | 42 delegations        |
| Perth       | 118 pages                                  | 60 delegations        |
| Wanneroo    | 144 pages                                  | 73 delegations        |
| Gosnells    | 68 pages                                   | 40 delegations        |
| Stirling    | 192 pages                                  | 112 delegations       |
| WALGA       | 197 pages                                  | 90 delegations        |

It is clear from the table above that there is considerable diversity in subjects, approaches and conditions taken by each of the Cities and WALGA and it should be noted that the fact that some Cities or WALGA have specific delegations may not of itself, be a concern to the City of Joondalup, because it may reflect specific circumstances, such as absence of a Local Law on a particular function, or even where there is a Local Law, the absence of a particular function within it, may be addressed by a delegation, whereas such an approach may not be necessary at the City of Joondalup.

Similarly in relation to conditions to delegations, some Council may attach a condition that whilst relevant to that local government, is not relevant to the City of Joondalup, and the adoption of such a condition does not mean that a local government is correct in doing so, or that the City of Joondalup is incorrect, in not doing so.

Tables 1 and 2 below also includes uncorrected typographical or grammatical errors in any delegations or conditions quoted.

**Table 1**  
**Key Issues for consideration**

The Table below highlights key issues for consideration by the City of Joondalup.

Other minor matters, usually relating to conditions or terminology are highlighted in the body of the Table which follows this Table.

| CoJ Register of Delegations Ref No | Issue  | Recommendation  | CoJ Management Response   |
|------------------------------------|--|---|---|
| <b>All delegations</b>             | <p>As a matter of principle, the CEO should be delegated all functions possible to be delegated to an employee, or other person.</p> <p>In some Acts, such as the <i>Food Act 2008</i>, where sub delegation is not permitted, it may be more efficient and effective for other employees to be delegated to undertake functions, as well as the CEO (noting that in some cases under some legislation there may be specific qualifications required of an employee, or person to undertake a function delegated, and which may preclude the CEO from being so delegated)</p>  | The City should consider that wherever possible the CEO is delegated all functions possible to be delegated to an employee, or other person, in addition to any other employee, or person.  | The recommendation is noted. This is a matter for the CEO to decide and will be dependent on whether they are permitted to undertake the delegation through the relevant legislative framework. |
| <b>All delegations</b>             | <p>Some delegations quote specific legislative references in support of, or as the function being delegated – for example Delegation 1.19 which references Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i>, others reference a Part of an Act - for example delegation 3.6 which references Division 5 of Part 8 of the <i>Building Act 2011</i>.</p> <p>In the same way some Delegations provide an englobo reference - for example Delegation 3.8, which while sound would be better (and consistent with other Delegations) if the relevant legislative references were clearly stated.</p>   | That the City consider a uniform approach to the legislative references in Delegations, using the WALGA template which specifies each legislative provision being delegated.  | This recommendation is supported.   |
| <b>All delegations</b>             | <p>Some delegations require compliance with the relevant City Policy/ies, others do not.</p> <p>Whilst all delegates must comply with relevant City Policies and procedures, it is a question for the City to determine as to whether such a condition needs to be imposed.</p> <p>As a matter of policy, the City should also consider providing a hyperlink on all delegations to the relevant Policy or Procedure.</p> <p>This has the advantage of ensuring the delegate/s are aware of the relevant Policy/Procedure, and applicants for the exercise of a discretion can use the link to become aware of the Policy/Procedure.</p> <p>For example, the City may have a Policy/Procedure regarding assessing application to keep 3-6 dogs under delegated authority and which might address:</p> <ul style="list-style-type: none"> <li>• The extent and duration of any calling for submissions on the proposal</li> </ul> | If the City decides to impose a condition on all delegations for the delegate/s to comply with relevant City Policies/Procedures, then the City should consider providing a hyperlink on all delegations to the relevant Policy or Procedure. | Any hyperlinks will only be to City policies which are publicly available. City protocols, procedures and processes are internal operational documents to assist delegated officers.            |

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|                         | <ul style="list-style-type: none"> <li>The requirement for the assessment to include a search to determine if the applicant has been the subject of complaints relating to dogs, any convictions etc, which may be relevant factors in determining the application</li> <li>The adequacy of the gates, fences, and latches at the property the subject of the application, having regard to the size and breed of the dogs</li> </ul> <p>Thus, a potential applicant can ascertain the processes and requirements to be addressed and met.</p>  |  |   |
| <b>Some Delegations</b> | Some Delegations are englobo delegations, such as 3.8 ( <i>Cat Act 2011</i> ), 3.9 ( <i>Dog Act 1976</i> ), which while addressing all possible delegations would benefit from the attachment of conditions pertaining to some delegations.   | The City should consider using the WALGA template approach, rather than englobo delegations, to ensure that full details of functions, and conditions where relevant are properly addressed by delegates.  | The City will review these delegations as part of the 2023 review.  |
| <b>Some delegations</b> | The City's Register of Delegations appears to contain no delegations in relation to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> - unless covered by the City's Local Laws?  | The City should review, and determine, whether Delegations are needed to address the provisions of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .   | The City will review these delegations as part of the 2023 review.  |
| <b>1.1, 1.6, 1.16</b>   | These delegations are made by the CEO, as of right, rather than because of a delegation from Council, as the local government, to the CEO, and which may be sub delegated.<br><br>Council has no authority to make or amend such delegations.   | If a single Register of Delegations is to be maintained, then delegations by the CEO should be in a separate part.   | This recommendation is supported. The City will review the structure of the delegation manual as part of the 2023 review. |
| <b>1.8</b>              | The City's current limit under the delegation is \$500,000.<br><br>For a large and complex local government this seems low and should be reviewed, based on: <ul style="list-style-type: none"> <li>Assessment of tenders which were determined by Council in previous 12 months – how many times were the officer's recommendations rejected by Council? If none, or few, it is indication that the officer's assessments are sound and valid, and an increase could be considered in the threshold.</li> <li>Assessment of how many tenders in previous 12 months would not have needed to be determined by Council, had the threshold been \$750,000 or \$1m? Whatever the number of examples, had the CEO been able to determine those tenders, it would have meant the tender could have been determined and actioned, without the need of a wait of up to 4 weeks for Ordinary Council Meeting to determine.</li> </ul> | The City should consider an increase in the threshold of delegation to the CEO to determine tenders.<br><br>Such an increase should follow consideration of relevant delegations at other similar local governments, and an assessment of purchasing/procurement patterns and Council's assessment of the officer recommendations. | This is a matter for the Council to determine and may be considered as part of the 2023 review.                           |
| <b>1.8</b>              | The City should consider an englobo delegation to the CEO to determine all tenders between the December Ordinary Council Meeting and whenever the first Ordinary Council Meeting occurs in the New Year.<br><br>This overcomes the need to call a Special Council Meeting to determine a tender, at a time of the year when many Council Members may be on leave, thus raising possible quorum issues.  | The City should consider an englobo delegation to the CEO to determine all tenders between the December Ordinary Council Meeting and whenever the first Ordinary Council Meeting occurs in the New Year.<br><br>Such a resolution could be considered at the December Ordinary Council Meeting each year.                          | This is a matter for the Council to determine and may be considered as part of the 2023 review.                           |
| <b>1.9</b>              | The City's delegation addresses one item within the WALGA template (and other Cities Register of Delegations), being WALGA delegation 1.2.10, but not the other matters. Those matters do not appear to be addressed elsewhere in the Register of Delegations.<br><br>Should all proposals for permanent closure be determined by Council?  | The City should consider adopting the other delegations within the relevant WALGA template delegation to provide a completeness of record.<br><br>The City should consider the CoW condition whereby all proposals for permanent closure are determined by Council?  | The City will consider as part of the 2023 review whether WALGA delegations are appropriate for the City's circumstances. |

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| 1.11 | Some of the conditions in the WALGA template, and of the Cities may have merit.  | The City should consider the conditions proposed in the WALGA template and in Cities of Perth, Wanneroo and Stirling delegations for their appropriateness and relevance to City of Joondalup.         | The City will consider as part of the 2023 review whether WALGA/Other local government delegations are appropriate for the City's circumstances and add value.   |
| 1.14 | <p>The City's instrument of delegation refers to Regulations 24AB, 24AH and 24AJ of the <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p>A more comprehensive approach is offered by the WALGA template which includes Regs 24AC(1)(b), 24AD (3), 24AD (6) and the City should consider including same – assuming the Council wishes delegations to extend to such matters.</p> <p>This Delegation cannot be made unless the Council has adopted a Policy (Panels of Pre-Qualified Suppliers) in accordance with the <i>Local Government (Functions and General) Regulations 1996</i> 24AC. It is noted that the City does have this matter addressed under its Purchasing Policy under heading 3.9 - Panels of Pre-Qualified Suppliers.</p> | The City should consider the delegations proposed in the WALGA template for their appropriateness and relevance to City of Joondalup.  | <p>The City of Joondalup Purchasing Policy contains provisions related to Panels of Pre-Qualified Suppliers and as such the delegations is appropriate.</p> <p>The City will consider as part of the 2023 review whether WALGA delegations are appropriate for the City's circumstances.</p> |
| 1.21 | <p>Not clear why this delegation is needed to this extent as open to Council to delegate to the CEO, who may then sub delegate, and either Council could attach conditions, or the CEO could do so as part of sub delegation.</p> <p>Not clear why this delegation condition is needed as such matters could be addressed under delegated authority to the CEO to determine by way of a condition? That said it is open to Council to attach whatever conditions it sees fit.</p>  | The City should review the condition and consider the CEO determining same, under delegated authority.   | The City will consider as part of the 2023 review.   |
| 1.22 | The delegation is sound but would benefit from the addition of conditions, especially those in the WALGA template.   | The City should consider the addition of conditions, especially those in the WALGA template.   | The proposed additional conditions are business as usual for the City with regard compliance, however, for additional clarity the City will consider as part of the 2023 review.   |
| 1.23 | Delegation is sound although only reference is to s6.56 of the <i>Local Government Act 1995</i> and would be useful to include WALGA template delegation referring to s6.64.   | The City should consider the addition of the s6.64 of the <i>Local Government Act 1995</i> delegation as per WALGA template.   | The City will consider as part of the 2023 review.   |
| 1.25 | <p>It is not clear why this delegation is needed, given Delegation 1.19?</p> <p>It is also noted that neither the WALGA template, nor the other Cities have a similar delegation.</p>  | The City should review the need for this delegation, and if additional authority is needed, consider attaching it as a specific delegation or condition at Delegation 1.19.                            | The City will consider as part of the 2023 review.   |
| 1.28 | The reference to a maximum of \$20,000 for an "individual" item takes no account of cumulative/multiple amounts for an individual - thus whilst the condition would allow the delegation to be applied to a write off of up to \$20,000, a request for a write off of \$25,000 would need to be referred to Council to determine, yet 2 , or more requests for a write off, of less than \$20,000 from the same individual could be determined under delegation? In this regard note the condition of the City of Perth regarding cumulative debts.  | The City should consider reviewing and amending the "individual" limit, and to take account of cumulative provisions, like the approach taken by the City of Perth condition.                          | It is considered that the proposed amendment can be supported and the City to include as part of the 2023 review.  |
| 3.1  | The delegation is sound, but it is not clear why it is needed, given the function relates to <i>City of Joondalup Parking Local Law 2013</i> and it (along with other City of Joondalup Local Laws) is addressed with Delegation 1.3?  | The City should review the need for this specific delegation pursuant to the <i>City of Joondalup Parking Local Law 2013</i> which should be adequately covered by Delegation 3.1.                     | The City will consider as part of the 2023 review.   |
| 3.4  | It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is  | The City should consider combining Delegations 3.4, 3.5.1 and 3.5.2 into a single Delegation, or as per the WALGA template, into 2 Delegations – 1 for building permits, and 1 for demolition permits. | The City will consider as part of the 2023 review.   |

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|              | noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.   |  |  |
| <b>3.5.1</b> | <p>It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.</p> <p>s24, 60 <i>Building Act 2011</i> is a consequence of a determination and does not require a delegation, separate to the authority at 3.4.</p>   | <p>Not clear why this delegation is number 3.5.1 – there is no 3.5, and all other Delegations in the Register are numbered sequentially?</p> <p>City should consider whether 3.5.1 is needed given Delegation 3.4?</p> <p>The City should consider combining Delegations 3.4, 3.5.1 and 3.5.2 into a single Delegation, or as per the WALGA template, into 2 Delegations – 1 for building permits, and 1 for demolition permits.</p> <p>The City should review this reference.</p> | <p>The numbering of the delegations will be reviewed as part of the 2023 review.</p> <p>Consideration will be given to the requirement to retain delegation 3.5.1 as part of the 2023 review including other recommendations to combine delegations.</p>   |
| <b>3.5.2</b> | <p>It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.</p>  | <p>Not clear why this delegation is number 3.5.2 – there is no 3.5, and all other Delegations in the Register are numbered sequentially?</p> <p>The City should consider combining Delegations 3.4, 3.5.1 and 3.5.2 into a single Delegation, or as per the WALGA template, into 2 Delegations – 1 for building permits, and 1 for demolition permits.</p>   | <p>The numbering of delegations will be reviewed as part of the 2023 review.</p> <p>Consideration will be given to the requirement to retain delegation 3.5.2 as part of the 2023 review including other recommendations to combine delegations.</p>   |
| <b>3.7</b>   | <p>This has an englobo delegation relating to all the functions of the local government, to the CEO, and whilst this is sound for most matters, there are some matters in the <i>Bush Fires Act 1954</i> which require specific attention, because they are not matters for delegation to the CEO.</p>  | <p>The City should review the potential delegations under the <i>Bush Fires Act 1954</i> to ensure that all potential delegations are addressed, ideally using the WALGA template.</p>   | <p>The City will consider as part of the 2023 review.</p>  |
| <b>3.9</b>   | <p>Care needs to be taken to ensure that delegates are aware that there are several matters at s31 of the <i>Dog Act 1976</i> Control of dogs in certain public places, which cannot be delegated because they require an absolute majority.</p>  | <p>The City should consider a condition highlighting that s31 of the <i>Dog Act 1976</i> matters are not delegated and must be determined by the Council.</p>  | <p>Acknowledged. The City has reported on matters related to s31 to the Council for an absolute majority decision and not presumed to be able to make such decisions under delegated authority. It is noted that the WALGA template offers this information as part of its guidance note and not part of a delegation.</p> |
| <b>3.10</b>  | <p>The delegation is sound, adopting an englobo approach to all matters capable of being delegated, and delegating all possible matters to the CEO.</p> <p>However, while the CEO may “work though” other employees in fulfilling the functions, it may be preferable that the Council delegates to other employees, as well as the CEO, given there are no powers to sub delegate under the Act.</p> <p>Consideration should be given to addressing some issues not specified, with limits, or conditions, such as in relation to s70(2), (3) of the <i>Food Act 2008</i> – determining compensation, where in the absence of any limits, the CEO has infinite discretion to determine – noting that may be Council’s specific intention, in which case no further edit is needed.</p> | <p>The City should review the Delegation to determine whether other employees should be delegated authority, in addition to the CEO.</p> <p>The City should review the delegation to determine whether any limits or conditions should attach to the delegation in relation to s70(2), (3) of the <i>Food Act 2008</i>.</p>  | <p>The City will consider as part of the 2023 review.</p>  |
| <b>3.15</b>  | <p>Delegation is sound, and although the Delegation delegates all functions to the CEO under the Public Health Act, it does not address the <i>Health (Asbestos) Regulations 1992</i>.</p>  | <p>The City should consider adopting a delegation to address <i>Health (Asbestos) Regulations 1992</i> - see WALGA template 8.1.1.</p>   | <p>The City will consider as part of the 2023 review.</p>  |

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|  | <p>Englobo delegation to CEO is sound, and although the CEO can use “working through” on many matters, it may be prudent for Council to delegate some functions to other employees, as well as the CEO:</p> <ul style="list-style-type: none"> <li>• see WALGA template 8.1.2 Enforcement Agency Reports to the Chief Health Officer,</li> <li>• see WALGA template 8.1.3 Designate Authorised Officers</li> <li>• see WALGA template 8.1.4 Determine Compensation for Seized Items - where in the absence of any limits, the CEO has infinite discretion to determine – noting that may be Council’s specific intention, in which case no further edit is needed.</li> </ul> | <p>The City should review the Delegation to determine whether other employees should be delegated authority, in addition to the CEO.</p> <p>The City should review the delegation to determine whether any limits or conditions should attach to the delegation</p> |  |
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| <b>Matters not addressed in City of Joondalup Register of Delegations (or only partially)</b>                               |  |   | <b>Management Response</b>  |
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| s3.20(1)<br>LGA   | Performing Functions Outside the District  | The City should consider adopting this delegation, as per WALGA template 1.2.1, unless Council has determined that it does not wish to do so.         | This is a matter for the Council to determine. The City considers there is limited benefit to the delegation.   |
| s3.22(1),<br>3.23 LGA   | Compensation - Damage Incurred when Performing Executive Functions   | The City should consider adopting this delegation, as per WALGA template 1.2.2, unless Council has determined that it does not wish to do so.         | This is a matter for the Council to determine.  |
| s3.28,<br>s3.32,<br>s.3.33  | <p>Generally consistent with WALGA template and delegations of other Cities although the relevant Delegations at 1.13, 1.18 could be combined, as per WALGA template 1.2.3 Powers of Entry.</p> <p>In addition, it is noted that the City’s delegations on these matters do not address s.3.28 When this Subdivision applies, s.3.32 Notice of entry and s.3.33 Entry under warrant.</p> | The City should consider a single Delegation as per WALGA template WALGA template 1.2.3 Powers of Entry.  | The City will review as part of the 2023 review.  |
| s3.40A LGA  | The CEO is able, as of right, pursuant to s9.10 of the <i>Local Government Act 1995</i> to appoint Authorised Persons for the purpose of this function but there is a requirement for a delegation to the CEO to cover s3.40A which is function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.            | The City should review its Register of Delegations to address this issue, ideally based on the WALGA template 1.2.4.                                  | The City will consider as part of the 2023 review.  |
| s3.46, 3.47,<br>3.48 LGA  | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.   | The City should review its Register of Delegations to address this issue, ideally based on the WALGA template 1.2.5.                                  | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review.  |
| s3.47A,<br>3.48 LGA   | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.   | The City should review its Register of Delegations to address this issue, ideally based on the WALGA template 1.2.6.                                  | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review.  |
| s3.53 (3),<br>3.54(1) LGA   | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.   | The City should review its Register of Delegations to address this issue – ideally based on the WALGA template 1.2.8.                                 | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review.  |
| Local Government (Uniform Local Provisions) Regulations 1996: r.5(2), r.6 (Sch. 9.1 cl. 3(1)(a)), r.7A (Sch.9.1 cl.3(1)(b)) | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.   | The City should review its Register of Delegations to address this issue (unless covered by a Local Law) – ideally based on the WALGA template 1.2.9. | The <i>Local Government and Public Property Local Law 2015</i> addresses matters related to footpaths and thoroughfares however, the City will review as part of the 2023 review. |

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| r.7 (Sch.9.1. cl.3(2))   |   |   |   |
| Local Government (Uniform Local Provisions) Regulations 1996: r.9,   | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person – see WALGA template 1.29.  | The City should review its Register of Delegations to address this issue (unless covered by a Local Law) – ideally based on the WALGA template 1.2.10.                            | This is a matter for the Council to determine. The City considers there is limited benefit to the delegation, however, will examine as part of the 2023 review.     |
| Local Government (Uniform Local Provisions) Regulations 1996: r.11(1), (4), (6) & (8) (Sch.9.1 cl.6)               | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.11.  | The City should review its Register of Delegations to address this issue (unless covered by a Local Law) – ideally based on the WALGA template 1.2.11.                            | The <i>Local Government and Public Property Local Law 2015</i> addresses matters related to thoroughfares however, the City will review as part of the 2023 review. |
| Local Government (Uniform Local Provisions) Regulations 1996: r.12(1) (Sch.9.1), cl.7(2) r.13(1) (Sch.9.1) cl.7(3) | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.12.  | The City should review its Register of Delegations to address this issue (unless covered by a Local Law) – ideally based on the WALGA template 1.2.12.                            | The <i>Local Government and Public Property Local Law 2015</i> addresses matters related to crossings however, the City will review as part of the 2023 review.     |
| Local Government Act 1995: r.17 Private works on, over, or under public places – Sch.9.1 cl.8                      | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.13.  | The City should review its Register of Delegations to address this issue (unless covered by a Local Law) – ideally based on the WALGA template 1.2.13.                            | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review.  |
| Local Government (Uniform Local Provisions) 1996: r.21(1) (Sch.9.1 cl.12)  | This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.15.<br><br>Accordingly, the City should review its Register of Delegations to address this issue (unless covered by a Local Law – see <i>City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016</i> ). | The City should review its Register of Delegations to address this issue (unless covered by a Local Law) – ideally based on the WALGA template 1.2.15.                            | The City considers there to be limited benefit to such a delegation and suggests not progressing any delegation unless determined necessary.                        |
| s3.57 LGA Local Government   | The City does not appear to have a delegation which addresses this issue, and unless the Council has determined to make such a delegation, it may be prudent to determine a delegation, ideally   | The City should determine whether it may be prudent to determine a delegation, ideally based on WALGA template 1.2.18<br>Tenders for Goods and Services – Accepting and Rejecting | The City does have delegations related to tenders including acceptance/rejection of, and extension to contracts. The City will                                      |

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| (Functions and General) Regulations 1996:<br>r.11(2)(j)<br>r.18(2), (4), (4a), (5), (6) and (7)<br>r.20(1), (2), (3), r.21A | based on WALGA template 1.2.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options.  | Tenders; Varying Contracts; Exercising Contract Extension Options. – unless Council has determined not to make such a delegation.                                   | examine whether the City's delegations would benefit from being aligned with the WALGA template as part of the 2023 review.  |
| s6.50 LGA   | This is a function of the local government, and therefore capable of being delegated to the CEO, ideally based on WALGA template 1.2.28.  | The City should review its Register of Delegations to address this issue – ideally based on the WALGA template 1.2.28 – unless Council has determined not to do so. | This is a matter for the Council to determine. The date that rates are due is resolved on adoption of the Council budget. The City considers there is limited benefit to the delegation, however, will examine as part of the 2023 review. |
| s.6.64(1), s6.69(2), s.6.71, s.6.74   | This is a function of the local government, and therefore capable of being delegated to the CEO, ideally based on WALGA template 1.2.31.<br><br>It is noted that City of Joondalup Delegation 1.23 addresses related matters but only mentions s6.56 of the <i>Local Government Act 1995</i> .  | The City should review its Register of Delegations to address this issue – ideally based on the WALGA template 1.2.31 – unless Council has determined not to do so. | This is a matter for the Council to determine. The City considers there is limited benefit to the delegation, however, will examine as part of the 2023 review.  |
| s.131(2) Building Act 2011  | The City does not appear to have adopted a delegation to address this function, and should consider doing so, ideally based on WALGA template 2.1.6.<br><br>If the City does not do so, then such requests must be determined by Council.   | The City should review its Register of Delegations to address this issue – ideally based on the WALGA template 2.1.6.   | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review.   |
| r.51 Building Regulations 2012  | The City does not appear to have a delegation to address this issue, and should do so, ideally based on WALGA template 2.1.8.<br><br>If the City does not do so, then such requests must be determined by Council.  | The City should review its Register of Delegations to address this issue – ideally based on the WALGA template 2.1.8.   | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review.   |
| r.70 Building Regulations 2012  | The City does not appear to have a delegation to address this issue (although it has addressed the appointment of Authorised Persons under the <i>Building Act 2011</i> ), and should do so, ideally based on WALGA template 2.1.10.<br><br>If the City does not do so, then such requests must be determined by Council.   | The City should review its Register of Delegations to address this issue – ideally based on the WALGA template 2.1.10.  | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review.   |
| s.15 Strata Titles Act 1985   | On 19 March 2020, pursuant to section 16 of the Act, the Western Australian Planning Commission RESOLVED—<br>A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.<br>B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the <i>Strata Titles Amendment Act 2018</i> .<br><br>It is therefore open to the City to delegate this function to the CEO (as have the other Cities). | The City should review its Register of Delegations to address this issue – ideally based on the approach taken by any of the other Cities.                          | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review.   |

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|  | If the City does not do so, then such requests must be determined by Council.                    |  |  |
| s17(7) Bush Fires Act r.15 (Act s.18), r.38C r.39B | These functions may only be delegated to the Mayor and Chief Bush Fire Control Officer (jointly) | The City should review its Register of Delegations to address this issue – ideally based on the WALGA template 3.1.2 | Acknowledged. The City will consider inclusion of a delegation as part of the 2023 review. |

**Table 2**

**Comparison of Delegations and Conditions, City of Joondalup Register of Delegations and WALGA template, Cities of Perth, Gosnells, Wanneroo and Stirling**

| 1.2 ACTIVITIES ON PRIVATE LAND  |               |                  |                  |                  |
|---|---------------|------------------|------------------|------------------|
| Authority to do any of the things prescribed in Schedule 3.2 of the Local Government Act 1995, even though the land on which it is done is not local government property and the local government does not have the consent to do it.   |               |                  |                  |                  |
| WALGA template  | City of Perth | City of Gosnells | City of Wanneroo | City of Stirling |
| Not addressed   | Not addressed | Not addressed    | Not addressed    | Not addressed    |
| <p><b><u>Consultant Comment</u></b></p> <p>s3.27 of the <i>Local Government Act 1995</i> (the Act) provides the authority, which is described in detail in Sch 3.2 of the Act.</p> <p><b>It is not clear why the other Cities have no equivalent delegation; except they may address such activities on private land though a Local Law, with the relevant delegation applying via that instrument.</b></p> <p><b>How it is applied – as provided by CoJ</b></p> <p>The City has the ability via the delegation to undertake certain works and modifications to private property in accordance with its functions. These are outlined in Schedule 3.2 of the <i>Local Government Act 1995</i>.</p> <p><b>Examples of exercise – as provided by CoJ</b></p> <p>In practice this includes provision for soil retention of such things as embankments, and critical drainage modifications, as well as other material which may need to be relocated to allow public works to occur.</p> <p>This is typically employed as a last resort, with permission being sought first to do what is required, and usually only enacted in the case of an emergency, i.e., flood / overland water flow mitigation, the felling of a dangerous tree over private property or a public place which is located in private land.</p>  |               |                  |                  |                  |
| Conditions and Comments   |               |                  |                  |                  |
| <p><b>City of Joondalup</b></p> <p>Limited to those activities as listed in Schedule 3.2 of the <i>Local Government Act 1995</i>.</p> <p><b>Consultant Comment</b></p> <p>The 7 things able to be done under Sch 3.2 are:</p> <ol style="list-style-type: none"> <li>1. Carry out works for the drainage of land.</li> <li>2. Do earthworks or other works on land for preventing or reducing flooding.</li> <li>3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.<br/>Section 3.36 applies.<br/>Section 3.27(3) applies.</li> <li>4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.<br/>Section 3.36 applies.<br/>Section 3.27(3) applies.</li> <li>5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.<br/>Section 3.36 applies.<br/>Section 3.27(3) applies.</li> <li>6. Place on land signs to indicate the names of public thoroughfares.</li> <li>7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.</li> </ol> <p>No conditions are necessary, and the delegate is bound by City Policies - see general comment at commencement of Report.</p> |               |                  |                  |                  |

| <b>WALGA template</b>   | <b>City of Perth</b>            | <b>City of Gosnells</b>         | <b>City of Wanneroo</b>         | <b>City of Stirling</b>         |
|---|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Not addressed   | Not addressed                   | Not addressed                   | Not addressed                   | Not addressed                   |
| <b>Comment – Not applicable</b>   | <b>Comment - Not applicable</b> | <b>Comment - Not applicable</b> | <b>Comment - Not applicable</b> | <b>Comment - Not applicable</b> |
| <b><u>Consultant comment and Recommendations (if any)</u></b>   |                                 |                                 |                                 |                                 |
| <p>The City's adoption of this Delegation represents a thoroughness of approach, especially given its relevant Local Law does not address private land.</p> <p><b>Delegation is sound.</b></p> <p><b>Effect if delegation revoked</b><br/> An example of what would occur if removed is a tree being damaged by a storm which now overhangs a neighbouring property on a vacant block and the owner is unable to be contacted or unwilling to act.</p> <p>The City can step in and remove the tree and make safe in the public interest.</p> <p>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.</p> |                                 |                                 |                                 |                                 |
| <b>City of Joondalup Management Response</b>  |                                 |                                 |                                 |                                 |
| Noted. No review required.  |                                 |                                 |                                 |                                 |

**1.3 ADMINISTER THE CITY'S LOCAL LAWS**

Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws.

| WALGA template  | City of Perth   | City of Gosnells     | City of Wanneroo  | City of Stirling   |
|---|---|----------------------|---|--|
| <p>WALGA template includes 2 template delegations regarding specific Local Laws.</p> <p><u>Activities in Thoroughfares and Public Places and Trading Local Law</u></p> <p>6. General Activity Control</p> <p>1A. Authority, limit to permits subject of this delegation, to:</p> <p>a. determine the form of a permit application [cl.7.1(1)(a)];</p> <p>b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)];</p> <p>c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)];</p> <p>d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)];</p> <p>e. determine the form of the permit [cl.7.2(2)].</p> <p>1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <p>a. Temporary vehicle crossing [cl.2.4(1)]</p> <p>b. Any activity described as requiring a permit under cl.2.2(1);</p> <p>i. dig or otherwise create a trench through or under a kerb or footpath;</p> <p>ii. throw, place or deposit anything on a verge;</p> <p>iii. cause any obstruction to a vehicle or person using a thoroughfare;</p> <p>iv. cause any obstruction to a water channel;</p> <p>v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;</p> <p>vi. damage a thoroughfare;</p> <p>vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13;</p> <p>viii. fell any tree onto a thoroughfare;</p> <p>ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare;</p> | <p>2.21 All of the functions of the local government or City under the:</p> <p>a. City of Perth Activities on Land Local Law 2002</p> <p>b. City of Perth Air Conditioning Units Local Law 2004</p> <p>c. City of Perth Outdoor Dining Local Law 2019</p> <p>d. City of Perth Fencing Local Law 2015</p> <p>e. City of Perth Local Government Property Local Law 2005</p> <p>f. City of Perth Parking Local Law 2017</p> <p>g. City of Perth Public Trading Local Law 2005</p> <p>h. City of Perth Special Events Local Law 2007</p> <p>i. City of Perth Thoroughfares and Public Places Local Law 2017</p> | <p>Not addressed</p> | <p>3.2 Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the City's Local Laws.</p> | <p>6.8 Perform the functions of the 'City' and 'local government' under the:</p> <ul style="list-style-type: none"> <li>• City of Stirling Bee Keeping Local Law 2008;</li> <li>• City of Stirling Dogs Local Law 2008;</li> <li>• City of Stirling Fencing Local Law 2008;</li> <li>• City of Stirling Keeping and Control of Cats Local Law 1999;</li> <li>• City of Stirling Local Government Property Local Law 2009;</li> <li>• City of Stirling Parking Local Law 2014;</li> <li>• City of Stirling Pest Plant Local Law 2012;</li> <li>• City of Stirling Local Law Relating to the Prevention and Abatement of Dust and Liquid Waste 2002;</li> <li>• City of Stirling Thoroughfares and Public Places Local Law 2009; and</li> <li>• City of Stirling Waste Management Local Law 2010.</li> </ul> <p>NOTE – 6.8.1 to 6.8.5 provide details of the specified Local Laws.</p> |

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| <p>x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;</p> <p>xi. use or do anything so as to create a nuisance;</p> <p>xii. place or cause to be placed in on a thoroughfare a bulk rubbish container;</p> <p>xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare;</p> <p>c. Drive or take a vehicle on a closed thoroughfare [cl.2.19];</p> <p>d. Erect or place an advertising or directional sign [cl.3.2]</p> <p>e. Use of portable signs [cl.3.4];</p> <p>f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5];</p> <p>g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)];</p> <p>h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11].</p> <p>i. Burn, subject to the Bush Fires Act 1954, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15]</p> <p>b. Construct firebreaks on a thoroughfare [cl.5.17]</p> <p>1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p>2. Use of Public Places</p> <p>2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p>3. Crossings</p> <p>3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p>4. Thoroughfares and Verges</p> <p>4A. Authority to determine and maintain the list of "acceptable materials" which</p> |  |  |  |  |
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| <p>may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p> <p>4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <ul style="list-style-type: none"> <li>a. Alter the direction of a sprinkler or other watering equipment [cl.9.1];</li> <li>b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2];</li> </ul> <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <ul style="list-style-type: none"> <li>Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3];</li> <li>Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</li> </ul> <p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p> <p>5. Flora and Fauna within Thoroughfares</p> <p>5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7].</p> <p>5C. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> |  |  |  |  |
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| <p>a. Collecting native flora and / or native flora seeds [cl.5.20];</p> <p>b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9].</p> <p>5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p><u>Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law</u></p> <p>6. Permits General</p> <p>1A. Authority, limited to the permit types listed below, to:</p> <p>a. determine the form of a permit application [cl.7.1(1)(a)];</p> <p>b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)];</p> <p>c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)];</p> <p>d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)];</p> <p>e. determine the form of the permit [cl.7.2(2)].</p> <p>2. Stallholder, Trading and Performing</p> <p>2A. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to:</p> <p>a. Stallholder [cl.6.2];</p> <p>b. Trader [cl.6.3];</p> <p>c. Perform in a public place [cl.6.10].</p> <p>2B. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>2C. Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)].</p> <p>3. Outdoor Eating Facilities</p> <p>3B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as</p> |  |  |  |  |
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| <p>appropriate, for the purposes of an outdoor eating facility [cl.6.16].<br/> 3C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]<br/> 3D Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].</p> |  |  |  |  |
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**Consultant Comment**

The City’s delegation is consistent with the WALGA approach and most of the comparable Cities.

The City has the following Local Laws listed at its website:

- *Animals Local Law 1999*
- *Fencing Local Law 2014*
- *Health Local Law 1999*
- *Local Government and Public Property Local Law 2014*
- *Meeting Procedures Local Law 2013*
- *Parking Local Law 2013*
- *Pest Plant Local Law 2012*
- *Waste Local Law 2017*

The City’s website indicates a range of amendments to various Local Laws also, many of which are subsequent to the original adoption of the Local Law.

It is noted that that the references at Delegation 1.3 do not include several Local Laws listed at the City’s website:

- *Fencing Local Law 2014*
- *Meeting Procedures Local Law 2013*

The Fencing Local Law contains several references to actions or decisions of the Local Government and are therefore capable of being delegated to the CEO (although some of these matters should be seen as executive functions of the CEO), but inclusion of the Local Law in the list at the Delegation would ensure completeness of record.

The Meeting Procedures Local Law contains several references to actions or decisions of the Local Government and are therefore capable of being delegated to the CEO (although some of these matters should be seen as executive functions of the CEO), but inclusion of the Local Law in the list at the Delegation would ensure completeness of record.

These “omissions” are not significant because the wording of the delegation refers to “administer the City’s local laws...” and the (limited) list only appears in the statutory framework part of the delegation, as a reference/guide.

It is also noted that in relation to the statutory requirement for an 8 yearly review of all the Local Laws, that on 16 February 2021, Council received a report on the 8-year statutory review of its local laws and resolved that amendments were required to Animals LL, LG Property, Meeting Procedures & Parking. An Amendment LL was progressed to Council in August 2021 however, Council resolved to refer the item back to Policy Committee so that each LL could be considered separately.

The City’s “equivalent” to the WALGA “Activities in Thoroughfares and Public Places and Trading Local Law” described above is the Local Government and Public Property Local Law 2014 – Amended 2019.

**How it is applied – as provided by CoJ**

The general function of a local government includes legislative and executive functions, including the ability to make local laws. The Council has adopted numerous local laws.

**Examples of exercise – as provided by CoJ**

The Local Government (Public Property) Local Law provides for the regulation, control and management of activities and facilities on local government and public property within the City of Joondalup. This local law has various clauses that establishes the requirements with which any persons using or being on local government and public property within the City of Joondalup. Delegation allows the CEO to appoint Environmental Health Officers (EHOs) as authorised persons. EHOs can administer the local law including the approval of Trader’s Permits, Street Markets, Street Entertainers and Outdoor Eating Facilities.

Animals Local Law - Delegation allows the CEO to appoint Environmental Health Officers (EHOs) as authorised persons. EHOs can administer the local law, including entering land and responding to complaints on the keeping of poultry, pigeons, miniature animals, bees, and other animals, as well as issuing directions where appropriate and ensuring the requirements of the local laws are being met.

|   |  |                         |   |                         |
|---|--|-------------------------|---|-------------------------|
| <p>EHOs also issue approvals to keep bees and pigeons.</p> <p>Health Local Law - Delegation allows the CEO to appoint EHOs as authorised persons. EHOs are able to administer the local law, including entering land and responding to complaints relating to sanitation, housing, refuse and pest control; as well as other general health and amenity issues.</p>   |  |                         |   |                         |
| <b>Conditions and Comments</b>  |  |                         |   |                         |
| <p><b>City of Joondalup</b></p> <p>None</p> <p><b>Consultant Comment</b></p> <p>No conditions are necessary, and the delegate is bound by City Policies - see general comment at commencement of Report.</p>  |  |                         |   |                         |
| <b>WALGA template</b>   | <b>City of Perth</b>   | <b>City of Gosnells</b> | <b>City of Wanneroo</b>   | <b>City of Stirling</b> |
| None specified but note indicates a matter for Council to determine.  | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. This delegation does not include any function which requires a resolution of Council. | None                    | Determinations and decisions under the City of Wanneroo Local Laws having regard to the relevant Council policies in force at the time. | None                    |
| <b>Comment – None</b>   | <b>Comment –</b> 1. Is self-evident, 2. Is presumed to be a reference to any matters which the Council must determine.   | <b>Comment – None</b>   | <b>Comment –</b> Ensures compliance with Policy.  | <b>Comment – None</b>   |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |  |                         |   |                         |
| <p><b>The City's adoption of this Delegation represents a thorough approach.</b></p> <p><b>Delegation is sound.</b></p> <p><b>Effect if delegation revoked</b></p> <p>If the Delegated Authority was removed there would be no restrictions nor implications on the improper use of public property within the City of Joondalup.</p> <p>Community Safety would be unable to perform the functions under the Local Government (Public Property) Local Law for example Activities on specified local government property, shopping trolleys, permissible verge treatments, signs, verge obstructions.</p> <p>All approvals for Trader's Permits, Street Markets, Street Entertainers and Outdoor Eating Facilities would need to be issued by Council. This would cause significant delays in determining applications and significant administrative burden if additional Council reports are required to be prepared.</p> <p>The City would be unable to take any action for any person who may be trading, operating a street market, undertaking street entertainment or operating an outdoor eating facility without a permit. Significant administrative burden and cost would be imposed on street market organisers, as additional notification and fees associated with the Food Act 2008 would instead apply.</p> <p>Any approval under the Animals local law including bees and pigeons would be required to be issued by Council. This would cause significant delays in determining applications and significant administrative burden if additional Council reports are required to be prepared.</p> <p>The City would not be able to enforce the Animals local law or respond to any amenity or public health issues that relate to the keeping of certain animals.</p> |  |                         |   |                         |
| <b>City of Joondalup Management Response</b>  |  |                         |   |                         |
| Noted. No review required other than ensuring all local laws are captured in the statutory framework section. The City has undertaken its eight-year review report and submitted to Council in 2022.  |  |                         |   |                         |

| <b>1.4 AGREEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES</b>   |  |                                |   |                                |
|---|--|--------------------------------|---|--------------------------------|
| Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.   |  |                                |   |                                |
| WALGA template  | City of Perth  | City of Gosnells               | City of Wanneroo  | City of Stirling               |
| 1.2.27 Agreement as to Payment of Rates and Service Charges<br>Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].   | 2.17. Agreement as to Payment of Rates and Service Charges<br>Authority to<br>1. make an agreement with a person for the payment of rates or service charges. [6.49]                             | Not addressed                  | 1.1.25 AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES<br>Authority to make an agreement with a person for the payment of rates or service charges [s.6.49]. | Not addressed                  |
| <b>Consultant Comment</b>   |  |                                |   |                                |
| The City's instrument is consistent with the WALGA template and that of other Cities.   |  |                                |   |                                |
| <b>How it is applied – as provided by CoJ</b>   |  |                                |   |                                |
| When a ratepayer applies to the City for a special payment arrangement other than payment in full/by instalments, the delegation allows the CEO or designated sub-delegated officers to accept these applications on behalf of the City.  |  |                                |   |                                |
| Conditions and Comments   |  |                                |   |                                |
| <b>City of Joondalup</b>  |  |                                |   |                                |
| No conditions are attached but reference is made to the City's Payments of Rates and Charges Policy and Rates Hardship Policy.  |  |                                |   |                                |
| <b>Consultant Comment</b>   |  |                                |   |                                |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |  |                                |   |                                |
| WALGA template  | City of Perth  | City of Gosnells               | City of Wanneroo  | City of Stirling               |
| a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>.<br>b. Agreements must be in writing and, subject to the Council Policy <<# Rates Collection / Financial Hardship> Policy>, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied. | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  | Not addressed                  | Subject to the arrangements agreed on the basis that the total debt outstanding will be extinguished 12 months from the date of the arrangement.                  | Not addressed                  |
| <b>Comment –</b> Although “compliance with Council Policies” could be a standard condition on all delegations, the delegate (CEO) is bound by the Policies in any event.  | <b>Comment -</b> Although “compliance with Council Policies, Budget and Legislation” could be a standard condition on all delegations, the delegate (CEO) is bound by such matters in any event. | <b>Comment -</b> Not addressed | <b>Comment –</b> A sound condition but not needed if relevant Policy/ies address same.  | <b>Comment -</b> Not addressed |
| <b>Review comment and Recommendations</b>   |  |                                |   |                                |
| The application of the relevant City Policies could be by way of conditions to the delegation instrument, or by reference in the instrument - the latter being the City of Joondalup approach, which is sound - see general comment at commencement of Report.  |  |                                |   |                                |
| The use of Policy provides greater flexibility to address time frames and processes, rather than as a condition of the delegation.  |  |                                |   |                                |
| The City should confirm that its relevant Policies are comprehensive in addressing the matters highlighted in the WALGA and Stirling conditions.  |  |                                |   |                                |
| The delegation is sound.  |  |                                |   |                                |
| <b>Effect if delegation revoked</b>   |  |                                |   |                                |
| Council would have to meet to formally determine such matters.  |  |                                |   |                                |
| City of Joondalup Management Response   |  |                                |   |                                |
| Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.  |  |                                |   |                                |

| 1.5 AMENDMENT TO THE RATE RECORD   |   |                                 |  |                                 |
|--|---|---------------------------------|--|---------------------------------|
| Authority to amend the rate record for the five years preceding the current financial year.  |   |                                 |  |                                 |
| WALGA template   | City of Perth   | City of Gosnells                | City of Wanneroo   | City of Stirling                |
| 1.2.26 Rate Record Amendment Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].  | 2.20. Amendment or Objection to Rate Record Authority to:<br>1. determine any requirement to amend the rate record for the 5-years preceding the current financial year. [s 6.39(2)(b)] | Not addressed                   | 1.1.24 AMENDING THE RATE RECORD Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]. | Not addressed                   |
| <b>Consultant Comment</b>  |   |                                 |  |                                 |
| s6.39 of the <i>Local Government Act 1995</i> (the Act) provides the function.   |   |                                 |  |                                 |
| The City's approach is consistent with that of the WALGA template, and several other Cities.   |   |                                 |  |                                 |
| <b>How it is applied – as provided by CoJ</b>  |   |                                 |  |                                 |
| The Act requires rate records to be updated to ensure currency and correctness of information associated with properties within the City. Under the delegation, changes to the rates record may be approved by the CEO or sub-delegated officers   |   |                                 |  |                                 |
| <b>Examples of exercise – as provided by CoJ</b>   |   |                                 |  |                                 |
| 1. When a property is sold and ownership transfers, the City must update the property's ownership details to record the change of ownership and retain the history.<br>2. Subdivision of a property<br>3. Additions/amendments to building(s) on a lot.<br>4. Corrections of any errors in the record<br>5. Amendments to Gross Rental Valuations associated with properties |   |                                 |  |                                 |
| <b>Conditions and Comments</b>   |   |                                 |  |                                 |
| <b>City of Joondalup</b>   |   |                                 |  |                                 |
| None.  |   |                                 |  |                                 |
| <b>Consultant Comment</b>  |   |                                 |  |                                 |
| No conditions are necessary, and the delegate is bound by City Policies - see general comment at commencement of Report.   |   |                                 |  |                                 |
| WALGA template   | City of Perth   | City of Gosnells                | City of Wanneroo   | City of Stirling                |
| Not addressed  | Not addressed   | Not addressed                   | Not addressed  | Not addressed                   |
| <b>Comment – Not applicable</b>  | <b>Comment - Not applicable</b>   | <b>Comment - Not applicable</b> | <b>Comment - Not applicable</b>  | <b>Comment - Not applicable</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>  |   |                                 |  |                                 |
| The delegation is sound.   |   |                                 |  |                                 |
| <b>Effect if delegation revoked</b>  |   |                                 |  |                                 |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting.   |   |                                 |  |                                 |
| <b>City of Joondalup Management Response</b>   |   |                                 |  |                                 |
| Noted. No review required.   |   |                                 |  |                                 |

| <b>1.7 CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST</b>  |   |  |   |   |
|---|---|--|---|---|
| Authority to choose acceptable tenderers from expressions of interest received, from those persons who are considered to be capable of satisfactorily supplying the goods or services.  |   |  |   |   |
| WALGA template  | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling  |
| <p>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</p> <p>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</p>   | <p>2.10. Deciding on an expression of interest, tender or a panel of pre-qualified suppliers<br/>Authority to determine:</p> <p>7. 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&amp;G 23)</p> | <p>1.2.4 REQUEST FOR TENDERS, EXPRESSION OF INTERESTS AND PANELS OF PRE-QUALIFIED SUPPLIERS</p> <p>6. Appropriate circumstances (for application of the Expression of interest process) and to call for Expressions of Interest [F&amp;G Reg.21]</p> | <p>1.1.16 tenders</p> <p>OF INTEREST FOR GOODS AND SERVICES</p> <p>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</p> <p>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</p> | <p>TENDERS, EXPRESSIONS OF INTEREST AND OTHER PROCUREMENT PROCESSES</p> <p>Authority to undertake a procurement process:</p> <ul style="list-style-type: none"> <li>• Call for expressions of interest.</li> <li>• Invite tender.</li> <li>• Assess responses by means of a written evaluation of the extent to which each respondent satisfies the criteria.</li> <li>• Recommend which respondent would be most advantageous to accept</li> </ul> |
| <b>Consultant Comment</b>   |   |  |   |   |
| The City's delegation is consistent with the WALGA template, and generally with the comparable Cities.  |   |  |   |   |
| <b>How it is applied – as provided by CoJ</b>   |   |  |   |   |
| <p>The City is required, when undertaking an expression of interest (EOI) for goods/services, to select participants in a tender process from respondents to the EOI. An EOI does not result in actual acquisition of goods/services but serves as a mechanism for the City to gauge potential respondents to a tender and progress accordingly. The delegation allows the CEO to consider the outcome of an EOI and choose the acceptable respondents for the City to issue a tender to.</p> <p>The resulting tender would then progress through to Council to consider and decide whether the goods/services in question are acquired</p> |   |  |   |   |
| <b>Examples of exercise – as provided by CoJ</b>  |   |  |   |   |
| <p>The results of an EOI are presented to the CEO for consideration. The usual outcome of an EOI is progression to a tender process, if there are any acceptable tenderers, except where an EOI is utilised for the purpose of assessing the market to support decision-making on the necessity and value of particular goods/services. There is no decision on actually procuring any goods or services at this point and no commitment to any participant in the EOI process to this effect.</p> <p>For an example, Attachment 1 refers (Significant Event - Classic Car Speed Classic</p>  |   |  |   |   |
| <b>Conditions and Comments</b>  |   |  |   |   |
| <b>City of Joondalup</b>  |   |  |   |   |
| None  |   |  |   |   |
| <b>Consultant Comment</b>   |   |  |   |   |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |   |  |   |   |
| WALGA template  | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling  |
| a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services   | <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. In exercising functions 1, 2 and 3, where there is no adopted annual budget, a tender may only be called where it includes a provision that the</p>   | A determination to call a tender must only occur where the procurement or disposal is included in Council's Annual Budget.   |   | <p>1. Prior to exercising this delegation, all on-delegates must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.</p> <p>2. All on-delegates must sign a declaration as part of their annual return requirements to reaffirm their</p>  |

|   |  |                             |                                 |  |
|---|--|-----------------------------|---------------------------------|--|
|   | tender will only be awarded subject to the budget adoption by Council. |                             |                                 | understanding of the City's Procurement Policy.  |
| <b>Comment – Has merit</b>  | <b>Comment – Has merit</b>   | <b>Comment – Has merit.</b> | <b>Comment - Not Applicable</b> | <b>Comment – Approach has merit (and applies to all City procurement and purchasing functions)</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |  |                             |                                 |  |
| The City could contemplate adopting the condition as per the WALGA template, although City Policies may already require same?   |  |                             |                                 |  |
| The City should contemplate adopting the Stirling condition, unless it is already an “internal” requirement to do so, and applying generally to City of Joondalup procurement and purchasing? |  |                             |                                 |  |
| <b>Effect if delegation revoked</b>   |  |                             |                                 |  |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays.   |  |                             |                                 |  |
| <b>City of Joondalup Management Response</b>  |  |                             |                                 |  |
| Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.  |  |                             |                                 |  |

**1.8 CHOICE OF TENDER**

Authority to decide which tender to accept.  
 Authority to decline to accept any tender.

| WALGA template  | City of Perth   | City of Gosnells  | City of Wanneroo   | City of Stirling  |
|---|---|---|--|---|
| <p>1.2.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options</p> <p>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</p> <p>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</p> <p>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine:</p> <p>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</p> <p>ii. To accept the tender that is most advantageous within the \$&lt;&lt;value&gt;&gt; detailed as a condition on this Delegation [F&amp;G r.18(4)].</p> <p>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</p> <p>5. Authority to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into OR the local government and the successful tenderer agree to terminate the contract [F&amp;G r.18(6) &amp; (7)].</p> <p>6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&amp;G r.20(1) and (3)].</p> <p>7. Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</p> | <p>Authority to determine:</p> <p>1. to accept or reject tenders or applications after written evaluation (F&amp;G 18(4) &amp; 24AH(3)).</p> <p>2. (to) reject a tender or application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation (F&amp;G 18(2) &amp; 24AH(2)).</p> <p>3. to decline any tender or application (F&amp;G 18(5) &amp; 24AH(5)).</p> <p>4. 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 with a successful tenderer (F&amp;G 20(1)&amp;(3)).</p> <p>5. to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into or the local government and the successful tenderer agree to terminate the contract (F&amp;G 18(6)&amp;(7)).</p> <p>6. (to)enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services (F&amp;G 24AJ(1))</p> <p>7. (to)consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers. (F&amp;G 23)</p> <p>8. to choose the next most advantageous tender to accept, if:</p> <p>a. the chosen tenderer is unable or unwilling to form a contract (F&amp;G 20(2)).;</p> <p>or</p> | <p>1.2.4 REQUEST FOR TENDERS, EXPRESSION OF INTERESTS AND PANELS OF PRE-QUALIFIED SUPPLIERS</p> <p>Determine:</p> <p>9. Which application to accept and reject for a panel by assessing, by means of a written evaluation, the extent to which each application satisfies the criteria. [F&amp;G Reg.24AH (3) and (5)]</p> <p>10. To enter a contract with suppliers within a prequalified panel [F&amp;G 24AJ]</p> | <p>Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&amp;G r.20(2)].</p> | <p>TENDERS, EXPRESSIONS OF INTEREST AND OTHER PROCUREMENT PROCESSES</p> <p>Authority to undertake a procurement process:</p> <ul style="list-style-type: none"> <li>Recommend which respondent would be most advantageous to accept.</li> </ul> |

**Consultant Comment**

Consistent with approach in WALGA template and of other Cities.

**How it is applied – as provided by CoJ**

The City is required to undertake an RFT (Request for Tender) process for the procurement of goods/services above the \$250,000 threshold prescribed in the F&G Regulations. While the latter are silent about the period of time that must be considered when assessing whether the value of a requirement exceeds \$250,000, the City have applied the usual contract period of 3 years towards this assessment.

The City undertakes as many as 40 tenders a year, although these are not evenly spread across the year.

The process for tenders to be considered by Council is value-agnostic. The delegation to the CEO allows for tenders up to the delegation limit to be considered by the CEO and thereby free up Council to give attention to higher value tenders and other matters in the Council meeting process. The delegation is premised on lower value tenders representing less significant or material contracts, as opposed to those of a higher value.

**Examples of exercise – as provided by CoJ**

The same RFT process is undertaken regardless of the potential value of a tender. The outcome of the RFT process dictates whether the estimated contract value falls within the delegation limit or not. Example of an RFT for which the delegation was exercised recently: Attachment 2 refers (Turf, Plant Leaf, Soil and Parasite Analysis)

**Conditions and Comments**

**City of Joondalup**

Authority to accept tenders valued up to \$500,000.

**Consultant Comment**

City should contemplate lifting the threshold amount– the CEO must still comply with the full requirements of determining a tender.

The delegate is bound by City Policies - see general comment at commencement of Report.

| WALGA template   | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling   |
|--|---|--|---|--|
| <p>a. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <p>i. The total consideration under the resulting contract is \$&lt;&lt;value&gt;&gt; or less;</p> <p>ii. The expense is included in the adopted Annual Budget; and</p> <p>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</p> <p>c. A decision to vary a tendered contract before entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract after entry into the contract [F&amp;G r.21A(a)] must comply with the adopted &lt;&lt;Council Policy ‘Contract Variations’&gt;&gt; and must include evidence that the variation is necessary and does not change the scope of the contract.</p> | <p>2.10</p> <p>2. Under this delegation tenders may only be accepted or rejected where there is an adopted budget for the proposed good or service.</p> <p>3. Tenders or applications may only be accepted where the total consideration under the proposed resulting contract is \$2,000,000 (excl. GST) per annum or less and the expense is included in the Annual Budget.</p> | <p>1.2.4</p> <p>A determination to call a tender must only occur where the procurement or disposal is included in Council's Annual Budget.</p> | <p>Function 3 is subject to a provision in the adopted Annual Budget and / or the Long Term Financial Plan and limited to:</p> <ul style="list-style-type: none"> <li>• Tenders resulting from the expiry of a recurring contract - \$5 million (life of contract).</li> <li>• Supply of plant and equipment - to a maximum amount of \$2,000,000.</li> <li>• All other tenders - to a maximum amount of \$1,000,000</li> </ul> | <p>1. Prior to exercising this delegation, all on-delegates must complete procurement training provided by the City and sign a declaration of understanding of the City’s Procurement Policy.</p> <p>2. All on-delegates must sign a declaration as part of their annual return requirements to reaffirm their understanding of the City’s Procurement Policy.</p> |

|   |  |  |  |  |
|---|--|--|--|--|
| <p><b>Comment – Not applicable</b></p>  | <p><b>Comment –</b> A threshold of \$2m for some tenders to be determined by Council seems reasonable, for a City of this complexity and scale in its procurement.</p> | <p><b>Comment - Not applicable</b></p> | <p><b>Comment -</b> A threshold of \$2m for some tenders to be determined by Council seems reasonable, for a City of this complexity and scale in its procurement.</p> | <p><b>Comment - Not applicable</b></p> |
| <p><b><u>Consultant Review comment and Recommendations (if any)</u></b></p>   |  |  |  |  |
| <p>The current threshold at which Council must determine tenders is low, for a City dealing with such a magnitude of tenders, by volume and price.</p>  |  |  |  |  |
| <p>Comparable local governments have significantly higher thresholds for tender to be determined by Council - City of Perth has \$2m.</p>   |  |  |  |  |
| <p>The City should assess the effect of lifting the threshold (by way of increasing the delegation to the CEO) by:</p>  |  |  |  |  |
| <ul style="list-style-type: none"> <li>➤ Evaluating the procurement patterns over the previous 12 months (or more) to evaluate the number of tenders which had to be determined by Council, being more than \$500,000 and less than (say) \$750,00 or \$1m to understand:</li> <li>➤ Assessment of tenders which were determined by Council in previous 12 months - how many times were the officer's recommendations rejected by Council? If none, or few, it is indication that the officer's assessments are sound and valid, and an increase could be considered in the threshold.</li> <li>➤ Assessment of how many tenders in previous 12 months would not have needed to be determined by Council, had the threshold been \$750,000 or \$1m? Whatever the number of examples, had the CEO been able to determine those tenders, it would have meant the tender could have been determined and actioned, without the need of a wait of up to 4 weeks for Ordinary Council Meeting to determine</li> </ul> |  |  |  |  |
| <p><b>Effect if delegation revoked</b></p>  |  |  |  |  |
| <p>The delegation serves as a mechanism to allow Council to focus on higher-value and more strategic procurement decisions. Removal of the delegation will revert all such tenders to Council for consideration and determination. Consideration must be given to efficient use of Council's time.</p>  |  |  |  |  |
| <p>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in determining all Tenders.</p>   |  |  |  |  |
| <p style="text-align: center;"><b>City of Joondalup Management Response</b></p>   |  |  |  |  |
| <p>Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations. The threshold for tenders is a matter for the Council to determine.</p>  |  |  |  |  |

**1.9 CLOSING CERTAIN THOROUGHFARE TO VEHICLES**

Authority to close any thoroughfare that the City manages, wholly or partially, to the passage of vehicles.

| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>  | <b>City of Stirling</b>  |
|--|--|---|--|--|
| <p>1.2.7 Close Thoroughfares to Vehicles</p> <p>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</p> <p>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to:</p> <ul style="list-style-type: none"> <li>•give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>•consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> <p>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</p> <p>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</p> <p>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].</p> | <p>2.2. Close Thoroughfares to Vehicles</p> <p>Authority to:</p> <p>1. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles. [s3.50(1) and (1a)(2)]</p> <p>2. Give public notice and provide notice to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks. [s3.50(4) and (5)]</p> <p>3. Revoke an order to close a thoroughfare. [s3.50(6)]</p> <p>4. Partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have a significant adverse effect on users of the thoroughfare. [s3.50A]</p> <p>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land. [s3.51]</p> | <p>1.2.3 ROAD CLOSURES – TEMPORARY</p> <p>1. To close a thoroughfare managed by the City (wholly or partially) to vehicles for a period of less than 4-weeks, after giving local public notice of the intention to do so [s3.50(1)].</p> <p>2. To close a thoroughfare managed by the City (wholly or partially) to vehicles for a period of more than 4-weeks, after giving local public notice of the intention to do so and allowing submissions to be made and considered in accordance with s3.50(4) and (5) [s3.50(1a)].</p> <p>3. To partially and temporarily close a thoroughfare for repairs or maintenance without giving local public notice if it is unlikely to have an adverse impact on users of the thoroughfare [s3.50A].</p> | <p>1.1.8 CLOSE THOROUGHFARES TO VEHICLES</p> <p>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</p> <p>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so:</p> <ul style="list-style-type: none"> <li>•give local public notice;</li> <li>•written notice to prescribed persons and persons that own prescribed land;</li> <li>•consider submissions relevant to the road closure/s proposed; and</li> <li>•provide a copy of the public notice to the Commissioner of Main Roads; [s.3.50(1a), (2) and (4)].</li> </ul> <p>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</p> <p>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</p> <p>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].</p> | <p>Not addressed in Register of Delegations – may be addressed in a Local Law?</p> |

**Consultant Comment**

**The WALGA template is more comprehensive than the City of Joondalup delegation, and consideration should be given to adopting same.**

**How it is applied – as provided by CoJ**

In implementing traffic management approvals. The City is authorised from the Commissioner of Main Roads WA to implement traffic management and detours and the like in accordance with the Road Traffic Act and Road Traffic Code. The stipulation in the *Local Government Act 1995* expressly outlines 4 weeks for longer term closures, and therefore short term closures under the *Local Government Act 1995* Section 3.50 require delegation.

**Examples of exercise – as provided by CoJ**

It is applied when an event, such as the festival of motorsport requires road closures, or when development occurs having roads closed for any period under four weeks to facilitate things such as concrete pours or intersection works and so forth.

| Conditions and Comments  |  |                                 |  |  |
|--|--|---------------------------------|--|--|
| <b>City of Joondalup</b>   |  |                                 |  |  |
| Nil  |  |                                 |  |  |
| <b>Consultant Comment</b>  |  |                                 |  |  |
| The City should consider applying the WALGA template condition, although it is acknowledged that it merely repeats the requirements of the <i>Local Government Act 1995</i> , and which therefore apply, whether as a condition of the delegation, or not. |  |                                 |  |  |
| The delegate is bound by City Policies-- see general comment at commencement of Report.  |  |                                 |  |  |
| WALGA template   | City of Perth  | City of Gosnells                | City of Wanneroo   | City of Stirling                         |
| a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].<br>b. Maintain access to adjoining land [s.3.52(3)]           | The exercise of this delegation must be consistent with the relevant legislation, Council Policy, and Annual Budget. | Not Addressed                   | The permanent closure of thoroughfares to be referred to Council for determination | Not addressed in Register of Delegations |
| <b>Comment</b> – Has merit and should be considered.   | <b>Comment</b> - Not applicable  | <b>Comment</b> - Not applicable | <b>Comment</b> – May be merit in CoJ considering such a condition?                 | <b>Comment</b> - Not applicable          |
| <b>Consultant Review comment and Recommendations (if any)</b>  |  |                                 |  |  |
| The City should adopt the additional delegations and conditions, as per the WALGA template, unless such provisions are adequately covered otherwise.   |  |                                 |  |  |
| The City should consider the City of Wanneroo condition whereby all proposals for permanent closure are determined by Council?   |  |                                 |  |  |
| <b>Effect if delegation revoked</b>  |  |                                 |  |  |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.  |  |                                 |  |  |
| <b>City of Joondalup Management Response</b>   |  |                                 |  |  |
| The City will consider as part of the 2023 review whether WALGA delegation conditions are appropriate for the City's circumstances, or the local law meets the City's legislative obligations.   |  |                                 |  |  |

**1.10 COMPLAINTS - MODEL CODE OF CONDUCT**

Authority to:  
 1 deal with a complaint;  
 2 dismiss a complaint; and  
 3 establish procedures for dealing with complaints;  
 under clauses 12, 13 and 15(2) of Schedule 1 of the Local Government (Model Code of Conduct) Regulations 2021.

| WALGA template   | City of Perth   | City of Gosnells     | City of Wanneroo  | City of Stirling     |
|--|---|----------------------|---|----------------------|
| <p>Not addressed as a delegation to the CEO, but rather to Behaviour Complaints Committee –</p> <p>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)].<br/>                     In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].</p> <p>2. Where a finding is made that a breach has occurred, authority to:</p> <p>a. take no further action [MCC.cl.12(4)(a)]; or<br/>                     b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)].</p> <p>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].</p> | <p>2.22A. Complaints of Breaches of the Code of Conduct for Council Members, Committee Members and Candidates<br/>                     Authority to:</p> <p>1. approve the form on which a complaint must be made regarding a breach of the behavioural requirements of the City of Perth Code of Conduct for Council Members, Committee Members and Candidates. [Sch 1, clause 11(2)(a)]</p> <p>2. authorise 1 or more persons, in writing, to receive complaints and withdrawals of complaints [Sch 1, clause 11(3)]</p> <p>3. After considering a complaint, make a finding as to whether the alleged breach has occurred. [Sch 1 clause 12(1)]</p> <p>4. Before making a finding in relation to the complaint, give the person to whom the complaint relates reasonable opportunity to be heard. [Sch 1 clause 12(2)]</p> <p>5. If a finding that the alleged breach has occurred:</p> <p>a. Take no further action [Sch 1 clause 12(4)(a)] o<br/>                     b. Prepare and implement a plan to address the behaviour of the person whom the complaint relates [Sch 1 clause 12(4)(b)]</p> <p>6. When preparing a plan under 5b above consult with the person to whom the complaint relates. [Sch 1 clause 12(5)]</p> <p>7. Include in the plan made under 5b above, the requirement for the person to whom the complaint relates to take action considered appropriate. [Sch 1 clause 12(6)]</p> <p>8. If a finding in made in relation to the complaint, give the complainant and the person to whom the complaint relates written notice of:</p> <p>a. The findings and the reasons for the findings. [Sch 1 clause 12(7)(a)]<br/>                     b. If the findings are that an alleged breach occurred the decision whether to take no further action or to prepare and</p> | <p>Not addressed</p> | <p>1.1.34 COUNCIL MEMBER, COMMITTEE MEMBER &amp; CANDIDATE CODE OF CONDUCT COMPLAINTS<br/>                     Authority to dismiss a Council Member, Committee Member and Candidate Code of Conduct Division 3 Complaint if satisfied that -</p> <p>(a) The behaviour to which the complaint relates occurred at a council meeting; and</p> <p>(b) Either –</p> <p>(i) the behaviour was dealt with by the person presiding at the meeting; or<br/>                     (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.</p> | <p>Not addressed</p> |

|  |   |                         |                         |                         |
|--|---|-------------------------|-------------------------|-------------------------|
|  | implement a plan to address the behaviour of the person whom the complaint relates. [Sch 1 clause 12(7)(b)]<br>9. Dismiss the complaint. [Sch 1 Clause 13]<br>10. Determine the procedure for dealing with complaints [Sch 1 Clause 15(2)]  |                         |                         |                         |
| <b>Consultant Comment</b>  |   |                         |                         |                         |
| <b>This decision has been made by Council and is a valid one, although there are alternative paths available for consideration.</b>  |   |                         |                         |                         |
| <b>How it is applied – as provided by CoJ</b><br>Under clauses 12, 13 of Schedule 1 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> the local government must deal with a complaint, dismiss a complaint.<br><br>Clause 15 of Schedule 1 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> provides other provisions for dealing with a complaint. Under this delegation, the CEO and the Director Governance & Strategy have authority to deal with any complaints that may be submitted under the Code of Conduct for Elected Members, Committee Members and Local Government Election Candidates.   |   |                         |                         |                         |
| <b>Examples of exercise – as provided by CoJ</b><br>The procedure for dealing with a complaint is contained in the Complaint Resolution and Investigation Protocol.  |   |                         |                         |                         |
| <b>Conditions and Comments</b>   |   |                         |                         |                         |
| <b>City of Joondalup</b><br><br>Authority includes the relevant powers and duties within the same clauses specified in the Code of Conduct for the Council Members, Committee Members and Candidates adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i> .<br><br><b>Consultant Comment</b><br><br>Sound<br><br>The delegate is bound by City Policies - see general comment at commencement of Report.   |   |                         |                         |                         |
| <b>WALGA template</b>  | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
| (Relating to Committee)<br>a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy XXX Code of Conduct Behaviour Complaints Management.<br>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.<br>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.<br>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. Should the CEO not authorise a person under function 2 of this delegation, the CEO is the authorised person to receive complaints and withdrawals of complaints. | Not addressed           | Not addressed           | Not addressed           |

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| <p>is absent and a Deputy Committee Member is in attendance.<br/> NOTE TO Conditions (c) AND (d): The purpose of these Conditions is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p> |  |  |                              |  |
| <p><b>Comment –</b> not relevant to CoJ given approach taken by latter.</p>  | <p><b>Comment -</b> Not applicable</p> | <p><b>Comment -</b> Not applicable</p> | <p><b>Comment -</b> None</p> | <p><b>Comment -</b> Not applicable</p> |
| <p><b><u>Consultant Review comment and Recommendations (if any)</u></b></p>  |  |  |                              |  |
| <p><b>The delegation is sound.</b></p>   |  |  |                              |  |
| <p><b>Effect if delegation revoked</b></p>   |  |  |                              |  |
| <p>If the delegation was removed, all complaints would be referred to Council to deal with.</p> <p>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.</p>   |  |  |                              |  |
| <p><b>City of Joondalup Management Response</b></p>  |  |  |                              |  |
| <p>Noted. No review required.</p>  |  |  |                              |  |

**1.11 DISPOSING OF PROPERTY**

Authority to dispose of property –

- (1) at public auction;
- (2) by public tender;
- (3) by private treaty.

| WALGA template  | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling   |
|---|---|--|---|--|
| <p>1. Authority to dispose of property to:</p> <p>(a) the highest bidder at public auction [s.3.58(2)(a)].</p> <p>(b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]</p> <p>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p> | <p><u>Note</u> CoP has separate delegations for related matters.</p> <p>2.12. Disposing of property other than land or buildings</p> <p>Authority to determine to dispose of property other than land or buildings:</p> <p>1. to the highest bidder at public auction [s 3.58(2)(b)]; or</p> <p>2. to the person who at public tender called makes the most acceptable tender, which does not have to be the highest tender [s 3.58(2)(b)].</p> <p>3. by negotiating, and entering into, an agreement subject to compliance with section 3.58(3) and (4), including the consideration of any submissions received following the giving of public notice prior to the disposal. [s 3.58(3)&amp;(4)]</p> <p>4. that is exempt from the requirements of section 3.58(1)-(4) (s 3.58(5))</p> <p>2.13. Disposing of land or buildings</p> <p>Authority to:</p> <p>1. dispose of land and building assets where it is included in the annual budget in accordance with the requirements of section 3.58 of the Local Government Act 1995. (s 3.58)</p> <p>2. dispose of land to an adjoining owner where:</p> <p>a. it has a market value of less than \$5,000; and</p> <p>b. the delegate does not consider the land would be of significant benefit to anyone other than the buyer (F&amp;G 30(2)(a)).</p> <p>3. the extent that a tenant under a lease exercising an option for a further term is a disposal of property, to agree to the exercise of that option for a further term in accordance with the conditions of the relevant lease (s 3.58).</p> <p>4. the extent that a tenant under a lease assigning that lease is a disposal of property, to agree to the assignment of that in accordance with the conditions of the relevant lease (s 3.58).</p> | <p><u>Note</u> The CoG has a separate delegation to a Committee re disposal of public art works.</p> <p>1.2.5 DISPOSAL OF PROPERTY</p> <p>To sell, lease or otherwise dispose of property, in accordance with s3.58.</p> | <p><u>Note</u> CoW has separate delegations for related matters</p> <p>1.1.19 DISPOSING OF PROPERTY (PUBLIC AUCTION, PUBLIC TENDER OR PRIVATE TREATY)</p> <p>1. Authority to dispose of property to:</p> <p>(a) to the highest bidder at public auction [s.3.58(2)(a)].</p> <p>(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]</p> <p>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p> <p>1.1.20 DISPOSING OF PROPERTY (LAND) BY LEASE OR LICENCE</p> <p>Authority for the disposal of property (Land) by lease or licence.</p> | <p>DISPOSAL OF COUNCIL PROPERTY</p> <p>Dispose of property* (except land):</p> <ul style="list-style-type: none"> <li>• Under \$20,000 – in accordance with methods provided in the Disposal of Assets Under \$20,000 Management Practice.</li> <li>• Over \$20,000 – in accordance with s3.58 of the Local Government Act 1995.</li> </ul> <p>*property includes the whole or any part of the interest of a local government in property, but does not include money.</p> |

|  |   |  |  |  |
|--|---|--|--|--|
|  | <p>5. the extent that a tenant under a lease, sub-leasing that property, is a disposal of property, to give consent to the sub-lease of that property in accordance with the conditions of the relevant lease (s 3.58).</p> <p>6. Dispose of residential property by lease (F&amp;G 30(2)(g)).</p> <p>7. Dispose of land or a building by lease or licence to occupy to a body whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions (F&amp;G 30(2)(b)).</p> <p>8. lease a building, where its independent market rental valuation is less than \$2,000,000 per annum in accordance with the requirements of section 3.58 of the Local Government Act 1995 (s 3.58)</p> |  |  |  |
|--|---|--|--|--|

**Consultant Comment**

**Consistent with WALGA template**

**How it is applied – as provided by CoJ**

The Act requires the City to follow a transparent and open process for the disposal of property, by way of selling, leasing or otherwise, unless exempt under the Regulations. Property dispositions that are not exempt must be disposed of by way of public auction, public tender or private treaty, (providing local public notice is provided for the proposed disposition, for the latter).

The City has over 50 lease agreements in place, and between 2013-2020, has progressed a land optimisation project resulting in 12 freehold properties being sold, ranging in value from \$700K - \$1.8M.

The delegation enables the CEO to enter into lease agreements, or sell properties, not exempt under the Regulations, up to the value of \$900K. Very few leases meet these criteria, as the majority relate to community-based organisations/charities (and are therefore exempt). The delegation value has progressively increased over time to support the implementation of the City's land optimisation project.

**Examples of exercise – as provided by CoJ**

3.58 of the *Local Government Act 1995* Disposal of Property

**Conditions and Comments**

**City of Joondalup**

Authority limited to property valued at less than \$900,000.

"Property" includes the whole or any part of the interest of a local government in property, but does not include money.

"Dispose" includes to sell, lease or otherwise dispose of, whether absolutely or not.

Following the disposal of City land, the detail of the disposal is to be reported to a relevant Committee of the Council for its information.

**Consultant Comment**

The City delegation conditions are sound, but they may merit in considering applying some of the conditions of other Cities, if relevant, to provide a more comprehensive framework.

In addition, the WALGA template conditions add value and should be considered.

The delegate is bound by City Policies - see general comment at commencement of Report.

| WALGA template   | City of Perth   | City of Gosnells  | City of Wanneroo  | City of Stirling     |
|--|---|---|---|----------------------|
| <p>a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$&lt;&lt;value&gt;&gt; or less.</p> <p>c. When determining the method of disposal:</p> <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>O Reserve price has been set by independent valuation.</li> <li>O Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• 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 another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>O Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>O Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</li> </ul> </li> </ul> <p>d. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul> | <p>2.12</p> <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. Disposal of property under this delegation, is limited, for any single transaction, for property, worth \$2,000,000 or less.</p> <p>3. Where the following methods of disposal of property are implemented, it is conditional on the corresponding requirements:</p> <p>a. for a public auction, a confidential independent valuation must be obtained in advance to operate as the "reserve price" and then any disposal must be:</p> <p>i. for no less than the reserve price; or</p> <p>ii. within 10% of the reserve price, if the reserve price is not achieved and an agreement that complies with section 3.58 is subsequently negotiated;</p> <p>b. for a public tender, if in the delegates opinion no reasonable tender response is received, then the delegate is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method; and</p> <p>c. where a direct negotiation is determined as the method of disposal, authority to:</p> <p>i. negotiate the disposal of the property up to a 10% variance on the valuation; and</p> <p>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> <p>4. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</p> <p>2.13</p> <p>1. The exercise of this delegation must be consistent with the relevant</p> | <p>This delegation may be used to dispose of property that meets the following requirements:</p> <p>1. Land with a market value of \$650,000 or less excluding GST (excluding land in the Southern River Business Park)</p> <p>2. Property (other than land) with a market value of \$100,000 or less excluding GST</p> <p>3. All land within the Southern River Business Park</p> <p>Where a public auction or direct negotiation is the method used to dispose of land, the price may be varied by 10% of the reserve price or the market value of the land</p> | <p>1.1.19</p> <p>Subject to:</p> <p>1. The disposal of property being less than \$250,000, except for land.</p> <p>2. The disposal of land by sale being:</p> <p>(a) identified in the City's Annual Budget and valued up to \$600 000 excluding GST; or</p> <p>(b) based on two independent market valuations engaged by the City, for an amount not exceeding \$250 000.</p> <p>1.1.20</p> <p>The grant of a lease or licence in relation to:</p> <p>1. freehold land owned by the City; or</p> <p>2. crown land managed/leased by the City; is further subject to:</p> <ul style="list-style-type: none"> <li>• Disposal by Lease: <ul style="list-style-type: none"> <li>a) The disposal of property by lease being subject to: <ul style="list-style-type: none"> <li>i. The lease being in accordance with the City's Leasing Policy (as then applicable);</li> <li>ii. The term of the lease being no greater than ten (10) years (including option periods);</li> <li>iii. The rental fee payable being no greater than \$75,000 (plus GST) per annum during the initial year of the lease term (exclusion of any rental incentives or abatements); and</li> <li>iv. The area leased being no greater than 1500m<sup>2</sup>.</li> </ul> </li> <li>b) An agreement to vary, or an agreement arising from the terms of a lease including but not limited to novations, terminations, surrenders, renewal options, assignments (including consent to a deemed assignment), subletting, special conditions or payment schedules of a lease subject to: <ul style="list-style-type: none"> <li>i. In the case of a variation, the variation being minor in nature in accordance with the City's Leasing Policy (as then applicable); and</li> <li>ii. In the case of an extension: <ul style="list-style-type: none"> <li>A. the lease providing for an option for extension and specifying the applicable terms of that option term;</li> <li>B. the exercise of the option for extension being in accordance with the terms of the option provisions of the original lease, and in particular that the</li> </ul> </li> </ul> </li> </ul> </li> </ul> | <p>No conditions</p> |

|   |   |  |   |  |
|---|---|--|---|--|
|   | <p>legislation, Council Policy and Annual Budget.</p> <p>2. No lease or licence can exceed a maximum term of ten (10) years including any options.</p> <p>3. In the exercise of function 8 the rent to be paid under the lease must be not less than 95% of the independent market rental valuation obtained, or in the case of land classified as a strategic holding under Policy 2.7 Property Performance, Investment and Disposal, 90%.</p> <p>4. This delegation does not extend to a disposal of property that would be a major land transaction.</p> |  | <p>lessee is not in a material and unremedied breach of that lease; and C. the extension being in accordance with the option provisions of the original lease.</p> <p>• Disposal by Licence:</p> <p>a) The disposal of property by licence being subject to:</p> <p>i. The licence being in accordance with the City's Leasing Policy (as then applicable);</p> <p>ii. The granting of a licence being permitted under the City's management order or lease;</p> <p>iii. The term of the licence being no greater than ten (10) years);</p> <p>iv. The fee payable being no greater than \$20,000 (plus GST) per annum during the initial year of the licence term; and</p> <p>v. The area licenced being no greater than 2000m2.</p> <p>b) An agreement to vary, or an agreement arising from the terms of a licence including but not limited to novations, terminations, surrenders, renewal options, assignments (including consent to a deemed assignment), sublicensing, special conditions or payment schedules of a licence subject to:</p> <p>i. In the case of a variation, the variation being minor in nature in accordance with the City's Leasing Policy (as then applicable); and</p> <p>ii. In the case of an extension:</p> <p>A. the licence providing for an option for extension and specifying the applicable terms of that option term;</p> <p>B. the exercise of the licence being in accordance with the terms of the option provisions of the original licence, and in particular that the licensee is not in a material and unremedied breach of that licence; and</p> <p>C. the extension being in accordance with the option provisions of the original licence</p> |  |
| <p><b>Comment –</b> Has merit and CoJ should consider.</p>  | <p><b>Comment -</b> Has merit and CoJ should consider.</p>  | <p><b>Comment -</b> Has merit and CoJ should consider.</p> | <p><b>Comment -</b> Has merit and CoJ should consider.</p>  | <p><b>Comment -</b> Not applicable</p> |
| <p><b><u>Consultant Review comment and Recommendations (if any)</u></b></p>   |   |  |   |  |
| <p><b>The Delegation is sound and consistent with the WALGA Template and that of the other Cities, but consideration should be given to attaching some of the conditions, especially those in the WALGA template to the City of Joondalup delegation.</b></p> |   |  |   |  |

**Effect if delegation revoked**

If the delegation was removed, all non-exempt disposals would require Council approval. This is not an issue for significant lease agreements and property sales, which would ordinarily involve Council endorsement, however, low value commercial leases would also be captured.

Examples including, short-term leases with telecommunications carriers, hairdressers operating from Senior Citizens Centres, catering services, etc.

If the delegation was reduced, this would have limited impact on most lease agreements, given they are generally exempt, and their value is usually significantly under \$900K.

Regardless of the value, the City may also choose to refer a potential property disposal to Council if it is considered in the public's interest to do so, and has many examples of this in the past (E.g., Duncraig Leisure Centre lease to the Churches of Christ, Sport and Recreation Inc., Joondalup Mens Shed, etc.)

For property sales, there would also be limited impact from reducing the delegated value, as most properties exceed \$1M and would therefore require Council approval anyway.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.

**1.12 - ACQUISITION OF INTEREST IN LAND BY LEASE OR OTHER SHORT TERM INSTRUMENT**

1. Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the City is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)].
2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r8(1)]:
  - a) Without intending to produce a profit to the Local Government; and
  - b) Without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.

| <b>WALGA template</b>      | <b>City of Perth</b>       | <b>City of Gosnells</b>    | <b>City of Wanneroo</b>    | <b>City of Stirling</b>    |
|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Not specifically addressed |

**Consultant Comment**

**Sound delegation.**

**How it is applied – as provided by CoJ**

The delegation was only recently introduced in 2022 and is yet to be applied.

It was requested following the receipt of legal advice in relation to short-term lease agreements, whereby the City is the Tenant and not the Lessor.

From time-to-time the City may be required to enter into lease agreements with private entities to provide short-term storage solutions or gallery space for exhibitions, etc. where the City does not have the capacity to meet this demand within existing resources.

The tenure period and value of these agreements are often short and low; however, the City does not have the authority to acquire an interest in any land or property without Council approval.

**Examples of exercise – as provided by CoJ**

3.59 of the *Local Government Act 1995* - Commercial Enterprises by local governments

**Conditions and Comments**

**City of Joondalup**

- a) Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than five years.
- b) In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$500,000 or less.
- c) Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s. 9.49A.

**Consultant Comment**

Sound

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b> | <b>City of Perth</b> | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
|-----------------------|----------------------|-------------------------|-------------------------|-------------------------|
| Not addressed         | Not addressed        | Not addressed           | Not addressed           | Not addressed           |

|                                 |                                 |                                 |                                 |                                 |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| <b>Comment – Not applicable</b> | <b>Comment - Not applicable</b> |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|

**Consultant Review comment and Recommendations (if any)**

**Delegation and conditions are sound which presumably has been adopted for specific circumstances at the City of Joondalup.**

**It may be possible to apply it as a condition on an existing, or related Delegation?**

**Effect if delegation revoked**

The removal of the delegation would require minor, short-term property acquisitions to be subject to Council approval. Noting, such acquisitions are very infrequent, so the volume would not be an issue, just the operational nature of the transaction.

A reduction in the threshold could be progressed with limited impact on City operations. The current value has been determined on an assumed scenario of up to \$100K p.a. over 5 years for a short-term commercial lease arrangement.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required.

| <b>1.13 ENTRY IN AN EMERGENCY</b>   |                                |                                |  |  |
|---|--------------------------------|--------------------------------|--|--|
| Authority to lawfully enter any land, premises or thing immediately and without notice and perform any functions as is considered appropriate to deal with an emergency.  |                                |                                |  |  |
| WALGA template  | City of Perth                  | City of Gosnells               | City of Wanneroo   | City of Stirling   |
| c.34.4 Powers of Entry<br>Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].  | Not addressed                  | Not addressed                  | 1.1.4 POWERS OF ENTRY<br>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. | ENTRY IN AN EMERGENCY<br>In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency. |
| <b>Consultant Comment</b>   |                                |                                |  |  |
| Generally consistent with WALGA template and delegations of other Cities although the relevant Delegations at 1.13, 1.18 could be combined, as per WALGA template 1.2.3 Powers of Entry.  |                                |                                |  |  |
| In addition, it is noted that the City's delegations on these matters do not address s.3.28 When this Subdivision applies, s.3.32 Notice of entry and s.3.33 Entry under warrant – the City should consider a single Delegation as per WALGA template WALGA template 1.2.3 Powers of Entry.                                       |                                |                                |  |  |
| <b>How it is applied – as provided by CoJ</b>   |                                |                                |  |  |
| 3.34 Local Government Act 1995 allows the local government in an Emergency to lawfully enter any land, premises or thing immediately and without notice and perform any of its functions as it considered appropriate to deal with the emergency.   |                                |                                |  |  |
| <b>Examples of exercise – as provided by CoJ</b>  |                                |                                |  |  |
| 3.34 – 3.36 Local Government Act 1995 Entry in Emergency  |                                |                                |  |  |
| Conditions and Comments   |                                |                                |  |  |
| <b>City of Joondalup</b>  |                                |                                |  |  |
| An emergency exists where the City or the Chief Executive Officer is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under section 3.34 of the Local Government Act 1995 would be impractical or unreasonable because of, or because of the imminent risk of: |                                |                                |  |  |
| (a) injury or illness to any person   |                                |                                |  |  |
| (b) a natural or other disaster or emergency or   |                                |                                |  |  |
| (c) such other occurrence as is prescribed under the Local Government (Functions and General) Regulations 1996 for the purposes of section 3.34 of the Local Government Act 1995.   |                                |                                |  |  |
| <b>Consultant Comment</b>   |                                |                                |  |  |
| Sound.  |                                |                                |  |  |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |                                |                                |  |  |
| WALGA template  | City of Perth                  | City of Gosnells               | City of Wanneroo   | City of Stirling   |
| Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.   | Not addressed                  | Not addressed                  | Not addressed  | Not addressed  |
| <b>Comment – Not addressed</b>  | <b>Comment - Not addressed</b> | <b>Comment - Not addressed</b> | <b>Comment - Not addressed</b>   | <b>Comment - Not addressed</b>   |
| <b>Consultant Review comment and Recommendations (if any)</b>   |                                |                                |  |  |
| Generally consistent with WALGA template and delegations of other Cities although the relevant Delegations at 1.13, 1.18 could be combined, as per WALGA template 1.2.3 Powers of Entry.  |                                |                                |  |  |
| In addition, it is noted that the City's delegations on these matters do not address s.3.28 When this Subdivision applies, s.3.32 Notice of entry and s.3.33 Entry under warrant – the City should consider a single Delegation as per WALGA template WALGA template 1.2.3 Powers of Entry.                                       |                                |                                |  |  |
| <b>Effect if delegation revoked</b>   |                                |                                |  |  |
| The removal of the delegation could prevent access by the local government in an emergency.   |                                |                                |  |  |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.   |                                |                                |  |  |
| <b>City of Joondalup Management Response</b>  |                                |                                |  |  |
| The City will review the extension of the delegation as part of the 2023 review.  |                                |                                |  |  |

**1.14 ESTABLISHING PANELS OF PRE-QUALIFIED SUPPLIERS**

Authority to decide which applications to accept for inclusion on a panel of pre-qualified suppliers.

Authority to decline to accept any application for inclusion on a panel of pre-qualified suppliers.

Authority to enter into a contract or contracts, for the supply of goods or services with a pre-qualified supplier.

| WALGA template  | City of Perth  | City of Gosnells   | City of Wanneroo  | City of Stirling   |
|---|--|--|---|--|
| <p>1. Authority to determine that a there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</p> <p>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&amp;G r.24AD(3)].</p> <p>3.. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</p> <p>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</p> <p>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</p> <p>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</p> <p>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</p> <p>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)].</p> | <p>2.8. Initiating an expression of interest, tender or a panel of pre-qualified suppliers</p> <p>Authority to determine:</p> <p>1. to call tenders for goods or services, including for a panel of pre-qualified suppliers (F&amp;G 11(1) &amp; 24AC(1)(b)).</p> <p>2. to invite tenders though not required to do so (F&amp;G 13).</p> <p>3. when to seek Expressions of Interest to tender and to invite Expressions of Interest to supply goods or services (F&amp;G 21).</p> <p>4. in writing, before tenders are called, the criteria for deciding which tenders/applications should be accepted (F&amp;G 14(2a)).</p> <p>5. the information that is to be disclosed to those interested in submitting a tender or applying for a panel of pre-qualified suppliers (F&amp;G 24AD(3)).</p> <p>6. to vary tender/application information after public notice of invitation to tender/apply has been given and before the close of submissions (F&amp;G 14(5) &amp; 24AD(6)).</p> <p>7. seek clarification from tenderers/applicants in relation to information contained in their submission (F&amp;G 18(4a) &amp; 24AH(4)).</p> | <p>1.2.4 REQUEST FOR TENDERS, EXPRESSION OF INTERESTS AND PANELS OF PRE-QUALIFIED SUPPLIERS</p> <p>Determine:1.</p> <p>When to call tenders or not to call tenders [s3.57(1), F&amp;G Reg.11]</p> <p>2. The circumstances to invite tenders, though not required to do so [F&amp;G Reg.13]</p> <p>3. Selection criteria for the acceptance of tenders [F&amp;G Reg.14(2a)]</p> <p>4. The information to be disclosed to those interested in submitting a tender [F&amp;G Reg.14(4)]</p> <p>5. Minor variations before entering into a contract [F&amp;G Reg.20]</p> <p>6. Appropriate circumstances (for application of the Expression of interest process) and to call for Expressions of Interest [F&amp;G Reg.21]</p> <p>7. To vary a contract for the supply of goods and services [F&amp;G Reg. 21A]</p> <p>8. Selection Criteria for the acceptance of applicants joining a panel [F&amp;G Reg.24AD(3)]</p> <p>9. Which application to accept and reject for a panel by assessing, by means of a written evaluation, the extent to which each application satisfies the criteria. [F&amp;G Reg.24AH (3)and (5)]</p> <p>10. To enter a contract with suppliers within a prequalified panel [F&amp;G 24AJ]</p> | <p>1.1.18 PANELS OF PRE-QUALIFIED SUPPLIERS FOR GOODS AND SERVICES</p> <p>1. Authority to establish a panel of pre-qualified suppliers to supply particular goods or services [F&amp;G r.24AB].</p> <p>2. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</p> <p>3. Authority to determine, before inviting submissions, the written criteria for deciding which application should be accepted for inclusion in a panel of pre-qualified suppliers [F&amp;G r.24AD(3)].</p> <p>4. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to ensure that each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</p> <p>5. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</p> <p>6. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</p> <p>7. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</p> <p>8. Authority to decline to accept any application [F&amp;G r.24AH(5)].</p> <p>9. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)]</p> | <p>TENDERS, EXPRESSIONS OF INTEREST AND OTHER PROCUREMENT PROCESSES</p> <ul style="list-style-type: none"> <li>• Engage with prequalified suppliers under the WALGA Preferred Supplier Program or State Government Common Use Agreement (CUA)</li> </ul> |

|   |  |   |  |   |
|---|--|---|--|---|
| <b>Consultant Comment</b>   |  |   |  |   |
| The City's instrument of delegation refers to Regulations 24AB, 24AH and 24AJ of the <i>Local Government (Functions and General) Regulations 1996</i> .   |  |   |  |   |
| A more comprehensive approach is offered by the WALGA template which includes Regs 24AC(1)(b), 24AD(3), 24AD(6) and the City should consider including same – assuming the City wishes delegations to extend to such matters.   |  |   |  |   |
| <b>How it is applied – as provided by CoJ</b>   |  |   |  |   |
| The <i>Local Government (Functions &amp; General) Regulations 1996</i> permit the City to establish panels of pre-qualified suppliers based on a public invitation. Establishment of a panel does not automatically constitute a contract for goods/services with any of the panellists. The City is still required to engage the panel when a requirement arises and establish a contract with one or more of the panellists for a period not greater than 12 months.  |  |   |  |   |
| The delegation allows the CEO to exercise this authority for procurement up to an expected value of \$500,000. This value is the same as that set for the delegation provided under 1.9.  |  |   |  |   |
| <b>Examples of exercise – as provided by CoJ</b>  |  |   |  |   |
| Attachment 3 refers (Provision of Hand Weeding Services)  |  |   |  |   |
| <b>Conditions and Comments</b>  |  |   |  |   |
| <b>City of Joondalup</b>  |  |   |  |   |
| Authority extends to the supply of goods/services valued up to \$500,000.   |  |   |  |   |
| <b>Consultant Comment</b>   |  |   |  |   |
| Reasonable  |  |   |  |   |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |  |   |  |   |
| <b>WALGA template</b>   | <b>City of Perth</b>   | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>  | <b>City of Stirling</b>   |
| In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$<<value>> or less and the expense is included in the adopted Annual Budget.   | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. In exercising functions 1, 2 and 3, where there is no adopted annual budget, a tender may only be called where it includes a provision that the tender will only be awarded subject to the budget adoption by Council.<br>3. In exercising function 6, the delegate must take reasonable steps to ensure each person who has sought copies of the information is provided with notice of the variation. | A determination to call a tender must only occur where the procurement or disposal is included in Council's Annual Budget.<br>Minor variations before entering into a contract are limited to a maximum value of aggregated variations which remain under 10% of the total contract value and remain within the relevant adopted Budget allocation. | In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is included in the adopted Annual Budget. | • Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996 must be followed. |
| <b>Comment – Not addressed</b>  | <b>Comment - Not addressed</b>   | <b>Comment - Not addressed</b>  | <b>Comment - Not addressed</b>   | <b>Comment - Not addressed</b>  |
| <b>Consultant Review comment and Recommendations (if any)</b>   |  |   |  |   |
| This Delegation cannot be made unless the Council has adopted a Policy (Panels of Pre-Qualified Suppliers) in accordance with the <i>Local Government (Functions and General) Regulations 1996</i> 24AC – it is presumed that the City of Joondalup has such a Policy.  |  |   |  |   |
| <b>Effect if delegation revoked</b>   |  |   |  |   |
| The removal of the delegation would require that panels being established be presented to Council for consideration and determination. The legislation requires invitations to establish a panel to be issued publicly but does not prescribe a value threshold for this. In effect, this means that a public invitation must be undertaken even if the intended procurement value from a panel is well below the tender threshold of \$250,000. The delegation allows for lower-value panel invitations to be considered by the CEO and, thereby, free up the Council to consider higher-value procurement via panels. |  |   |  |   |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.   |  |   |  |   |
| <b>City of Joondalup Management Response</b>  |  |   |  |   |
| Noted. Comments will be taken into consideration during the 2023 review. It is noted that the City does have policy provisions related to pre-qualified suppliers.  |  |   |  |   |

| 1.15 EXTENSION OF EXISTING CONTRACTS   |   |                  |   |   |
|--|---|------------------|---|---|
| Authority to approve any contract extensions on tenders approved by the Council.   |   |                  |   |   |
| WALGA template   | City of Perth   | City of Gosnells | City of Wanneroo  | City of Stirling  |
| 1.2.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options<br>8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond <<xx%>> or to a maximum of <<\$value>> whichever is the lesser value [F&G r.21A(a)]. | 2.11. Varying and extending tender contracts<br>Authority to:<br>1. vary a contract that has been entered into as the result of a regulated tender, provided the variation/s do not change the scope of the original contract (F&G 21A(a)).<br>2. exercise a renewal or extension option contained in a tender contract (F&G 11(2)(j)). | Not addressed    | 1.1.12 EXTENSION OF CONTRACTS<br>Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). | CONTRACT VARIATION AND EXTENSION<br>Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is less than \$500,000 (excluding GST).<br>Capital Works Project expenditure is managed through this delegation.<br><br>Total Contract Value includes the value of the variation or extension. |
| <b>Consultant Comment</b>  |   |                  |   |   |
| The City's delegation is sound but could be expanded to include Renewal of Extension of Contracts during a State of Emergency, as per WALGA template 1.2.33 – unless the City has determined not to do so.   |   |                  |   |   |
| <b>How it is applied – as provided by CoJ</b>  |   |                  |   |   |
| Extensions to existing contracts are permissible only where the original contract, when agreed to, includes options for extension beyond the initial term. This includes the terms on which such extension options may be exercised, and form part of the contract entered with the supplier. The choice to exercise an extension option always remains with the City.   |   |                  |   |   |
| The extension of a contract, therefore being on the terms that were originally agreed to by Council (or the CEO where delegation under 1.9 was exercised), no new or additional procurement is entered into by the City.   |   |                  |   |   |
| Consequently, the delegation exists to allow the CEO to exercise the option to extend, based on the supplier's performance under the contract, and its value to the City with the need to include this within the normal Council agenda. The six-monthly report to the Audit & Risk Committee serves as a mechanism for the Committee, and therefore Council, to review the exercise of this delegation.   |   |                  |   |   |
| <b>Examples of exercise – as provided by CoJ</b>   |   |                  |   |   |
| Attachment 4 refers (Mobile Garbage Bins and Spare Part Supply)  |   |                  |   |   |
| For example, of report to Audit & Risk Committee on exercise of delegation, refer March 2022 meeting minutes:<br><a href="https://api.joondalup.wa.gov.au/files/committees/AURI/2022/220301_AUDRISK_MIN.pdf">https://api.joondalup.wa.gov.au/files/committees/AURI/2022/220301_AUDRISK_MIN.pdf</a>   |   |                  |   |   |
| Conditions and Comments  |   |                  |   |   |
| <b>City of Joondalup</b>   |   |                  |   |   |
| Authority subject to:<br>1. the extension being within the original terms and conditions approved by the Council;<br>2. satisfactory performance of the contractor(s);<br>3. the Chief Executive Officer reporting to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.  |   |                  |   |   |
| <b>Consultant Comment</b>  |   |                  |   |   |
| Reasonable   |   |                  |   |   |
| The delegate is bound by City Policies - see general comment at commencement of Report.  |   |                  |   |   |
| WALGA template   | City of Perth   | City of Gosnells | City of Wanneroo  | City of Stirling  |
| c. A decision to vary a tendered contract before entry into the contract   | 1. The exercise of this delegation must be consistent with the relevant   | Not addressed    | Subject to the:   | The delegation is subject to the following conditions:  |

|   |   |                                       |   |  |
|---|---|---------------------------------------|---|--|
| <p>[F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract after entry into the contract [F&amp;G r.21A(a)] must comply with the adopted &lt;&lt;Council Policy 'Contract Variations'&gt;&gt; and must include evidence that the variation is necessary and does not change the scope of the contract.</p> | <p>legislation, Council Policy and Annual Budget.</p> <p>2. A variation to a contract must be provided for in the annual budget.</p> <p>3. A variation to a contract under function 1 cannot result in the contract exceeding \$2,000,000 (excl. GST) per annum.</p> <p>4. Function 2 of this delegation does not apply to panels of prequalified suppliers, pursuant to the restrictions of Regulation 24AJ.</p> |                                       | <ul style="list-style-type: none"> <li>• tender specifying the provisions of the option term;</li> <li>• contract providing for the extension;</li> <li>• extension being on the same terms and conditions as the last year of the original term but does allow for price increases in line with the contract provisions (if any) for price.</li> </ul> | <ol style="list-style-type: none"> <li>1. Prior to exercising this delegation, all on-delegates must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.</li> <li>2. If required by legislation, on-delegates must sign a declaration as part of their annual return requirements to reaffirm their understanding of the City's Procurement Policy.</li> <li>3. The contract or agreement is a procurement contract or agreement for the supply of goods or services only.</li> <li>4. The contract or agreement must be on the City of Stirling's standard Terms, an Australian Standard Contract, a City of Stirling bespoke contract, or the contractor's terms and conditions or a Risk Assessment of the contract has been completed and the risk has been deemed acceptable to the City.</li> </ol> |
| <p><b>Comment –</b> The City should consider adopting the WALGA template conditions, especially those relating to the State of Emergency, if it adopts such delegations.</p>  | <p><b>Comment -</b> Not addressed</p>   | <p><b>Comment -</b> Not addressed</p> | <p><b>Comment -</b> Not addressed</p>   | <p><b>Comment -</b> Not addressed</p>  |
| <p><b><u>Consultant Review comment and Recommendations (if any)</u></b></p>   |   |                                       |   |  |
| <p><b>The City should also consider adopting the WALGA template conditions.</b></p>   |   |                                       |   |  |
| <p><b>Effect if delegation revoked</b></p>  |   |                                       |   |  |
| <p>Removal of the delegation would require all contract extensions to be placed before Council for decision. Were a value threshold introduced, this would also limit the operation of the delegation to within those thresholds, requiring Council to consider extension of contracts above the threshold</p>  |   |                                       |   |  |
| <p>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.</p>  |   |                                       |   |  |
| <p><b>City of Joondalup Management Response</b></p>   |   |                                       |   |  |
| <p>Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.</p>  |   |                                       |   |  |

**1.17 OBJECTION TO THE RATE RECORD**

Authority to:  
 • consider any objection to the rate record and either disallow it or allow it, wholly or in part;  
 • extend the time for making an objection to the rate record for such period as is deemed fit

| <b>WALGA template</b>  | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b>  | <b>City of Stirling</b> |
|--|---|-------------------------|--|-------------------------|
| 1.2.32 Rate Record – Objections<br>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].<br>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)]. | 2.20. Amendment or Objection to Rate Record<br>Authority to:<br>1. determine any requirement to amend the rate record for the 5-years preceding the current financial year. [s 6.39(2)(b)]<br>2. extend the time for a person to make an objection to a rate record. [s 6.76(4)]<br>3. consider an objection to a rate record and either allow it or disallow it wholly or in part. [s 6.76(5)] | Not addressed           | 1.1.29 RATE RECORD – OBJECTIONS<br>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].<br>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)]. | Not addressed           |

**Consultant Comment**

**Consistent with WALGA template, and approaches of other Cities.**

**How it is applied – as provided by CoJ**

The *Local Government Act 1995* requires that the City maintain a rate record in respect of every property in its jurisdiction. The Act allows a person to object to particular aspects of the rate record that they may consider to be erroneous.

The legislation requires such objections to be considered and adjudicated on promptly.

The delegation allows such objections to be considered by the administration and be dealt with as prescribed in the Act, as opposed to Council having to determine these.

The grounds for objection are limited in the legislation to the identity of the owner/occupier of any land and whether the land or any part of it is not rateable, or if the rate record contains elements that do not accord with the differential rating applied to it.

The legislative prescriptions limit the extent of judgement that needs to be applied in such objections, as there is very little subjectivity involved. This being the case, the delegation is considered to improve the efficiency of Council by these matters not being required to be placed before it for a decision

**Examples of exercise – as provided by CoJ**

Attachment 5 refers.

**Conditions and Comments**

**City of Joondalup**

None

**Consultant Comment**

May be self-evident, but sound approach and City of Joondalup should consider adopting as a condition.

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>   | <b>City of Perth</b>   | <b>City of Gosnells</b> | <b>City of Wanneroo</b>   | <b>City of Stirling</b> |
|---|--|-------------------------|---|-------------------------|
| a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. | Not addressed           | An extension is not to be granted for a period exceeding six weeks.<br>A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be | Not addressed           |

|  |  |                                |   |                                     |
|--|--|--------------------------------|---|-------------------------------------|
|  | 2. Delegates must comply with the requirements of section 6.40 of the Local Government Act 1995. |                                | party to any determination under this delegation. |                                     |
| <b>Comment – Not addressed</b>   | <b>Comment - Not addressed</b>   | <b>Comment - Not addressed</b> | <b>Comment - Not addressed</b>                    | <b>Comment - Not addressed None</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>   |  |                                |   |                                     |
| <b>Delegation sound, but City should consider including WALGA template condition.</b>  |  |                                |   |                                     |
| <b>Effect if delegation revoked</b>  |  |                                |   |                                     |
| All such objections would be required to be placed before Council, should the delegation be removed. This is further complicated by the legislative requirement that such objections be addressed promptly. The typical nature of the Council meeting cycle mitigates against this and could lead to non-compliance. |  |                                |   |                                     |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.  |  |                                |   |                                     |
| <b>City of Joondalup Management Response</b>   |  |                                |   |                                     |
| Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.  |  |                                |   |                                     |

| 1.18 OPENING OF FENCES  |                                |                                |   |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|
| Authority to open a fence on private land.  |                                |                                |   |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>   | <b>City of Stirling</b>        |
| 1.2.3 Powers of Entry<br>5. Authority to give notice and effect of entry by opening a fence [s.3.36].   | Not addressed                  | Not addressed                  | 1.1.4 POWERS OF ENTRY<br>5. Authority to give notice and effect of entry by opening a fence [s.3.36]. | Not addressed                  |
| <b>Consultant Comment</b>   |                                |                                |   |                                |
| Consistent with WALGA template and other City's delegation.   |                                |                                |   |                                |
| <b>How it is applied – as provided by CoJ</b>   |                                |                                |   |                                |
| Schedule 3.2 describes a list of activities that the City can undertake on land even though it is not local government property   |                                |                                |   |                                |
| <b>Examples of exercise – as provided by CoJ</b>  |                                |                                |   |                                |
| The City has the ability via the delegation to undertake certain works and modifications to private property in accordance with its functions. These are outlined in Schedule 3.2 of the <i>Local Government Act 1995</i> .   |                                |                                |   |                                |
| In practice this includes provision for soil retention of such things as embankments, and critical drainage modifications, as well as other material which may need to be relocated to allow public works to occur or rendering a dangerous tree safe.  |                                |                                |   |                                |
| This is typically employed as a last resort, with permission being sought first to do what is required, and usually only enacted in the case of an emergency, i.e. flood / overland water flow mitigation, the felling of a dangerous tree over private property or a public place which is located in private land.  |                                |                                |   |                                |
| <b>Conditions and Comments</b>  |                                |                                |   |                                |
| <b>City of Joondalup</b>  |                                |                                |   |                                |
| Limited to those activities that expressly states such authority under Schedule 3.2 of the <i>Local Government Act 1995</i> .   |                                |                                |   |                                |
| <b>Consultant Comment</b>   |                                |                                |   |                                |
| Sound   |                                |                                |   |                                |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |                                |                                |   |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>   | <b>City of Stirling</b>        |
| Not addressed   | Not addressed                  | Not addressed                  | Not addressed   | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment - Not addressed</b> | <b>Comment - Not addressed</b> | <b>Comment - Not addressed</b>  | <b>Comment - Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>   |                                |                                |   |                                |
| Delegation and condition are sound.   |                                |                                |   |                                |
| <b>Effect if delegation revoked</b>   |                                |                                |   |                                |
| The framework for situations exists already in the act and could be considered a minimum.   |                                |                                |   |                                |
| An example of what would occur if removed is a tree being damaged by a storm which now overhangs a neighbouring property on a vacant block and the owner is unable to be contacted or unwilling to take action. The City can access the property (authority to open a fence on private land ) step in and remove the tree and make safe in the public interest. |                                |                                |   |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.   |                                |                                |   |                                |
| <b>City of Joondalup Management Response</b>  |                                |                                |   |                                |
| Noted. No review required.  |                                |                                |   |                                |

**1.19 PAYMENTS FROM MUNICIPAL FUND - INCURRING LIABILITIES AND MAKING PAYMENTS**

Authority to incur liabilities and make payments from the municipal fund.

| <b>WALGA template</b>  | <b>City of Perth</b>  | <b>City of Gosnells</b>  | <b>City of Wanneroo</b>   | <b>City of Stirling</b>   |
|--|---|--|---|---|
| 1.2.23 Payments from the Municipal or Trust Funds<br>1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. | 2.14. Payments from Municipal or Trust Fund<br>Authority to make payments from the municipal or trust fund. [FM 12(1)(a)] | 1.2.6 MUNICIPAL FUND AND TRUST FUND PROCEDURES AND PAYMENTS<br>1. Determine to transfer to the Municipal Fund money held in the Trust Fund for 10 years [s6.9(4)]<br>2. Make payments from the Municipal Fund or the Trust Fund [FM Reg.12(1)(a)]. | 1.1.22 PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND<br>Authority to make payments from the municipal fund or the trust fund. | PAYMENTS FROM MUNICIPAL, RESERVE AND TRUST FUNDS<br>Make payments from the City Municipal, Reserve and Trust Funds for purposes duly authorised by the Local Government Act 1995 and for which provision has been made in the Council budget. |

**Consultant Comment**

**Consistent with WALGA template, and other Cities.**

**How it is applied – as provided by CoJ**

The City may not make any payments from the municipal fund unless the Council has either authorised a payment presented to it or has delegated this authority to the CEO.

The delegation allows the CEO to sub-delegate this to various employees the power to exercise this authority.

The City makes, on average, payments to suppliers to the value of \$10m-\$12m monthly.

No payments are made without an appropriately authorised supplier invoice and/or payment request. While the City's terms for payment are 30 days from statement date (i.e. end of the month in which the supplier invoice was issued), in practice the City's average days to pay is generally closer to 30 days from invoice date.

This is possible because Council has delegated the exercise of this power.

In addition, the City pays around \$2.3m each fortnight to employees as salaries and wages

**Examples of exercise – as provided by CoJ**

Applied to authorisation of supplier invoices and payment requests at the various levels as outlined in 1.19

**Conditions and Comments**

**City of Joondalup**

- (1) Authority subject to funds being provided in the Annual Budget.
- (2) Authority to Chief Executive Officer is unlimited.
- (3) Incurring liabilities and making payments to be undertaken in accordance with the City's procedures and systems for incurring liabilities and making payments.
- (4) Authority which may be Delegated by the Chief Executive Officer to employees is subject to the maximum individual amount limits on payments defined by categories A, B, C, D, E and F as follows:
  - (i) Category A – unlimited individual amounts subject to annual budget limitations.
  - (ii) Category B – limited to \$2 million. (\$2.2 million including GST).
  - (iii) Category C – limited to \$250,000. (\$275,000 including GST).
  - (iv) Category D – limited to \$100,000. (\$110,000 including GST).
  - (v) Category E – limited to \$25,000. (\$27,500 including GST).
  - (vi) Category F – limited to \$5,000. (\$5,500 including GST).

**Consultant Comment**

Appropriate and City has obviously given careful consideration of same.

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>   | <b>City of Stirling</b>        |
|---|---|--------------------------------|---|--------------------------------|
| a. Authority to make payments is subject to annual budget limitations   | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. All payments from the municipal or trust fund must be approved by two delegates.<br>3. The functions of verification of the proposed payment and authorization of the payment cannot be undertaken by the same delegate. | Not addressed                  | Each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented at the next ordinary meeting of Council. | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment - Not addressed</b>  | <b>Comment - Not addressed</b> | <b>Comment - Not addressed</b>  | <b>Comment - Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |   |                                |   |                                |
| Delegation and conditions are sound and consistent with WALGA template and other Cities.  |   |                                |   |                                |
| <b>Effect if delegation revoked</b>   |   |                                |   |                                |
| Under the <i>Local Government (Financial Management) Regulations 1996</i> , should the delegation be removed, Council would be required to consider a list of accounts and transactions to be paid and authorise this, before the City can pay those suppliers. |   |                                |   |                                |
| Council would be required to consider the nature of the transaction, and the underlying supporting and other relevant information in respect of each account before deciding to authorise payment.  |   |                                |   |                                |
| This would include payments not only to suppliers, but also reimbursements to employees, replenishment of petty cash floats and fortnightly payroll payments to employees. In short, without the delegation, normal operations would be severely disrupted      |   |                                |   |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.   |   |                                |   |                                |
| <b>City of Joondalup Management Response</b>  |   |                                |   |                                |
| Noted. No review required.  |   |                                |   |                                |

| 1.20 AUTHORISING PAYMENT FROM THE TRUST FUND   |   |  |   |   |
|--|---|--|---|---|
| Authority to make payments from the Trust Fund.  |   |  |   |   |
| WALGA template   | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling  |
| 1.2.23 Payments from the Municipal or Trust Funds<br>1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].   | 2.14. Payments from Municipal or Trust Fund<br>Authority to make payments from the municipal or trust fund. [FM 12(1)(a)]   | 1.2.6 MUNICIPAL FUND AND TRUST FUND PROCEDURES AND PAYMENTS<br>1. Determine to transfer to the Municipal Fund money held in the Trust Fund for 10 years [s6.9(4)]<br>2. Make payments from the Municipal Fund or the Trust Fund [FM Reg.12(1)(a)]. | 1.1.22 PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND<br>Authority to make payments from the municipal fund or the trust fund.   | PAYMENTS FROM MUNICIPAL, RESERVE AND TRUST FUNDS<br>Make payments from the City Municipal, Reserve and Trust Funds for purposes duly authorised by the Local Government Act 1995 and for which provision has been made in the Council budget. |
| <b>Consultant Comment</b>  |   |  |   |   |
| Sound and consistent with WALGA template.  |   |  |   |   |
| <b>How it is applied – as provided by CoJ</b><br>The City is required to hold certain funds in its Trust Fund. Where this is the case, funds may be required to be paid out from the Trust Fund.                 |   |  |   |   |
| The delegation is limited to certain directors and managers of areas of the organisation who have responsibility for the funds likely to be received and held in Trust, and thereafter utilised.                 |   |  |   |   |
| <b>Examples of exercise – as provided by CoJ</b><br>As outlined in 1.20  |   |  |   |   |
| Conditions and Comments  |   |  |   |   |
| <b>City of Joondalup</b>   |   |  |   |   |
| Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the trust fund.   |   |  |   |   |
| <b>Consultant Comment</b>  |   |  |   |   |
| Sound  |   |  |   |   |
| The delegate is bound by City Policies - see general comment at commencement of Report.  |   |  |   |   |
| WALGA template   | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling  |
| a. Authority to make payments is subject to annual budget limitations  | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. All payments from the municipal or trust fund must be approved by two delegates.<br>3. The functions of verification of the proposed payment and authorization of the payment cannot be undertaken by the same delegate. | Not addressed  | Each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented at the next ordinary meeting of Council. | Not addressed   |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>  |
| <b>Consultant Review comment and Recommendations (if any)</b>  |   |  |   |   |
| Delegation and conditions are sound and consistent with WALGA template and other Cities.   |   |  |   |   |
| <b>Effect if delegation revoked</b>  |   |  |   |   |
| As in the case of delegation 1.19, removal of the delegation would require any payment from the Trust Fund to be first authorised by Council in a meeting before funds can be paid out.                          |   |  |   |   |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses and delays in responding to the type of circumstances envisaged by the Act. |   |  |   |   |
| City of Joondalup Management Response  |   |  |   |   |
| Noted. No review required.   |   |  |   |   |

**1.21 PAYMENTS FROM MUNICIPAL FUND AND TRUST FUND - SIGNATORIES TO BANK ACCOUNTS**

Authority to make payments from the Municipal Fund or the Trust Fund.

| <b>WALGA template</b> | <b>City of Perth</b> | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
|-----------------------|----------------------|-------------------------|-------------------------|-------------------------|
| Not addressed         | Not addressed        | Not addressed           | Not addressed           | Not addressed           |

**Consultant Comment**

**Not clear why this delegation is required, given neither WALGA template nor any of the Cities have seen fit to propose a delegation to this effect?**

**How it is applied – as provided by CoJ**

The delegation allows for specific positions at the City to approve payments from the City's Municipal Fund and Trust Fund bank accounts, whether by Electronic Funds Transfer (EFT) or by cheque.

The City's bank requires specific individuals to be identified who can operate the bank accounts. The delegation from Council is required to give these individuals the power to do so.

**Examples of exercise – as provided by CoJ**

Application of the Delegated Authority is outlined in 1.21

**Conditions and Comments**

**City of Joondalup**

Authority is subject to payments being made strictly in accordance with the signatory requirements set out in the following:

**Cheque Payments (only)**

- Payments up to \$10,000 - Any one Category A or Category B signatory.
- Payments of \$10,001 and over to payments up to \$250,000 - Any two Category A or Category B signatories.
- Payments of \$250,001 and over - Any 1 of Category A and 1 of Category B signatories; or any 2 Category A signatories.

**Electronic Funds Transfer (EFT) Payments (only)**

- Payments up to \$10,000 – Any 2 Category A or Category B Signatories; or Any 1 of Category A or Category B signatories and Any 1 of Category C signatories.
- Payments of \$10,001 and over to payments up to \$250,000 – Any two Category A or Category B signatories.
- Payments of \$250,001 and over – Any 1 Category A and 1 of Category B signatories; or any 2 Category A signatories.

**Category A Signatories**

- Chief Executive Officer (00001).
- Director Planning and Community Development (00105).
- Director Corporate Services (00063).
- Director Infrastructure Services (00184).
- Director Governance and Strategy (00648).
- Manager Financial Services (00075).

**Category B Signatories**

- Senior Management Accountant (00083).
- Senior Financial Accountant (00078).

**Category C Signatories**

- Financial Accountant (TBC)
- Management Accountant (TBC)
- Director Corporate Services (00063)
- Director Governance and Strategy (00648)
- Director Infrastructure Services (00184)
- Director Planning and Community Development (00105)
- Manager Financial Services (00075)
- Senior Financial Accountant (00078)
- Senior Management Accountant (00083)
- Financial Accountant (TBC)
- Management Accountant (TBC)

**Consultant Comment**

It is open for Council to determine these limits, although greater flexibility would arise if CEO was able to determine limits pursuant to the delegation?

The delegate is bound by City Policies - see general comment at commencement of Report.

| WALGA template                 | City of Perth                  | City of Gosnells               | City of Wanneroo               | City of Stirling               |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Not addressed                  |
| <b>Comment – Not addressed</b> |

**Consultant Review comment and Recommendations (if any)**

Not clear why this delegation condition is needed as such matters could be addressed as a function of the CEO under the *Local Government (Functions and General) Regulations 1996* or under delegated authority to the CEO to determine by way of a condition? That said it is open to Council to attach whatever conditions it sees fit.

**Effect if delegation revoked –**

Without the delegation, individual employees would not have the appropriate authority to operate the City's bank account as signatories. Council would not be able to exercise this power as the bank requires designated individuals as signatories to the bank account.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.

| <b>1.22 POWER TO INVEST</b>   |  |  |                  |                  |
|---|--|--|------------------|------------------|
| Authority to invest funds held in the municipal fund or the trust fund of the local government that is not, for the time being, required by the local government for any other purpose, in accordance with Part III of the Trustees Act 1962.   |  |  |                  |                  |
| WALGA template  | City of Perth  | City of Gosnells   | City of Wanneroo | City of Stirling |
| 1.2.25 Power to Invest and Manage Investments<br>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].<br>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].   | 2.16. Power to Invest and Manage Investments<br>The authority to:<br>1. invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose, 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 2.1 Management of Investments. [s 6.14(1)]<br>2. 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 19] | 1.2.8 INVESTMENTS<br>1. Invest monies which are, for the time being not required by the local government for any other purpose. [s6.14(1)]<br>2. Establish and document internal control procedures to ensure control over investments that enable the identification of the nature and location of all investments and the transactions related to each investment. [FM Reg.19] | Not addressed    | Not addressed    |
| <b>Consultant Comment</b>   |  |  |                  |                  |
| Delegation is sound and generally consistent with WALGA template and other Cities.  |  |  |                  |                  |
| <b>How it is applied – as provided by CoJ</b><br>Under the legislation, Council has power to invest funds surplus to immediate requirements, subject to the provisions of the <i>Local Government (Financial Management) Regulations 1996</i> .<br><br>The City performs daily rolling cashflow/liquidity analyses and places funds on a regular basis.<br><br>The delegation gives authority to various employees to instruct financial institutions on placement of funds on specific terms, subject to the sub-delegation limits imposed |  |  |                  |                  |
| <b>Examples of exercise – as provided by CoJ</b><br>Investment of funds in a term deposit with a bank can be approved by one of the delegated officers up to their authority limit as stipulated in 1.22  |  |  |                  |                  |
| <b>Conditions and Comments</b>  |  |  |                  |                  |
| <b>City of Joondalup</b><br><br>Authority is unlimited.   |  |  |                  |                  |
| <b>Consultant Comment</b><br><br>Some local governments have extensive Policies on investment criteria and guidelines, if City of Joondalup does, then the conditions should reference compliance with same.<br><br>Consideration should be given to addressing and including, where appropriate to the City, the WALGA template conditions.<br><br>The delegate is bound by City Policies – see general comment at commencement of Report.   |  |  |                  |                  |
| WALGA template  | City of Perth  | City of Gosnells   | City of Wanneroo | City of Stirling |
| a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy <<XX – Investments>>.<br>b. A report detailing the investment portfolio's performance, exposures and   | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   | • Investment procedures to be recorded in the City's Corporate Procedures<br>• Investments to be undertaken in accordance with Council Policy 4.1.7 Investment.  | Not addressed    | Not addressed    |

|  |   |                                       |                                       |                                       |
|--|---|---------------------------------------|---------------------------------------|---------------------------------------|
| <p>changes since last reporting, is to be provided as part of the Monthly Financial Reports.</p> <p>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</p> <p>D. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17</p> | <p>2. All investments from the municipal or trust fund must be approved by two delegates.</p> |                                       |                                       |                                       |
| <p><b>Comment –</b> These conditions have merit and bear consideration.</p>  | <p><b>Comment –</b> Not addressed</p>   | <p><b>Comment –</b> Not addressed</p> | <p><b>Comment –</b> Not addressed</p> | <p><b>Comment –</b> Not addressed</p> |
| <p><b>Consultant Review comment and Recommendations (if any)</b></p>   |   |                                       |                                       |                                       |
| <p><b>The delegation is sound but would benefit from the addition of conditions, especially those in the WALGA template.</b></p>   |   |                                       |                                       |                                       |
| <p><b>Effect if delegation revoked</b></p>   |   |                                       |                                       |                                       |
| <p>Should the delegation be removed, the City would be unable to provide instructions to financial institutions to place investments.</p>  |   |                                       |                                       |                                       |
| <p>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.</p>   |   |                                       |                                       |                                       |
| <p style="text-align: center;"><b>City of Joondalup Management Response</b></p>  |   |                                       |                                       |                                       |
| <p>Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.</p>   |   |                                       |                                       |                                       |

| <b>1.23 RECOVERY OF RATES AND SERVICE CHARGES</b>  |   |                                |   |                                |
|--|---|--------------------------------|---|--------------------------------|
| <b>Authority to recover rates and service charges, as well as the costs of court proceedings, if any for that recovery, in a court of competent jurisdiction.</b>  |   |                                |   |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>   | <b>City of Stirling</b>        |
| 2.1.16 Recovery of Rates or Service Charges<br>Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].<br>2. 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)]. | 2.18. Recovery of rates debts<br>1. recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. [6.56(1)]<br>2. 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. [6.60(2)] | Not addressed                  | 2.1.16 RECOVERY OF RATES OR SERVICE CHARGES<br>Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. | Not addressed                  |
| <b><u>Consultant Comment</u></b>   |   |                                |   |                                |
| Delegation is sound although only reference is to s6.56 and would be useful to include WALGA template delegation referring to s6.64.   |   |                                |   |                                |
| <b>How it is applied – as provided by CoJ</b><br>Authorises the CEO and sub-delegates to recover unpaid rates and charges, including recovery costs, in accordance with section 6.56 of the <i>Local Government Act 1995</i> .   |   |                                |   |                                |
| <b>Examples of exercise – as provided by CoJ</b><br><br>Authorises officers to initiate debt recovery process where rates and charges remain unpaid beyond due dates.<br><br>Attachment 6 refers.  |   |                                |   |                                |
| <b>Conditions and Comments</b>   |   |                                |   |                                |
| <b>City of Joondalup</b><br><br>None   |   |                                |   |                                |
| <b><u>Consultant Comment</u></b><br><br>The delegate is bound by City Policies – see general comment at commencement of Report.  |   |                                |   |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>   | <b>City of Stirling</b>        |
| Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>.  | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. Delegates must comply with Council Policy 2.10 Financial Hardship  | Not addressed                  | None  | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>   |   |                                |   |                                |
| Delegation is sound although only references is to s6.56 and would be useful to include WALGA template delegation referring to s6.64.  |   |                                |   |                                |
| <b>Effect if delegation revoked</b><br><br>Removal of the delegation requires any debt recovery action to be authorised by Council<br><br>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.                          |   |                                |   |                                |
| <b>City of Joondalup Management Response</b>   |   |                                |   |                                |
| Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.  |   |                                |   |                                |

**1.24 RECOVERY OF RATES AND SERVICE CHARGES FROM LESSEE**

Authority to:

- give notice to the lessee of land requiring the lessee to pay to the City any rent as it falls due, in satisfaction of the imposed rate or service charge on the land;
- recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice.

| <b>WALGA template</b>   | <b>City of Perth</b>   | <b>City of Gosnells</b> | <b>City of Wanneroo</b>  | <b>City of Stirling</b> |
|---|--|-------------------------|--|-------------------------|
| 1.2.30 Recovery of Rates Debts – Require Lessee to Pay Rent<br>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the <<Shire/Town/City>> [s.6.60(2)].<br>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]. | 2.18. Recovery of rates debts<br>Authority to<br>2. 3. 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. [6.60(4)] | Not addressed           | 1.1.27 RECOVERY OF RATES DEBTS – REQUIRE LESSEE TO PAY RENT<br>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the City of Wanneroo [s.6.60(2)].<br>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]. | Not addressed           |

**Consultant Comment**

**Sound**

**How it is applied – as provided by CoJ**

Section 6.60 of the *Local Government Act 1995* allows the City to recover unpaid rates and charges via rent paid by the lessee of a property.

The delegation authorises the CEO and sub-delegates to initiate recovery using this provision as appropriate.

**Examples of exercise – as provided by CoJ**

When rates and charges may remain unpaid on a property where the City is unable to contact the owner or has received no response to debt recovery communications, the delegation authorises the specified officers to initiate contact with, and establish recovery of the unpaid amounts, with the lessee of the property, should the property be a tenanted one.

**Conditions and Comments**

**City of Joondalup**

None

**Consultant Comment**

The delegate is bound by City Policies – see general comment at commencement of Report.

| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
|--|--|--------------------------------|--------------------------------|--------------------------------|
| a. Decisions under this delegation must comply with Council Policy <<# Rates Collection / Financial Hardship> Policy>. | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. Delegates must comply with Council Policy 2.10 Financial Hardship | Not addressed                  | None                           | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |

**Consultant Review comment and Recommendations (if any)**

**Delegation is sound**

**Effect if delegation revoked**

Removal of the delegation would require all recovery actions under Section 6.60 to be authorised by Council in an ordinary or special meeting

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required.

| <b>1.25 PAYMENTS FROM MUNICIPAL FUND – INCURRING LIABILITIES AND MAKING PAYMENTS FOR COURT FEES IN RESPECT OF LODGEMENTS OF RATES CLAIMS (WA MAGISTRATES' COURT)</b>   |                                |                                |                                |                                |
|--|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Authority to incur liabilities and make payments from the municipal fund for court fees in respect of lodgements of rates claims only (WA Magistrates' Court).   |                                |                                |                                |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed  | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Consultant Comment</b>  |                                |                                |                                |                                |
| It is not clear why this delegation is needed, given Delegation 1.19?  |                                |                                |                                |                                |
| It is also noted that neither the WALGA template, nor the other Cities have a similar delegation.  |                                |                                |                                |                                |
| <b>How it is applied – as provided by CoJ</b>  |                                |                                |                                |                                |
| Applies specific sub-delegations to officers for the City to incur a liability to the WA courts system in respect of court fees incurred consequent to lodgement of claims pertaining to unpaid rates and charges (part of debt recovery process).                       |                                |                                |                                |                                |
| The delegation is intended to be separate to 1.19 to allow for different sub-limits as required  |                                |                                |                                |                                |
| <b>Examples of exercise – as provided by CoJ</b>   |                                |                                |                                |                                |
| Lodgement of recovery claims through the courts is via the Courts ePortal, which requires incurring court fees liability and authorising payment for the same when a claim file is submitted. The delegation authorises the relevant officers to undertake this process. |                                |                                |                                |                                |
| <b>Conditions and Comments</b>   |                                |                                |                                |                                |
| <b>City of Joondalup</b>   |                                |                                |                                |                                |
| Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the municipal fund.   |                                |                                |                                |                                |
| <b>Consultant Comment</b>  |                                |                                |                                |                                |
| The delegate is bound by City Policies – see general comment at commencement of Report.  |                                |                                |                                |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed  | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any) –</b>  |                                |                                |                                |                                |
| N/A  |                                |                                |                                |                                |
| <b>Effect if delegation revoked –</b>  |                                |                                |                                |                                |
| Should the delegation be removed, the only applicable delegation to authorise officers lodging claims is 1.19, which would limit which officers can lodge claims with court fees above a certain threshold.  |                                |                                |                                |                                |
| This limits efficiency as court costs exceeding \$5,000 would require the relevant delegated officers under 1.19, lessening operational efficiency, as only a limited number of officers have access to the eCourts portal.  |                                |                                |                                |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.  |                                |                                |                                |                                |
| <b>City of Joondalup Management Response</b>   |                                |                                |                                |                                |
| Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.  |                                |                                |                                |                                |

| <b>1.26 SEEKING EXPRESSIONS OF INTEREST</b>  |  |  |  |   |
|--|--|--|--|---|
| Authority to seek expressions of interest with respect to the supply of goods or services, where it is considered that there is good reason to make a preliminary selection from among prospective tenderers.  |  |  |  |   |
| WALGA template   | City of Perth  | City of Gosnells   | City of Wanneroo   | City of Stirling  |
| <p>1.2.16 Expressions of Interest for Goods and Services</p> <p>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</p> <p>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</p> | <p>2.8. Initiating an expression of interest, tender or a panel of pre-qualified suppliers</p> <p>Authority to determine:</p> <p>1. to call tenders for goods or services, including for a panel of pre-qualified suppliers (F&amp;G 11(1) &amp; 24AC(1)(b)).</p> <p>2. to invite tenders though not required to do so (F&amp;G 13).</p> <p>3. when to seek Expressions of Interest to tender and to invite Expressions of Interest to supply goods or services (F&amp;G 21).</p> <p>4. in writing, before tenders are called, the criteria for deciding which tenders/applications should be accepted (F&amp;G 14(2a)).</p> <p>5. the information that is to be disclosed to those interested in submitting a tender or applying for a panel of pre-qualified suppliers (F&amp;G 24AD(3)).</p> <p>6. to vary tender/application information after public notice of invitation to tender/apply has been given and before the close of submissions (F&amp;G 14(5) &amp; 24AD(6)).</p> <p>7. seek clarification from tenderers/applicants in relation to information contained in their submission (F&amp;G 18(4a) &amp; 24AH(4)).</p> | <p>1.2.4 REQUEST FOR TENDERS, EXPRESSION OF INTERESTS AND PANELS OF PRE-QUALIFIED SUPPLIERS</p> <p>6. Appropriate circumstances (for application of the Expression of interest process) and to call for Expressions of Interest [F&amp;G Reg.21]</p> | <p>1.1.16 EXPRESSIONS OF INTEREST FOR GOODS AND SERVICES</p> <p>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</p> <p>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</p> | <p>TENDERS, EXPRESSIONS OF INTEREST AND OTHER PROCUREMENT PROCESSES</p> <ul style="list-style-type: none"> <li>• Call for expressions of interest.</li> </ul> |
| <b>Consultant Comment</b>  |  |  |  |   |
| The delegation is sound and generally consistent with the WALGA template and the other Cities.   |  |  |  |   |
| It is noted that the Delegation references only Reg 21, whereas the WALGA template also references Reg 23, and the City should contemplate including same.   |  |  |  |   |
| <b>How it is applied – as provided by CoJ</b>  |  |  |  |   |
| Reg 21 of the <i>Local Government (Financial Management) Regulations 1996</i> allows the City to seek expressions of interest.   |  |  |  |   |
| This delegation authorises the CEO and sub-delegated officers to seek expressions of interest on behalf of the City.   |  |  |  |   |
| <b>Examples of exercise – as provided by CoJ</b>   |  |  |  |   |
| The delegation is limited to seeking EOIs only. Refer 1.7 for specific delegation to CEO to decide on acceptable tenderers from an EOI process.  |  |  |  |   |
| <b>Conditions and Comments</b>   |  |  |  |   |
| <b>City of Joondalup</b>   |  |  |  |   |
| Nil  |  |  |  |   |
| <b>Consultant Comment</b>  |  |  |  |   |
| The delegate is bound by City Policies - see general comment at commencement of Report.  |  |  |  |   |

| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>   |
|--|--|--------------------------------|--------------------------------|---|
| Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.  | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. In exercising functions 1, 2 and 3, where there is no adopted annual budget, a tender may only be called where it includes a provision that the tender will only be awarded subject to the budget adoption by Council.<br>3. In exercising function 6, the delegate must take reasonable steps to ensure each person who has sought copies of the information is provided with notice of the variation. | None                           | None                           | • Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996 must be followed. |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  |
| <b>Consultant Review comment and Recommendations (if any)</b>  |  |                                |                                |   |
| The delegation is sound and generally consistent with the WALGA template and the other Cities.   |  |                                |                                |   |
| It is noted that the Delegation references only Reg 21, whereas the WALGA template also references Reg 23, and the City should contemplate including same.   |  |                                |                                |   |
| <b>Effect if delegation revoked</b>  |  |                                |                                |   |
| If removed, Council would need to consider and authorise the City to seek expressions of interest for any procurement.   |  |                                |                                |   |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses and delays in responding to the type of circumstances envisaged by the Act. |  |                                |                                |   |
| <b>City of Joondalup Management Response</b>   |  |                                |                                |   |
| Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.   |  |                                |                                |   |

| <b>1.27 WAIVER OF FEES AND GRANTING OF CONCESSIONS</b>   |   |   |  |   |
|--|---|---|--|---|
| Authority to waive or grant a concession in relation to any amount of money which is owed to the City other than rates and service charges.  |   |   |  |   |
| WALGA template   | City of Perth   | City of Gosnells  | City of Wanneroo   | City of Stirling  |
| <p>1.2.24 Defer, Grant Discounts, Waive or Write Off Debts</p> <p>1. Waive a debt which is owed to the &lt;&lt;Shire/Town/City&gt;&gt; [s.6.12(1)(b)].</p> <p>2. Grant a concession in relation to money which is owed to the &lt;&lt;Shire/Town/City&gt;&gt; [s.6.12(1)(b)].</p> <p>3. Write off an amount of money which is owed to the &lt;&lt;Shire/Town/City&gt;&gt; [s.6.12(1)(c)]</p>   | <p>Authority to:</p> <p>1. Waive or grant a concession in relation to any amount of money which is owed to the City. [s 6.12(1)(b)]</p> <p>2. Write off any amount of money which is owed to the City. [s 6.12(1)(c)]</p> | <p>1.2.7 DEBTS – WAIVER, CONCESSIONS OR WRITE OFF</p> <p>1. Waive or grant concessions in relation to sundry debts owed to the City.</p> <p>2. Write off money owed to the City.</p> <p>3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the City.</p> | <p>1.1.23 DEFER, GRANT DISCOUNTS, WAIVE OR WRITE OFF DEBTS</p> <p>1. The waiver or Grant of concession in relation to any amount of money that is owed to the City (but specifically excludes rates and service charges) [s.6.12(1)(b)].</p> <p>2. The write off of any amount of money that it is owed to the City.</p> <p>Note that:</p> <ul style="list-style-type: none"> <li>• Function 1 applies to fees and charges as they are incurred; and</li> <li>• Function 2 applies to debts owed to the City.</li> </ul> | <p>WAIVE OR GRANT CONCESSIONS/WRITE OFF MONEY</p> <ul style="list-style-type: none"> <li>• Waive or grant concessions (except for rates and service charges); and</li> <li>• Write off money – \$10,000 per transaction to an annual limit of \$150,000.</li> </ul> |
| <b>Consultant Comment</b>  |   |   |  |   |
| Delegation is sound and although the WALGA template references 3 specific functions, the City’s delegation refers to s6.12, which therefore covers all those components.   |   |   |  |   |
| <b>How it is applied – as provided by CoJ</b>  |   |   |  |   |
| Allows the CEO and other sub-delegates the opportunity to waive the application of fees and charges either in full or in part or to apply concessions.   |   |   |  |   |
| <b>Examples of exercise – as provided by CoJ</b>   |   |   |  |   |
| <ul style="list-style-type: none"> <li>- waiving of library fines (generally for compassionate reasons)</li> <li>- waiving of venue hire fees</li> <li>- waiving of community transport hire (note used regularly, but can be used for local community groups for community beneficial purposes)</li> <li>- waiver of impound fees at RSPCA (generally for financial/or compassionate reasons)</li> <li>- waiver of impound fees at RSPCA (generally for financial/or compassionate reasons)</li> <li>- waiver of parking fees for organisations such as not-for-profit charities and good will to local businesses requesting a waiver or reduction in parking fees for a specific time period.</li> <li>- waiving the City's Building Permit application fee for not-for-profit charitable organisations is considered and granted upon request. For example, several years ago fees associated with a Telethon home were waived. Another more recent example related to Heathridge carols in the park where building permit fees (for stage) of \$105 were waived.</li> </ul> |   |   |  |   |
| <b>Conditions and Comments</b>   |   |   |  |   |
| <b>City of Joondalup</b>   |   |   |  |   |
| Additional subsidies and waiver of hire fees under the Facility Hire Subsidy Policy limited to \$5,000 per request.  |   |   |  |   |
| <b>Consultant Comment</b>  |   |   |  |   |
| How regularly is this \$5,000 limit reviewed – is it still realistic and appropriate?  |   |   |  |   |
| The delegate is bound by City Policies - see general comment at commencement of Report.  |   |   |  |   |
| WALGA template   | City of Perth   | City of Gosnells  | City of Wanneroo   | City of Stirling  |
| <p>a. Write-off a rates or service charge debt up to &lt;&lt;value&gt;&gt; in accordance with the Financial Hardship Policy [s.6.12(1)(c) &amp;(2)].</p> <p>b. A debt may only be waived where:</p>  | <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>   | None  | <p>Subject to:</p> <p>a) Section 6.12(2) of the Act which states that Section 6.12 (1) (b) “waive or grant concessions” does not apply to an</p>   | <p>A report must be submitted to the Community and Resources Committee every twelve months on the exercise of this delegation. Report to contain information prescribed in r26(1)(c) of the</p>   |

|   |  |                                       |  |  |
|---|--|---------------------------------------|--|--|
| <p>i. &lt;&lt;insert limitations as appropriate i.e. only to charitable or not for profit community groups / in accordance with Policy XX&gt;&gt;</p> <p>c. A concession may only be granted where:</p> <p>i. &lt;&lt;insert limitations as appropriate i.e. only to charitable or not for profit community groups / in accordance with Policy XX&gt;&gt;</p> <p>d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the &lt;&lt;Shire/Town/City&gt;&gt;.</p> <p>i. Limited to individual debts valued below \$&lt;&lt;value&gt;&gt; or cumulative debts of a debtor valued below \$&lt;&lt;value&gt;&gt;. Write off of debts greater than these values must be referred for Council decision.</p> | <p>2. Prior to writing off a debt, all necessary measures have been taken to recover the debt and the debt remained unpaid for a period of 90 days after its due date for payment.</p> <p>3. This delegation is limited to individual debts valued below \$200,000 or cumulative debts of a debtor valued below \$200,000. Write offs greater than these values must be referred for Council decision.</p> <p>4. Rates and service charges can only be waived where individual rate debts are valued equal to or below \$10.00 which will be dealt with administratively. Any debt valued above this price must be referred to Council for decision.</p> |                                       | <p>amount of money owing in respect of rates and service charges;</p> <p>b) the waiver, concession or write off of money owing not exceeding \$10,000. All waivers, concessions or write offs of money owing greater than \$5001 to be reported to the Audit and Risk Committee.</p> | <p>Local Government (Financial Management) Regulations 1996.</p> |
| <p><b>Comment – Not addressed</b></p>   | <p><b>Comment – Not addressed</b></p>  | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p>  | <p><b>Comment – Not addressed</b></p>                            |

**Consultant Review comment and Recommendations (if any)**

**The delegation is sound but the conditions in the WALGA template may add value to the City's delegation and bear consideration.**

**Effect if delegation revoked**

Current delegation limits are in a number of categories from up to \$50 for officers, \$100 for supervisors and up to \$5,000 for managers. The City exercises this Delegated Authority regarding facility hire on very few occasions per annum and the amounts are generally of low value. Reporting these requests would consume report writing officers time, and with Council only meeting monthly requests are not always received to meet the Council meeting cycle.

The City processes approximately 2,082 library fine waivers annually under delegated authority, with a strong majority of these valued under \$50.

All such requests would be required to be placed before Council, should the delegation be removed.

The typical nature of the Council meeting cycle mitigates against this and could lead to being unable to provide the parking bays in a timely manner.

Requests to waive fees relating to building permit applications occur very infrequently, perhaps once or twice per year, however such requests are often very time critical and are often associated with events occurring within days or just a few weeks of the request.

Without delegated authority, such requests would need to be considered by Council, however the reporting cycle and lead times for Council reports would not be responsive enough to allow for consideration of such time sensitive requests.

The impound fee is currently \$220 and where circumstances are identified that the person is unable to pay, be it for financial reasons or on compassionate grounds, the Manager will agree to waive the fees to allow the animal to be returned to its owner.

If this Delegated Authority was removed the City would incur larger housing facility charges whilst awaiting council decision and the animal would be subjected to possible further separation trauma in the facility.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required however, comments will be taken into consideration during the 2023 review of the delegations.

| 1.28 WRITE OFF OF MONIES  |  |  |  |  |
|---|--|--|--|--|
| Authority to write off monies.  |  |  |  |  |
| WALGA template  | City of Perth  | City of Gosnells   | City of Wanneroo   | City of Stirling   |
| 1.2.24 Defer, Grant Discounts, Waive or Write Off Debts<br>1. Waive a debt which is owed to the <<Shire/Town/City>> [s.6.12(1)(b)].<br>2. Grant a concession in relation to money which is owed to the <<Shire/Town/City>> [s.6.12(1)(b)].<br>3. Write off an amount of money which is owed to the <<Shire/Town/City>> [s.6.12(1)(c)]   | Authority to:<br>1. Waive or grant a concession in relation to any amount of money which is owed to the City. [s 6.12(1)(b)]<br>2. Write off any amount of money which is owed to the City. [s 6.12(1)(c)]                                 | 1.2.7 DEBTS – WAIVER, CONCESSIONS OR WRITE OFF<br>1. Waive or grant concessions in relation to sundry debts owed to the City.<br>2. Write off money owed to the City.<br>3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the City. | 1.1.23 DEFER, GRANT DISCOUNTS, WAIVE OR WRITE OFF DEBTS<br>1. The waiver or Grant of concession in relation to any amount of money that is owed to the City (but specifically excludes rates and service charges) [s.6.12(1)(b)].<br>2. The write off of any amount of money that it is owed to the City.<br>Note that:<br>• Function 1 applies to fees and charges as they are incurred; and<br>• Function 2 applies to debts owed to the City. | WAIVE OR GRANT CONCESSIONS/WRITE OFF MONEY<br>• Waive or grant concessions (except for rates and service charges); and<br>• Write off money – \$10,000 per transaction to an annual limit of \$150,000.  |
| <b>Consultant Comment</b>   |  |  |  |  |
| The delegation is sound and consistent with the WALGA template, and generally with the delegations of the other Cities.   |  |  |  |  |
| <b>How it is applied – as provided by CoJ</b>   |  |  |  |  |
| Section 6.12 of the <i>Local Government Act 1995</i> gives Council the power to write off monies owed to the City. The delegation and sub-delegations authorise the relevant officers to exercise this authority, with a six-monthly report to the Audit & Risk Committee as prescribed.  |  |  |  |  |
| <b>Examples of exercise – as provided by CoJ</b>  |  |  |  |  |
| The majority of write-offs comprise very small balances against rates accounts, being interest accrued or minor balances (as low as \$0.01) remaining after payments received have been applied.  |  |  |  |  |
| The exercise of the delegated authority is reported to the Audit & Risk Committee on a six-monthly basis.   |  |  |  |  |
| Example of report to A&R Committee: Refer minutes of meeting August 2022 (Item 8)   |  |  |  |  |
| <a href="https://api.joondalup.wa.gov.au/files/committees/AURI/2022/220808_AUDRISK_MIN.pdf">https://api.joondalup.wa.gov.au/files/committees/AURI/2022/220808_AUDRISK_MIN.pdf</a>   |  |  |  |  |
| Conditions and Comments   |  |  |  |  |
| <b>City of Joondalup –</b>  |  |  |  |  |
| Subject to:<br>(a) individual items to \$20,000;<br>(b) a report being provided to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.  |  |  |  |  |
| <b>Consultant Comment</b>   |  |  |  |  |
| The reference to a maximum of \$20,000 for an “individual” item takes no account of cumulative/multiple amounts for an individual - thus whilst the condition would allow the delegation to be applied to a write off of up to \$20,000, a request for a write off of \$25,000 would need to be referred to Council to determine, yet 2 , or more requests for a write off, of less than \$20,000 from the same individual could be determined under delegation? In this regard note the condition of the City of Perth regarding cumulative debts. |  |  |  |  |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |  |  |  |  |
| WALGA template  | City of Perth  | City of Gosnells   | City of Wanneroo   | City of Stirling   |
| a. Write-off a rates or service charge debt up to <<value>> in accordance with the Financial Hardship Policy [s.6.12(1)(c) &(2)].<br>b. A debt may only be waived where:<br>i. <<insert limitations as appropriate i.e. only to charitable or not for profit  | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. Prior to writing off a debt, all necessary measures have been taken to recover the debt and the debt remained | None   | Subject to:<br>a) Section 6.12(2) of the Act which states that Section 6.12 (1) (b) “waive or grant concessions” does not apply to an amount of money owing in respect of rates and service charges;   | A report must be submitted to the Community and Resources Committee every twelve months on the exercise of this delegation. Report to contain information prescribed in r26(1)(c) of the Local Government (Financial Management) Regulations 1996. |

|  |   |                                       |  |                                       |
|--|---|---------------------------------------|--|---------------------------------------|
| <p>community groups / in accordance with Policy XX&gt;&gt;<br/> c. A concession may only be granted where:<br/> i. &lt;&lt;insert limitations as appropriate i.e. only to charitable or not for profit community groups / in accordance with Policy XX&gt;&gt;<br/> d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the &lt;&lt;Shire/Town/City&gt;&gt;.<br/> i. Limited to individual debts valued below \$&lt;&lt;value&gt;&gt; or cumulative debts of a debtor valued below \$&lt;&lt;value&gt;&gt;. Write off of debts greater than these values must be referred for Council decision.</p> | <p>unpaid for a period of 90 days after its due date for payment.<br/> 3. This delegation is limited to individual debts valued below \$200,000 or cumulative debts of a debtor valued below \$200,000. Write offs greater than these values must be referred for Council decision.<br/> 4. Rates and service charges can only be waived where individual rate debts are valued equal to or below \$10.00 which will be dealt with administratively. Any debt valued above this price must be referred to Council for decision.</p> |                                       | <p>b) the waiver, concession or write off of money owing not exceeding \$10,000. All waivers, concessions or write offs of money owing greater than \$5001 to be reported to the Audit and Risk Committee.</p> |                                       |
| <p><b>Comment – Not addressed</b></p>  | <p><b>Comment – Condition has merit in addressing cumulative provisions.</b></p>  | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p>  | <p><b>Comment – Not addressed</b></p> |
| <p><b><u>Consultant Review comment and Recommendations (if any)</u></b></p>  |   |                                       |  |                                       |
| <p><b>The delegation is sound although consideration should be given to reviewing and amending the “individual” limit, and to take account of cumulative provisions.</b></p>   |   |                                       |  |                                       |
| <p><b>Effect if delegation revoked</b></p>   |   |                                       |  |                                       |
| <p>If the delegation were removed, only Council would have power to authorise any write-offs of balances owed, including the earlier-mentioned minor balances as low as \$0.01. It would not be an efficient use of Council's time.</p>  |   |                                       |  |                                       |
| <p>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.</p>   |   |                                       |  |                                       |
| <p style="text-align: center;"><b>City of Joondalup Management Response</b></p>  |   |                                       |  |                                       |
| <p>Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.</p>   |   |                                       |  |                                       |

**3.1 AMENDMENTS TO THE PARKING SCHEMES**

Authority to approve and implement amendments to parking schemes adopted by Council in relation to:  
 • time limits, conditions and prohibitions in streets and parking stations;  
 • the designation of visitor and authorised vehicle parking.

| <b>WALGA template</b> | <b>City of Perth</b>  | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>   | <b>City of Stirling</b>   |
|-----------------------|---|---|---|---|
| Not addressed         | Not addressed in same terms but via relevant Local Law/s delegations. | Not addressed in same terms but via relevant Local Law/s delegations. | Not addressed in same terms but via relevant Local Law/s delegations. | Not addressed in same terms but via relevant Local Law/s delegations. |

**Consultant Comment**

**The delegation is sound, but it is not clear why it is needed, given the function relates to *City of Joondalup Parking Local Law 2013* and it (along with other City of Joondalup Local Laws) is addressed with Delegation 1.3?**

**How it is applied – as provided by CoJ**

Allows the CEO and other sub-delegates the authority to approve and implement amendments to parking schemes adopted by Council in relation to time limits, conditions and prohibitions in streets and parking stations and designations of visitor and authorised vehicle parking.

**Examples of exercise – as provided by CoJ**

Attachment 7 refers.

**Conditions and Comments**

**City of Joondalup**

Authority to be exercised consistently with the provisions of the *City of Joondalup Parking Local Law 2013*.

**Consultant Comment**

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b> | <b>City of Perth</b> | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
|-----------------------|----------------------|-------------------------|-------------------------|-------------------------|
| Not addressed         | Not addressed        | Not addressed           | Not addressed           | Not addressed           |
| <b>Comment –</b>      | <b>Comment -</b>     | <b>Comment -</b>        | <b>Comment -</b>        | <b>Comment -</b>        |

**Consultant Review comment and Recommendations (if any)**

**The delegation is sound, but it is not clear why it is needed, given the function relates to *City of Joondalup Parking Local Law 2013* and it (along with other City of Joondalup Local Laws) is addressed with Delegation 1.3?**

**Effect if delegation revoked –**

Parking assessment meetings are held by Community Safety & Infrastructure Management Services (technical advice) to discuss requests for conditions and prohibitions in street and parking stations. Any recommendations are currently referred to Managers & Director for approval. If the delegations were removed this would cause delays in decision making,

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.

**3.2 AUTHORISED PERSONS UNDER THE BUILDING ACT 2011**

Authority to appoint authorised persons for the purposes of the Building Act 2011 and Building Regulations 2012 in relation to buildings and incidental structures located, or proposed to be located in the City's district.

| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>  | <b>City of Stirling</b>  |
|--|--|---|--|--|
| <p>2.1.4 Designate Employees as Authorised Persons</p> <p>1. Authority to designate an employee as an authorised person [s.96(3)].</p> <p>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</p> <p>NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70.</p> | <p>3.4. Designate Authorised Persons and Appoint Approved and Authorised Officers</p> <p>Authority to</p> <p>1. to designate an employee as an authorised person (s96(3)).</p> <p>2. to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person (s99(3)).</p> <p>3. appoint a specified employee to be an approved officer for the purposes of the Criminal Procedure Act 2004 section 6(a) (r70).</p> <p>4. appoint an authorised officer for the purposes of the Criminal Procedure Act 2004 section 6(b) (r70).</p> | <p>3.5.6 APPOINT AUTHORISED PERSONS</p> <p>To designate a person as an authorised person.</p> | <p>2.1.6 DESIGNATE EMPLOYEES AS AUTHORISED PERSONS</p> <p>1. Authority to designate an employee as an authorised person [s.96(3)].</p> <p>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</p> | <p>AUTHORISED PERSONS</p> <p>Designate an employee of the local government as an authorised person for the purposes of the Building Act 2011 in relation to buildings and incidental structures located, or proposed to be located, in the district of the City of Stirling.</p> |

**Consultant Comment**

**Sound**

**How it is applied – as provided by CoJ**  
 The CEO appoints authorised officers to perform various functions under the *Building Act 2011*. These officers include building approvals staff, development compliance officers and swimming pool inspectors.

**Examples of exercise – as provided by CoJ**  
 Attachment 8 refers. Where a complaint is received the Manager Regulatory Services and Coordinator Compliance and Regulatory Performance as well as development compliance officers, may inspect properties in accordance with sections 100 to 104 of the *Building Act 2011* to determine whether development complies with the Building Act. Pool inspectors also confirm compliance in relation to pool barriers.

**Conditions and Comments**

**City of Joondalup**

None

**Consultant Comment**

It may be prudent to include the provision, as per WALGA template note - An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70.

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b>   |
|---|---|-------------------------|-------------------------|---|
| <p>a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.</p> | <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. In function 3, Specified employee means a local government employee who has delegated authority to perform a function under section 9.19 or 9.20 of the Local Government Act 1995.</p> <p>3. A person may only be appointed to be an authorised officer if that person is</p> | <p>None</p>             | <p>None</p>             | <p>An authorised person must:</p> <p>1. Be employed by the City of Stirling in accordance with Section 5.36 of the Local Government Act 1995; and</p> <p>2. Be authorised in writing.</p> |

|   |  |                                |                                |                                |
|---|--|--------------------------------|--------------------------------|--------------------------------|
|   | also appointed under the Local Government Act 1995 section 9.10(1) for the purpose of performing functions under section 9.16 of that Act.<br>4. A certificate of authority must be issued to all authorised officers. |                                |                                |                                |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |  |                                |                                |                                |
| The delegation is sound, but it may be prudent to include the condition, as per WALGA template - An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Regulation. 70.  |  |                                |                                |                                |
| <b>Effect if delegation revoked</b>   |  |                                |                                |                                |
| Removal of delegated authority would require Council to directly authorise officers. This currently affects 21 staff and every time there was a staff change, a report to Council would be required. This would be impractical as it would result in delays to staff being able to perform their roles with proper authorisation. |  |                                |                                |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.   |  |                                |                                |                                |
| <b>City of Joondalup Management Response</b>  |  |                                |                                |                                |
| Noted. Comments will be taken into consideration during the 2023 review of the delegations.   |  |                                |                                |                                |

**3.3 BUILDING ACT 2011 - ISSUING CERTIFICATES OF BUILDING COMPLIANCE AND DESIGN COMPLIANCE**

Authority to issue certificates of building compliance and design compliance.

| <b>WALGA template</b>   | <b>City of Perth</b>                    | <b>City of Gosnells</b> | <b>City of Wanneroo</b>  | <b>City of Stirling</b> |
|---|---|-------------------------|--|-------------------------|
| 2.1.7 Referrals and Issuing Certificates<br>Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the <<Shire/Town/City>>'s District [s.145A(2)]. | 3.6. Referrals and Issuing Certificates | Not addressed           | 2.1.5 REFERRALS AND ISSUING CERTIFICATES<br>1. Authority to refer uncertified building applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].<br>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City of Wanneroo's District [s.145A(2)]. | Not addressed           |

**Consultant Comment**

**Delegation is sound.**

**How it is applied – as provided by CoJ**

City officers do not issue certificates of building compliance as this service is not currently offered by the City. The City has investigated the possibility of offering a private building certification service, and it is possible that this may be provided in the future.

The City issues Certificates of Design Compliance on a regular basis.

**Examples of exercise – as provided by CoJ**

Example of Certificate of Design Compliance - Attachment 9 refers.

**Conditions and Comments**

**City of Joondalup**

Subject to meeting the qualification requirements in accordance with *Building Services (Registration) Regulations 2011*.

**Consultant Comment**

Sound

| <b>WALGA template</b>          | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
|--------------------------------|---|--------------------------------|--------------------------------|--------------------------------|
| None                           | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. | Not addressed                  | None                           | None                           |
| <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |

**Consultant Review comment and Recommendations (if any)**

**The delegation is sound and consistent with the WALGA template, and delegations of the other Cities.**

**Effect if delegation revoked**

The City would be unable to issue building permits for uncertified building applications if officers were unable to issue Certificates of Design Compliance as the statutory timeframe of 25 working days and the volume of applications would not be practical or achievable if Council determination was required.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required.

**3.4 BUILDING ACT 2011 - GRANTING BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS**

Authority to administratively grant building and demolition permits, building approval certificates and occupancy permits.

| <b>WALGA template</b>   | <b>City of Perth</b>   | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>  | <b>City of Stirling</b>   |
|---|--|---|--|---|
| 2.1.1 Grant a Building Permit<br>2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22].<br>2.1.2 Demolition Permits<br>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22].<br>2.1.3 Occupancy Permits or Building Approval Certificates<br>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. | 3.1. Grant or refuse a building, demolition or occupancy permit or building approval certificate | 3.5.1 GRANT OF BUILDING PERMIT<br>1. Grant Building Permits [s20(1)]<br>2. Refuse Building Permits [s20(2)] | 2.1.1 BUILDING PERMIT<br>2. Authority to grant or refuse to grant a building permit [s.20 and s.22]. | APPROVE OR REFUSE TO GRANT BUILDING PERMIT<br>Approve or refuse to approve a certified or uncertified application for a building permit in accordance with Section 20 of the Building Act 2011. |

**Consultant Comment**

The delegation is sound and consistent with the WALGA template, and delegations of the other Cities.

**How it is applied – as provided by CoJ**

Officers issue approximately 3000 permits per year in accordance with their delegated authority. Permits are required to be issued within statutory timeframes of between 10 days (certified applications) and 25 days (uncertified applications)

**Examples of exercise – as provided by CoJ**

Building Permit – Attachment 10 refers.  
 Demolition Permit – Attachment 11 refers.  
 Building Approval Certificate – Attachment 12 refers  
 Occupancy Permit – Attachment 13 refers.

**Conditions and Comments**

**City of Joondalup**

Restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the *Building Services (Registration) Regulations 2011*.

**Consultant Comment**

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>          | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b>  |
|--------------------------------|---|-------------------------|-------------------------|--|
| None                           | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. | None                    | None                    | In undertaking the functions of this delegation, Building Surveyors must:<br>1. Be employed by the City of Stirling in accordance with Section 5.36 of the Local Government Act 1995; and<br>2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies). |
| <b>Comment – Not addressed</b> | <b>Comment – None</b>   | <b>Comment – None</b>   | <b>Comment – None</b>   | <b>Comment – None</b>  |

**Consultant Review comment and Recommendations (if any)**

The delegation is sound and consistent with the WALGA template, and delegations of the other Cities.

It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.

**Effect if delegation revoked**

Removal of delegated authority would require Council Consideration of applications. Given the volume received by the City this would be impractical and the City would fail to meet statutory timeframes. Refund of fees is also required where timeframes are not met.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required.

| <b>3.5.1 BUILDING ACT 2011 – REFUSING AND CANCELLING BUILDING AND DEMOLITION PERMIT APPLICATIONS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS</b>   |                                |                                |                                |                                |
|--|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Authority to refuse and cancel building and demolition permit applications, building approval certificates and occupancy permits.  |                                |                                |                                |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed  | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Consultant Comment</b>  |                                |                                |                                |                                |
| It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.  |                                |                                |                                |                                |
| <b>How it is applied – as provided by CoJ</b>  |                                |                                |                                |                                |
| When applications are refused or cancelled delegated officers sign the appropriate letter advising the applicant that the application has been cancelled. This needs to be documented in the event that other applications forms are required to be lodged (unauthorised works etc), or at the request of the applicant.   |                                |                                |                                |                                |
| <b>Examples of exercise – as provided by CoJ</b>   |                                |                                |                                |                                |
| Refused Building Permit Application – Attachment 14 refers.<br>Refused Demolition Permit Application – None on record, they are usually cancelled.<br>Cancelled Demolition Permit Application – Attachment 15 refers.<br>Cancelled Building Permit Application – Attachment 16 refers.<br>Refused Building Approval Certificate – None on record<br>Cancelled Building Approval Certificate – none on record.<br>Refused Occupancy Permit Application – none on record<br>Cancelled Occupancy Permit Application – Attachment 17 refers. |                                |                                |                                |                                |
| <b>Conditions and Comments</b>   |                                |                                |                                |                                |
| <b>City of Joondalup</b>   |                                |                                |                                |                                |
| None   |                                |                                |                                |                                |
| <b>Consultant Comment</b>  |                                |                                |                                |                                |
| The delegate is bound by City Policies - see general comment at commencement of Report.  |                                |                                |                                |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed  | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>  |                                |                                |                                |                                |
| It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.  |                                |                                |                                |                                |
| <b>Effect if delegation revoked</b>  |                                |                                |                                |                                |
| Refusal of applications also needs to occur within the statutory determination timeframes. This may not be achievable if delegated authority was removed. Other processes listed are administrative and removal of Delegated Authority would result in inefficient administrative processes.<br><br>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.                    |                                |                                |                                |                                |
| <b>City of Joondalup Management Response</b>   |                                |                                |                                |                                |
| Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.  |                                |                                |                                |                                |

**3.5.2 BUILDING ACT 2011 – EXTENDING THE DURATION OF BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS**

Authority to extend the duration of building and demolition permits, building approval certificates and occupancy permits.

| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b> | <b>City of Wanneroo</b>   | <b>City of Stirling</b>  |
|--|--|-------------------------|---|--|
| 2.1.3 Occupancy Permits or Building Approval Certificates<br>Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. | 3.1. Grant or refuse a building, demolition or occupancy permit or building approval certificate<br>3. impose, vary or revoke conditions on a building, demolition or occupancy permit or building approval certificate (s27(1)&(3), 62(1)&(3)). | Not addressed           | 2.1.3 OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES<br>3. Authority to impose, add, vary or revoke conditions on an occupancy permit or building approval certificate. [s. 62]. | APPROVE OR REFUSE TO EXTEND THE DURATION OF OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES<br>Approve or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect in accordance with Section 65 of the Building Act 2011. |

**Consultant Comment**

The delegation is sound and consistent with the WALGA template, and delegations of the other Cities.

It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits.

**How it is applied – as provided by CoJ**

When works are expected to take longer than 2 years to complete an applicant may seek an extension of time. The circumstances relevant to each specific request are considered in issuing an extension of time.

**Examples of exercise – as provided by CoJ**

Extend the duration of building permit – Attachments 18 and 19 refers.  
 Extend the duration of demolition permit – the City has not had this request (usually demolitions are completed within 3 months of issuing the permit).  
 Extend the duration of Building Approval Certificate – the City has not had the need to extend the time on a BAC, only in relation to lodging the BAC  
 Extend the duration of Occupancy Permit – Attachments 20 and 21 refers.

**Conditions and Comments**

**City of Joondalup**

None

**Consultant Comment**

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>          | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b>   |
|--------------------------------|---|-------------------------|-------------------------|---|
| None                           | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. | Not addressed           | None                    | In undertaking the functions of this Building Surveyors must:<br>1.Be employed by the City of Stirling in accordance with Section 5.36 of the Local Government Act 1995; and<br>2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies). |
| <b>Comment – Not addressed</b> | <b>Comment – None</b>   | <b>Comment – None</b>   | <b>Comment – None</b>   | <b>Comment – None</b>   |

**Consultant Review comment and Recommendations (if any)**

The delegation is sound and consistent with the WALGA template, and delegations of the other Cities.

It is noted that Delegations 3.4, 3.5.1, 3.5.2 deal with granting or refusing and cancelling or extending building and demolition permit applications, building approval certificates and occupancy permits – accordingly they could be combined into a single instrument of Delegation, although it is noted that the WALGA template has 2 instruments - 2.1.1 Grant a Building Permit and 2.1.2 Demolition Permits

**Effect if delegation revoked**

Inability to respond to requests quickly resulting in further delays to completion of building projects. Current trade and materials shortages have seen an increase in requests for extensions of time.

Removal of Delegated Authority would prevent these requests from being considered within an appropriate timeframe or in a practical way.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.

**3.6 BUILDING ACT 2011 - BUILDING ORDERS**

| Authority to serve a building order.  |   |   |   |  |
|---|---|---|---|--|
| WALGA template  | City of Perth   | City of Gosnells  | City of Wanneroo  | City of Stirling   |
| <p>2.1.5 Building Orders</p> <p>1. Authority to make Building Orders in relation to:</p> <p>a. Building work</p> <p>b. Demolition work</p> <p>c. An existing building or incidental structure [s.110(1)].</p> <p>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</p> <p>3. Authority to revoke a building order [s.117].</p> <p>4. If there is non-compliance with a building order, authority to cause an authorised person to:</p> <p>a. take any action specified in the order ; or</p> <p>b. commence or complete any work specified in the order; or</p> <p>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)].</p> <p>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</p> <p>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.</p> | <p>3.2. Building Orders</p> <p>Authority to:</p> <p>1. make Building Orders [s110] in relation to:</p> <p>a. Building work,</p> <p>b. Demolition Work,</p> <p>c. An existing building or incidental structure.</p> <p>2. give notice of a proposed building order and consider submissions received in response and determine actions (s111)</p> <p>3. revoke a Building Order (s117).</p> <p>4. if there is non-compliance with a building order, cause an authorised person to:</p> <p>a. Take any action specified in the order; or</p> <p>b. Commence or complete any work specified in the order; or</p> <p>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 (s118(2)).</p> <p>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 (s118).</p> <p>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011 (s133).</p> | <p>3.5.5 BUILDING ORDERS</p> <p>1. To make Proposed Building Orders pursuant to Section 111 of the Building Act 2011.</p> <p>2. To make Building Orders pursuant to Section 110 of the Building Act 2011 in relation to:</p> <p>(a) Building work</p> <p>(b) Demolition Work</p> <p>(c) An existing building or incidental structure.</p> <p>3. To revoke a Building Order pursuant to section 117 of the Building Act 2011</p> | <p>2.1.4 BUILDING ORDERS</p> <p>1. Authority to make Building Orders in relation to:</p> <p>a) Building work</p> <p>b) Demolition work</p> <p>c) An existing building or incidental structure [s.110(1)].</p> <p>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)].</p> <p>3. Authority to revoke a building order [s.117].</p> <p>4. If there is non-compliance with a building order, authority to cause an authorised person to:</p> <p>a) take any action specified in the order; or</p> <p>b) commence or complete any work specified in the order; or</p> <p>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)].</p> <p>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</p> <p>6. Authority to initiate a prosecution pursuant to s.133(1) for non-compliance with a building order made pursuant to s.110 of the Building Act 2011.</p> | <p>MAKE BUILDING ORDERS</p> <p>Make a building order in accordance with Section 110 of the Building Act 2011 in relation to:</p> <ul style="list-style-type: none"> <li>• Building work;</li> <li>• Demolition work; and/or</li> <li>• An existing building or incidental structure whether completed before or after commencement day.</li> </ul> |

**Consultant Comment**

The delegation is sound and consistent with that of the WALGA template and the other Cities.

It is noted that the legislative reference for the function at the Delegation is quoted as Division 5 of Part 8 of the *Building Act 2011* – this covers Sections 110 – 118 which are all the relevant provisions, but it may be preferable to spell out the provisions in detail, as the WALGA template does, and to be consistent with the approach taken in other Delegations – see also Issue Report.

**How it is applied – as provided by CoJ**

Building orders are used by the City's development compliance team in order to ensure that building works are compliant with the *Building Act 2011*. They are typically used as an intermediate step where a written request by the City has not been sufficient to achieve compliance but where prosecution may not yet be warranted. Failure to comply with a building order could then lead to the City taking legal action. A building order may require works in contravention of the Building Act to be stopped, to be removed or modified. A building order may also require a landowner to obtain a survey or report to demonstrate that a building or structure is safe or within their property.

Building Orders are issued by the Manager Regulatory Services and/or Coordinator Compliance and Regulatory Performance in consultation with the Director Planning and Community Development. Legal advice is sometimes sought prior to issuing a Building Order. At least 14 days prior to a building order being issued, a draft order and the City's intentions are provided to the person subject to the order. This often achieves compliance and makes actual issue of the building order unnecessary. An emergency building order may require immediate evacuation of an unsafe building.

**Examples of exercise – as provided by CoJ**

Delegation allows the CEO to appoint authorised officers for the purpose of issuing Building Orders (including Emergency Building Orders) in accordance with Part 8 Division 5 Section 110 of the Building Act 2011.

Delegated officers will use Building Orders in situations where the Local Government requires certain works to be carried out, for example, removal of unauthorised works, stop works notice, as well as issuing Emergency Building Orders in dangerous situations which may include an Order for the evacuation of buildings.

**Conditions and Comments**

**City of Joondalup**

None

**Consultant Comment**

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>          | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>  | <b>City of Stirling</b>   |
|--------------------------------|---|--------------------------------|--|---|
| None                           | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. | None                           | In undertaking the functions of this delegation, the delegate may: <ul style="list-style-type: none"> <li>• Refer notices to the City Lawyer or Executive Manager Governance &amp; Legal where it is considered appropriate; and</li> <li>• Determine that an order is to remain in effect in accordance with section 117(2) of the Building Act 2011 where it is considered appropriate.</li> </ul> | In undertaking the functions of this delegation, Building Surveyors must: <ol style="list-style-type: none"> <li>1. Be employed by the City of Stirling in accordance with Section 5.36 of the Local Government Act 1995; and</li> <li>2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).</li> </ol> |
| <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>  |

**Consultant Review comment and Recommendations (if any)**

**The delegation is sound and consistent with that of the WALGA template and the other Cities.**

**It is noted that the legislative reference for the function at the Delegation is quoted as Division 5 of Part 8 of the Building Act 2011 – this covers Sections 110 – 118 which are all the relevant provisions, but it may be preferable to spell out the provisions in detail, as the WALGA template does, and to be consistent with the approach taken in other Delegations – see also Issue Report.**

**Effect if delegation revoked**

If delegated authority was removed, it would mean that Council would need reports on each proposed building order.

This would make the City's compliance responses slow and cumbersome and potentially result in non-compliant building works continuing when they should stop. Additionally, it would extend the overall timeframe taken by the City in dealing with building compliance matters.

In the case of dangerous situations or buildings requiring evacuation, the delay in having Council issue a building order rather than a delegated officer could in a worst-case scenario lead to injury or loss of life.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.

**3.7 BUSH FIRES ACT 1954 - FUNCTIONS OF A LOCAL GOVERNMENT**

Authority to perform the functions of the local government under the Bush Fires Act 1954.

| WALGA template   | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling  |
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| <p>3.1.1 Make Request to FES Commissioner – Control of Fire<br/>1. Authority to request on behalf of the &lt;&lt;Shire/Town/City&gt;&gt; that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].<br/>3.1.3 Prohibited Burning Times – Control Activities<br/>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].<br/>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].<br/>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].<br/>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].<br/>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].<br/>6. Authority to recover the cost of measures taken by the &lt;&lt;Shire/Town/City&gt;&gt; or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority</p> | <p>4.1. Functions of the local government<br/>All of the functions of the local government under the Bush Fires Act 1954 and Bush Fires Regulations 1954 except the power to make local laws.</p> | <p>3.1.1 BUSH FIRES ACT – POWERS AND DUTIES<br/>All powers, duties and functions of the local government under the Bush Fires Act 1954.<br/>3.1.2 BUSH FIRES ACT – PROHIBITED AND RESTRICTED BURNING TIMES<br/>Determine to vary prohibited and restricted burning times, in accordance with s17(7) and (8) and s18(5), regarding:<br/>• shortening, extending, suspending or reimposing a period of prohibited or restricted burning times; or<br/>• imposing a further period of prohibited or restricted burning times.<br/><br/>3.1.3 BUSH FIRES ACT – INFRINGEMENTS AND PROSECUTIONS<br/>1. Issue Infringement Notices.<br/>2. Consider allegations of offences against this Act, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences.<br/>NOTE: s59A(5) and Infringements Reg.4(a) provide that only the Mayor or the Chief Executive Officer may withdraw an infringement notice</p> | <p>2.2.1 POWERS, DUTIES AND FUNCTIONS OF A LOCAL GOVERNMENT<br/>Authority to perform all of the powers, duties and functions of the local government under the Bush Fires Act 1954 and Bush Fires Regulations 1954.<br/><br/>2.2.2 VARIATION OF RESTRICTED AND PROHIBITED BURNING TIMES<br/>1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].<br/>2. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].<br/><br/>2.2.3 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS<br/>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and<br/>a. Of those Officers, appoint a Chief Bush Fire Control Officer (in the absence of an agreement with the FES Commissioner) and a Deputy Chief Bush Fire Control Officer; and<br/>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].<br/>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the City of Wanneroo [s.38(5A)]<br/><br/>2.2.4 PROSECUTION OF OFFENCES<br/>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act. [s.59].<br/>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</p> | <p>6.2 BUSH FIRES ACT 1954<br/>All the functions of the 'local government' under the Bush Fires Act 1954 other than those functions under Section 33(5a).</p> |

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| <p>to recover expenses in any court of competent jurisdiction [s.28(5)].</p> <p>3.1.4 Restricted Burning Times – Vary and Control Activities</p> <p>1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].</p> <p>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</p> <p>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</p> <p>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</p> <p>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</p> <p>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</p> <p>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> |  |  |  |  |
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| <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>9. Authority to recover the cost of measures taken by the &lt;&lt;Shire/Town/City&gt;&gt; or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p> <p>3.1.5 Control of Operations Likely to Create Bush Fire Danger</p> <p>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:</p> <p>a.a person operating a bee smoker device during a prescribed period [r.39CA(5)].</p> <p>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</p> <p>c. a person using explosives [r.39D(2)].</p> <p>d. a person using fireworks [r.39E(3)]</p> <p>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</p> <p>3.1.6 Burning Garden Refuse / Open Air Fires</p> <p>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</p> <p>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].</p> |  |  |  |  |
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| <p>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</p> <p>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</p> <p>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:</p> <p>a. camping or cooking [s.25(1)(a)].</p> <p>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</p> <p>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</p> <p>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</p> <p>3.1.7 Firebreaks</p> <p>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the &lt;&lt;Shire/Town/City&gt;&gt;:</p> <p>a. clearing of firebreaks as determined necessary and specified in the notice; and</p> <p>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</p> <p>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</p> <p>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice</p> |  |  |  |  |
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| <p>which have not been complied with [s.33(4)].</p> <p>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</p> <p>3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer</p> <p>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and</p> <p>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</p> <p>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</p> <p>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the &lt;&lt;Shire/Town/City&gt;&gt; [s.38(5A)]</p> <p>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].</p> <p>a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</p> <p>3.1.9 Control and Extinguishment of Bush Fires</p> <p>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].</p> <p>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the</p> |  |  |  |  |
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| <p>Delegate may make the decision [s.46(1B)].</p> <p>3.1.10 Recovery of Expenses Incurred through Contraventions of this Act</p> <p>1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the &lt;&lt;Shire/Town/City&gt;&gt; or those on behalf of the &lt;&lt;Shire/Town/City&gt;&gt; to do [s.58].</p> <p>3.1.11 Prosecution of Offences</p> <p>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</p> <p>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</p> |  |  |  |                                |
| <p><b>Consultant Comment</b></p>  |  |  |  |                                |
| <p><b>This delegation is sound and as an englobo approach applies to everything that the local government may do under the Act, however it does not address one matter which the Act requires to be addressed in a different manner - see Issues Report.</b></p>  |  |  |  |                                |
| <p><b>How it is applied – as provided by CoJ</b><br/>Local Government performs the functions under the <i>Bush Fires Act 1954</i> to make better provision for diminishing the dangers resulting from bush fires, for the prevention, control and extinguishment of bush fires, for the repeal of the Bush Fires Act 1937 2 and for other purposes.</p>   |  |  |  |                                |
| <p><b>Examples of exercise – as provided by CoJ</b><br/>The City has responsibility for managing bushfire risk on city owned or managed land and ensuring applicable private properties comply with the provisions of the Bush Fires Act 1954. Authorised officers perform functions under section 33 of the Act whereby annual inspections and re-inspections of firebreaks are carried out on all vacant land and applicable bushfire prone vegetated areas (regardless of land size) within the City that are owned and/or managed by the City and private land owners.</p>  |  |  |  |                                |
| <p><b>Conditions and Comments</b></p>   |  |  |  |                                |
| <p><b>City of Joondalup</b></p> <p>Cannot be sub-delegated.</p> <p><b>Consultant Comment</b><br/>The delegate is bound by City Policies - see general comment at commencement of Report.</p>  |  |  |  |                                |
| <p><b>WALGA template</b></p>  | <p><b>City of Perth</b></p>  | <p><b>City of Gosnells</b></p>   | <p><b>City of Wanneroo</b></p>   | <p><b>City of Stirling</b></p> |
| <p>None</p>   | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> | <p>Excludes powers and duties that are subject to separate delegated authority within this register.<br/>The Mayor and Chief Bush Fire Control Officer are limited to varying prohibited burning times in accordance with s17(7) and (8) of the Act. Decisions under this delegation to vary the prohibited burning times must be made jointly between the delegates.<br/>The Chief Executive Officer is limited to varying restricted burning times in accordance with s18(5) of the Act.</p> | <p>Excludes powers and duties that;</p> <ul style="list-style-type: none"> <li>• are subject to separate delegated authority within this Register as set out below;</li> <li>○ Delegation 2.2.3 – Appointment of Bush Fire Control Officers;</li> <li>○ Delegation 2.2.2 – Variation of Prohibited Burning Times; and</li> <li>○ Delegation 2.2.4 - Prosecutions;</li> <li>• are prescribed in the Act with a requirement for a resolution of the local government; and</li> </ul> | <p>None</p>                    |

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|   |                                |                                | <ul style="list-style-type: none"> <li>• are prescribed by the Act for performance by appointed officers.</li> </ul> <p>Excludes powers and duties that:</p> <ul style="list-style-type: none"> <li>• are prescribed in the Act with the requirement for a resolution by the local government</li> <li>• are prescribed in the Act for performance by prescribed offices; or</li> <li>• are subject to separate delegated authority within this register.</li> </ul> <p>a) Rangers and Senior Rangers are appointed as for the purposes of (2) only.</p> <p>b) The determination to institute and carry on proceedings is only to be exercised on the recommendation of the Coordinator Community Safety and with agreement of the Manager Community Safety and Emergency Management and the Director Community &amp; Place or CEO in consultation with the Executive Manager Governance &amp; Legal or City Lawyer.</p> |                                |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |                                |                                |  |                                |
| <b>This delegation is sound and as an englobo approach applies to everything that the local government may do under the Act, however it does not address one matter which the Act requires to be addressed in a different manner - see Issues Report.</b> |                                |                                |  |                                |
| <b>Effect if delegation revoked</b>   |                                |                                |  |                                |
| If delegation was removed Local Government would be unable to perform the functions of the <i>Bush Fires Act 1954</i> .   |                                |                                |  |                                |
| There are currently 1,353 privately owned vacant blocks of land in the City of Joondalup which are inspected for compliance.  |                                |                                |  |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.   |                                |                                |  |                                |
| <b>City of Joondalup Management Response</b>  |                                |                                |  |                                |
| Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.  |                                |                                |  |                                |

**3.8 CAT ACT 2011 – POWERS AND DUTIES OF A LOCAL GOVERNMENT**

Authority to exercise the powers or discharge the duties of the local government under the Cat Act 2011

| WALGA template   | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling  |
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| <p><b>4.1.1 Cat Registrations</b><br/>                     1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].<br/>                     2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].<br/>                     3. Authority to cancel a cat registration [s.10].<br/>                     4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].<br/>                     5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the &lt;&lt;Shire/Town/City&gt;&gt;'s District [Regs. Sch. 3 cl.1(4)].</p> <p><b>4.1.2 Cat Control Notices</b><br/>                     Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the &lt;&lt;Shire/Town/City&gt;&gt;'s District [s.26].</p> <p><b>4.1.3 Approval to Breed Cats</b><br/>                     1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].<br/>                     2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].<br/>                     3. Authority to cancel an approval to breed cats [s.38].<br/>                     4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</p> <p><b>4.1.4 Recovery of Costs – Destruction of Cats</b><br/>                     Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].</p> <p><b>4.1.5 Applications to Keep Additional Cats</b><br/>                     1. Authority to require any document or additional information required to determine an application [r.8(3)]</p> | <p><b>5.1. Cat Registrations</b><br/>                     Authority to:<br/>                     1. grant, or refuse to grant, a cat registration or renewal of a cat registration [s9(1)].<br/>                     2. refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].<br/>                     3. cancel a cat registration [s.10].<br/>                     4. give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</p> <p><b>5.2. Cat Control Notices</b><br/>                     Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City's district (s26).</p> <p><b>5.3. Approval to Breed Cats Authority to:</b><br/>                     1. grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].<br/>                     2. refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].<br/>                     3. cancel an approval to breed cats [s.38].<br/>                     4. give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</p> <p><b>5.4. Waive or Discount Registration Fees</b><br/>                     Authority to waive or discount prescribed fees in relation to registration of cats (Cat Regs Schedule 3 c1(4)).</p> <p><b>5.5. Applications to keep additional cats</b><br/>                     Authority to:<br/>                     5. require any document or additional information required to determine an application (Cat ULP 8(3))<br/>                     6. refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application (Cat ULP 8(4)).</p> | <p><b>3.4.1 APPOINT AUTHORISED PERSON</b><br/>                     To appoint a person as an authorised person for the purpose of fulfilling prescribed functions of the Cat Act 2011.</p> | <p><b>2.3.1 LOCAL GOVERNMENT FUNCTIONS</b><br/>                     All the powers and duties of the local government under the Cat Act 2011, Cat Regulations 2012 and Cat (Uniform Local Provisions) Regulations 2013.</p> | <p><b>LOCAL GOVERNMENT FUNCTIONS</b><br/>                     All powers and duties of the 'local government' under the Cat Act 2011.</p> <p><b>CAT MANAGEMENT FACILITIES</b><br/>                     Approve, in writing, a cat management facility that is operated by a person or body.</p> <p><b>REQUEST FOR INFORMATION</b><br/>                     Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.</p> <p><b>CANCEL THE REGISTRATION OF A CAT</b><br/>                     Cancel the registration of a cat.</p> <p><b>CAT CONTROL NOTICES</b><br/>                     Issue a cat control notice to a person who is the owner of a cat which is ordinarily kept within the district.</p> <p><b>CAT MANAGEMENT FACILITY COST RECOVERY</b><br/>                     The operator of a cat management facility may recover the amounts of the costs referred to in section 31(1) of the Cat Act 2011 from the owner of the cat in a court of competent jurisdiction.</p> <p><b>CAT MANAGEMENT FACILITY POWER TO MICROCHIP OR STERILISE</b><br/>                     The operator of a cat management facility may do anything necessary to ensure that the cat is microchipped and/or sterilised before the cat is reclaimed or transferred from the facility.</p> <p><b>GRANT, RENEW OR REFUSE APPLICATIONS</b><br/>                     Grant, renew or refuse an application to breed cats.</p> <p><b>REQUEST INFORMATION FOR BREEDING CATS</b><br/>                     Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.</p> <p><b>CANCEL APPROVALS TO BREED CATS</b><br/>                     Cancel an approval to breed cats if one or more of the things set out in section</p> |

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| <p>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</p> <p>2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</p> <p>4.1.6 Reduce or Waiver Registration Fee</p> <p>Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.</p> | <p>7. grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats (Cat ULP 9).</p> |  |  | <p>37(2) of the Cat Act 2011 applies in respect of the approved cat breeder.</p> <p><b>COST RECOVERY OF ANIMAL DESTRUCTION</b></p> <p>Recover the amount of the costs referred to in section 49(2) from the owner of the cat in a court of competent jurisdiction.</p> <p><b>RECEIVE PAYMENTS</b></p> <p>Receive payments of infringement notices under the Cat Act 2011.</p> <p><b>EXTENSION OF PAYMENT DEADLINES FOR INFRINGEMENTS</b></p> <p>Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed.</p> <p><b>WITHDRAWAL OF INFRINGEMENT NOTICE</b></p> <p>Withdraw an infringement notice within one (1) year after the notice was issued whether or not the modified penalty has been paid.</p> |
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**Consultant Comment**

**The delegation is sound and applies an englobo approach to all possible delegations under the Cat Act 2011.**

**How it is applied – as provided by CoJ**

Local Government performs the functions under the Cat Act 2011 to provide for the control and management of cats and promote and encourage the responsible ownership of cats and for related matters. The local government is responsible for registrations and impounding of cats where owners cannot be identified.

**Examples of exercise – as provided by CoJ**

Responsible cat ownership – City of Joondalup

**Conditions and Comments**

**City of Joondalup**

None

**Consultant Comment**

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b> | <b>City of Wanneroo</b>  | <b>City of Stirling</b> |
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| <p>Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</p> <p>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</p> <p>Notices of decisions must include advice as to Review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013.</p> | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> | <p>None</p>             | <p>Notices of decisions must include advice as to objection and review rights in accordance with Part 4, Division 5 of the Cat Act 2011 and r.11 of the Cat (Uniform Local Provisions) Regulations 2013 as applicable.</p> | <p>None</p>             |

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| <p>This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995.</p> | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br/>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> |                                       |                                       |                                       |
| <p><b>Comment – Not addressed</b></p>   | <p><b>Comment – Not addressed</b></p>  | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p> |
| <p><b><u>Consultant Review comment and Recommendations (if any)</u></b></p>   |  |                                       |                                       |                                       |
| <p><b>The delegation is sound and applies an englobo approach to all possible delegations under the <i>Cat Act 2011</i>.</b></p>  |  |                                       |                                       |                                       |
| <p><b>Effect if delegation revoked</b></p>  |  |                                       |                                       |                                       |
| <p>If delegation was removed, Local Government would be unable to perform the functions of the <i>Cat Act 2011</i> due to the numbers of cats registered in the City. Currently 7,965 cats are registered in the City.</p>  |  |                                       |                                       |                                       |
| <p>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.</p>  |  |                                       |                                       |                                       |
| <p style="text-align: center;"><b>City of Joondalup Management Response</b></p>   |  |                                       |                                       |                                       |
| <p>Noted. No review required.</p>   |  |                                       |                                       |                                       |

**3.9 DOG ACT 1976 – POWERS AND DUTIES OF A LOCAL GOVERNMENT**

Authority to exercise the powers or discharge the duties of the local government under the Dog Act 1976 including the authority to delegate the powers and duties of a local government to other persons.

| WALGA template  | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling  |
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| <p>5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons<br/>                     1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$-&lt;value&gt;&gt; [s.10A(1)(a) and (3)].<br/>                     2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].</p> <p>5.1.2 Refuse or Cancel Registration<br/>                     1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].<br/>                     2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:<br/>                     i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or<br/>                     ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or<br/>                     iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept<br/>                     iv. the dog is required to be microchipped but is not microchipped; or<br/>                     v. the dog is a dangerous dog [s.16(3) and s.17A(2)].<br/>                     3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the &lt;&lt;Shire/Town/City&gt;&gt;'s District [s15(4A)].<br/>                     4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].</p> | <p>2.4. Registration of Dogs<br/>                     Authority to:<br/>                     1. determine to refuse a dog registration and refund the fee, if any (s16(2)).<br/>                     2. Direct a registration officer to refuse to effect or renew a registration of a dog or cancel an existing registration (s16(3)&amp;17A(2)).<br/>                     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 (s16(3)&amp;17A(2)).<br/>                     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 (s16(3)&amp;17A(2)).<br/>                     5. Apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant/ owner has not applied to the State Administrative Tribunal for the decision to be reviewed. And following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed (s17(4)).<br/>                     6. discount or waive a registration fee for any individual dog or any class of dogs within the City excluding a dangerous dog (s15(4A)).<br/>                     6.2. Keeping of multiple dogs without an approved kennel establishment<br/>                     Authority where the limit on the keeping of dogs, under the City of Perth Dog Local Law 2011, is exceeded grant an exemption in respect of those premises from the need to be an approved kennel establishment (s26(4))</p> <p>6.3. Recovery of Moneys Due Under the Dog Act 1976<br/>                     Authority to<br/>                     1. recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable (29(5)).</p> | <p>3.6.1 APPOINT AUTHORISED PERSONS<br/>                     To appoint 'authorised persons' and 'registration officers' for the purposes of the Dog Act 1976.</p> | <p>2.4.1 LOCAL GOVERNMENT FUNCTIONS<br/>                     All the powers and duties of the local government under the Dog Act 1976 and Dog Regulations 2013.</p> | <p>LOCAL GOVERNMENT FUNCTIONS<br/>                     Perform any power or duty of the 'local government' under the Dog Act 1976 including the authority to on-delegate the power and duties of the 'local government' to employees.</p> |

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| <p>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</p> <p>5.1.3 Kennel Establishments<br/>Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].</p> <p>5.1.4 Recovery of Moneys Due Under this Act<br/>Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].</p> <p>5.1.5 Dispose of or Sell Dogs Liable to be Destroyed<br/>Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].</p> <p>5.1.6 Declare Dangerous Dog<br/>Authority to declare an individual dog to be a dangerous dog [s.33E(1)].</p> <p>5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke</p> <ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]</li> </ol> <p>i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</p> <p>5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice<br/>Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]:<br/>(a) a notice declaring a dog to be dangerous; or</p> | <ol style="list-style-type: none"> <li>2. determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under section 15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous (s33H(5)).</li> </ol> <p>6.4. Dangerous Dog Deal with Objections<br/>Authority to</p> <ol style="list-style-type: none"> <li>1. consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog (s33F(6)).</li> <li>2. consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog (s33G(4)).</li> <li>3. consider and determine to either dismiss or uphold an objection to a decision to revoke a notice (s33H(5):<br/>a. declaring a dog to be dangerous; or<br/>b. proposing to cause a dog to be destroyed.</li> <li>4. revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act (s33H(1)).</li> <li>5. before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog (s33H(2)).</li> </ol> |  |  |  |
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| <p>(b) a notice proposing to cause a dog to be destroyed.</p> <p>5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration</p> <p>Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].</p>  |   |   |  |                                |
| <p><b>Consultant Comment</b></p>  |   |   |  |                                |
| <p>The delegation is sound and applies an englobo approach to all possible delegations under the <i>Dog Act 1976</i>.</p>   |   |   |  |                                |
| <p>Care needs to be taken to ensure that delegates are aware that there are several matters at s31 Control of dogs in certain public places, which cannot be delegated because they require an absolute majority.</p>   |   |   |  |                                |
| <p><b>How it is applied – as provided by CoJ</b></p> <p>Local Government performs the functions under the <i>Dog Act 1976</i> to ensure compliance with the control and registration of dogs, the ownership and keeping of dogs and the obligations and rights of persons in relation thereto and for incidental and other purposes.</p> <p>The local government is responsible for ensuring dogs are microchipped and registered in accordance with the <i>Dog Act 1976</i>.</p> <p>Impounding of dogs found wandering if owners cannot be identified. Declaring dogs as dangerous if they have been involved in attacks on person or other dogs.</p> <p>Seizure and euthanise dogs that cannot be rehomed. Referring matters to the Courts for breaches of the <i>Dog Act 1976</i>.</p> |   |   |  |                                |
| <p><b>Examples of exercise – as provided by CoJ</b></p> <p><u>Responsible dog ownership – City of Joondalup</u></p>   |   |   |  |                                |
| <p><b>Conditions and Comments</b></p>   |   |   |  |                                |
| <p><b>City of Joondalup</b></p>   |   |   |  |                                |
| <p>None</p>   |   |   |  |                                |
| <p><b>Consultant Comment</b></p>  |   |   |  |                                |
| <p>The delegate is bound by City Policies - see general comment at commencement of Report.</p>  |   |   |  |                                |
| <p><b>WALGA template</b></p>  | <p><b>City of Perth</b></p>   | <p><b>City of Gosnells</b></p>                | <p><b>City of Wanneroo</b></p>   | <p><b>City of Stirling</b></p> |
| <p>The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. Application processing and decisions under this delegation are to comply with the &lt;&lt;insert LG name&gt;&gt; Dogs Local Law.</p>   | <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. The Chief Executive Officer may further delegate these functions.</p> <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> | <p>CEO may further delegate power or duty</p> | <p>1. The grant of an exemption to particular premises for the keeping of more dogs than is allowed under the City's local laws pursuant to s.26(3) of the Dog Act 1976 is subject to:</p> <p>a) s.2.2(2) of the City of Wanneroo Dogs Local Law 2016. All applications are assessed against the City's Guidelines and Score sheet for keeping more than two dogs;</p> | <p>None</p>                    |

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| <p>The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</p> <p>The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> | <p>2. The Chief Executive Officer may further delegate these functions.</p> <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. The Chief Executive Officer may further delegate these functions.</p> <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. The Chief Executive Officer may further delegate these functions.</p> <p>3. A person who determines objection to a declaration of a dangerous dog cannot consider or determine an objection to their decision to revoke that notice.</p> |                                       | <p>b) Rangers inspecting the premises to ensure means exist to effectively confine the dogs within the premises.</p> <p>2. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</p> <p>3. Notices of decisions must include advice as to Objection and Review rights in accordance with the relevant section of the Dog Act 1976.</p> |                                       |
| <p><b>Comment – Not addressed</b></p>   | <p><b>Comment – Not addressed</b></p>  | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p>   | <p><b>Comment – Not addressed</b></p> |
| <p><b>Consultant Review comment and Recommendations (if any)</b></p>  |  |                                       |   |                                       |
| <p>The delegation is sound and applies an englobo approach to all possible delegations under the <i>Dog Act 1976</i>.</p>   |  |                                       |   |                                       |
| <p>The Delegation includes the required provision permitting the CEO to sub delegate (s10AA (3))</p>  |  |                                       |   |                                       |
| <p>Care needs to be taken to ensure that delegates are aware that there are several matters at s31 Control of dogs in certain public places, which cannot be delegated because they require an absolute majority.</p>   |  |                                       |   |                                       |
| <p><b>Effect if delegation revoked</b></p>  |  |                                       |   |                                       |
| <p>If delegation was removed, Local Government would be unable to perform the functions of the <i>Dog Act 1976</i>. Currently 24,064 dogs are registered in the City.</p>   |  |                                       |   |                                       |
| <p>Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.</p>  |  |                                       |   |                                       |
| <p><b>City of Joondalup Management Response</b></p>   |  |                                       |   |                                       |
| <p>Noted. No review required.</p>   |  |                                       |   |                                       |

**3.10 FOOD ACT 2008 – FUNCTIONS OF AN ENFORCEMENT AGENCY**

Authority to exercise the powers or discharge the duties of the local government, as an enforcement agency under the Food Act 2008.

| WALGA template   | City of Perth   | City of Gosnells   | City of Wanneroo  | City of Stirling   |
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| <p>6.1.1 Determine Compensation<br/>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].<br/>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].</p> <p>6.1.2 Prohibition Orders<br/>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].<br/>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].<br/>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</p> <p>6.1.3 Food Business Registrations<br/>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].<br/>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</p> <p>6.1.4 Appoint Authorised Officers and Designated Officers<br/>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].<br/>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].<br/>3. Authority to appoint an Authorised Officer to be a Designated Officer (who</p> | <p>7.1. Prohibition orders<br/>Authority to<br/>1. Serve a Prohibition Order on the proprietor of a food business in accordance with section 65 of the Food Act 2008 (s65).<br/>2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices (s66).<br/>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).</p> <p>7.2. Registration of Food Businesses<br/>Authority to<br/>1. consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration (s110).<br/>2. vary the conditions or cancel the registration of a food business (s112).</p> <p>7.3. Appoint authorised officers and designated officer<br/>Authority to:<br/>1. Appoint a person to be an authorised officer for the purposes of the Food Act 2008 (s112).<br/>2. Appoint a person to be a designated officer for the purposes of the Food Act 2008 (s126).<br/>3. Appoint an authorised officer to be a designated officer (who is prohibited by s126(13) from also being a designated officer for the purpose of issuing infringements), for the purpose of extending the time for payment modified penalties and determining withdrawal on an infringement notice (s126).</p> <p>7.4. Prosecutions and Debt Recovery<br/>Authority to:<br/>1. Recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs and the costs of any subsequent proceedings in a court competent jurisdiction (s54(3)).<br/>2. Institute proceedings for an offence under the Food Act 2008 (s125).</p> | <p>3.2.1 FOOD ACT 2008 – PROHIBITION ORDERS<br/>1. Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008 [s65].<br/>2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66].<br/>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)].</p> <p>3.2.2 FOOD ACT 2008 – REGISTRATION OF FOOD BUSINESS<br/>1. Register a food business in respect of any premises for the purposes of Part 9 of the Food Act 2008 and issue a certificate of registration [s110(1)].<br/>2. After considering an application, determine to grant (with or without conditions) or refuse the application [s110(5)].<br/>3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the Food Act 2008 [s112(1)].</p> <p>3.2.3 FOOD ACT 2008 – APPOINTMENT OF AUTHORISED PERSONS AND DESIGNATED OFFICERS<br/>1. Appoint a person to be an authorised person for the purposes of the Food Act 2008 [s122(1)].<br/>2. Appoint a person to be a Designated Officer for the purposes of the Food Act 2008. [126(13)].</p> | <p>2.5.1 PROHIBITION ORDERS<br/>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].<br/>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].<br/>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</p> <p>2.5.2 FOOD BUSINESS REGISTRATIONS<br/>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].<br/>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</p> <p>2.5.3 APPOINTMENT OF AUTHORISED AND DESIGNATED OFFICERS<br/>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(1)].<br/>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the F 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].<br/>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</p> <p>2.5.4 DETERMINE COMPENSATION<br/>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been</p> | <p>LOCAL GOVERNMENT FUNCTIONS<br/>Perform the functions of an 'enforcement agency' under the Food Act 2008.</p> <p>PROHIBITION ORDER<br/>Serve a prohibition order on the proprietor of the food business.</p> <p>CERTIFICATE OF CLEARANCE<br/>Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices.</p> <p>WRITTEN NOTICE<br/>Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.</p> <p>DETERMINE PRIORITY CLASSIFICATION<br/>Authority to determine the priority classification of individual food businesses and auditing frequency of any food safety programs in relation to the food business.</p> <p>CHANGE PRIORITY CLASSIFICATION<br/>Change the priority classification of an individual food business</p> <p>REGISTRATION OF FOOD BUSINESS<br/>Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration.</p> <p>VARY OR CANCEL REGISTRATION<br/>Vary or cancel registration</p> <p>MAINTAINING FOOD BUSINESS REGISTER<br/>Authority to decide to make a list of food businesses maintained publicly available.</p> |

|   |  |  |  |  |
|---|--|--|--|--|
| <p>is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</p> <p>6.1.5 Debt Recovery and Prosecutions</p> <p>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].</p> <p>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</p> <p>6.1.7 Food Businesses List – Public Access</p> <p>Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].</p> |  |  | <p>committed and the item cannot be returned [s.56(2)].</p> <p>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].</p> <p>2.5.5 DEBT RECOVERY AND PROSECUTIONS</p> <p>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].</p> <p>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</p> |  |
|---|--|--|--|--|

**Consultant Comment**

**The delegation is sound, adopting an englobo approach to all matters capable of being delegated, and delegating all possible matters to the CEO.**

**Consideration should be given to addressing some issues not specified, with limits, or conditions, such as in relation to s70(2), (3) – determining compensation, where in the absence of any limits, the CEO has infinite discretion to determine – noting that may be Council’s specific intention, in which case no further edit is needed.**

**However, while the CEO may “work though” other employees in fulfilling the functions, it may be preferable that the Council delegates to other employees, as well as the CEO, given there are no powers to sub delegate under the Act.**

**How it is applied – as provided by CoJ**  
The City performs inspection and enforcement functions under the *Food Act 2008*.

**Examples of exercise – as provided by CoJ**  
Delegation allows the CEO to appoint EHOs as authorised officers. EHOs are able to enter food business and carry out routine inspections ensuring that Food Safety Standards (FSS) are being met.

EHOs may take samples of food to ensure FSS are met.

EHOs will investigate food complaints and are able to inspect records and request information from proprietors.

EHOs risk clarify food businesses and register food businesses.

**Conditions and Comments**

**City of Joondalup**

None

**Consultant Comment**

The delegate is bound by City Policies - see general comment at commencement of Report.

| WALGA template  | City of Perth  | City of Gosnells      | City of Wanneroo  | City of Stirling      |
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| <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> <p>b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$&lt;&lt;value&gt;&gt;. Compensation requests above this value are to be reported to Council.</p> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget</p> <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> | <p>None</p>           | <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> <p>Business Practice Condition</p> <p>The power to prosecute any person is only exercised by agreement of the Manager Health &amp; Compliance and Director Planning &amp; Sustainability in consultation with advice from the Executive Manager Governance &amp; Legal.</p> <p>Business Practice Condition</p> <p>The power to prosecute any person is only exercised by agreement of the Manager Health &amp; Compliance and Director Planning &amp; Sustainability in consultation with the City Lawyer or Executive Manager Governance &amp; Legal.</p> <p>Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5000. Compensation requests above this value are to be presented to Council for determination.</p> | <p>None</p>           |
| <b>Comment – None</b>   | <b>Comment – None</b>  | <b>Comment – None</b> | <b>Comment – None</b>   | <b>Comment – None</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |  |                       |   |                       |
| <b>The delegation is sound, adopting an englobo approach to all matters capable of being delegated, and delegating all possible matters to the CEO.</b>   |  |                       |   |                       |

Consideration should be given to addressing some issues not specified, with limits, or conditions, such as in relation to s70(2), (3) – determining compensation, where in the absence of any limits, the CEO has infinite discretion to determine – noting that may be Council’s specific intention, in which case no further edit is needed.

However, while the CEO may “work through” other employees in fulfilling the functions, it may be preferable that the Council delegates to other employees, as well as the CEO, given there are no powers to sub delegate under the Act.

**Effect if delegation revoked**

The City would not be able to register food businesses, would not be able to inspect food businesses to check for compliance with the Food Safety Standards, could not investigate public health concerns relating to food safety complaints or food recalls, could not take food samples to ensure food is in compliance with food labelling requirements.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required; however, comments will be taken into consideration during the 2023 review of the delegations.

**3.11 GRAFFITI VANDALISM ACT 2016 – POWERS AND DUTIES OF A LOCAL GOVERNMENT**

Authority to exercise the powers or discharge the duties of the local government under the Graffiti Vandalism Act 2016 including the authority to delegate the powers and duties of a local government to other persons.

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| <p>7.1.1 Give Notice Requiring Obliteration of Graffiti<br/>Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].<br/>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].<br/>7.1.2 Notices – Deal with Objections and Give Effect to Notices<br/>1. Authority to deal with an objection to a notice [s.22(3)].<br/>2. Authority, where an objection has been lodged, to:<br/>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and<br/>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].<br/>7.1.3 Obliterate Graffiti on Private Property<br/>Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].<br/>7.1.4 Powers of Entry<br/>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].<br/>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</p> | <p>8.1. Give Notice Requiring Obliteration of Graffiti<br/>Authority:<br/>1.to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice (s18).<br/>2.where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice (s19).<br/>8.2. Notices – Deal with Objections and Give Effect to Notices<br/>Authority:<br/>1. Authority to deal with an objection to a notice (s22).<br/>2. Authority, where an objection has been lodged, to:<br/>a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken (s24(1)(b); and<br/>b. to give notice to the affected person, before taking the necessary actions (s24(3)).<br/>8.3. Obliterate Graffiti on Private Property<br/>Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent (s25).<br/>8.4. Powers of Entry<br/>Authority to:<br/>1.give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required (s28).<br/>2.obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act (s29).</p> | <p>3.7.1 ISSUE A NOTICE<br/>Issue a notice requiring the removal of graffiti<br/>3.7.2 GIVE EFFECT TO A NOTICE<br/>Give effect to a notice requiring the removal of graffiti where a person fails to comply with the notice.<br/>3.7.3 RECOVER COSTS<br/>Commence proceedings to recover costs incurred in giving effect to a notice requiring the removal of graffiti<br/>3.7.4 REMOVE GRAFFITI<br/>Remove graffiti that has been applied without the consent of owner or occupier of property</p> | <p>2.6.1 LOCAL GOVERNMENT FUNCTIONS<br/>All the powers and duties of the local government under the Graffiti Vandalism Act 2016.</p> | <p>Not addressed</p>    |

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| <b>Consultant Comment</b>   |  |                                |  |                                |
| The delegation is sound, adopting an englobo approach to all matters capable of being delegated, and delegating all possible matters to the CEO.  |  |                                |  |                                |
| <b>How it is applied – as provided by CoJ</b>   |  |                                |  |                                |
| The City removes reported graffiti from City controlled property and can also arrange for the removal of graffiti from private residential or commercial properties when the graffiti is visible from public space, with the owner's permission. The City provides location and graffiti tag details and photos for all graffiti removals that it completes to the WA Police. This information is entered into their Goodbye Graffiti database and used to inform Police operations and investigations targeting graffiti incidents and offenders. No infringements are issued by the local government. |  |                                |  |                                |
| <b>Examples of exercise – as provided by CoJ</b>  |  |                                |  |                                |
| The City does not perform any functions under the provisions of the <i>Graffiti Vandalism Act 2016</i> therefore no authorisations/delegation apply.  |  |                                |  |                                |
| <b>Conditions and Comments</b>  |  |                                |  |                                |
| <b>City of Joondalup</b>  |  |                                |  |                                |
| None  |  |                                |  |                                |
| <b>Consultant Comment</b>   |  |                                |  |                                |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |  |                                |  |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>   | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| Subject to exercising Powers of Entry.  | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>1.The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2.This function is subject to exercising Powers of Entry under section 28.<br>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. | None                           | Hearing or determining of an objection of a kind referred to under s.22 is excepted. | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>   |  |                                |  |                                |
| The delegation is sound, adopting an englobo approach to all matters capable of being delegated, and delegating all possible matters to the CEO.  |  |                                |  |                                |
| <b>Effect if delegation revoked</b>   |  |                                |  |                                |
| 3039 requests were raised for graffiti removal in FY 21-22  |  |                                |  |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.   |  |                                |  |                                |
| <b>City of Joondalup Management Response</b>  |  |                                |  |                                |
| Noted. No review required.  |  |                                |  |                                |

**3.12.1 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS – GENERAL**

The following powers conferred or imposed on Council or the local government under the Scheme:

- a. the approval of an application for development approval for the purpose of a ‘single house’, or up to 5 ‘grouped dwellings’, or any associated, ancillary or incidental development to a ‘single house’, ‘grouped dwelling’ or ‘multiple dwelling’ where:
    - i. there have not been any objections to the application received; and
    - ii. the application is not required to be considered by the Joondalup Design Reference Panel; and
    - iii. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) the development:
      - a. has a Bushfire Attack Level of less than 40; and
      - b. where the Bushfire Attack Level is 12.5, 19 or 29:
        - i. is not a vulnerable land use as defined under SPP 3.7; and
        - ii. complies with clause 6.5 of SPP 3.7; and
        - iv. the Deemed-to-Comply requirements or Element Objectives of the Residential Design Codes and/or replacement Deemed-to-Comply requirements of the Residential Development Local Planning Policy or Development in Housing Opportunity Areas Local Planning Policy have been satisfied (where applicable), and the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all other applicable local planning policies; or
        - v. the Local Housing Objectives of the Residential Development Local Planning Policy have been satisfied; or
        - vi. in the case of applications for development approval where the development does not meet the Deemed-to-Comply requirements of the Residential Design Codes or the requirements of any applicable standards or requirements of the Scheme, any applicable structure plan, activity centre plan, local development plan, or local planning policy, provided:
          - a. the plot ratio of the development does not exceed the requirement of Table 2.1 of the Residential Design Codes;
          - b. the building setbacks of development, including retaining walls, are not less than those specified under the Deemed-to-Comply requirements or Table 2.1 of the Residential Design Codes, or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 1.5 metres;
          - c. any outbuilding is not in the primary or secondary setback area.
            - 1. applicable structure plan, activity centre plan, local development plan or local planning policy;
            - 2. the height and/or length of boundary wall(s) does not exceed the amounts set out in the Deemed-to-Comply Requirements or Table 2.1 of the Residential Design Codes or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 10% of those requirements, and where there are boundary walls to no more than two (2) separate boundaries;
            - 3. the height of the proposed fill or retaining wall within the primary street setback area does not exceed 1.2 metres above natural ground level; and
            - 4. the height of non visually permeable fencing within the primary street setback area does not exceed 1.2 metres above natural ground level (as measured from the midpoint of the verge) for more than 25% of the frontage of the lot.
2. the approval of an application for development approval for the purposes of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme other than a ‘single house’, ‘grouped dwelling’, ‘multiple dwelling’, or any associated, ancillary or incidental development where:
  - 1. there have not been any objections to the application received; and
  - 2. the application is not required to be considered by the Joondalup Design Reference Panel; and
  - 3. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) the development:
    - 1. has a Bushfire Attack Level of less than 40; and
    - 2. where the Bushfire Attack Level is 12.5, 19 or 29:
      - i. is not a vulnerable land use as defined under SPP 3.7; and
      - ii. complies with clause 6.5 of SPP 3.7; and
      - iv. the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all applicable local planning policies; with the exception of the following:
        - v. setback requirements for patio(s), verandah(s), shade sail(s), portico(s), outbuilding(s) or retaining wall(s) not greater than 1.2 metres above natural ground level in height; or
        - vi. the shortfall in car parking is not increasing from that previously approved; or

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| Not addressed         | Not addressed        | Not addressed           | Not addressed           | Not addressed           |

**Consultant Comment**

**Sound.**

**How it is applied – as provided by CoJ**  
 Determination of specified development applications by Senior Urban Planner, Coordinator Planning Approvals and Coordinator Urban Design and Policy and Senior Planning Officers.

**Examples of exercise – as provided by CoJ**  
 Attachment 22 refers.

**Conditions and Comments**

**City of Joondalup**

The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.

**Consultant Comment**

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>          | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
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| Not addressed                  |
| <b>Comment –</b> Not addressed |

**Consultant Review comment and Recommendations (if any)**

**The delegation appears sound, with no equivalent in WALGA template, or other Cities due to unique nature of planning matters.**

**Effect if delegation revoked**

If delegation was removed, all development applications would require determination by Council (755 applications between 1/7/21-30/6/22). Significant time delays in processing applications, not meeting statutory timeframes, would result in significant resourcing implications.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required.

**3.12.2 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS – GENERAL**

- a. The following powers conferred or imposed on the Council or the local government under the and the Planning and Development Act 2005:  
the determination of an application for development approval for the purpose of a 'single house', and/or up to 5 'grouped dwellings', or any associated, ancillary or incidental development;
- b. the determination of an application for development approval for the purpose of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme or any associated, ancillary or incidental development (other than a 'single house', 'grouped dwelling' or 'multiple dwelling') provided:
- i. building setbacks for buildings other than for those set out in 1(b)(v) of these delegations, as set out in the Scheme or any applicable structure plan, activity centre plan, local development plan or local planning policy, are not less than the required amount by more than 1.5 metres;
- ii. the amount of car parking provided is not less than the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% or the shortfall in car parking is not increasing from that previously approved;
- iii. the landscaping between a car parking area and the street as set out under the Scheme, applicable local planning policy or an applicable structure plan, activity centre plan or local development plan achieves an average width of not less than 1.0 metre;
- iv. the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% of that requirement or the shortfall in landscaping is not increasing from that previously approved; and
- v. the development complies with the coastal area building height in the Commercial, Mixed Use and Service Commercial Zone Local Planning Policy.
- c. the direction under clauses 64(3), (4), (5), (6) and (7) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 to advertise an application for development approval;
- d. the determination under clause 64(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 whether a departure from the requirements of the Scheme is of a minor nature and whether to waive the requirement for the advertising of the application, providing it is not an application that would otherwise require advertising under the Scheme or local planning policy;
- e. the determination under clause 63(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 whether to waive or vary the requirement for plans and other information to be submitted with an application;
1. the determination under clause 61(1)(f) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 whether works are temporary for the purposes of the Scheme and the length of time that such 'development' is permitted to remain in the requested location;
2. the decision whether an application for development approval may affect any other statutory, public or planning authority, and shall therefore require them to be provided a copy of the application for objections and recommendations under clause 66(1) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

| <b>WALGA template</b> | <b>City of Perth</b> | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
|-----------------------|----------------------|-------------------------|-------------------------|-------------------------|
| Not addressed         | Not addressed        | Not addressed           | Not addressed           | Not addressed           |

**Consultant Comment**

**The delegation appears sound, with no equivalent in WALGA template, or other Cities due to unique nature of planning matters.**

**How it is applied – as provided by CoJ**  
Determination of specified development applications by Director Planning and Community Development, Manager Planning Services and Manager Regulatory Services

**Examples of exercise – as provided by CoJ**  
Attachment 23 refers.

**Conditions and Comments**

**City of Joondalup**

The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.

**Consultant Comment**

The delegate is bound by City Policies - see general comment at commencement of Report.

| <b>WALGA template</b>          | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Not addressed                  |
| <b>Comment – Not addressed</b> |

**Consultant Review comment and Recommendations (if any)**

**The delegation appears sound, with no equivalent in WALGA template, or other Cities due to unique nature of planning matters.**

**Effect if delegation revoked**

If delegation was removed, all development applications would require determination by Council (293 applications between 1/7/21-30/6/22). Significant time delays in processing applications, not meeting statutory timeframes, would result in significant resourcing implications.

Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.

**City of Joondalup Management Response**

Noted. No review required.

**3.13 PLANNING AND DEVELOPMENT ACT 2005 - POWER AS TO ILLEGAL DEVELOPMENT**

Authority to exercise all the powers and functions of the local government under sections 214 (2), (3) and (5) of the Planning and Development Act 2005.

| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>   | <b>City of Stirling</b>   |
|---|---|---|---|---|
| <p>9.1.1 Illegal Development</p> <p>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;</p> <p>2. Give a written direction to the owner or any other person who undertook an unauthorised development:</p> <p>(a) to remove, pull down, take up, or alter the development; and</p> <p>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</p> <p>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.</p> | <p>9.1. Illegal Development</p> <p>Authority to:</p> <p>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.</p> <p>2. Give a written direction to the owner or any other person who undertook an unauthorised development:</p> <p>a. to remove, pull down, take up, or alter the development; and</p> <p>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</p> <p>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.</p> | <p>3.3.1 UNAUTHORISED DEVELOPMENT – DIRECTIONS</p> <p>1. Issue written direction to stop unauthorised development [P&amp;D s214(2)].</p> <p>2. Issue written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&amp;D s214(3)].</p> <p>3. Execute work to have unauthorised development brought into compliance [P&amp;D s214(5)].</p> | <p>2.10.2 DIRECTION NOTICES</p> <p>1. The authority, under section 214(2) of the Planning and Development Act 2005, to issue a written direction to stop and not recommence a development, or any part of a development that is undertaken in contravention of the District Planning Scheme No. 2 or an interim development order or in contravention of planning control area requirements.</p> <p>2. The authority, under section 214(3) of the Planning and Development Act 2005, to issue a written direction to remove, pull down, take up or alter the development and to restore the land as nearly practicable to its condition immediately before the development started for a development that has been undertaken in contravention of the District Planning Scheme No. 2 or an interim development order or in contravention of planning control area requirements.</p> <p>3. The authority, under section 214(5) of the Planning and Development Act 2005, to issue a written direction to execute work for a delay in the execution of any work to be executed under the District Planning Scheme No. 2 or an interim development order which would prejudice the effective operation of District Planning Scheme No. 2 or interim development order.</p> | <p>LOCAL GOVERNMENT FUNCTIONS</p> <p>Perform the functions of the 'local government' under Sections 214(2), 214(3) and 214(5) of the Planning and Development Act 2005.</p> |

**Consultant Comment**

**Delegation is sound.**

**How it is applied – as provided by CoJ**

The CEO authorises the issue of Planning Direction Notices when development has been constructed or is under construction in contravention with the planning and development act and where the owner refuses to cooperate with the City to bring the development into compliance or otherwise obtain approval. Planning Direction Notices are issued infrequently as the majority of owners cooperate. Alternatively for severe breaches, prosecution may be warranted, after which compliance is easier to achieve.

**Examples of exercise – as provided by CoJ**

Attachment 24 refers - example of Direction to stop work as not in accordance with the City's Local Planning Scheme No.3

**Conditions and Comments**

**City of Joondalup**

None

| <b>Consultant Comment</b>   |   |                                |   |                                |
|---|---|--------------------------------|---|--------------------------------|
| The delegate is bound by City Policies - see general comment at commencement of Report.   |   |                                |   |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>   | <b>City of Stirling</b>        |
| None  | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. | Not addressed                  | A written direction under Section 214 of the Planning and Development Act 2005 may be issued by the delegate.<br>Business Practice Conditions<br>a) The authority to prosecute under Part 13 of the Planning and Development Act 2005 is only exercised on recommendation from the Manager Approval Services, Manager Health & Compliance or Director Planning & Sustainability and with the written approval of the Chief Executive Officer or his delegate in consultation with the Executive Manager Governance & Legal or City Lawyer.<br>b) The authority to determine a position with respect to any prosecution action commenced in accordance with a) above may be exercised by the Chief Executive Officer or his delegate, having regard to the advice of the Director Planning & Sustainability, Manager Approval Service or Manager Health & Compliance.<br>c) The authority to apply for an injunction to the Supreme Court under Section 216 of the Planning and Development Act 2005 may only be exercised by the Chief Executive Officer on recommendation from the Director Planning & Sustainability.<br>d) The authority to determine a position with respect to any mediation process resulting from an appeal against a decision made under delegated authority is granted to the Chief Executive Officer or his delegate. | None                           |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>   |   |                                |   |                                |
| <b>Delegation is sound</b>  |   |                                |   |                                |
| <b>Effect if delegation revoked</b>   |   |                                |   |                                |
| Delegation is provided to the CEO and therefore removal would require council consideration. Usually, Direction Notices require a timely response and removal of Delegated Authority would therefore result in delays in achieving compliance outcomes. |   |                                |   |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.                                       |   |                                |   |                                |
| <b>City of Joondalup Management Response</b>  |   |                                |   |                                |
| Noted. No review required.  |   |                                |   |                                |

| <b>3.14 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 - DETERMINE DEVELOPMENT APPLICATIONS FOR 'UNLISTED USE (BICYCLE HIRE)</b>  |                                |                                |                                |                                |
|---|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Authority to determine development applications for 'Unlisted Use (Bicycle Hire)'.  |                                |                                |                                |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed   | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Consultant Comment</b>   |                                |                                |                                |                                |
| Delegation is sound.  |                                |                                |                                |                                |
| <b>How it is applied – as provided by CoJ</b>   |                                |                                |                                |                                |
| Determination of development applications for Unlisted Use (Bicycle) Hire by Manager Planning Services  |                                |                                |                                |                                |
| <b>Examples of exercise – as provided by CoJ</b>  |                                |                                |                                |                                |
| Refer to Council report CJ135-09/16 (20 September 2016) which delegates function to the Chief Executive Officer.  |                                |                                |                                |                                |
| <b>Conditions and Comments</b>  |                                |                                |                                |                                |
| <b>City of Joondalup</b>  |                                |                                |                                |                                |
| None.   |                                |                                |                                |                                |
| <b>Consultant Comment</b>   |                                |                                |                                |                                |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |                                |                                |                                |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed   | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>   |                                |                                |                                |                                |
| <b>Sound</b>  |                                |                                |                                |                                |
| <b>Effect if delegation revoked</b>   |                                |                                |                                |                                |
| All development applications would require determination by Council. Records show no applications since 2016.   |                                |                                |                                |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act. |                                |                                |                                |                                |
| <b>City of Joondalup Management Response</b>  |                                |                                |                                |                                |
| Noted. No review required.  |                                |                                |                                |                                |

**3.15 PUBLIC HEALTH ACT 2016 - FUNCTIONS OF AN ENFORCEMENT AGENCY**

Authority to exercise all of the powers and duties conferred or imposed on a local government, as an enforcement agency, under the Public Health Act 2016.

| WALGA template   | City of Perth   | City of Gosnells  | City of Wanneroo  | City of Stirling   |
|--|---|---|---|--|
| <p>8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)<br/>Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].</p> <p>8.1.2 Enforcement Agency Reports to the Chief Health Officer<br/>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the &lt;&lt;Shire/Town/City&gt;&gt; [s.22(1)]<br/>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</p> <p>8.1.3 Designate Authorised Officers<br/>Authority to designate a person or class of persons as authorised officers for the purposes of:<br/>i. The Public Health Act 2016 or other specified Act<br/>ii. Specified provisions of the Public Health Act 2016 or other specified Act<br/>iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.<br/>Including:<br/>a. an environmental health officer or environmental health officers as a class; OR<br/>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR<br/>c. va mixture of the two. [s.24(1) and (3)].</p> <p>8.1.4 Determine Compensation for Seized Items<br/>Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].</p> | <p>10.1. Appoint authorised officers and approved persons<br/>Authority to:<br/>1. Appoint a qualified person to be an environmental health officer (s24)<br/>2. Designate environmental health officers (either as a person or as a class of persons) to be authorised officers for the purposes of the Public Health Act 2016 or another specified Act or for the purposes of the specified provisions of that Act or another specified Act (s24).<br/>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 Public Health Act 2016 or another specified Act or for the purposes of the specified provisions of this Act or another specified Act (s24).<br/>4. appoint in writing, persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2 in relation to the Health (Asbestos) Regulations 1992 (r15D(5)).</p> <p>10.2. Enforcement Agency Reports to the Chief Health Officer<br/>Authority to:<br/>1. prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City (s22(1)).<br/>2. prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act (s22(2)).</p> <p>10.3. Commence Proceedings<br/>Authority to commence proceedings for an offence under the Public Health Act 2016 (s280).</p> | <p>3.8.1 DESIGNATION OF AUTHORISED OFFICERS<br/>Designate a person to be an authorised officer for the purposes of the Public Health Act 2016 [s21(1)(b)(i)].</p> <p>3.8.2 APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS<br/>To appoint "Authorised Officers" and "Approved Officers" for the purposes of Part 2 of the Criminal Procedures Act 2004.</p> | <p>2.7.1 APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS (HEALTH (ASBESTOS) REGULATIONS 1992<br/>Authority to appoint a person or classes of persons as an authorised officer or an approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].</p> <p>2.7.2 DESIGNATE AUTHORISED OFFICERS<br/>Authority to designate a person or class of persons as authorised officers for the purposes of Public Health Act 2016 [s.24(1) and (3)].</p> <p>2.8.1 APPOINTMENT AND AUTHORISATION OF DEPUTY<br/>Appoints and authorises any person to be its Health (Miscellaneous Provisions) Act 1911 deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.</p> | <p>LOCAL GOVERNMENT FUNCTIONS<br/>Appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2.</p> |

|   |   |                         |  |                         |
|---|---|-------------------------|--|-------------------------|
| <b>Consultant Comment</b>   |   |                         |  |                         |
| Delegation is sound although consideration should be given to the adoption of a specific delegation regarding <i>Health (Asbestos) Regulations 1992</i> - see WALGA template 8.1.1 – see Issues Report.   |   |                         |  |                         |
| Englobo delegation to CEO is sound, and although the CEO can use “working through” on many matters, it may be prudent for Council to delegate some functions to other employees, as well as the CEO:  |   |                         |  |                         |
| <ul style="list-style-type: none"> <li>• see WALGA template 8.1.2 Enforcement Agency Reports to the Chief Health Officer,</li> <li>• see WALGA template 8.1.3 Designate Authorised Officers</li> <li>• see WALGA template 8.1.4 Determine Compensation for Seized Items - where in the absence of any limits, the CEO has infinite discretion to determine – noting that may be Council’s specific intention, in which case no further edit is needed.</li> </ul>   |   |                         |  |                         |
| <b>How it is applied – as provided by CoJ</b>   |   |                         |  |                         |
| Officers perform inspection and enforcement functions throughout the City of Joondalup  |   |                         |  |                         |
| <b>Examples of exercise – as provided by CoJ</b>  |   |                         |  |                         |
| Delegation allows the CEO to appoint EHOs as authorised officers.   |   |                         |  |                         |
| EHOs are able to enter a range of premises including public buildings, hairdressers, skin penetration establishments, residential homes, public events; to investigate and take action regarding nuisances and public health concerns.  |   |                         |  |                         |
| Approvals are issued for public buildings and public events, onsite effluent treatment and disposal systems as well as registration of certain premises.  |   |                         |  |                         |
| <b>Conditions and Comments</b>  |   |                         |  |                         |
| <b>City of Joondalup</b>  |   |                         |  |                         |
| None  |   |                         |  |                         |
| <b>Consultant Comment</b>   |   |                         |  |                         |
| The delegate is bound by City Policies - see general comment at commencement of Report.   |   |                         |  |                         |
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b>  | <b>City of Stirling</b> |
| Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].<br>a. Subject to each person so appointed being;<br>• Appropriately qualified and experienced [s.25(1)(a)]; and<br>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].<br>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.<br>Compensation is limited to a maximum value of \$<value>, with any proposal for compensation above this value to be referred for Council's determination. | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. In appointing authorised officers who are not environmental health officers, the CEO 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 section 29.<br>3. A person cannot be appointed as an Environmental Health Officer unless they meet the qualifications determined and published by the Department under section 18.<br>4. An officer authorised to issue an infringement ('authorised officer') may not be appointed to withdraw an infringement ('approved officer').<br>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. | None                    | 1. The giving of notices and certificates of approval under the Health (Miscellaneous Provisions) Act 1911 and its subsidiary legislation is only to be exercised by the Manager Health & Compliance, Coordinator Health Services and Senior Environmental Health Officers.<br>2. The power to prosecute is only to be exercised on recommendation from the Manager Health & Compliance and with the written approval of the Director Planning & Sustainability in consultation with the Executive Manager Governance & Legal or the City Lawyer.<br>3. The granting of approvals and permits under the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 is to be exercised by the Manager Health & Compliance, Coordinator Health Services, Senior Environmental Health Officers and Environmental Health Officers | Not addressed           |

|   |   |                                |   |                                |
|---|---|--------------------------------|---|--------------------------------|
|   | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. |                                | 4. Health Technical Officers are only appointed as a deputy for the purposes of administration of the Fly Eradication Regulations. The power to serve notice is to be undertaken by an authorised officer under the Public Health Act 2016. |                                |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |   |                                |   |                                |
| Delegation is sound although consideration should be given to the adoption of a specific delegation regarding <i>Health (Asbestos) Regulations 1992</i> - see WALGA template 8.1.1 – see Issues Report.   |   |                                |   |                                |
| Englobo delegation to CEO is sound, and although the CEO can use “working through” on many matters, it may be prudent for Council to delegate some functions to other employees, as well as the CEO:  |   |                                |   |                                |
| <ul style="list-style-type: none"> <li>• see WALGA template 8.1.2 Enforcement Agency Reports to the Chief Health Officer,</li> <li>• see WALGA template 8.1.3 Designate Authorised Officers</li> </ul>  |   |                                |   |                                |
| see WALGA template 8.1.4 Determine Compensation for Seized Items - where in the absence of any limits, the CEO has infinite discretion to determine – noting that may be Council’s specific intention, in which case no further edit is needed.   |   |                                |   |                                |
| <b>Effect if delegation revoked –</b>   |   |                                |   |                                |
| The City would not be able approve public events, issue certificate of occupation to public buildings or register certain premises such as tattoo providers. The City would not be able to investigate or respond to public health concerns on a significant number of issues. Public health outcomes within the City would diminish. |   |                                |   |                                |
| Council would have to meet to formally determine such matters, possibly necessitating Special Council Meeting, considerable expenses, and delays in responding to the type of circumstances envisaged by the Act.   |   |                                |   |                                |
| <b>City of Joondalup Management Response</b>  |   |                                |   |                                |
| Noted. No review required however; comments will be taken into consideration during the 2023 review of the delegations.   |   |                                |   |                                |

**Table 2**

**Matters in WALGA template or other Cities' Delegations not specifically addressed in City of Joondalup Register of Delegations**

| Subject - Performing Functions Outside the District  |                                |                                |   |                                |
|--|--------------------------------|--------------------------------|---|--------------------------------|
| WALGA template   | City of Perth                  | City of Gosnells               | City of Wanneroo  | City of Stirling               |
| Local Government Act 1995:<br>s.3.20(1) Performing functions outside district<br>1.2.1 Performing Functions Outside the District<br>Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)]. | Not addressed                  | Not addressed                  | 1.1.2 PERFORMING FUNCTIONS OUTSIDE THE DISTRICT<br>Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)]. | Not addressed                  |
| <b>Consultant Comment</b>  |                                |                                |   |                                |
| The City should consider adopting this delegation, as per WALGA template 1.2.1, unless Council has determined that it does not wish to do so.  |                                |                                |   |                                |
| <b>Application to CoJ</b>  |                                |                                |   |                                |
| Only relates to certain functions outside the District.  |                                |                                |   |                                |
| Conditions and Comments  |                                |                                |   |                                |
| WALGA template   | City of Perth                  | City of Gosnells               | City of Wanneroo  | City of Stirling               |
| A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.  | Not addressed                  | Not addressed                  | 1) This delegation is not to be sub-delegated.<br>2) A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant budget allocation and the performance of the functions does not negatively impact service levels within the District.<br>Where these conditions are not met, the matter must be referred for Council decision.             | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>  |                                |                                |   |                                |
| The City should consider adopting this delegation, as per WALGA template 1.2.1, unless Council has determined that it does not wish to do so.  |                                |                                |   |                                |
| City of Joondalup Management Response  |                                |                                |   |                                |
| The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.   |                                |                                |   |                                |

| <b>Subject - Compensation</b>   |                                |                                |   |                                |
|---|--------------------------------|--------------------------------|---|--------------------------------|
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>   | <b>City of Stirling</b>        |
| Local Government Act 1995:<br>s.3.22(1) Compensation<br>s.3.23 Arbitration<br>1.2.2 Compensation - Damage Incurred when Performing Executive Functions<br>1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].<br>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23. | Not addressed                  | Not addressed                  | 1.1.3 COMPENSATION FOR DAMAGE INCURRED WHEN PERFORMING FUNCTIONS<br>1. Assess and determine the extent of damage arising through the performance by the local government of its functions under the Local Government Act 1995 and make payment of compensation [s.3.22(1)].<br>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23. | Not addressed                  |
| <b>Consultant Comment</b>   |                                |                                |   |                                |
| The City should consider adopting this delegation, as per WALGA template 1.2.2, unless Council has determined that it does not wish to do so.   |                                |                                |   |                                |
| <b>Conditions and Comments</b>  |                                |                                |   |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>   | <b>City of Stirling</b>        |
| Delegation is limited to settlements which do not exceed a material value of \$<<value>>.   | Not addressed                  | Not addressed                  | Delegation is limited to settlements which do not exceed \$20,000   | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>   |                                |                                |   |                                |
| The City should consider adopting this delegation, as per WALGA template 1.2.2, unless Council has determined that it does not wish to do so.   |                                |                                |   |                                |
| <b>City of Joondalup Management Response</b>  |                                |                                |   |                                |
| The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.  |                                |                                |   |                                |

| <b>Subject - Declare Vehicle is Abandoned Vehicle Wreck</b>   |                                |   |  |                                |
|---|--------------------------------|---|--|--------------------------------|
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| 1.2.4 Declare Vehicle is Abandoned Vehicle Wreck<br>Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].   | Not addressed                  | 1.2.2 DISPOSING OF CONFISCATED OR IMPOUNDED GOODS AND RECOVERY OF EXPENSES<br>Sell or otherwise dispose of any of the following under s3.47:<br><br>(b) a vehicle which has not been collected under s3.40(3) or s3.40A(4); and<br>(N.B. Goods impounded or removed under s3.39, 3.40 or 3.40A may be withheld until the costs of doing so have been paid [s3.46]). | 1.1.5 DECLARING A VEHICLE TO BE AN ABANDONED VEHICLE WRECK<br>Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]   | Not addressed                  |
| <b>Consultant Comment</b>   |                                |   |  |                                |
| The CEO is able, as of right, pursuant to s9.10 <i>Local Government Act 1995</i> to appoint Authorised Persons for the purpose of this function but there is a requirement for a delegation to the CEO to cover s3.40A which is function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.  |                                |   |  |                                |
| May be covered by City's Locals Laws?   |                                |   |  |                                |
| <b>Conditions and Comments</b>  |                                |   |  |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority  | Not addressed                  | None  | Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.6 Confiscated or Uncollected Goods or alternatively, referred for Council decision. | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>   |                                |   |  |                                |
| The CEO is able, as of right, pursuant to s9.10 <i>Local Government Act 1995</i> to appoint Authorised Persons for the purpose of this function but there is a requirement for a delegation to the CEO to cover s3.40A, which is function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person. |                                |   |  |                                |
| Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.   |                                |   |  |                                |
| <b>City of Joondalup Management Response</b>  |                                |   |  |                                |
| The City will review the requirement for such a delegation during the 2023 review of the delegations and whether the City's local laws are sufficient.  |                                |   |  |                                |

| Subject - Confiscated or Uncollected Goods   |                                |  |  |                                |
|--|--------------------------------|--|--|--------------------------------|
| WALGA template   | City of Perth                  | City of Gosnells   | City of Wanneroo   | City of Stirling               |
| <p>1.2.5 Confiscated or Uncollected Goods</p> <p>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</p> <p>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</p> <p>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</p> | Not addressed                  | <p>DISPOSING OF CONFISCATED OR IMPOUNDED GOODS AND RECOVERY OF EXPENSES</p> <p>1. Sell or otherwise dispose of any of the following under s3.47:</p> <p>(a) impounded goods which were involved in a contravention which can lead to impounding under s3.39.</p> <p>(b) a vehicle which has not been collected under s3.40(3) or s3.40A(4); and</p> <p>(c) goods ordered to be confiscated under s3.43.</p> <p>(N.B. Goods impounded or removed under s3.39, 3.40 or 3.40A may be withheld until the costs of doing so have been paid [s3.46]).</p> <p>2. Humanely destroy an impounded animal and dispose of the carcass where the animal is too ill or injured to be practicably treated [s3.47A(1)].</p> <p>3. Recover expenses of goods impounded under s3.39 where the alleged offender is convicted [s3.48].</p> | <p>1.1.6 CONFISCATED OR UNCOLLECTED GOODS</p> <p>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</p> <p>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</p> <p>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</p> | Not addressed                  |
| <b>Consultant Comment</b>  |                                |  |  |                                |
| The CEO has authority pursuant to s9.10 <i>Local Government Act 1995</i> to appoint Authorised Persons for this purpose (and others)   |                                |  |  |                                |
| <b>Conditions and Comments</b>   |                                |  |  |                                |
| <b>City of Joondalup</b>   |                                |  |  |                                |
| A register of Authorised Persons is to be maintained as a local government record.   |                                |  |  |                                |
| <b>Consultant Comment</b>  |                                |  |  |                                |
| Sound  |                                |  |  |                                |
| WALGA template   | City of Perth                  | City of Gosnells   | City of Wanneroo   | City of Stirling               |
| Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.   | Not addressed                  | Not addressed  | Not addressed  | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>  |                                |  |  |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.   |                                |  |  |                                |
| Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.  |                                |  |  |                                |
| <b>City of Joondalup Management Response</b>   |                                |  |  |                                |
| The City will review the requirement for such a delegation during the 2023 review of the delegations and whether the City's local laws are sufficient.   |                                |  |  |                                |

| <b>Subject – Disposal of Sick or Injured Animals</b>   |                                |   |                                |                                |
|--|--------------------------------|---|--------------------------------|--------------------------------|
| <b>WALGA template</b>  | <b>City of Perth</b>           | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| 1.2.6 Disposal of Sick or Injured Animals<br>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].<br>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. | Not addressed                  | 1.2.2 DISPOSING OF CONFISCATED OR IMPOUNDED GOODS AND RECOVERY OF EXPENSES<br>2. Humanely destroy an impounded animal and dispose of the carcass where the animal is too ill or injured to be practicably treated [s3.47A(1)].<br>3. Recover expenses of goods impounded under s3.39 where the alleged offender is convicted [s3.48]. | Not addressed                  | Not addressed                  |
| <b><u>Consultant Comment</u></b>   |                                |   |                                |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.   |                                |   |                                |                                |
| Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.  |                                |   |                                |                                |
| <b>Conditions and Comments</b>   |                                |   |                                |                                |
| <b>City of Joondalup</b>   |                                |   |                                |                                |
| A register of Authorised Persons is to be maintained as a local government record.   |                                |   |                                |                                |
| <b>Consultant Comment</b>  |                                |   |                                |                                |
| The delegate is bound by City Policies - see general comment at commencement of Report.  |                                |   |                                |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>           | <b>City of Gosnells</b>   | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.   | Not addressed                  | None  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>   |                                |   |                                |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.   |                                |   |                                |                                |
| Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.  |                                |   |                                |                                |
| <b>City of Joondalup Management Response</b>   |                                |   |                                |                                |
| The City will review the requirement for such a delegation during the 2023 review of the delegations and whether the City's local laws are sufficient.   |                                |   |                                |                                |

| <b>Subject - Control Reserves and Certain Unvested Facilities</b>   |                                |                                |  |                                |
|---|--------------------------------|--------------------------------|--|--------------------------------|
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| 1.2.8 Control Reserves and Certain Unvested Facilities<br>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].<br>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the <<Shire/Town/City>> that the <<Shire/Town/City>> could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)]. | Not addressed                  | Not addressed                  | 1.1.9 CONTROL OF RESERVES AND CERTAIN UNVESTED FACILITIES<br>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].<br>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the City of Wanneroo that the City of Wanneroo could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)]. | Not addressed                  |
| <b><u>Consultant Comment</u></b>  |                                |                                |  |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.  |                                |                                |  |                                |
| Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.   |                                |                                |  |                                |
| <b>Conditions and Comments</b>  |                                |                                |  |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.   | Not addressed                  | Not addressed                  | Not addressed  | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |                                |                                |  |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person.  |                                |                                |  |                                |
| Accordingly, the City should review its Register of Delegations to address this issue – see also Issues Report.   |                                |                                |  |                                |
| <b>City of Joondalup Management Response</b>  |                                |                                |  |                                |
| The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.  |                                |                                |  |                                |

| Subject - Obstruction of Footpaths and Thoroughfares  |  |                  |  |                  |
|---|--|------------------|--|------------------|
| WALGA template  | City of Perth  | City of Gosnells | City of Wanneroo   | City of Stirling |
| <p>1.2.9 Obstruction of Footpaths and Thoroughfares</p> <p>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</p> <p>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</p> <p>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</p> <p>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</p> | <p>2.3. Obstruction of Footpaths and Thoroughfares</p> <p>Authority to:</p> <p>1. determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials [ULP 5(2)].</p> <p>2. provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</p> <p>3. renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</p> <p>4. require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</p> <p>5. require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</p> | Not addressed    | <p>1.1.33 OBSTRUCTION OF FOOTPATHS AND THOROUGHFARES</p> <p>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:</p> <p>a) prevent damage to the footpath; or</p> <p>b) prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</p> <p>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</p> <p>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</p> <p>5. Authority to require an owner/occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</p> | Not addressed    |
| <p><b>Consultant Comment</b></p> <p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person - see WALGA template 1.2.9.</p> <p>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</p>   |  |                  |  |                  |
| Conditions and Comments   |  |                  |  |                  |
| WALGA template  | City of Perth  | City of Gosnells | City of Wanneroo   | City of Stirling |
| <p>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p>  | <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. Actions under this Delegation must comply with procedural requirements</p>   | Not addressed    | Not addressed  | Not addressed    |

|  |   |                                       |                                       |                                       |
|--|---|---------------------------------------|---------------------------------------|---------------------------------------|
| <p>b. Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> | <p>detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>3. Permission may only be granted where, the proponent has:</p> <p>a. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</p> <p>b. Where appropriate, provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</p> <p>c. Provided evidence of sufficient Public Liability Insurance.</p> <p>d. Where appropriate, provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> |                                       |                                       |                                       |
| <p><b>Comment – Not addressed</b></p>  | <p><b>Comment – Not addressed</b></p>   | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p> |
| <p><b><u>Consultant Review comment and Recommendations (if any)</u></b></p>  |   |                                       |                                       |                                       |
| <p><b>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person – see WALGA template 1.29.</b></p>   |   |                                       |                                       |                                       |
| <p><b>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</b></p>   |   |                                       |                                       |                                       |
| <p style="text-align: center;"><b>City of Joondalup Management Response</b></p>  |   |                                       |                                       |                                       |
| <p>The City will review the requirement for such a delegation during the 2023 review of the delegations.</p>   |   |                                       |                                       |                                       |

| <b>Subject – Gates Across Public Thoroughfares</b>   |                                |                                |                                |                                |
|--|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| <b>WALGA template</b>  | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| 1.2.10 Gates Across Public Thoroughfares<br>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].<br>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].<br>3. Authority to impose conditions on granting permission [ULP r.9(4)].<br>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].<br>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)]. | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Consultant Comment</b>  |                                |                                |                                |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.10.   |                                |                                |                                |                                |
| Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.   |                                |                                |                                |                                |
| <b>Conditions and Comments</b>   |                                |                                |                                |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.<br>b. Each approval provided must be recorded in the <<Shire/Town/City>>'s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.   | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>  |                                |                                |                                |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.10.   |                                |                                |                                |                                |
| Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.   |                                |                                |                                |                                |
| <b>City of Joondalup Management Response</b>   |                                |                                |                                |                                |
| The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.   |                                |                                |                                |                                |

| <b>Subject - Public Thoroughfare – Dangerous Excavations</b>  |   |                         |  |                         |
|---|---|-------------------------|--|-------------------------|
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b>  | <b>City of Stirling</b> |
| <p>1.2.11 Public Thoroughfare – Dangerous Excavations</p> <p>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</p> <p>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</p> <p>3. Authority to impose conditions on granting permission [ULP r.11(6)].</p> <p>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</p>                            | <p>2.4. Dangerous Excavations in or Near Public Thoroughfares</p> <p>Authority to:</p> <p>1. fill in or fence an excavation, or request the owner or occupier to fill in or fence an excavation, on land that adjoins a thoroughfare if it is determined to be dangerous. [ULP 11(1)]</p> <p>2. Approve or refuse permission to make an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP 11(4)]</p> <p>3. Impose conditions on approval [ULP 11(6)]</p> <p>4. Renew an approval [ULP 11(8)]</p> <p>5. Vary the conditions of approval at any time [ULP 11(8)]</p> | Not addressed           | <p>1.1.30 PUBLIC THOROUGHFARE – DANGEROUS EXCAVATIONS</p> <p>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</p> <p>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</p> <p>3. Authority to impose conditions on granting permission [ULP r.11(6)].</p> <p>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</p> | Not addressed           |
| <b>Consultant Comment</b>   |   |                         |  |                         |
| <p><b>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.11.</b></p> <p><b>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</b></p>   |   |                         |  |                         |
| <b>Conditions and Comments</b>  |   |                         |  |                         |
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b>  | <b>City of Stirling</b> |
| <p>a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>b. Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient</p> | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   | Not addressed           | <p>1. Permission may only be granted where, the proponent has:</p> <p>a) Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</p> <p>b) Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</p> <p>c) Provided evidence of sufficient Public Liability Insurance.</p> <p>d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>  | Not addressed           |

|   |                                |                                |                                |                                |
|---|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| for the protection of public safety and amenity.  |                                |                                |                                |                                |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |                                |                                |                                |                                |
| <p><b>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.11.</b></p> <p><b>Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.</b></p> |                                |                                |                                |                                |
| <b>City of Joondalup Management Response</b>  |                                |                                |                                |                                |
| The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.  |                                |                                |                                |                                |

| <b>Subject - Crossing – Construction, Repair and Removal</b>   |  |                                |  |                                |
|--|--|--------------------------------|--|--------------------------------|
| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| 1.2.12 Crossing – Construction, Repair and Removal<br>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].<br>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].<br>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].<br>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)]. | 2.5. Crossing from Public Thoroughfare to Private Land or Private Thoroughfare<br>Authority to approve the construction of a crossing, giving access from a thoroughfare to private land or a private thoroughfare serving the land. [ULP 12(1)] | Not addressed                  | 1.1.31 CROSSING – CONSTRUCTION, REPAIR AND REMOVAL<br>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].<br>2. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].<br>3. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)]. | Not addressed                  |
| <b>Consultant Comment</b>  |  |                                |  |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.12.   |  |                                |  |                                |
| Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.   |  |                                |  |                                |
| <b>Conditions and Comments</b>   |  |                                |  |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.   | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  | Not addressed                  | None   | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>  |  |                                |  |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.12.   |  |                                |  |                                |
| Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.   |  |                                |  |                                |
| <b>City of Joondalup Management Response</b>   |  |                                |  |                                |
| The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.   |  |                                |  |                                |

| <b>Subject – Private Works on, over or under Public Places</b>   |  |                                |  |                                |
|--|--|--------------------------------|--|--------------------------------|
| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| 1.2.13 Private Works on, over or under Public Places<br>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].<br>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].   | 2.7. Private Works on, over or under Public Places<br>Authority to:<br>1. grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property. [ULP 17(3)]<br>2. impose conditions on permission granted to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property. [ULP 17(5)]  | Not addressed                  | 1.1.32 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES<br>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].<br>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].   | Not addressed                  |
| <b>Consultant Comment</b>  |  |                                |  |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.13.   |  |                                |  |                                |
| Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.   |  |                                |  |                                |
| <b>Conditions and Comments</b>   |  |                                |  |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>   | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>  | <b>City of Stirling</b>        |
| a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.<br>b. Permission may only be granted where, the proponent has:<br>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.<br>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.<br>iii. Provided evidence of sufficient Public Liability Insurance.<br>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. Approval is to be granted subject to a bond for work being performed and the payment of costs for trench resurfacing as required.<br>3. Owners and occupiers of adjoining properties are to be advised of the works.<br>4. In the case of major infrastructure works, where there may be objections from owners or occupiers of adjoining properties, the matter is to be referred to Council for determination.<br>5. This Delegation applies to, but is not limited to, the following:<br>a. ground anchors<br>b. verandas<br>c. awnings<br>d. pilings<br>e. signs. | Not addressed                  | Permission may only be granted where, the proponent has:<br>a) Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.<br>b) Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.<br>c) Provided evidence of sufficient Public Liability Insurance.<br>d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>  |  |                                |  |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.13.   |  |                                |  |                                |
| Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law) – see also Issues Report.   |  |                                |  |                                |
| <b>City of Joondalup Management Response</b>   |  |                                |  |                                |
| The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.   |  |                                |  |                                |

| <b>Subject - Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift</b>  |                       |                         |                         |                         |
|---|-----------------------|-------------------------|-------------------------|-------------------------|
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
| 1.2.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift<br>Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)]. | Not addressed         | Not addressed           | Not addressed           | Not addressed           |
| <b>Consultant Comment</b>   |                       |                         |                         |                         |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.15.  |                       |                         |                         |                         |
| Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law – see <i>City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016</i> ) – see also Issues Report.   |                       |                         |                         |                         |
| <b>Conditions and Comments</b>  |                       |                         |                         |                         |
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
| Not addressed   | Not addressed         | Not addressed           | Not addressed           | Not addressed           |
| <b>Comment – None</b>   | <b>Comment – None</b> | <b>Comment – None</b>   | <b>Comment – None</b>   | <b>Comment – None</b>   |
| <b>Consultant Review comment and Recommendations (if any)</b>   |                       |                         |                         |                         |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.15.  |                       |                         |                         |                         |
| Accordingly, the City should review its Register of Delegations to address this issue Unless covered by a Local Law – see <i>City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016</i> ) – see also Issues Report.   |                       |                         |                         |                         |
| <b>City of Joondalup Management Response</b>  |                       |                         |                         |                         |
| The benefit of such a delegation is questioned and any requirement for the delegation is a matter for Council to determine. The suggestion will be taken into consideration during the 2023 review of the delegations.  |                       |                         |                         |                         |

| Subject - Tenders for Goods and Services - Exempt Procurement   |   |                  |                  |                  |
|---|---|------------------|------------------|------------------|
| WALGA template  | City of Perth   | City of Gosnells | City of Wanneroo | City of Stirling |
| <p>1.2.19 Tenders for Goods and Services - Exempt Procurement</p> <p>1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&amp;G.r.11(2)].</p> <p>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&amp;G r.11(2)(f)].</p>   | <p>2.9. Tender exempt procurement Authority to:</p> <p>1. undertake tender exempt procurement, in accordance with the Purchasing Policy and Regulations (F&amp;G, Div 2, 11), where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget (F&amp;G 11(2)); or</p> <p>2. enter into an agreement, directly with a supplier because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one potential supplier (F&amp;G 11(2)(f)).</p>  | Not addressed    | Not addressed    | Not addressed    |
| <p><b>Consultant Comment</b></p> <p>The City does not appear to have a delegation which addresses this issue, and unless the Council has determined to make such a delegation, it may be prudent to determine a delegation, ideally based on WALGA template 1.2.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options – unless Council has determined not to make such a delegation.</p>  |   |                  |                  |                  |
| Conditions and Comments   |   |                  |                  |                  |
| WALGA template  | City of Perth   | City of Gosnells | City of Wanneroo | City of Stirling |
| <p>Tender exempt procurement under F&amp;G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories:</p> <p>Category</p> <p>Maximum Value for individual contracts</p> <p>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)] &lt;&lt;\$value&gt;&gt;</p> <p>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)]&lt;&lt;\$value&gt;&gt;</p> <p>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&amp;G.r.(2)(f)] &lt;&lt;\$value&gt;&gt;</p> <p>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)] &lt;&lt;\$value&gt;&gt;</p> <p>Goods or services supplied by a person registered on the Aboriginal Business Directory WA OR Indigenous Minority</p> | <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. In this delegation, tender exempt procurement refers to exemptions for matters that are above the tender threshold in regulation 11(1). For matters below that threshold, authorisation is not via this delegation but instead via financial authority limits and the City's policies and procedures</p> <p>3. Tender exempt procurement under regulation 11(2) may only be approved where the total consideration under the resulting contract is expected to be less than \$2,000,000 (excl. GST) per annum (except for goods or services supplied by a person registered on the Aboriginal Business Directory WA or Indigenous Minority Supplier Office Limited (T/as Supply Nation) where the limit provided in regulation 11(2)(h)(ii) is \$250,000 (excl. GST)) and where satisfied that the contract represents value for money.</p> | Not addressed    | Not addressed    | Not addressed    |

|  |                                       |                                       |                                       |                                       |
|--|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| <p>Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money.<br/> [F&amp;G.r.11(2)(h)] &lt;\$250,000*<br/> *as specified in F&amp;G.r.11(2)(h)(ii)<br/> Goods or services supplied by an Australian Disability Enterprise<br/> [F&amp;G.r.11(2)(i)] &lt;&lt;\$value&gt;&gt;<br/> b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:<br/> i. A detailed specification;<br/> ii. The outcomes of market testing of the specification;<br/> iii. The reasons why market testing has not met the requirements of the specification;<br/> iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and<br/> v. The expense is included in the adopted Annual Budget.<br/> c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$value delegated above, the decision is to be referred to Council.</p> |                                       |                                       |                                       |                                       |
| <p><b>Comment – Not addressed</b></p>  | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p> | <p><b>Comment – Not addressed</b></p> |
| <p><b><u>Consultant Review comment and Recommendations (if any)</u></b></p>  |                                       |                                       |                                       |                                       |
| <p><b>The City does not appear to have a delegation which addresses this issue and should determine whether it may be prudent to determine a delegation, ideally based on WALGA template 1.2.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options. – unless Council has determined not to make such a delegation.</b></p>   |                                       |                                       |                                       |                                       |
| <p style="text-align: center;"><b>City of Joondalup Management Response</b></p>  |                                       |                                       |                                       |                                       |
| <p>The City considers there to be limited benefit to such a delegation given these matters are addressed in the Council’s procurements policies and protocols however, the delegation will be reviewed as part of the 2023 review of the delegations.</p>  |                                       |                                       |                                       |                                       |

| <b>Subject - Determine Due Date for Rates or Service Charges</b>  |   |                                |                                |                                |
|---|---|--------------------------------|--------------------------------|--------------------------------|
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| 1.2.28 Determine Due Date for Rates or Service Charges<br>Authority to determine the date on which rates or service charges become due and payable to the <<Shire/Town/City>> [s.6.50].   | 2.17. Agreement as to Payment of Rates and Service Charges<br>Authority to<br>2. determine the date on which rates or service charges become due and payable under that agreement. [6.50] | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Consultant Comment</b>   |   |                                |                                |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.28 – unless the Council has determined not to do so.           |   |                                |                                |                                |
| <b>Conditions and Comments</b>  |   |                                |                                |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed   | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>   |   |                                |                                |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.28 – unless the Council has determined not to do so.           |   |                                |                                |                                |
| <b>City of Joondalup Management Response</b>  |   |                                |                                |                                |
| The City considers there to be limited benefit to such a delegation given these matters are addressed in Council’s resolution regarding the budget adoption, however the delegation will be reviewed as part of the 2023 review of the delegations. |   |                                |                                |                                |

| Subject - Recovery of Rates Debts - Actions to Take Possession of the Land  |  |                  |                  |                  |
|---|--|------------------|------------------|------------------|
| WALGA template  | City of Perth  | City of Gosnells | City of Wanneroo | City of Stirling |
| <p>1.2.31 Recovery of Rates Debts - Actions to Take Possession of the Land</p> <p>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including:</p> <p>i. lease the land, or</p> <p>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:</p> <p>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</p> <p>II. cause the land to be transferred to the &lt;&lt;Shire/Town/City&gt;&gt; [s.6.71].</p> <p>2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</p> | <p>2.19. Recovery of rates debts – Actions Against Land</p> <p>Authority to:</p> <p>1. 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. [6.64(3)]</p> <p>2. to take possession of land and hold the land 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, including:</p> <p>a. lease the land, or</p> <p>b. sell the land, or where land is offered for sale and a contract of sale has not been entered into after 12 months:</p> <p>i. cause the land to be transferred to the Crown [s 6.71]; or</p> <p>ii. cause the land to be transferred to the City [s 6.71]; and</p> <p>iii. determine such matters that Schedule 6.2 and 6.3 require to be determined for the lease or sale of land, including the date of the auction, desirable means of advertisement, and the reserve price. [Sch 6.2 and 6.3]</p> | Not addressed    | Not addressed    | Not addressed    |
| <p><b>Consultant Comment</b></p> <p>This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.31 – unless the Council has determined not to do so.</p> <p>It is noted that City of Joondalup Delegation 1.23 addresses related matters but only mentions s6.56 <i>Local Government Act 1995</i>.</p>   |  |                  |                  |                  |
| Conditions and Comments   |  |                  |                  |                  |
| WALGA template  | City of Perth  | City of Gosnells | City of Wanneroo | City of Stirling |
| <p>a. Decisions under this delegation must comply with Council Policy &lt;&lt;# Rates Collection / Financial Hardship&gt; Policy&gt;.</p> <p>b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</p> <p>c. Exercise of this delegation must comply with the procedures set out in</p>   | Not addressed  | Not addressed    | Not addressed    | Not addressed    |

|   |                                |                                |                                |                                |
|---|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| Schedule 6.3 of the Local Government Act 1995.  |                                |                                |                                |                                |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |                                |                                |                                |                                |
| This is a function of the local government, and therefore capable of being delegated to the CEO, rather than a function of an Authorised Person, ideally based on WALGA template 1.2.31 – unless the Council has determined not to do so. |                                |                                |                                |                                |
| It is noted that City of Joondalup Delegation 1.23 addresses related matters but only mentions s6.56 <i>Local Government Act 1995</i> .   |                                |                                |                                |                                |
| <b>City of Joondalup Management Response</b>  |                                |                                |                                |                                |
| The City considers there to be limited benefit to such a delegation, however the requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.  |                                |                                |                                |                                |

| <b>Subject - Inspection and Copies of Building Records</b>   |   |                                |                                |                                |
|--|---|--------------------------------|--------------------------------|--------------------------------|
| <b>WALGA template</b>  | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| 2.1.6 Inspection and Copies of Building Records<br>Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].               | 3.3. Inspection and Copies of Building Records<br>Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)]. | Not addressed                  | Not addressed                  | Not addressed                  |
| <b><u>Consultant Comment</u></b>   |   |                                |                                |                                |
| The City does not appear to have adopted a delegation to address this function, and should consider doing so, ideally based on WALGA template 2.1.6.                               |   |                                |                                |                                |
| If the City does not do so, then such requests must be determined by Council.  |   |                                |                                |                                |
| <b>Conditions and Comments</b>   |   |                                |                                |                                |
| <b>WALGA template</b>  | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed  | None  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>   |   |                                |                                |                                |
| The City does not appear to have adopted a delegation to address this function, and should consider doing so, ideally based on WALGA template 2.1.6.                               |   |                                |                                |                                |
| If the City does not do so, then such requests must be determined by Council.  |   |                                |                                |                                |
| <b>City of Joondalup Management Response</b>   |   |                                |                                |                                |
| The City considers there to be limited benefit to such a delegation however, the requirement for such a delegation will be reviewed as part of the 2023 review of the delegations. |   |                                |                                |                                |

| <b>Subject - Private Pool Barrier – Alternative and Performance Solutions</b>   |   |                         |                         |                         |
|---|---|-------------------------|-------------------------|-------------------------|
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
| 2.1.8 Private Pool Barrier – Alternative and Performance Solutions<br>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)]<br>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner /occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]<br>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)]. | 3.5. Alternative and Performance Solutions<br>Authority to<br>1. approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 (r51(2)).<br>2. approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability (r51(3)).<br>3. approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement (r51(5)). | Not addressed           | Not addressed           | Not addressed           |
| <b>Consultant Comment</b>   |   |                         |                         |                         |
| The City does not appear to have a delegation to address this issue, and should do so, ideally based on WALGA template 2.1.8.   |   |                         |                         |                         |
| If the City does not do so, then such requests must be determined by Council.   |   |                         |                         |                         |
| <b>Conditions and Comments</b>  |   |                         |                         |                         |
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b> | <b>City of Wanneroo</b> | <b>City of Stirling</b> |
| Not addressed   | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   | Not addressed           | Not addressed           | Not addressed           |
| <b>Comment –</b>  | <b>Comment -</b>  | <b>Comment -</b>        | <b>Comment -</b>        | <b>Comment -</b>        |
| <b>Consultant Review comment and Recommendations (if any)</b>   |   |                         |                         |                         |
| The City does not appear to have a delegation to address this issue, and should do so, ideally based on WALGA template 2.1.8.   |   |                         |                         |                         |
| If the City does not do so, then such requests must be determined by Council.   |   |                         |                         |                         |
| <b>City of Joondalup Management Response</b>  |   |                         |                         |                         |
| The requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.   |   |                         |                         |                         |

| <b>Subject - Smoke Alarms – Alternative Solutions</b>   |   |                                |                                |                                |
|---|---|--------------------------------|--------------------------------|--------------------------------|
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| 2.1.9 Smoke Alarms – Alternative Solutions<br>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].<br>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61]. | 3.5. Alternative and Performance Solutions<br>4. approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning (r55).<br>5. approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval (r61). | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Consultant Comment</b>   |   |                                |                                |                                |
| The City does not appear to have a delegation to address this issue, and should do so, ideally based on WALGA template 2.1.9.   |   |                                |                                |                                |
| If the City does not do so, then such requests must be determined by Council.   |   |                                |                                |                                |
| <b>Conditions and Comments</b>  |   |                                |                                |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>  | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed   | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b>Consultant Review comment and Recommendations (if any)</b>   |   |                                |                                |                                |
| The City does not appear to have a delegation to address this issue, and should do so, ideally based on WALGA template 2.1.9.   |   |                                |                                |                                |
| If the City does not do so, then such requests must be determined by Council.   |   |                                |                                |                                |
| <b>City of Joondalup Management Response</b>  |   |                                |                                |                                |
| The City considers there to be limited benefit to such a delegation however, the requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.  |   |                                |                                |                                |

| Subject - Appointment of approved officers and authorised officers   |  |                  |   |                  |
|--|--|------------------|---|------------------|
| WALGA template   | City of Perth  | City of Gosnells | City of Wanneroo  | City of Stirling |
| <p>2.1.10 Appointment of approved officers and authorised officers</p> <p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A).</p> <p>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as “approved officers”.</p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(2)</p> | <p>3.4. Designate Authorised Persons and Appoint Approved and Authorised Officers</p> <p>Authority to</p> <p>1. to designate an employee as an authorised person (s96(3)).</p> <p>2. to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person (s99(3)).</p> <p>3. appoint a specified employee to be an approved officer for the purposes of the Criminal Procedure Act 2004 section 6(a) (r70).</p> <p>4. appoint an authorised officer for the purposes of the Criminal Procedure Act 2004 section 6(b) (r70).</p> | Not addressed    | <p>2.1.8 APPOINTMENT OF AUTHORISED OFFICERS – INFRINGEMENT NOTICES</p> <p>Authority to appoint an authorised officer for the purposes of the Criminal Procedures Act 2004, Part 2, section 6(b).</p> <p>2.1.9 APPOINTMENT OF APPROVED OFFICER – INFRINGEMENT NOTICES</p> <p>Authority to appoint an approved officer for the purposes of the Criminal Procedures Act 2004, Part 2, s.6(a) (a specified employee of the local government) in accordance with the Building Regulations 70(1) and (1A). “As defined in the Local Government Act 1995 s. 9.19. Extension of time</p> <p>The CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.”</p> <p>s. 9.20. Withdrawal of notice</p> <p>(1) Within one year after the notice was given the CEO of the local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.</p> <p>(2) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.</p> | Not addressed    |
| <p><b>Consultant Comment</b></p> <p>The City does not appear to have a delegation to address this issue (although it has addressed the appointment of Authorised Persons under the <i>Building Act 2011</i>), and should do so, ideally based on WALGA template 2.1.10.</p> <p>If the City does not do so, then such requests must be determined by Council.</p>   |  |                  |   |                  |
| Conditions and Comments  |  |                  |   |                  |
| WALGA template   | City of Perth  | City of Gosnells | City of Wanneroo  | City of Stirling |
| Not addressed  | <p>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> <p>2. In function 3, Specified employee means a local government employee who has delegated authority to perform a function under section 9.19 or 9.20 of the Local Government Act 1995.</p>   | Not addressed    | 2.1.9 - This delegation is not to be sub-delegated  | Not addressed    |

|  |  |                                |                                |                                |
|--|--|--------------------------------|--------------------------------|--------------------------------|
|  | 3. A person may only be appointed to be an authorised officer if that person is also appointed under the Local Government Act 1995 section 9.10(1) for the purpose of performing functions under section 9.16 of that Act.<br>4. A certificate of authority must be issued to all authorised officers. |                                |                                |                                |
| <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b>   | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>   |  |                                |                                |                                |
| The City does not appear to have a delegation to address this issue (although it has addressed the appointment of Authorised Persons under the <i>Building Act 2011</i> ), and should do so, ideally based on WALGA template 2.1.10. |  |                                |                                |                                |
| If the City does not do so, then such requests must be determined by Council.  |  |                                |                                |                                |
| <b>City of Joondalup Management Response</b>   |  |                                |                                |                                |
| The requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.  |  |                                |                                |                                |

| Subject - APPROVALS - SUBDIVISION APPROVAL OF STRATA SCHEME  |   |   |  |  |
|--|---|---|--|--|
| WALGA template   | City of Perth   | City of Gosnells  | City of Wanneroo   | City of Stirling   |
| Not addressed  | 12.6. Planning and Development Act 2005 – Western Australian Planning Commission – Section 15 of the Strata Titles Act 1985 | 4.2.4. WESTERN AUSTRALIAN PLANNING COMMISSION –STRATA TITLES ACT 1985<br>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the Strata Titles Act 1985 | 2.9.1 APPROVALS SUBDIVISION APPROVAL OF STRATA SCHEME<br>1) Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that:-<br>(a) propose the creation of a vacant lot;<br>(b) propose vacant air stratas in multi-tiered strata scheme developments;<br>(c) propose the creation or postponement of a leasehold scheme;<br>(d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to:-<br>i. a type of development; and/or<br>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.<br>2) Power to determine applications under section 21 of the Strata Titles Act 1985;<br>3) Power to determine applications under section 22 of the Strata Titles Act 1985. | 6.12 STRATA TITLES ACT 1985<br>Power to determine applications for issuing of a certificate of approval under section 15 of the Strata Titles Act 1985 for a plan of subdivision, re-subdivision or consolidation, except those applications that–<br>(a) propose the creation of a vacant lot;<br>(b) propose vacant air strata’s in multi-tiered strata scheme developments;<br>(c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City as notified to the WAPC in writing, relate to:<br>(i) a type of development; and/or<br>(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. |
| <b>Consultant Comment</b>  |   |   |  |  |
| <p>On 19 March 2020, pursuant to section 16 of the Act, the Western Australian Planning Commission RESOLVED—</p> <p>A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;</p> <p>B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the <i>Strata Titles Amendment Act 2018</i>.</p> <p>It is therefore open to the City to delegate this function to the CEO (as have the other Cities).</p> <p>If the City does not do so, then such requests must be determined by Council.</p> |   |   |  |  |
| Conditions and Comments  |   |   |  |  |
| WALGA template   | City of Perth   | City of Gosnells  | City of Wanneroo   | City of Stirling   |
| Not addressed  | Not addressed   | 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   | At the conclusion of each financial year in accordance with and in the format prescribed by the WAPC, data on all applications determined under Instrument of Delegation 2020/01 is to be provided to the WAPC.  | All power exercised under this delegation must be provided to the WAPC with data on all applications determined at the conclusion of each financial year in the format prescribed by the WAPC.   |
| Comment – Not addressed  | Comment – Not addressed   | Comment – Not addressed   | Comment – Not addressed  | Comment – Not addressed  |
| <b>Consultant Review comment and Recommendations (if any)</b>  |   |   |  |  |
| On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—  |   |   |  |  |

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

It is therefore open to the City to delegate this function to the CEO (as have the other Cities).

If the City does not do so, then such requests must be determined by Council.

**City of Joondalup Management Response**

The requirement for such a delegation will be reviewed as part of the 2023 review of the delegations.

| Subject - LIQUOR CONTROL ACT 1988  |  |                       |                       |   |
|--|--|-----------------------|-----------------------|---|
| WALGA template   | City of Perth  | City of Gosnells      | City of Wanneroo      | City of Stirling  |
| Not addressed  | 11.5. Issue of certificate of compliance under Section 39 of the Liquor Control Act 1988<br><br>Authorisation to issue a certificate of compliance under section 39 of the Liquor Control Act 1988.<br><br>11.6. Issue of certificate of compliance under Section 40 of the Liquor Control Act 1988<br><br>Authorisation to issue a certificate of compliance under section 40 of the Liquor Control Act 1988. | Not addressed         | Not addressed         | 6.7 LIQUOR CONTROL ACT 1988<br>Perform the functions of the 'local government' under Sections 39, 40, 61(2) and 69(8) of the Liquor Control Act 1988. |
| <b>Consultant Comment</b>  |  |                       |                       |   |
| <p>City of Stirling purports instrument to be a subdelegation under s5.44, based on instrument of authorisation under s9.10 of the <i>Local Government Act 1995</i> – it is difficult to construe that either head of power under the <i>Local Government Act 1995</i> can be applied to the relevant functions under the Liquor Control Act.</p> <p>The City of Perth does not assert any head of power for the purported delegation in its Register of Delegations.</p> <p>Neither WALGA nor the Cities of Gosnells or Wanneroo include any delegation/authorisation relating to the issue in the Register of Delegations.</p> <p>The City of Joondalup does not address the issue either as a delegation/authorisation and this seems a sound approach.</p> |  |                       |                       |   |
| Conditions and Comments  |  |                       |                       |   |
| WALGA template   | City of Perth  | City of Gosnells      | City of Wanneroo      | City of Stirling  |
| Not addressed  | 1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.<br>2. All certificates issued are to be maintained as a Local Government Record.  | Not addressed         | Not addressed         | Not addressed   |
| <b>Comment – None</b>  | <b>Comment – None</b>  | <b>Comment – None</b> | <b>Comment – None</b> | <b>Comment – None</b>   |
| <b>Consultant Review comment and Recommendations (if any)</b>  |  |                       |                       |   |
| <p>City of Stirling purports instrument to be a subdelegation under s5.44, based on instrument of authorisation under s9.10 of the <i>Local Government Act 1995</i> – it is difficult to construe that either head of power under the <i>Local Government Act 1995</i> can be applied to the relevant functions under the Liquor Control Act.</p> <p>The City of Perth does not assert any head of power for the purported delegation in its Register of Delegations.</p> <p>Neither WALGA nor the Cities of Gosnells or Wanneroo include any delegation/authorisation relating to the issue in the Register of Delegations.</p> <p>The City of Joondalup does not address the issue either as a delegation/authorisation and this seems a sound approach.</p> |  |                       |                       |   |
| City of Joondalup Management Response  |  |                       |                       |   |
| The City considers there to be limited benefit to such a delegation.   |  |                       |                       |   |

| Subject - TRANSFER OF LAND ACT 1892   |               |                  |                  |   |
|---|---------------|------------------|------------------|---|
| WALGA template  | City of Perth | City of Gosnells | City of Wanneroo | City of Stirling  |
| Not addressed   | Not addressed | Not addressed    | Not addressed    | <p>6.13 TRANSFER OF LAND ACT 1892<br/>Grant the surrender and partial surrender of drainage easements which benefit the City of Stirling where:-</p> <p>a. a minor encroachment of a building or structure has occurred within the easement area and a partial surrender of easement is required to accommodate the encroached structure, subject to:-</p> <p>i. The partial surrender being no greater than 10% of the total easement area and no greater than 10% of the overall width of the easement;</p> <p>ii. The Applicant must safeguard any building, structures and City infrastructure to the satisfaction of the City of Stirling; and</p> <p>iii. The Applicant paying all costs to effect the partial surrender of easement.</p> <p>b. the drainage easement is considered redundant and no longer required to secure the City's infrastructure (as determined by the City of Stirling) subject to:-</p> <p>i. The Applicant being responsible for the removal of any redundant infrastructure within the easement area to the satisfaction of the City of Stirling; and</p> <p>ii. The Applicant paying all costs to effect the partial surrender or surrender of easement.</p> <p>c. An alternative easement area is required due to the modification or relocation of the City's drainage infrastructure as part of the development or redevelopment of private property, subject to:-</p> <p>i. The Applicant being responsible for the removal, relocation or replacement of the City's infrastructure to the satisfaction of the City of Stirling; and</p> <p>ii. The Applicant paying all costs to effect the surrender or partial surrender of easement.</p> |
| <p><b>Consultant Comment</b></p> <p>The City of Stirling Register of Delegations purports to utilise s5.42 of the <i>Local Government Act 1995</i> to delegate functions to the CEO pursuant to <i>Transfer of Land Act 1893</i>, s136J.</p> <p>Neither the WALGA template, nor the Cities of Gosnells, Perth, or Wanneroo Register of Delegations address the issue.</p> |               |                  |                  |   |

|   |                                |                                |                                |                                |
|---|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
| <b>The City of Joondalup does not address the issue either as a delegation/authorisation and this seems a sound approach.</b>   |                                |                                |                                |                                |
| <b>Conditions and Comments</b>  |                                |                                |                                |                                |
| <b>WALGA template</b>   | <b>City of Perth</b>           | <b>City of Gosnells</b>        | <b>City of Wanneroo</b>        | <b>City of Stirling</b>        |
| Not addressed   | Not addressed                  | Not addressed                  | Not addressed                  | Not addressed                  |
| <b>Comment – Not addressed</b>  | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> | <b>Comment – Not addressed</b> |
| <b><u>Consultant Review comment and Recommendations (if any)</u></b>  |                                |                                |                                |                                |
| The City of Stirling Register of Delegations purports to utilise s5.42 of the <i>Local Government Act 1995</i> to delegate functions to the CEO pursuant to <i>Transfer of Land Act 1893</i> , s136J. |                                |                                |                                |                                |
| Neither the WALGA template, nor the Cities of Gosnells, Perth, or Wanneroo Register of Delegations address the issue.   |                                |                                |                                |                                |
| The City of Joondalup does not address the issue either as a delegation/authorisation and this seems a sound approach.  |                                |                                |                                |                                |
| <b>City of Joondalup Management Response</b>  |                                |                                |                                |                                |
| The City considers there to be limited benefit to such a delegation.  |                                |                                |                                |                                |



City of Joondalup  
REGISTER OF DELEGATION OF AUTHORITY

CJ079-06/21



## REVIEW

| <b>Reviewed by</b>      | <b>Date approved</b> | <b>References</b> |
|-------------------------|----------------------|-------------------|
| Council                 | 28 Jun 2011          | CJ107-06/11       |
| Council                 | 26 Jun 2012          | CJ108-06/12       |
| Chief Executive Officer | 30 May 2013          | INT13/9868        |
| Council                 | 25 Jun 2013          | CJ094-06/13       |
| Council                 | 24 Jun 2014          | CJ091-06/14       |
| Chief Executive Officer | 30 Jun 2014          | INT14/15493       |
| Council                 | 21 Oct 2014          | CJ180-10/14       |
| Chief Executive Officer | 13 May 2015          | INT15/11342       |
| Council                 | 23 Jun 2015          | CJ095-06/15       |
| Chief Executive Officer | 1 Jun 2016           | INT16/19021       |
| Council                 | 28 Jun 2016          | CJ091-06/16       |
| Chief Executive Officer | 29 May 2017          | INT17/24978       |
| Council                 | 27 Jun 2017          | CJ091-06/17       |
| Chief Executive Officer | 4 Jun 2018           | INT18/21364       |
| Council                 | 26 Jun 2018          | CJ101-06/18       |
| Council                 | 21 Aug 2018          | CJ133-08/18       |
| Chief Executive Officer | 7 May 2019           | INT19/21782       |
| Council                 | 25 Jun 2019          | CJ078-06/19       |
| Chief Executive Officer | 21 May 2020          | INT20/19165       |
| Council                 | 23 Jun 2020          | CJ079-06/20       |
| Chief Executive Officer | 10 May 2021          | INT21/20088       |
| Council                 | 15 Jun 2021          | CJ079-06/21       |
| Chief Executive Officer | 10 May 2022          | INT22/18447       |

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## INTRODUCTION

### Register of Delegation of Authority

The Delegations of Authority contained within are made to Committees pursuant to Section 5.16 and to the Chief Executive Officer pursuant to Section 5.42 of the *Local Government Act 1995* (the Act) and, where listed, some of these functions are delegated by the Chief Executive Officer to City of Joondalup employees pursuant to Section 5.44 of the Act. All delegations made by the Council must be by an **absolute majority** decision.

Section 5.43 of the Act provides that the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority of the Council.
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
  - Any of the local government's powers under sections 5.98, 5.98A, 5.99 and 5.100 of the Act.
  - Borrowing money on behalf of the local government.
  - Hearing or determining an objection of a kind referred to in Section 9.5.
  - The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government.
  - Any power or duty that requires the approval of the Minister or Governor.
  - Such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if required.

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

In addition to delegations made in accordance with the *Local Government Act 1995*, a number of delegations are also made to the Chief Executive Officer, or directly to other officers in some instances, in accordance with the provisions of other legislation.

The aim of the delegated authority register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the City's commitment to a strong customer service focus.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation.

This delegated authority register will be reviewed in accordance with the Act on an annual basis.

## DELEGATIONS

## PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995

|                            |   |
|----------------------------|---|
| <b>Delegation</b>          | <b>1.1 ACKNOWLEDGE RECEIPT OF PRIMARY AND ANNUAL RETURNS</b>  |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>           | Chief Executive Officer (00001)   |
| <b>Function</b>            | To provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with section 5.77 of the <i>Local Government Act 1995</i> . |
| <b>Delegates</b>           | Director Governance and Strategy (00648)  |
| <b>Conditions</b>          | Nil.  |
| <b>Statutory framework</b> | 5.77 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 25 June 2013  |
| <b>Adoption references</b> | CJ094-06/13   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                |   |                         |
|-------------------|----------------|---|-------------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b>       |
| 8 Apr 2013        | New delegation | Insertion of new delegation to Chief Executive Officer and sub-delegation to Director Governance and Strategy (00648) | INT13/7349; CJ094-06/13 |

|                            |   |
|----------------------------|---|
| <b>Delegation</b>          | <b>1.2 ACTIVITIES ON PRIVATE LAND</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> , even though the land on which it is done is not local government property and the local government does not have the consent to do it. |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Limited to those activities as listed in Schedule 3.2 of the <i>Local Government Act 1995</i> .   |
| <b>Statutory framework</b> | Section 3.27 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 24 June 2014  |
| <b>Adoption references</b> | CJ091-06/14   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                |  |                   |
|-------------------|----------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>   | <b>References</b> |
| 24 Jun 2014       | New delegation | Insertion of delegation providing the Chief Executive Officer authority to do anything prescribed in Schedule 3.2 of the Local Government Act 1995, even though the land on which it is done is not local government property and the local government does not have the consent to do it. | CJ091-06/14       |

|                            |   |
|----------------------------|---|
| <b>Delegation</b>          | <b>1.3 ADMINISTER THE CITY'S LOCAL LAWS</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Nil   |
| <b>Statutory framework</b> | Sections 3.18 and 5.42 of the <i>Local Government Act 1995</i><br><i>Animals Local Law 1999</i><br><i>Health Local Law 1999</i><br><i>Local Government and Public Property Local Law 2014</i><br><i>Parking Local Law 2013</i><br><i>Pest Plant Local Law 2012</i><br><i>Waste Local Law 2017</i> |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 19 October 2010   |
| <b>Adoption references</b> | CJ175-10/10   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 19 Oct 2010       | New delegation     | New delegation in relation to authority to administer the City's Local Laws.  | CJ175-10/10       |
| 20 Nov 2012       | Amended delegation | Pest Plant Local Law 2012 added to the list of local laws.  | CJ232-11/12       |
| 30 May 2013       | Amended delegation | Replacing "Agriculture and Related Resources Protection Act 1976" with "Pest Plant Local Law 2012" within the reference list. | INT13/9868        |
| 28 Jun 2016       | Amended delegation | Removal of Trading in Public Places Local Law 1999 and update to Local Government and Public Property Local Law 1999 to 2014. | CJ091-06/16       |

|                               |   |
|-------------------------------|---|
| <b>Delegation</b>             | <b>1.4 AGREEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person. |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075)                          |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 6.49 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable <a href="#">Payments of Rates and Charges Policy</a> .<br><a href="#">Rates Hardship Policy</a> .                          |
| <b>Date adopted</b>           | 25 June 2019  |
| <b>Adoption references</b>    | CJ078-06/19   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 25 Jun 2019       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to accept payment of a rate or service charge. | CJ078-06/19       |
| 26 Jun 2019       | Amended delegation | The inclusion of sub delegations to position numbers 00063, 00075, 00079.  | INT19/29912       |
| 21 May 2020       | Amended delegation | Change to position title from Team Leader Rating Services (00079) to Coordinator Rating Services (00079).            | INT20/19165       |

|                               |  |
|-------------------------------|--|
| <b>Delegation</b>             | <b>1.5 AMENDMENT TO THE RATE RECORD</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to amend the rate record for the five years preceding the current financial year.                      |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 6.39(2)(a) of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 25 June 2019   |
| <b>Adoption references</b>    | CJ078-06/19  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 25 Jun 2019       | New delegation     | Insertion of delegation providing the Chief Executive Officer authority to amend the rate record for five years prior to current financial year. | CJ078-06/19       |
| 26 Jun 2019       | Amended delegation | The inclusion of sub delegations for position numbers 00063, 00075, 00079.   | INT19/29912       |
| 21 May 2020       | Amended delegation | Change in position title from Team Leader Rating Services (00079) to Coordinator Rating Services (00079).  | INT20/19165       |

|                            |  |
|----------------------------|--|
| <b>Delegation</b>          | <b>1.6 APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER</b>  |
| <b>Category</b>            | PART 1—DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to make appointments to the position of Acting Chief Executive Officer.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | <p>Authority subject to:</p> <ol style="list-style-type: none"> <li>1. the City employee holding the substantive position of 'Director' and is designated a 'Senior Employee' as per Section 5.37 of the <i>Local Government Act 1995</i>;</li> <li>-</li> <li>2. appointments being for no longer than 35 days, with all other appointments to the position of Acting Chief Executive Officer referred to the Council for determination;</li> <li>-</li> <li>3. the Chief Executive Officer advising Elected Members when a senior employee is to be designated Acting Chief Executive Officer, when circumstances require, during the following three month period.</li> </ol> |
| <b>Statutory framework</b> | Section 5.39(1a)(a) of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 11 October 2005  |
| <b>Adoption references</b> | CJ220-10/05  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 11 Oct 2005       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to make appointments to position of Acting Chief Executive Officer. | CJ220-10/05       |
| 28 Jun 2011       | Amended delegation | Correction of typographical error.  | CJ107-06/11       |
| 24 Jun 2014       | Amended delegation | Layout re-structured—Conditional wording re-located to 'Conditions' section of the template.  | CJ091-06/14       |

|                            |  |
|----------------------------|--|
| <b>Delegation</b>          | <b>1.67 APPOINTMENT OF AUTHORISED PERSONS</b>  |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>           | Chief Executive Officer (00001)  |
| <b>Function</b>            | <p>Authority:</p> <p>1. To appoint and authorise persons to exercise the powers and duties of an authorised person as set out in the <i>Local Government Act 1995</i> and listed hereunder::</p> <p>1.1 Section 3.25 – Notices requiring certain things to be done by owner or occupier of land;<br/> 1.2 Section 3.26 – Additional powers when notices are given;<br/> 1.3 Section 3.27 – Particular things local government can do on land that is not local government property;<br/> 1.4 Section 3.31 – Power to enter property;<br/> 1.5 Sections 3.39 to 3.48 – Power to remove, impound and disposal;<br/> 1.6 Section 9.10 – Power to appoint authorised persons to perform particular functions;<br/> 1.7 Section 9.11 – Persons committing breach of Act to give name, address and date of birth;<br/> 1.8 Section 9.13 – Onus of proof in vehicle offences;<br/> 1.9 Section 9.16 – Issue infringement notices;<br/> 1.10 Section 9.17 – Receive payment of modified penalties;<br/> 1.11 Section 9.24 – Commencing prosecutions.</p> <p>2. To appoint and authorise persons to exercise the powers and duties of an authorised person under the City's local laws.</p> |
| <b>Delegates</b>           | Manager Leisure and Cultural Services (00159)  |
| <b>Conditions</b>          | <ol style="list-style-type: none"> <li>Authority extended to appoint members of a Surf Life Saving Club as authorised persons for the purposes of clause 5.3 of the <i>City of Joondalup Local Government and Public Property Local Law 2014</i> (patrol, close beaches).</li> <li><a href="#">A register of Authorised Persons is to be maintained as a local government record.</a></li> </ol>   |
| <b>Statutory framework</b> | Sections 3.24 and 9.10 of the <i>Local Government Act 1995</i> .<br>Section 9.10 of the <i>Local Government Legislation Amendment Act 2019</i> .   |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 28 June 2011   |
| <b>Adoption references</b> | CJ107-06/11  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                |   |                   |
|-------------------|----------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b> |
| 28 Jun 2011       | New delegation | Insertion of delegation for Chief Executive Officer to have authority to appoint authorised persons in accordance with the Local Government Act 1995. | CJ107-06/11       |

|             |                    |   |             |
|-------------|--------------------|---|-------------|
| 20 Mar 2012 | Amended delegation | Insertion of delegation as result of the new Building Act 2011.   | CJ027-03/12 |
| 20 Nov 2012 | Amended delegation | Pest Plant Local Law 2012 added to the list of local laws.  | CJ232-11/12 |
| 20 Nov 2012 | Amended delegation | Delegations provided for Chief Executive Officer to appoint authorised persons to enforce the provisions of the City of Joondalup Pest Plant Local Law 2012.  | RGS00813    |
| 30 May 2013 | Amended delegation | Replacing "Agriculture and Related Resources Protection Act 1976" with "Pest Plant Local Law 2012" within the reference list.   | INT13/9868  |
| 25 Jun 2013 | Amended delegation | Inclusion of the Chief Executive Officer being appointed as an authorised person to undertake all the powers and duties of the local government under the Cat Act 2011.   | CJ102-06/13 |
| 24 Jun 2014 | Amended delegation | Changes to Part 1 in relation to; title amendment; delegation re-worded; deletion of part 1.2; inclusion of new parts 1.4 and 1.8. In addition a new Part 2, and Part 2 renumbered as Part 3.   | CJ091-06/14 |
| 21 Oct 2014 | Amended delegation | Removal of Part 3 of delegation relating to appointing and authorising employees to exercise power under individual legislation apart from the Local Government Act 1995.   | CJ180-10/14 |
| 4 Jan 2018  | Amended delegation | The inclusion of a sub-delegation condition - authority be extended to appoint members of a surf lifesaving club as authorised persons for the purposes of clause 5.3 of the Local Government and Public Property Local Law 2014 (patrol, close beaches).                               | INT18/485   |
| 25 Jun 2019 | Amended delegation | Inclusions of Parts 1.2 and 1.3 relating to section 3.26 and 3.27 of the Act where a local government can appoint persons to perform particular functions.  | CJ078-06/19 |
| 7 Nov 2020  | Amended delegation | Amendment reflects the introduction of the Local Government Legislation Amendment Act 2019 section 9.10 of the Act was change to remove the local government appointing authorised persons under the Act (as well as others) and replaced the delegator as the Chief Executive Officer. | EMI21/4952  |

|                               |  |
|-------------------------------|--|
| <b>Delegation</b>             | <b>1.78 CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to choose acceptable tenderers from expressions of interest received, from those persons who are considered to be capable of satisfactorily supplying the goods or services. |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Regulation 23(3) of the <i>Local Government (Functions and General) Regulations 1996</i> .   |
| <b>Policy</b>                 | Not applicable <a href="#">Purchasing Policy</a> .   |
| <b>Date adopted</b>           | 18 August 1998   |
| <b>Adoption references</b>    | CJ60-08/98   |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 18 Aug 1998       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to choose acceptable tenders from an Expression of Interest. | CJ60-08/98        |
| 24 Jun 2014       | Amended delegation | Re-wording of the Power or Duty delegated and inclusion of the regulation 23 (3).  | CJ091-06/14       |

|                            |  |
|----------------------------|--|
| <b>Delegation</b>          | <b>1.89 CHOICE OF TENDER</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to decide which tender to accept.<br>Authority to decline to accept any tender.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Authority to accept tenders valued up to \$500,000.  |
| <b>Statutory framework</b> | Section 3.57 and 5.43 of the <i>Local Government Act 1995</i> .<br>Regulation 18 of the <i>Local Government (Functions and General) Regulations 1996</i> . |
| <b>Policy</b>              | <del>Not applicable</del> <a href="#">Purchasing Policy</a> .  |
| <b>Date adopted</b>        | 21 November 2006   |
| <b>Adoption references</b> | CJ208-11/06  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to assess valid tenders before deciding to accept successful tenderer.                  | CJ208-11/06       |
| 28 Jun 2011       | Amended delegation | The inclusion of a condition relating to "Authority to decline to accept any tender".   | CJ107-06/11       |
| 26 Jun 2012       | Amended delegation | A change to the Conditions, to increase the tender value limit that can be accepted by the CEO from \$250,000 to \$300,000.                 | CJ108-06/12       |
| 24 Jun 2014       | Amended delegation | Wording of delegation amended and layout re-structured, including the removal of the condition "Authority to decline to accept any tender". | CJ091-06/14       |
| 23 Jun 2015       | Amended delegation | A change to the Conditions, to increase the tender value limit that can be accepted by the CEO from \$300,000 to \$350,000.                 | CJ095-06/15       |

|             |                    |  |             |
|-------------|--------------------|--|-------------|
| 25 Jun 2019 | Amended delegation | A change to the Conditions, to increase the tender value limit that can be accepted by the CEO from \$350,000 to \$500,000.      | CJ078-06/19 |
| 15 Jun 2021 | Amended delegation | A change to the Conditions, for authority to accept tenders valued up to \$500,000 changed from (valued at less than \$500,000). | CJ079-06/21 |

|                               |   |
|-------------------------------|---|
| <b>Delegation</b>             | <b>1.910 CLOSING CERTAIN THOROUGHFARE TO VEHICLES</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to close any thoroughfare that the City manages, wholly or partially, to the passage of vehicles. |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Director Infrastructure Services (00184)<br>Manager Infrastructure Management Services (00186)              |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Sections 3.50 and 3.50A of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 21 November 2006  |
| <b>Adoption references</b>    | CJ208-11/06   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to close any thoroughfare that it manages for the passage of vehicles wholly or partially for a period not exceeding four weeks. | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Change to position title   | CJ186-09/07       |
| 22 Jun 2010       | Amended delegation | Consolidation of two delegations into one.   | CJ095-06/10       |
| 24 Jun 2014       | Amended delegation | Wording of delegation function amended to read - Authority to close any thoroughfare that the City manages, wholly or partially, to the passage of vehicles.   | CJ091-06/14       |

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| <b>Delegation</b>             | <b>1.101 COMPLAINTS - MODEL CODE OF CONDUCT</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1 deal with a complaint;</li> <li>2 dismiss a complaint; and</li> <li>3 establish procedures for dealing with complaints;</li> </ol> <p>under clauses 12, 13 and 15(2) of Schedule 1 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>.</p>  |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Authority includes the relevant powers and duties within the same clauses specified in the <i>Code of Conduct for the Council Members, Committee Members and Candidates</i> adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i> .   |
| <b>Subdelegates</b>           | Director Governance and Strategy (00648)   |
| <b>Subdelegate conditions</b> | <ol style="list-style-type: none"> <li>1. Authority includes the relevant powers and duties within the same clauses specified in the <i>Code of Conduct for the Council Members, Committee Members and Candidates</i> adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i>.</li> <li>2. Authority only extends to complaints lodged by the Chief Executive Officer.</li> </ol> |
| <b>Statutory framework</b>    | Sections 5.42 and 5.104(1) of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | <i>Complaints Investigation Policy</i> .   |
| <b>Date adopted</b>           | 18 May 2021  |
| <b>Adoption references</b>    | CJ071-05/21  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 18 May 2021       | New delegation     | Insertion of new delegation to the Chief Executive Officer with the authority to; deal with a complaint; dismiss a complaint; and establish procedures for dealing with complaints under the model Code of Conduct. | CJ071-05/21       |
| 28 Jun 2021       | Amended delegation | Sub-delegation afforded to Director Governance and Strategy (00648), authority only extends to complaints lodged by the Chief Executive Officer.  | INT21/27953       |

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| <b>Delegation</b>             | <b>1.112 DISPOSING OF PROPERTY</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to dispose of property –<br><br>(1) at public auction;<br>(2) by public tender;<br>(3) by private treaty.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Authority limited to property valued at less than \$900,000.<br><br>"Property" includes the whole or any part of the interest of a local government in property, but does not include money.<br><br>"Dispose" includes to sell, lease or otherwise dispose of, whether absolutely or not.<br><br>Following the disposal of City land, the detail of the disposal is to be reported to a relevant Committee of the Council for its information. |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 3.58 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to dispose of property to the highest bidder at public auction.                        | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Clause (3) amended to read: "A local government may dispose of property by private treaty in accordance with Section 3.58 of the Local Government Act 1995." | CJ186-09/07       |

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| 16 Jun 2009 | Amended delegation | Provision relating to exempt dispositions to be added.  | CJ127-06/09 |
| 22 Jun 2010 | Amended delegation | Consolidation of four delegations into one - titled Disposing of Property.  | CJ095-06/10 |
| 26 Jun 2012 | Amended delegation | Change in Conditions - Authority limit to property valued from \$500,000 increased to \$600,000.  | CJ108-06/12 |
| 24 Jun 2014 | Amended delegation | Changes to delegation wording and structure, to include meaning of "Property" under conditions.   | CJ091-06/14 |
| 25 Jun 2019 | Amended delegation | Change in Conditions - Authority limited to property valued less than \$900,000, was previously \$600,000. Inclusion of the meaning of "Dispose".<br><br>Additional condition - "following the disposal of City land, the detail of the disposal is to be reported to a relevant Committee of the Council for its information". | CJ078-06/19 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.11 to 1.12 Disposing of Property  | CJ079-06/21 |

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| <b><u>Delegation</u></b>             | <b><u>1.12 - ACQUISITION OF INTEREST IN LAND BY LEASE OR OTHER SHORT TERM INSTRUMENT</u></b>  |
| <b><u>Category</u></b>               | <u>PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995</u>   |
| <b><u>Delegator</u></b>              | <u>Council</u>  |
| <b><u>Function</u></b>               | <ol style="list-style-type: none"> <li>1. <u>Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the City is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)].</u></li> <li>2. <u>Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r8(1)]:</u> <ol style="list-style-type: none"> <li>a) <u>Without intending to produce a profit to the Local Government; and</u></li> <li>b) <u>Without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.</u></li> </ol> </li> </ol> |
| <b><u>Delegates</u></b>              | <u>Chief Executive Officer (00001)</u>  |
| <b><u>Conditions</u></b>             | <ol style="list-style-type: none"> <li>a) <u>Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than five years.</u></li> <li>b) <u>In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$500,000 or less.</u></li> <li>c) <u>Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s. 9.49A.</u></li> </ol>   |
| <b><u>Subdelegates</u></b>           | <u>Nil.</u>   |
| <b><u>Subdelegate conditions</u></b> | <u>Nil.</u>   |
| <b><u>Statutory framework</u></b>    | <u>Local Government Act 1995 [s.3.59, s. 9.49A, s.6.2].</u><br><u>Local Government (Functions and General) Regulations 1995 [r.8A, r. 8].</u><br><u>Residential Tenancy Act 1987.</u><br><u>Commercial Tenancy (Retail Shops) Agreements Act 1985.</u>  |
| <b><u>Policy</u></b>                 | <u>Not applicable.</u>  |
| <b><u>Date adopted</u></b>           | <u>TBC</u>  |
| <b><u>Adoption references</u></b>    | <u>TBC</u>  |
| <b><u>Last reviewed</u></b>          | <u>TBC</u>  |

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| <b>Delegation</b>          | <b>1.13 ENTRY IN AN EMERGENCY</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to lawfully enter any land, premises or thing immediately and without notice and perform any functions as is considered appropriate to deal with an emergency.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | <p>An emergency exists where the City or the Chief Executive Officer is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under section 3.34 of the <i>Local Government Act 1995</i> would be impractical or unreasonable because of, or because of the imminent risk of:</p> <p>(a) injury or illness to any person<br/> (b) a natural or other disaster or emergency<br/> or<br/> (c) such other occurrence as is prescribed under the <i>Local Government (Functions and General) Regulations 1996</i> for the purposes of section 3.34 of the <i>Local Government Act 1995</i>.</p> |
| <b>Statutory framework</b> | Section 3.34(1) of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 25 June 2019  |
| <b>Adoption references</b> | CJ078-06/19   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 25 Jun 2019       | New delegation     | Inclusion of delegation for Chief Executive Officer to have authority to lawfully enter property in an Emergency. | CJ078-06/19       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.12 to 1.13 - Entry in an Emergency.   | CJ079-06/21       |

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| <b>Delegation</b>          | <b>1.14 ESTABLISHING PANELS OF PRE-QUALIFIED SUPPLIERS</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | <p>Authority to decide which applications to accept for inclusion on a panel of pre-qualified suppliers.</p> <p>Authority to decline to accept any application for inclusion on a panel of pre-qualified suppliers.</p> <p>Authority to enter into a contract or contracts, for the supply of goods or services with a pre-qualified supplier.</p> |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Authority extends to the supply of goods/services valued up to \$500,000.  |
| <b>Statutory framework</b> | <p><i>Local Government Act 1995.</i></p> <p>Regulations 24AB, 24AH and 24AJ of the <i>Local Government (Functions and General) Regulations 1996.</i></p>   |
| <b>Policy</b>              | <i>Purchasing Policy.</i>  |
| <b>Date adopted</b>        | 28 June 2016   |
| <b>Adoption references</b> | CJ091-06/16  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 28 Jun 2016       | New delegation     | Inclusion of delegation for Chief Executive Officer to have authority to establish panels of pre-qualified suppliers.                           | CJ091-06/16       |
| 15 Jun 2021       | Amended delegation | Change in conditions where the authority extends to the supply of goods/service value from 'less than \$350,000', changed to 'up to \$500,000'. | CJ079-06/21       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.13 to 1.14 - Establishing Panels of Pre-qualified Suppliers.  | CJ079-06/21       |

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| <b>Delegation</b>             | <b>1.15 EXTENSION OF EXISTING CONTRACTS</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to approve any contract extensions on tenders approved by the Council.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Authority subject to:<br><ol style="list-style-type: none"> <li>1. the extension being within the original terms and conditions approved by the Council;</li> <li>2. satisfactory performance of the contractor(s);</li> <li>3. the Chief Executive Officer reporting to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.</li> </ol> |
| <b>Subdelegates</b>           | Director Corporate Services (00063)   |
| <b>Subdelegate conditions</b> | Only in the event when the Chief Executive Officer declares a conflict of interest in extending a contract.   |
| <b>Statutory framework</b>    | Section 3.57 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 1 November 2005   |
| <b>Adoption references</b>    | CJ231-11/05   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 1 Nov 2005        | New delegation     | Inclusion of delegation for Chief Executive Officer to have authority to extend existing contracts.   | CJ231-11/05       |
| 21 May 2020       | Amended delegation | Sub-delegation afforded to Director Corporate Services (00063), only in the event when the Chief Executive Officer declares a conflict of interest in extending a contract. | INT20/19165       |
| 23 Jun 2020       | Amended delegation | Change to the Conditions - Part 3 to amend the Committee title from Audit Committee to Audit and Risk Committee.  | CJ079-06/20       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.14 to 1.15 - Extension of Existing Contracts.   | CJ079-06/21       |

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| <b>Delegation</b>             | <b>1.16 INFRINGEMENTS - EXTENSION OF TIME TO PAY AND WITHDRAWAL OF NOTICES</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Chief Executive Officer (00001)   |
| <b>Function</b>               | Authority to extend the period within which a modified penalty may be paid or withdraw an infringement notice.                                    |
| <b>Delegates</b>              | Coordinator Field Services (00607)<br>Director Planning and Community Development (00105)<br>Manager Rangers Parking and Community Safety (00912) |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Sections 9.19 and 9.20 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 18 April 2018   |
| <b>Adoption references</b>    | INT18/15225   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 18 Apr 2018       | New delegation     | Insertion of delegation to designated employees to provide the authority to extend the period within a modified penalty may be paid or withdraw an infringement notice.  | INT18/15225       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.15 to 1.16 - Extension of Time to Pay and Withdrawal of Notices.   | CJ079-06/21       |
| 10 May 2022       | Amended delegation | Removal of delegate authority from Parking Project Officer (00853).  | INT22/18447       |
| 10 May 2022       | Amended delegation | Removal of delegate authority from Director Corporate Services (00063) and replace with Director Planning and Community Development (00105), as Rangers, Parking and Community Development BU is transferring to Planning and Community Development Directorate. | INT22/18447       |

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| <b>Delegation</b>             | <b>1.17 OBJECTION TO THE RATE RECORD</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to: <ul style="list-style-type: none"> <li>• consider any objection to the rate record and either disallow it or allow it, wholly or in part;</li> <li>• extend the time for making an objection to the rate record for such period as is deemed fit.</li> </ul> |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075)   |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 6.76 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to consider any objection to the rate record and may either disallow or allow wholly or in part. | CJ208-11/06       |
| 22 Jun 2010       | Amended delegation | Inclusion of "Delegated by Council" and Nil Conditions.  | CJ095-06/10       |
| 24 Jun 2014       | Amended delegation | Function delegated - removal of the words local government and replaced by the word Authority.   | CJ091-06/14       |

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| 25 Jun 2019 | Amended delegation | Change to Function delegated to include " extend the time for making an objection to the rate record for such period as is deemed fit". | CJ078-06/19 |
| 26 Jun 2019 | Amended delegation | Inclusion of sub-delegations relating to position numbers (00063), (00075), (00079).  | INT19/29912 |
| 23 Jun 2020 | Amended delegation | Sub-delegation - Change in title from Team Leader Rating Services to Coordinator Rating Services.                                       | INT20/19165 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.16 to 1.17 - Objection to the Rate Record.  | CJ079-06/21 |

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| <b>Delegation</b>             | <b>1.18 OPENING OF FENCES</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to open a fence on private land.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Limited to those activities that expressly states such authority under Schedule 3.2 of the <i>Local Government Act 1995</i> . |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 3.36 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 24 June 2014  |
| <b>Adoption references</b>    | CJ091-06/14   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 24 Jun 2014       | New delegation     | Insertion of delegation for Chief Executive Officer to have the authority to open a fence on private property. | CJ091-06/14       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.17 to 1.18 - Opening of Fences.  | CJ079-06/21       |

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| <b>Delegation</b>   | <b>1.19 PAYMENTS FROM MUNICIPAL FUND - INCURRING LIABILITIES AND MAKING PAYMENTS</b>  |
| <b>Category</b>     | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>    | Council   |
| <b>Function</b>     | Authority to incur liabilities and make payments from the municipal fund.   |
| <b>Delegates</b>    | Chief Executive Officer (00001)   |
| <b>Conditions</b>   | <p>(1) Authority subject to funds being provided in the Annual Budget.</p> <p>(2) Authority to Chief Executive Officer is unlimited.</p> <p>(3) Incurring liabilities and making payments to be undertaken in accordance with the City's procedures and systems for incurring liabilities and making payments.</p> <p>(4) Authority which may be Delegated by the Chief Executive Officer to employees is subject to the maximum individual amount limits on payments defined by categories A, B, C, D, E and F as follows:</p> <ul style="list-style-type: none"> <li>(i) Category A – unlimited individual amounts subject to annual budget limitations.</li> <li>(ii) Category B – limited to \$2 million.<br/>(\$2.2 million including GST).</li> <li>(iii) Category C – limited to \$250,000.<br/>(\$275,000 including GST).</li> <li>(iv) Category D – limited to \$100,000.<br/>(\$110,000 including GST).</li> <li>(v) Category E – limited to \$25,000.<br/>(\$27,500 including GST).</li> <li>(vi) Category F – limited to \$5,000.<br/>(\$5,500 including GST).</li> </ul> |
| <b>Subdelegates</b> | Administration Officer - Economic Development (01525)<br>Administration Officer Leisure and Cultural Services (00160)<br>Analytics Lead (01200)<br>Branch Librarian - Duncraig (00521)<br>Branch Librarian - Joondalup (00519)<br>Branch Librarian - Whitford (00520)<br>Branch Librarian - Woodvale (00522)<br>Business Support and Finance Officer (01548)<br>Collection Management Team Leader (00528)<br>Contracts and Finance Officer (00906)<br>Coordinator Building Approvals (00113)<br>Coordinator Building Capital Works (00195)<br>Coordinator Building Maintenance (00228)<br>Coordinator Business Systems (00095)<br>Coordinator Civil Design and Construction (01119)<br>Coordinator Community and Youth Development (00175)<br>Coordinator Compliance and Regulatory Performance (01094)<br>Coordinator Contract Administration and Purchasing Services (00068)<br>Coordinator Cultural Services (00166)<br>Coordinator Engineering Operations (00227)<br>Coordinator Field Services (00607)   |

Coordinator Fleet Management (00069)  
Coordinator Infrastructure Asset Management (00205)  
Coordinator Leisure Centres (00612)  
Coordinator Leisure Planning (00849)  
Coordinator Library Resources and Development (00517)  
Coordinator Network Services (00770)  
Coordinator Organisational Development (00789)  
Coordinator Park Operations (00806)  
Coordinator Projects and Conservation (01120)  
Coordinator Property Management (00497)  
Coordinator Rating Services (00079)  
Coordinator Recreation Services (00611)  
Coordinator Transport Engineering (00203)  
Coordinator Urban Design and Policy (00111)  
Coordinator Waste Services (00762)  
Customer Experience Lead (01545)  
Director Corporate Services (00063)  
Director Governance and Strategy (00648)  
Director Infrastructure Services (00184)  
Director Planning and Community Development (00105)  
Electrical Project Engineer (01244)  
Electrical Project Engineer (01390)  
Environment Development Coordinator (00783)  
Executive Assistant to the Chief Executive Officer (00002)  
Executive Assistant to the Mayor (00003)  
Inventory Controller (00945)  
Library Service Coordinator (00516)  
Library Systems and Administration Officer (00514)  
Local History and Reference Team Leader (00526)  
Manager Asset Management (00065)  
Manager Audit and Risk Services (01193)  
Manager City Projects (00859)  
Manager Communications and Stakeholder Relations (01162)  
Manager Community Development and Library Services (00390)  
Manager Economic Development and Advocacy (00502)  
Manager Financial Services (00075)  
Manager Governance (00010)  
Manager Human Resource (00054)  
Manager Information Technology (00094)  
Manager Infrastructure Management Services (00186)  
Manager Leisure and Cultural Services (00159)  
Manager Operation Services (00220)  
Manager Planning Services (00108)  
Manager Rangers Parking and Community Safety (00912)  
Manager Regulatory Services (01093)  
Manager Strategic and Organisational Development (00503)  
Parking Project Officer (00853)  
Principal Environmental Health Officer (00114)  
Principal Events Officer (00168)  
Principal Legal Officer (00640)  
Road Network Engineer (01405)  
Senior Civil Projects Officer (00208)  
Senior Development Engineer (00490)  
Senior Financial Accountant (00078)  
Senior Landscape Architect / Team Leader Landscaping and Conservation (00211)  
Senior Management Accountant (00083)  
Senior Project Engineer (00210)  
Senior Projects Officer (00005)  
Senior Projects Officer (00937)

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|--------------------------------------|--|
|                                      | <p>Senior Projects Officer (01154)<br/>                 Senior Projects Officer Casual (01563)<br/>                 Senior Team Leader Customer Care (00027)<br/>                 Service Desk Team Leader (00101)<br/>                 Strategic Planning and Engagement Coordinator (00843)<br/>                 Systems Administrator (01436)<br/>                 Systems Support Officer (00800)<br/>                 Team Leader Aquatic and Facility Operations (01435)<br/>                 Team Leader Community Development (01224)<br/>                 Team Leader Community Venues (00173)<br/>                 Team Leader Field Officers (00212)<br/>                 Team Leader Field Officers (00219)<br/>                 Team Leader Health and Fitness (01433)<br/>                 Team Leader Leisure and Aquatic Programs (01434)<br/>                 Team Leader Marketing and Customer Experience (01432)<br/>                 Team Leader Natural Areas (00506)<br/>                 Team Leader Projects (00224)<br/>                 Team Leader Sport and Recreation (00172)<br/>                 Team Leader Youth Services (00182)<br/>                 Waste Design and Contract Officer (00197)</p>   |
| <p><b>Subdelegate conditions</b></p> | <p><b>Category A</b></p> <ul style="list-style-type: none"> <li>• Director Corporate Services (00063).</li> </ul> <p><b>Category B</b></p> <ul style="list-style-type: none"> <li>• Manager City Projects (00859).</li> <li>• Director Infrastructure Services (00184).</li> <li>• Director Planning and Community Development (00105).</li> <li>• Director Governance and Strategy (00648).</li> </ul> <p><b>Category C</b></p> <ul style="list-style-type: none"> <li>• Manager Financial Services (00075).</li> <li>• Manager Information Technology (00094).</li> <li>• Manager Infrastructure Management Services (00186).</li> <li>• Manager Operation Services (00220).</li> <li>• Manager Asset Management (00065).</li> <li>• Manager Rangers Parking and Community Safety (00912).</li> <li>• Manager Leisure and Cultural Services (00159).</li> <li>• Manager Community Development and Library Services (00390).</li> <li>• Coordinator Engineering Operations (00227).</li> <li>• Coordinator Park Operations (00806).</li> <li>• Coordinator Projects and Conservation (01120).</li> <li>• Coordinator Civil Design and Construction (01119).</li> <li>• Coordinator Waste Services (00762).</li> <li>• Senior Projects Officer (00937).</li> </ul> <p><b>Category D</b></p> <ul style="list-style-type: none"> <li>• Manager Audit and Risk Services (01193).</li> <li>• Coordinator Building Capital Works (00195).</li> <li>• Coordinator Building Maintenance (00228).</li> <li>• Senior Landscape Architect / Team Leader Landscaping and Conservation (00211).</li> <li>• Team Leader Projects (00224).</li> <li>• Coordinator Fleet Management (00069).</li> <li>• Senior Development Engineer (00490).</li> </ul> |

- Senior Projects Officer Casual (01563).
- Electrical Project Engineer (01244).
- Electrical Project Engineer (01390).
- Business Support and Finance Officer (01548).

### **Category E**

- Manager Strategic and Organisational Development (00503).
- Manager Governance (00010).
- Manager Human Resources (00054).
- Manager Planning Services (00108).
- Manager Regulatory Services (01093).
- Coordinator Business Systems (00095).
- Coordinator Network Services (00770).
- Library Service Coordinator (00516).
- Coordinator Library Resources and Development (00517).
- Team Leader Natural Areas (00506).
- Coordinator Field Services (00607).
- Coordinator Transport Engineering (00203).
- Coordinator Infrastructure Asset Management (00205).
- Waste Design and Contract Officer (00197).
- Coordinator Community and Youth Development (00175).
- Coordinator Leisure Centres (00612).
- Coordinator Recreation Services (00611).
- Coordinator Cultural Services (00166).
- Coordinator Urban Design and Policy (00111).
- Principal Environmental Health Officer (00114).
- Principal Events Officer (00168).
- Principal Legal Officer (00640).
- Parking Project Officer (00853).
- Systems Support Officer (00800).
- Coordinator Property Management (00497).
- Analytics Lead (01200).
- Manager Communications and Stakeholder Relations (01162).
- Senior Projects Officer (00005).
- Senior Projects Officer (01154).
- Senior Civil Projects Officer (00208).
- Senior Project Engineer (00210).
- Coordinator Leisure Planning (00849).
- Network Asset Engineer Roads (01405).
- Inventory Controller (00945).
- Manager Economic Development and Advocacy (00502).
- Customer Experience Lead (01545).
- Contracts and Finance Officer (00906).

### **Category F**

- Executive Assistant to the Mayor (00003).
- Executive Assistant to the CEO (00002).
- Senior Financial Accountant (00078).
- Senior Management Accountant (00083).
- Coordinator Rating Services (00079).
- Coordinator Contract Administration and Purchasing Services (00068).
- Service Desk Team Leader (00101).
- Administration Officer Leisure and Cultural Services (00160).
- Coordinator Building Approvals (00113).
- Branch Librarian – Joondalup (00519).
- Branch Librarian – Whitford (00520).
- Branch Librarian – Woodvale (00522).

|                            |   |
|----------------------------|---|
|                            | <ul style="list-style-type: none"> <li>• Branch Librarian – Duncraig (00521).</li> <li>• Local History and Reference Team Leader (00526).</li> <li>• Team Leader Field Officers (00212, 00219).</li> <li>• Collection Management Team Leader (00528).</li> <li>• Team Leader Youth Services (00182).</li> <li>• Team Leader Community Development (01224).</li> <li>• Team Leader Marketing and Customer Experience (01432)</li> <li>• Team Leader Leisure and Aquatic Programs (01434).</li> <li>• Team Leader Aquatic and Facility Operations (01435).</li> <li>• Systems Administrator (01436).</li> <li>• Team Leader Health and Fitness (01433).</li> <li>• Coordinator Organisational Development (00789).</li> <li>• Strategic Policy Development Coordinator (00843).</li> <li>• Environment Development Coordinator (00783).</li> <li>• Team Leader – Community Venues (00173).</li> <li>• Team Leader Sport and Recreation (00172).</li> <li>• Administration Officer – Economic Development (01525)</li> <li>• Coordinator Compliance and Regulatory Performance (01094).</li> <li>• Library Systems and Administration Officer (00514).</li> <li>• Senior Team Leader Customer Care (00027).</li> </ul> |
| <b>Statutory framework</b> | Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 21 November 2006  |
| <b>Adoption references</b> | CJ208-11/06   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to make payments from the Municipal and Trust Fund.   | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Sub- Delegations - Changes to designated Officer titles.  | CJ186-09/07       |
| 16 Jun 2009       | Amended delegation | Sub- Delegations - Changes to designated Officer titles.  | CJ127-06/09       |
| 22 Jun 2010       | Amended delegation | Changes to structure and inclusion of CEO Conditions outlying authority to CEO and sub-delegation approval limits, categorised by A, B, C, D and E. Changes in categories and titles. Change in Legislation reference from 6.10 to 6.5 Local Government Act 1995. | CJ095-06/10       |
| 28 Jun 2011       | Amended delegation | Sub- Delegations - Changes to designated Officer titles.  | CJ107-06/11       |

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| 14 Jun 2012 | Amended delegation | Add to Category C (up to \$250,000) the position of Coordinator Natural Areas and Capital Works Projects.   | INT12/13286             |
| 26 Jun 2012 | Amended delegation | Sub-delegations - Changes to designated officer titles, inclusion of officer positions as designated employees.   | CJ108-06/12             |
| 31 Aug 2012 | Amended delegation | Add to Category E (up to \$5,000) the position of Collection Management Team Leader.  | INT12/20354             |
| 19 Oct 2012 | Amended delegation | Add to Category D (up to \$25,000) the position of Internal Auditor.  | INT12/24858             |
| 22 Nov 2012 | Amended delegation | Add position 'Acting Manager Marketing and Communications' to Category D - limited to \$25,000 , following organisational restructure.  | EMI12/6002; INT12/29775 |
| 30 May 2013 | Amended delegation | Amending the title of "Senior Librarian – Duncraig/Sorrento" to "Senior Librarian Duncraig". Amending various position titles within the Infrastructure Services Directorate. Inclusion of "Design Engineer / Coordinator (01119)" to Category C. Inclusion of "Executive Project Officer (00937)" to Category D. | INT13/9868              |
| 16 Aug 2013 | Amended delegation | Inclusion of "Manager Executive and Risk" (1193) to Category C.   | INT13/16228             |
| 24 Jun 2014 | Amended delegation | Change to title to read "Payments from Municipal Fund and Trust Fund - Incurring Liabilities and Making Payments". Change to wording for function delegated and changes to CEO Conditions to include part 1 - 4.  | CJ091-06/14             |
| 12 Feb 2015 | Amended delegation | Change of position title from Senior Librarian to Branch Librarian for Joondalup (00519), Whitford (00520) Duncraig (00521) and Woodvale (00522).   | INT15/5981              |
| 17 Mar 2015 | Amended delegation | Inclusion of the following positions to Category D:<br><ul style="list-style-type: none"> <li>• Coordinator Civil Projects (00208)</li> <li>• Coordinator Civil Projects (00210)</li> <li>• Coordinator Electrical Projects (01244).</li> </ul>   | INT14/18637             |
| 13 May 2015 | Amended delegation | Changes to positions; remove Internal Auditor (00008), add Business Performance Analyst (01200), add to Category E - Team Leader Youth Services (00182) and Team Leader Community Development (01224), amend various titles and amend position number 00792 to read 00762.  | INT15/11342             |
| 23 Jun 2015 | Amended delegation | Changes to the delegation title and function delegated, removing the words "and Trust Fund".  | CJ095-06/15             |

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| 24 Jul 2015 | Amended delegation | Changes of various position payment limits and titles in Leisure and Cultural Services relating to position (00612, 00172, 00173, 00617, 00637, 00638, 00639).  | INT15/25509            |
| 2 Feb 2016  | Amended delegation | Changes to positions; removal of Executive Officer (00006) and amend - Executive Liaison Officer (00007) to Executive Officer (00007) with changes in category from a Category D to a Category C.   | EMI16/1160; INT16/3378 |
| 28 Jun 2016 | Amended delegation | Change in position title for position (00607) and removal of Executive Officer (00006),   | CJ091-06/16            |
| 6 Dec 2016  | Amended delegation | Change in Position title for (00762) to Coordinator Waste Services and change in Category from D to C approval limit of \$250,000.  | INT17/40500            |
| 2 May 2017  | Amended delegation | Change to title of position from Executive Project Officer (00937) to Senior Projects Officer (00937).  | Nil                    |
| 2 May 2017  | Amended delegation | Changes to titles of various positions within Infrastructure Management Services relating to positions 00490, 01119, 00208, 00210, 01244.   | EMI17/4516             |
| 4 Dec 2017  | Amended delegation | Inclusion of a new designated employee position - Team Leader Health and Fitness (01433), Category E - limited to \$5,000.  | INT17/59664            |
| 13 Feb 2018 | Amended delegation | Inclusion of a new designated position - Verge Coordinator (01468) with Category E - limited to \$5,000.  | INT18/5995             |
| 10 Sep 2018 | Amended delegation | Add Project Engineer (01405) to approval category D (\$25,000).   | Nil                    |
| 25 Jan 2019 | Amended delegation | Amendment category of Senior Projects Officer (00937) from \$25,000 to \$250,000; and add Senior Projects Officer (0005) to Category D (\$25,000).  | EMI19/685; EMI19/686   |
| 9 May 2019  | Amended delegation | Change title of Business Performance Analyst (1200) to Special Projects Officer, Analytics (1200).  | INT19/22398            |
| 25 Jun 2019 | Amended delegation | Changes to Delegation Conditions to include a new Category D - limited to \$100,000 and Category E changed to be limited to \$25,000 and Category F limited to \$5,000.   | CJ078-06/19            |
| 22 Jul 2019 | Amended delegation | Changes to positions and category limits after the inclusion of new category D - limited to \$100,000. Positions to be included in Category D - (00195, 00228, 00211, 00224, 00490, 01244), the inclusion of two new delegations position Stores and Material Controller (00945) and Electrical Project Engineer (01390). | INT19/34634            |

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| 29 Nov 2019 | Amended delegation | Change in Category for Economic Development Lead (00502) from Category F to E, with a limit of \$25,000.  | INT19/57256 |
| 10 Dec 2019 | Amended delegation | Addition of new position title with delegated authority; Administration Officer - Economic Development (01525) - Category F - \$5,000 approval limit.   | INT19/59496 |
| 21 May 2020 | Amended delegation | Change of Category for position Manager Audit and Risk (01193) from Category C to D. Removal of position (00007) from Category C. Various changes to titles.                                    | INT20/19165 |
| 23 Jun 2020 | Amended delegation | Inclusion of Condition limits including GST component for Category B to F.  | CJ079-06/20 |
| 24 Aug 2020 | Amended delegation | Inclusion of a new designated employee position in Category E - Customer Experience Lead (01545) with a limit to \$25,000   | INT20/35245 |
| 2 Sep 2020  | Amended delegation | The inclusion of a new delegated authority position - Customer Experience Lead (01545) - Category E - \$25,000 approval limit.  | INT20/35245 |
| 18 Sep 2020 | Amended delegation | The inclusion of reinstated position (00007) Special Projects Officer, Category F - limited to \$5,000.   | INT20/38115 |
| 21 Dec 2020 | Amended delegation | Change title of Manager Human Resources (00054) to Manager Human Resource Services (00054).   | INT20/54123 |
| 21 Dec 2020 | Amended delegation | Change title of Senior Civil Projects Officer (00210) to Senior Project Engineer (00210).   | INT20/54123 |
| 21 Dec 2020 | Amended delegation | Change title of Coordinator Organisational Development (00789) to Coordinator Organisational Development and Improvement (00789).   | INT20/54123 |
| 21 Dec 2020 | Amended delegation | Change title of Coordinator Natural Areas and Capital Works Projects (01120) to Coordinator Projects and Conservation (01120).  | INT20/54123 |
| 21 Dec 2020 | Amended delegation | Delegated authority has been removed for the position Special Project Officer (00007), as the position is no longer required.   | EMI21/776   |
| 25 Mar 2021 | Amended delegation | The inclusion of a new delegated authority position - Senior Projects Officer Casual (01563) - Category D - \$100,000 (excl gst) approval limit and removal of Senior Projects Officer (00937). | EMI21/3218  |
| 1 Apr 2021  | Amended delegation | Sub-Delegations - Change of position title from Administration Coordinator (00187) to Team Leader Customer Relations (00187).   | EMI21/3277  |

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| 10 May 2021 | Amended delegation | Change in title for Senior Sport and Recreation Officer (00172) to Team Leader Sport and Recreation (00172).   | INT21/20088                 |
| 10 May 2021 | Amended delegation | Add to Category F – limited to \$5,000 (\$5,500 including GST) the position of Library Systems and Administration Officer (00514).   | INT21/20088                 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.18 to 1.19 - Payments from Municipal Fund - Incurring Liabilities and Making Payments.   | CJ079-06/21                 |
| 30 Jun 2021 | Amended delegation | Change in title from Stores and Material Controller (00945) to Inventory Controller (00945).   | EMI21/6316                  |
| 13 Jul 2021 | Amended delegation | Change in position title from Senior Ranger (000212,00219) to Team Leader Field Officers (00212,00219) and Coordinator Parking Services (00853) to Parking Project Officer (00853) | EMI21/9081                  |
| 24 Aug 2021 | Amended delegation | Reinstatement of Senior Projects Officer (00937) with Category E - up to \$100,000 approval limits.  | INT21/38645                 |
| 21 Sep 2021 | Amended delegation | New positions afforded delegation by CEO, Business Support and Finance Officer (01548) and Contracts and Finance Officer (00906).  | INT21/42024 and INT21/42025 |
| 21 Oct 2021 | Amended delegation | Delegation removed for Team Leader Customer Relations (00187), title of the position changed to Team Leader Customer Care (00187).   | EMI21/10335                 |
| 26 Oct 2021 | New delegation     | New position Senior Team Leader Customer Care (00027).   | CJ208-11/06, INT21/51101    |
| 11 Nov 2021 | Amended delegation | Title change for Position No. 01405 from Project Engineer to Network Asset Engineer Roads.   | INT21/48800                 |
| 1 Mar 2022  | Amended delegation | Change in title from Economic Development and Advocacy Lead (00502) to Manager Economic Development and Advocacy (00502).  | INT22/8064                  |
| 9 May 2022  | Amended delegation | New Sub-delegated authority provided to Senior Project Officer (01154).  | INT22/20695                 |
| 10 May 2022 | Amended delegation | Sub-delegate change in title from Coordinator Community Development (00175) to Coordinator Community and Youth Development (00175).  | INT22/18447                 |
| 10 May 2022 | Amended delegation | Sub-delegate change in title from Team Leader Marketing and Customer Service (01432) to Team Leader Marketing and Customer Experience (01432).                                     | INT22/18447                 |

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| 10 May 2022 | Amended delegation | Sub-delegate position title correction should be Coordinator Contract Administration and Purchasing Services (00068). | INT22/18447 |
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| <b>Delegation</b>             | <b>1.20 AUTHORISING PAYMENT FROM THE TRUST FUND</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to make payments from the Trust Fund.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the trust fund.   |
| <b>Subdelegates</b>           | Director Corporate Services (00063)<br>Director Governance and Strategy (00648)<br>Director Infrastructure Services (00184)<br>Director Planning and Community Development (00105)<br>Manager Asset Management (00065)<br>Manager Financial Services (00075)<br>Manager Governance (00010)<br>Manager Infrastructure Management Services (00186)<br>Manager Leisure and Cultural Services (00159)<br>Manager Operation Services (00220)<br>Manager Regulatory Services (01093) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .  |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 23 June 2015   |
| <b>Adoption references</b>    | CJ095-06/15  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                |   |                   |
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| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b> |
| 23 Jun 2015       | New delegation | New delegation arising from separation of authorising payments from municipal fund. Delegations limited to Directors and Managers with trust fund responsibilities. Provides tighter financial management controls. | CJ095-06/15       |

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| 24 Jul 2015 | Amended delegation | Inclusion of:<br><ul style="list-style-type: none"> <li>• Coordinator Leisure Centre (00612) – up to a maximum of \$25,000</li> <li>• Coordinator Recreation Services (00611) – up to a maximum of \$25,000</li> <li>• Recreation Development Officer (00172, 00173) – up to a maximum of \$5,000</li> <li>• Senior Leisure Officer (00617, 00637, 00638, 00639) – up to a maximum of \$5,000.</li> </ul> | INT15/25509 |
| 4 Aug 2015  | Amended delegation | Inclusion of Administration Coordinator - position number 00187 (Infrastructure Services) to authorise payments from the trust fund.  | INT15/25855 |
| 9 Nov 2017  | Amended delegation | Amended various titles and position numbers with delegations resulting from Craigie Leisure Centre restructure. Position numbers 00617, 00637, 00638 and 00639 changed to 01435, 01434, 01433 and 01432 respectively.   | EMI17/9582  |
| 10 May 2021 | Amended delegation | Remove sub-delegations for positions (00612, 00611, 01436, 01435, 00173, 00187, 01433, 01434, 01432), only leaving positions held by Directors and Managers with delegated authority relating to payments from the Trust Fund.  | INT21/20088 |
| 10 May 2021 | Amended delegation | Remove sub-delegation conditions as they relate to positions that have been deleted from this delegation (00612, 00611, 01436, 01435, 00173, 00187, 01433, 01434, 01432) and change conditions to nil.  | INT21/20088 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.19 to 1.20 - Authorising Payment From the Trust Fund.   | CJ079-06/21 |

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| <b>Delegation</b> | <b>1.21 PAYMENTS FROM MUNICIPAL FUND AND TRUST FUND - SIGNATORIES TO BANK ACCOUNTS</b>  |
| <b>Category</b>   | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>  | Council   |
| <b>Function</b>   | Authority to make payments from the Municipal Fund or the Trust Fund.   |
| <b>Delegates</b>  | Chief Executive Officer (00001)   |
| <b>Conditions</b> | <p>Authority is subject to payments being made strictly in accordance with the signatory requirements set out in the following:</p> <p><u>Cheque Payments (only)</u></p> <ul style="list-style-type: none"> <li>• Payments <del>under</del> <u>up to</u> \$10,000 - Any <u>one Category A or Category B</u> signatory <del>(for cheques only)</del>.</li> <li>• Payments of \$10,00<u>1</u>0 and over to payments <del>under</del> <u>up to</u> \$250,000 - Any two <u>Category A or Category B</u> signatories.</li> <li>• Payments of \$250,00<u>1</u>0 and over - Any One of Category A and 1 of <u>Category B</u> signatories; or any Two Category A signatories.</li> </ul> <p><u>Electronic Funds Transfer (EFT) Payments (only)</u></p> <ul style="list-style-type: none"> <li>• <u>Payments up to \$10,000 – Any two Category A or Category B Signatories; or Any one of Category A or Category B signatories and Any one of Category C signatories.</u></li> <li>• <u>Payments of \$10,001 and over to payments up to \$250,000 – Any two Category A or Category B signatories.</u></li> <li>• <u>Payments of \$250,001 and over – Any one Category A and one of Category B signatories; or any two Category A signatories.</u></li> </ul> <p><b>Category A Signatories</b></p> <p>Chief Executive Officer (00001).<br/>                 Director Planning and Community Development (00105).<br/>                 Director Corporate Services (00063).<br/>                 Director Infrastructure Services (00184).<br/>                 Director Governance and Strategy (00648).<br/>                 Manager Financial Services (00075).</p> <p><b>Category B Signatories</b></p> <p>Senior Management Accountant (00083).<br/>                 Senior Financial Accountant (00078).</p> <p><b>Category C Signatories</b><br/> <u>Financial Accountant (TBC)</u><br/> <u>Management Accountant (TBC)</u></p> |

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| <b>Subdelegates</b>           | Director Corporate Services (00063)<br>Director Governance and Strategy (00648)<br>Director Infrastructure Services (00184)<br>Director Planning and Community Development (00105)<br>Manager Financial Services (00075)<br>Senior Financial Accountant (00078)<br>Senior Management Accountant (00083)<br><br><a href="#">Financial Accountant (TBC)</a><br><a href="#">Management Accountant (TBC)</a> |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Sections 6.7 and 6.9 of the <i>Local Government Act 1995</i> .<br><br>Regulation 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Delegation initially incorporated as part of "Payments from the Municipal Fund and Trust Fund" delegation.   | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Under the 'Category B Signatories' the position title "Manager Strategic Development" has been added against 'Category A Signatories, Director Infrastructure Services'  | CJ186-09/07       |
| 22 Jun 2010       | Amended delegation | The deletion of positions Manager Human Resources, Manager Strategic and Sustainable Development from Category B signatories. Payment under \$10,000 to read "Any one signatory". Payments of \$10,000 to \$250,000 to read "Any two signatories". | CJ095-06/10       |
| 26 Jun 2012       | Amended delegation | Change in title from "Director Planning and Development" to Director Planning and Community Development".  | CJ108-06/12       |
| 24 Jun 2014       | Amended delegation | Change to wording of function delegated "Authority to make payments from the Municipal Fund or the Trust Fund".  | COJ091-06/14      |

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| 23 Jun 2020 | Amended delegation | Change to delegation conditions for payments under \$10,000 to include the words " any one signatory (for cheques only), provided for clarification. | CJ079-06/20 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.20 to 1.21 - Payments from Municipal Fund and Trust Fund - Signatories to Bank Accounts.                       | CJ079-06/21 |

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| <b>Delegation</b>             | <b>1.22 POWER TO INVEST</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to invest funds held in the municipal fund or the trust fund of the local government that is not, for the time being, required by the local government for any other purpose, in accordance with Part III of the <i>Trustees Act 1962</i> . |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Authority is unlimited.   |
| <b>Subdelegates</b>           | Director Corporate Services (00063)<br>Manager Financial Services (00075)<br>Senior Financial Accountant (00078)<br>Senior Management Accountant (00083)  |
| <b>Subdelegate conditions</b> | <b>Director Corporate Services (00063).</b><br>Unlimited<br><br><b>Manager Financial Services (00075).</b><br>Up to \$3 million<br><br><b>Senior Management Accountant (00083) and Senior Financial Accountant (00078).</b><br>Up to \$1.5 million    |
| <b>Statutory framework</b>    | Section 6.14 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | <del>Investment Policy.</del> <a href="#">Investment of Available Funds Policy.</a>   |
| <b>Date adopted</b>           | 21 November 2006  |
| <b>Adoption references</b>    | CJ208-11/06   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have the power to invest municipal and trust funds. | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Deletion of "Statutory Accountant" and addition of "Senior Financial Accountant"                           | CJ186-09/07       |

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| 22 Jun 2010 | Amended delegation | Changes to general format and changes to the conditions to include Chief Executive Officer and Director Corporate Services as unlimited and Manager Financial Services (up to \$3M), Senior Management Accountant and Senior Financial Accountant (up to \$1.5M).            | CJ095-06/10 |
| 24 Jun 2014 | Amended delegation | Changes to wording of delegation and layout re-structured to reflect action required in accordance to the Local Government Act 1995. Conditional wording re-located to 'sub delegation conditions' section of the delegation. The addition of the related Investment Policy. | CJ091-06/14 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.21 to 1.22 - Power to Invest.  | CJ079-06/21 |

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| <b>Delegation</b>             | <b>1.23 RECOVERY OF RATES AND SERVICE CHARGES</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to recover rates and service charges, as well as the costs of court proceedings, if any for that recovery, in a court of competent jurisdiction. |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075)   |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 6.56 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 25 June 2019   |
| <b>Adoption references</b>    | CJ078-06/19  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 25 Jun 2019       | New delegation     | New delegation relating to authority to recover rates and service charges, as well as the costs of court proceedings, if any for that recovery, in a court of competent jurisdiction. | CJ078-06/19       |
| 26 Jun 2019       | Amended delegation | The inclusion CEO sub-delegations to positions 00063, 00075, 00079.   | INT19/29912       |
| 23 Jun 2020       | Amended delegation | Change in position title from Team Leader Rating Services (00079) to Coordinator Rating Services (00079).   | INT20/19165       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.22 to 1.23 - Recovery of Rates and Service Charges.   | CJ079-06/21       |

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| <b>Delegation</b>             | <b>1.24 RECOVERY OF RATES AND SERVICE CHARGES FROM LESSEE</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | <p>Authority to:</p> <ul style="list-style-type: none"> <li>• give notice to the lessee of land requiring the lessee to pay to the City any rent as it falls due, in satisfaction of the imposed rate or service charge on the land;</li> <li>• recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice.</li> </ul> |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075)   |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 6.60(2) and (4) of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 25 June 2019   |
| <b>Adoption references</b>    | CJ078-06/19  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 25 Jun 2019       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to give notice to the lessee of land requiring the lessee to pay to the City any rent as it falls due, in satisfaction of the imposed rate or service charge on the land; and recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice. | CJ078-06/19       |
| 26 Jun 2019       | Amended delegation | The inclusion CEO sub-delegations to positions 00063, 00075, 00079  | INT19/29912       |

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| 23 Jun 2020 | Amended delegation | Change in position title from Team Leader Rating Services (00079) to Coordinator Rating Services.     | INT20/19165 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.23 to 1.24 - Recovery of Rates and Service Charges from Lessee. | CJ079-06/21 |

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| <b><u>Delegation</u></b>             | <b><u>1.25 - PAYMENTS FROM MUNICIPAL FUND – INCURRING LIABILITIES AND MAKING PAYMENTS FOR COURT FEES IN RESPECT OF LODGEMENTS OF RATES CLAIMS (WA MAGISTRATES' COURT)</u></b>  |
| <b><u>Category</u></b>               | <u>PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995</u>  |
| <b><u>Delegator</u></b>              | <u>Council</u>   |
| <b><u>Function</u></b>               | <u>Authority to incur liabilities and make payments from the municipal fund for court fees in respect of lodgements of rates claims only (WA Magistrates' Court).</u>  |
| <b><u>Delegates</u></b>              | <u>Chief Executive Officer (00001)</u>   |
| <b><u>Conditions</u></b>             | <u>Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the municipal fund.</u>  |
| <b><u>Subdelegates</u></b>           | <u>Manager Financial Services (00075)</u><br><u>Senior Management Accountant (00083)</u><br><u>Coordinator Rating Services (00079)</u>   |
| <b><u>Subdelegate conditions</u></b> | <b><u>1. Manager Financial Services (00075)</u></b><br><u>Payment limit over \$10,000 (excluding GST).</u><br><b><u>2. Senior Management Accountant (00083) and Coordinator Rating Services (00079).</u></b><br><u>Payment limit up to \$10,000 (excluding GST).</u> |
| <b><u>Statutory framework</u></b>    | <u>Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996.</i></u>  |
| <b><u>Policy</u></b>                 | <u>Not applicable.</u>   |
| <b><u>Date adopted</u></b>           | <u>TBC</u>   |
| <b><u>Adoption references</u></b>    | <u>TBC</u>   |
| <b><u>Last reviewed</u></b>          | <u>TBC</u>   |

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| <b>Delegation</b>             | <b>1.265 SEEKING EXPRESSIONS OF INTEREST</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to seek expressions of interest with respect to the supply of goods or services, where it is considered that there is good reason to make a preliminary selection from among prospective tenderers. |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Director Corporate Services (00063)<br>Manager Financial Services (00075)   |
| <b>Subdelegate conditions</b> | Limited to the ability to seek expressions of interest only.  |
| <b>Statutory framework</b>    | Regulation 21 of the <i>Local Government (Functions and General) Regulations 1996</i> .   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 26 June 2012  |
| <b>Adoption references</b>    | CJ108-06/12   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 26 Jun 2012       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to seek expressions of interest with respect to the supply of the goods or services.                                | CJ108-06/12       |
| 24 Jun 2014       | Amended delegation | Changes to wording in Function delegated and removal of CEO condition, and inclusion of sub-delegate conditions to include "Limited to the ability to seek expressions of interest only". | CJ091-06/14       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.24 to 1.25 - Seeking Expressions of Interest.   | CJ079-06/21       |

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| <b>Delegation</b>   | <b>1.276 WAIVER OF FEES AND GRANTING OF CONCESSIONS</b>   |
| <b>Category</b>     | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>    | Council   |
| <b>Function</b>     | Authority to waive or grant a concession in relation to any amount of money which is owed to the City other than rates and service charges.   |
| <b>Delegates</b>    | Chief Executive Officer (00001)   |
| <b>Conditions</b>   | Additional subsidies and waiver of hire fees under the <i>Facility Hire Subsidy Policy</i> limited to \$5,000 per request.  |
| <b>Subdelegates</b> | <p>Adult and Seniors Services Officer (00525)<br/> Branch Librarian - Duncraig (00521)<br/> Branch Librarian - Joondalup (00519)<br/> Branch Librarian - Whitford (00520)<br/> Branch Librarian - Woodvale (00522)<br/> Cataloguer (00531)<br/> Cataloguer (00532)<br/> Collection Management Team Leader (00528)<br/> Coordinator Field Services (00607)<br/> Coordinator Library Resources and Development (00517)<br/> Digital Services Officer (01126)<br/> Director Corporate Services (00063)<br/> Director Governance and Strategy (00648)<br/> Director Infrastructure Services (00184)<br/> Director Planning and Community Development (00105)<br/> Librarian (00539)<br/> Librarian (00549)<br/> Librarian (00558)<br/> Librarian (00559)<br/> Librarian (00560)<br/> Librarian (00575)<br/> Library Service Coordinator (00516)<br/> Local History and Reference Team Leader (00526)<br/> Manager Community Development and Library Services (00390)<br/> Manager Leisure and Cultural Services (00159)<br/> Manager Rangers Parking and Community Safety (00912)<br/> Manager Regulatory Services (01093)<br/> Reference and Local History Librarian (00527)<br/> Youth and Children's Services Officer (00524)<br/> Youth and Children's Services Officer (01231)</p> |

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| <p><b>Subdelegate conditions</b></p> | <p><b>1. Director Planning and Community Development (00105), Director Corporate Services, Director (00063), Infrastructure Services (00184) and Director Governance and Strategy (00648).</b><br/>Not applicable.</p> <p><b>2. Manager Leisure and Cultural Services (00159).</b><br/>Limited to individual items to \$5,000 and limited to the hire and use of City facilities.</p> <p><b>3. Librarian – Duncraig (00575), Librarians – Joondalup (00558), (00559), (00560), Librarian – Whitford (00539), Librarians – Woodvale (00549) (x2), Reference and Local History Librarian (00527); Adult and Seniors Officer (00525); Youth and Children’s Services Officer (00524); Youth and Children’s Services Officer (01231); Cataloguer (00532); Cataloguer (00531).</b><br/>Limited to waiving fines to the value of \$50 and under and waiving fines up to any value when a lost or damaged item is paid for by the customer, <b>SUBJECT TO</b> a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.</p> <p><b>4. Coordinator Library Resources and Development (00517), Library Service Coordinator (00516), Branch Librarian – Joondalup (00519), Branch Librarian – Whitford (00520), Branch Librarian – Woodvale (00522), Branch Librarian – Duncraig (00521), Digital Services Officer (01126); Local History and Reference Team Leader (00526); Collection Management Team Leader (00528).</b><br/>Limited to waiving fines to the value of \$100 and under; waiving fines up to any value when a lost or damaged item is paid for by the customer; waiving the \$12.80 debt collection fee in special circumstances; waiving accounts up to \$150 for lost or damaged items in special circumstances, <b>SUBJECT TO</b> a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.</p> <p><b>5. Manager Community Development and Library Services (00390).</b><br/>(a) Limited to waiving fines and accounts to the value of \$50 and over; waiving the \$12.80 debt collection fee in special circumstances, <b>SUBJECT TO</b> a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.<br/>(b) Limited to waiver of hire fees for use of library facilities to a maximum of \$1,000.<br/>(c) Limited to waiver of fees for community transport hire up to \$500 per group per year.<br/>(d) Limited to the waiver of fees or grant concessions for the Youth Holiday Programs.</p> <p><b>6. Manager Regulatory Services (01093).</b><br/>Limited to waiving the City’s Building Permit Application fee for applications submitted by not-for-profit charitable organisations.</p> <p><b>7. Manager Rangers, Parking and Community Safety (00912) and Coordinator Field Services (00607)</b><br/>Limited to waiving of fees to the value of the fee for release of an impounded animal from the RSPCA. <b>SUBJECT TO</b> approval of an application by the Manager or Coordinator following a review of the persons financial inability to pay the release fee and a quarterly report on fees.</p> |
| <p><b>Statutory framework</b></p>    | <p>Section 6.12 of the <i>Local Government Act 1995</i>.</p>   |
| <p><b>Policy</b></p>                 | <p><i>Facility Hire Subsidy Policy.</i></p>  |
| <p><b>Date adopted</b></p>           | <p>7 September 2007</p>  |
| <p><b>Adoption references</b></p>    | <p>CJ186-09/07</p>   |

| <b>Amendments</b> |                    |   |  |
|-------------------|--------------------|---|--|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b>  |
| 7 Sep 2007        | New delegation     | <p>Reinstatement and Insertion of delegation for Chief Executive Officer to have authority to Waive Fees.</p> <p>This delegation was removed from the register in 2006. Advice received is that 'acting through' powers of the legislation do not provide sufficient delegation; therefore delegation should be reinstated.</p>   | CJ186-09/07  |
| 22 Jun 2010       | Amended delegation | Change to wording of delegated function - to "Authority to waive or grant a concession in relation to any amount of money which is owed to the City other than rates and service charges. Change to delegation being delegated by Council and change in Policy reference to Setting Fees and Charges.   | CJ095-06/10  |
| 26 Jun 2012       | Amended delegation | The inclusion of the sub-delegation to Manager Leisure and Cultural Services (00159) - individual items to \$5,000 and limited to the hire and use of City facilities.  | CJ108-06/12  |
| 25 Jul 2013       | Amended delegation | Changes to sub-delegation conditions for position, Manager Community Development and Library Services (00390), authority to waive fines and accounts to the value of \$6 and over, Waive the 12.80 debt collection fee in special circumstances, and authority to write off bad debts up to \$500.  | INT13/16608  |
| 25 Jul 2013       | Amended delegation | Insertion of new delegation to various library officers to waive fees and accounts within specified parameters.   | INT13/16608, INT13/16607, INT13/16265, INT13/16587, INT13/16588, INT13/16589, INT13/16590, INT13/16592, INT13/16595, INT13/16597, INT13/16598. |
| 25 Jul 2013       | Amended delegation | Inclusion of sub delegation positions; Senior Librarian-Joondalup, Senior Librarian-Whitford, Senior Librarian-Duncraig, Senior Librarian-Woodvale, Library Operations coordinator and Library Services Coordinator. With authority to waive fines to the value of \$6 and under, waive fines up to any value when a lost or damaged item is paid, waive accounts up to \$150 for lost or damaged items in special circumstances. | INT13/16607  |
| 9 Dec 2014        | Amended delegation | Insertion of new conditions, limiting CEO to \$5,000.   | CJ243-12/14  |

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| 16 Feb 2015 | Amended delegation | <ul style="list-style-type: none"> <li>• Inclusion of various library staff with differing limits of authority.</li> <li>• Change of position title from Senior Librarian to Branch Librarian (throughout document).</li> <li>• Inclusion of additional condition from CEO to library staff, requiring quarterly reporting of waivers.</li> </ul>  | INT15/5981  |
| 13 May 2015 | Amended delegation | <ul style="list-style-type: none"> <li>• Add Manager Compliance and Regulatory Services (01093) - Limited to waiving the City's Building Permit Application fee for applications submitted by not-for-profit charitable organisations.</li> <li>• Amend Category 3 delegations as from Librarians – Whitford (00539) (x2) to Librarian – Whitford (00539) and from Librarian – Woodvale (00549) to Librarians – Woodvale (00549) (x2).</li> <li>• Amend title from Librarian Reference and Local Studies (00527) to Reference and Local History Librarian (00527).</li> </ul>        | INT15/11342 |
| 29 May 2017 | Amended delegation | <ul style="list-style-type: none"> <li>• Additional sub-delegation condition 3 and 4, change limit value of waiving from "\$6 and under" to "\$50 and under".</li> <li>• Additional sub delegation condition 5 for position (00390), change amount to "\$50 and over".</li> <li>• Additional sub delegation condition 5 for position (00390), limited to waive hire and use of library facilities of \$1,000 and under.</li> <li>• Additional sub delegation condition 5 for position (00390), limited to Community Transport hire of \$500 and under per group per year.</li> </ul> | INT17/24978 |
| 21 May 2020 | Amended delegation | <ul style="list-style-type: none"> <li>• Change position title from Reference and Local History Team Leader (00526) to Local History and Reference Team Leader (00526).</li> <li>• Remove position number 01516 as the position was temporarily created and no longer required.</li> </ul>   | INT20/19165 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |
| 10 May 2021 | Amended delegation | Change in Sub delegate conditions for Category 4; in part from "Limited to waiving fines to the value of \$50 and under..." to "Limited to waiving fines to the value of \$100 and under..."   | INT21/20088 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.25 to 1.26 - Waiver of Fees and Granting of Concessions.   | CJ079-06/21 |
| 10 May 2022 | Amended delegation | Add sub-delegate authority to Manager Rangers, Parking and Community Safety (00912) and Coordinator Field Services (00607). The addition of Sub-delegate condition 7 in relation to waiving of fees in respect to the impounding of dogs.  | INT22/18447 |

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| <b>Delegation</b>             | <b>1.287 WRITE OFF OF MONIES</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to write off monies.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Subject to:<br>(a) individual items to \$20,000;<br>(b) a report being provided to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.  |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Community Development and Library Services (00390)<br>Manager Financial Services (00075)  |
| <b>Subdelegate conditions</b> | Additional sub-delegation conditions:<br><br><b>1. Director Corporate Services (00063).</b><br>Not applicable.<br><br><b>2. Manager Financial Services (00075).</b><br>Individual items to \$5,000.<br><br><b>3. Manager Community Development and Library Services (00390).</b><br>Individual items to \$500.<br><br><b>4. Coordinator Rating Services (00079).</b><br>Individual items to \$50. |
| <b>Statutory framework</b>    | Section 6.12 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 15 March 1999   |
| <b>Adoption references</b>    | CJ78-03/99  |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 15 Mar 1999       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to write off monies.                                      | CJ78-03/99        |
| 22 Jun 2010       | Amended delegation | Change in title to include the words "Authority to" Write off of monies and removal of section number in legislation reference. | CJ095-06/10       |
| 25 Jul 2013       | Amended delegation | Insertion of new delegation to Manager Community Development and Library Services to write off bad debts up to \$500.           | INT13/16608       |
| 21 May 2020       | Amended delegation | Change in position title from Team Leader Rating Services (00079) to Coordinator Rating Services (00079).                       | INT20/19165       |
| 23 Jun 2020       | Amended delegation | Amendment to Condition (b) - Change in Committee name from Audit Committee to Audit and Risk Committee.                         | CJ079-06/20       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.26 to 1.27 - Write Off of Monies.   | CJ079-06/21       |

## PART 2 – DELEGATIONS TO COMMITTEES

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| <b>Delegation</b>                      | <b>2.0 DELEGATIONS TO COMMITTEES</b>                                     |
| <b>Category</b>                        | PART 2 – DELEGATIONS TO COMMITTEES                                       |
| <b>Delegator</b>                       | Council  |
| <b>Express power or duty delegated</b> | No delegations to committees have been approved by Council at this time. |
| <b>Delegates</b>                       | Committee  |
| <b>Conditions</b>                      | Nil  |
| <b>Statutory framework</b>             | Nil.   |
| <b>Policy</b>                          | Not applicable.  |
| <b>Date adopted</b>                    | 3 November 2017  |
| <b>Adoption references</b>             | JSC03-11/17; CJ078-06/19.  |
| <b>Last reviewed</b>                   | 15 June 2021   |

## PART 3 – DELEGATIONS UNDER OTHER LEGISLATION

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| <b>Delegation</b>             | <b>3.1 AMENDMENTS TO THE PARKING SCHEMES</b>  |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to approve and implement amendments to parking schemes adopted by Council in relation to: <ul style="list-style-type: none"> <li>• time limits, conditions and prohibitions in streets and parking stations;</li> <li>• the designation of visitor and authorised vehicle parking.</li> </ul> |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Authority to be exercised consistently with the provisions of the <i>City of Joondalup Parking Local Law 2013</i> .   |
| <b>Subdelegates</b>           | Director Planning and Community Development (00105)   |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | <i>City of Joondalup Parking Local Law 2013</i> .   |
| <b>Policy</b>                 | <i>Dedicated Car Parking for Seniors and Parents with Prams Policy.</i><br><i>Joondalup City Centre Car Parking for Commercial Development Policy.</i><br><i>Parking Schemes Policy.</i>  |
| <b>Date adopted</b>           | 3 May 2008  |
| <b>Adoption references</b>    | CJ073-05/08   |

| <b>Amendments</b> |                    |   |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 13 May 2008       | New delegation     | Council delegates to CEO authority to approve amendments to the Parking Scheme to implement and change time limits in streets and parking stations and the designation of visitor and authorised vehicle parking. | CJ073-05/08       |
| 18 Aug 2009       | Amended delegation | Delegates to CEO authority to approve amendments to parking schemes adopted by Council under the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre.   | CJ183-08/09       |

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| 28 Jun 2011 | Amended delegation | <ul style="list-style-type: none"> <li>• Changes to the Title and removing of the words "for Suburban Areas Outside of the Joondalup City Centre Policy".</li> <li>• Changes to the Function - removing the words "under the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy.</li> <li>• Changes to the Function - adding the word "condition", allowing CEO to approve and implement amendments which are not a time limit or prohibition.</li> </ul> | CJ107-06/11 |
| 16 Aug 2018 | Amended delegation | Sub-delegations to Director Corporate Services (00063).   | INT18/33324 |
| 10 May 2022 | Amended delegation | Remove sub-delegate authority from Director Corporate Services (00063) and replace with Director Planning and Community Development (00105), as Rangers, Parking and Community Development BU is transferring to Planning and Community Development Directorate.  | INT22/18447 |

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| <b>Delegation</b>          | <b>3.2 AUTHORISED PERSONS UNDER THE BUILDING ACT 2011</b>   |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to appoint authorised persons for the purposes of the <i>Building Act 2011</i> and <i>Building Regulations 2012</i> in relation to buildings and incidental structures located, or proposed to be located in the City's district. |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Nil   |
| <b>Statutory framework</b> | Section 96(3) of the <i>Building Act 2011</i> .<br>Section 127 of the <i>Building Act 2011</i> .  |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 20 March 2012   |
| <b>Adoption references</b> | CJ027-03/12   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation     | Insertion of delegation in accordance to Section 127 of the new Building Act 2011, authority to approve or refuse permit applications, building approval certificates, design compliance certificates and certificates of construction compliance. | CJ027-03/12       |
| 23 Jun 2015       | Amended delegation | Update legislation reference to Building Regulation 2012.  | CJ095-06/15       |

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| <b>Delegation</b>          | <b>3.3 BUILDING ACT 2011 - ISSUING CERTIFICATES OF BUILDING COMPLIANCE AND DESIGN COMPLIANCE</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to issue certificates of building compliance and design compliance.   |
| <b>Delegates</b>           | Assistant Building Surveyor (00154)<br>Assistant Building Surveyor (01068)<br>Building Surveyor (00150)<br>Building Surveyor (00151)<br>Building Surveyor (00615)<br>Coordinator Building Approvals (00113)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093)<br>Senior Building Surveyor (00148)<br>Senior Building Surveyor (00153) |
| <b>Conditions</b>          | Subject to meeting the qualification requirements in accordance with <i>Building Services (Registration) Regulations 2011</i> .   |
| <b>Statutory framework</b> | Division 2 of Part 2 of the <i>Building Act 2011</i> .<br>Divisions 1, 2 and 3 of Part 4 of the <i>Building Act 2011</i> .<br>Section 127 of the <i>Building Act 2011</i> .<br><i>Building Services (Registration) Regulations 2011</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 20 March 2012   |
| <b>Adoption references</b> | CJ027-03/12   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation     | Insertion of delegation in accordance to Section 127 of the new Building Act 2011, authority to approve or refuse permit applications, building approval certificates, design compliance certificates and certificates of construction compliance. | CJ027-03/12       |
| 2 Oct 2012        | Amended delegation | Remove Position No. 00150 from Building Surveyor classification to Assistant Building Surveyor classification, in accordance with advice from HR and Coordinator Building Approvals.   | INT12/23123       |

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| 21 Oct 2014 | Amended delegation | Council authorised delegation to Administration Team Leader (00110) the power to approve permit applications, on the condition that the position is restricted to approving permit applications that have been certified by a suitably qualified Building Surveyor.   | CJ180-10/14 |
| 26 Jun 2018 | Amended delegation | Sub delegations provided to position numbers (00105, 01093, 00113, 00153, 00148, 00150, 00154, 00615, 01068, 00151).  | CJ101-06/18 |
| 26 Jun 2018 | New delegation     | <p>The original delegation 'Building Act 2011 - Building and Demolition Permit Applications, building approval certificates, certificates of building compliance, construction compliance and design compliance' was repealed, and split into component parts as the changes to the grouping of the delegations better aligned with workflow processes, extent of authority and aims to improve service delivery.</p> <p>This delegation is made by Council direct to officers, subject to the delegated officers being qualified in accordance with the Building Services (registration) Regulations 2011.</p> | CJ101-06/18 |
| 23 Jun 2020 | Amended delegation | Changes to the title and function by way of removing the words "construction compliance".   | CJ079-06/20 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).  | EMI21/259   |
| 10 May 2022 | Amended delegation | Delegate change in title from Assistant Building Surveyor for positions (00615 & 00151) to Building Surveyor (00615 & 00151).   | INT22/18447 |

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| <b>Delegation</b>          | <b>3.4 BUILDING ACT 2011 - GRANTING BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS</b>   |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to administratively grant building and demolition permits, building approval certificates and occupancy permits.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the <i>Building Services (Registration) Regulations 2011</i> .   |
| <b>Subdelegates</b>        | Administration Officer (00110)<br>Administration Officer (00131)<br>Administration Officer (00132)<br>Administration Officer (00133)<br>Assistant Building Surveyor (00154)<br>Assistant Building Surveyor (01068)<br>Building Surveyor (00150)<br>Building Surveyor (00151)<br>Building Surveyor (00615)<br>Coordinator Building Approvals (00113)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093)<br>Senior Building Surveyor (00148)<br>Senior Building Surveyor (00153) |
| <b>Statutory framework</b> | Sections 20, 21, 58 and 127 of the <i>Building Act 2011</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 20 March 2012   |
| <b>Adoption references</b> | CJ027-03/12   |

| <b>Amendments</b> |                |  |                   |
|-------------------|----------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation | Insertion of delegation in accordance to Section 127 of the new Building Act 2011, authority to approve or refuse permit applications, building approval certificates, design compliance certificates and certificates of construction compliance. | CJ027-03/12       |

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| 21 Oct 2014 | Amended delegation | Council authorised delegation to Administration Team Leader (00110) the power to approve permit applications, on the condition that the position is restricted to approving permit applications that have been certified by a suitably qualified Building Surveyor.  | CJ180-10/14 |
| 23 Jun 2015 | Amended delegation | Update legislation reference to Building Regulation 2012.  | CJ095-06/15 |
| 26 Jun 2018 | Amended delegation | Sub delegations provided to position numbers (00105, 01093, 00113, 00153, 00148, 00150, 00154, 00615, 01068, 00151, 00119, 00120, 00155, 00614, 00110, 00131, 00132, 00133, 00109, 00106).   | CJ101-06/18 |
| 26 Jun 2018 | New delegation     | The original delegation 'Building Act 2011 - Building and Demolition Permit Applications, building approval certificates, certificates of building compliance, construction compliance and design compliance' was repealed, and split into component parts as the changes to the grouping of the delegations better aligned with workflow processes, extent of authority and aims to improve service delivery. | CJ101-06/18 |
| 25 Jun 2019 | Amended delegation | Removal of sub delegations for position numbers (00119, 00120, 00155, 00614, 00106)  | CJ078-06/19 |
| 25 Jun 2019 | Amended delegation | Small amendments to title and function, and addition of delegated conditions. Addition of reference to Sections 20, 21, 58 of the Building Act 2011.   | CJ078-06/19 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |
| 10 May 2022 | Amended delegation | Sub-delegate change in title from Assistant Building Surveyor for positions (00615 & 00151) to Building Surveyor (00615 & 00151).  | INT22/18447 |

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| <b>Delegation</b>             | <b>3.5.1 BUILDING ACT 2011 – REFUSING <b>AND CANCELLING</b> BUILDING AND DEMOLITION PERMIT APPLICATIONS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS</b>  |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to refuse <b>and cancel</b> building and demolition permit applications, building approval certificates and occupancy permits.   |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Building Approvals (00113)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093)<br>Senior Building Surveyor (00148)<br>Senior Building Surveyor (00153) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | <u><a href="#">Section 24 of the Building Act 2011.</a></u><br>Section 60 of the <i>Building Act 2011</i> .<br>Section 127 of the <i>Building Act 2011</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 20 March 2012  |
| <b>Adoption references</b>    | CJ027-03/12  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation     | Insertion of delegation in accordance to Section 127 of the new Building Act 2011, authority to approve or refuse permit applications, building approval certificates, design compliance certificates and certificates of construction compliance. | CJ027-03/12       |
| 23 Jun 2015       | Amended delegation | Legislation reference changed to Building Regulations 2012.  | CJ095-06/15       |
| 23 Jun 2015       | Amended delegation | Addition of two sub-delegation positions of Senior Building Surveyor (00153, 00148).   | CJ095-06/15       |

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| 26 Jun 2018 | New delegation     | The original delegation 'Building Act 2011 - Building and Demolition Permit Applications, building approval certificates, certificates of building compliance, construction compliance and design compliance' was repealed, and split into component parts as the changes to the grouping of the delegations better aligned with workflow processes, extent of authority and aims to improve service delivery. | CJ101-06/18 |
| 23 Jun 2020 | Amended delegation | Changes to the title and function by way of removing the words "Building approval certificate strata".   | CJ079-06/20 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |

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| <b><u>Delegation</u></b>             | <b><u>3.5.2 BUILDING ACT 2011 – EXTENDING THE DURATION OF BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS</u></b>   |
| <b><u>Category</u></b>               | <u>PART 3 – DELEGATIONS UNDER OTHER LEGISLATION</u>   |
| <b><u>Delegator</u></b>              | <u>Council</u>  |
| <b><u>Function</u></b>               | <u>Authority to extend the duration of building and demolition permits, building approval certificates and occupancy permits.</u>   |
| <b><u>Delegates</u></b>              | <u>Chief Executive Officer (00001)</u>  |
| <b><u>Conditions</u></b>             | <u>Nil.</u>   |
| <b><u>Subdelegates</u></b>           | <u>Coordinator Building Approvals (00113)</u><br><u>Director Planning and Community Development (00105)</u><br><u>Manager Regulatory Services (01093)</u><br><u>Senior Building Surveyor (00148)</u><br><u>Senior Building Surveyor (00153)</u> |
| <b><u>Subdelegate conditions</u></b> | <u>Nil.</u>   |
| <b><u>Statutory framework</u></b>    | <u>Section 32 of the <i>Building Act 2011</i>.</u><br><u>Section 65 of the <i>Building Act 2011</i>.</u><br><u>Section 127 of the <i>Building Act 2011</i>.</u>   |
| <b><u>Policy</u></b>                 | <u>Not applicable.</u>  |
| <b><u>Date adopted</u></b>           | <u>TBC</u>  |
| <b><u>Adoption references</u></b>    | <u>TBC</u>  |
| <b><u>Last reviewed</u></b>          | <u>TBC</u>  |

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| <b>Delegation</b>          | <b>3.6 BUILDING ACT 2011 - BUILDING ORDERS</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to serve a building order.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Nil.  |
| <b>Subdelegates</b>        | Coordinator Compliance and Regulatory Performance (01094)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093) |
| <b>Statutory framework</b> | Division 5 of Part 8 of the Building Act 2011.<br>Section 127 of the Building Act 2011.   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 20 March 2012   |
| <b>Adoption references</b> | CJ027-03/12   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation     | Insertion of delegation as a result of the new Building Act 2011.  | CJ027-03/12       |
| 26 Jun 2018       | Amended delegation | Sub delegations provided to position numbers (00105, 01093, 01094).  | CJ101-06/18       |
| 26 Jun 2018       | New delegation     | The original delegation 'Building Act 2011 - Building and Demolition Permit Applications, building approval certificates, certificates of building compliance, construction compliance and design compliance' was repealed, and split into component parts as the changes to the grouping of the delegations better aligned with workflow processes, extent of authority and aims to improve service delivery. | CJ101-06/18       |

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|            |                    | A condition requiring the issuing of orders be reported to Council has been deleted, as this is an operational enforcement matter that may be required following extensive action by the City to address areas of non-compliance with the Building Act 2011. |           |
| 8 May 2020 | Amended delegation | Change in position title from Coordinator Compliance (01094) to Coordinator Compliance and Regulatory Performance (01094).   | EMI21/253 |
| 7 Dec 2020 | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259 |

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| <b>Delegation</b>          | <b>3.7 BUSH FIRES ACT 1954 - FUNCTIONS OF A LOCAL GOVERNMENT</b>                                  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to perform the functions of the local government under the <i>Bush Fires Act 1954</i> . |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Cannot be sub-delegated.  |
| <b>Statutory framework</b> | Section 48 of the <i>Bush Fires Act 1954</i> .  |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 21 October 2014   |
| <b>Adoption references</b> | CJ180-10/14   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                |   |                   |
|-------------------|----------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b> |
| 21 Oct 2014       | New delegation | New instrument of delegation to formally delegate to the Chief Executive Officer the functions of a local government under section 48 of the Bush Fires Act 1954. | CJ180-10/14       |

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| <b>Delegation</b>             | <b>3.8 CAT ACT 2011 - POWERS AND DUTIES OF A LOCAL GOVERNMENT</b>   |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to exercise the powers or discharge the duties of the local government under the Cat Act 2011.    |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil   |
| <b>Subdelegates</b>           | Director Planning and Community Development (00105)<br>Manager Rangers Parking and Community Safety (00912) |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 44 of the <i>Cat Act 2011</i> .   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 25 June 2013  |
| <b>Adoption references</b>    | CJ102-06/13   |

| <b>Amendments</b> |                    |  |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 25 Jun 2013       | New delegation     | Initially this delegation was placed within the instrument of delegation titled "Appointment of Authorised Persons" however the delegation is broader than just appointing authorised persons.   | CJ102-06/13       |
| 21 Oct 2014       | Amended delegation | A separate instrument of delegation has been developed relating to the Cat Act 2011 in its entirety, delegating the Chief Executive Officer all the powers and duties of the local government under the Cat Act 2011.  | CJ180-10/14       |
| 21 May 2020       | Amended delegation | New sub-delegations to Director Corporate Services (00063) and Manager Rangers Parking and Community Safety (00912).   | INT20/19165       |
| 10 May 2022       | Amended delegation | Removal of sub-delegate authority from Director Corporate Services (00063) and replace with Director Planning and Community Development (00105), as Rangers, Parking and Community Development BU is transferring to Planning and Community Development Directorate. | INT22/18447       |

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| <b>Delegation</b>          | <b>3.9 DOG ACT 1976 - POWERS AND DUTIES OF A LOCAL GOVERNMENT</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to exercise the powers or discharge the duties of the local government under the <i>Dog Act 1976</i> including the authority to delegate the powers and duties of a local government to other persons. |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Nil.   |
| <b>Statutory framework</b> | Section 10AA of the <i>Dog Act 1976</i> .  |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 21 October 2014  |
| <b>Adoption references</b> | CJ180-10/14  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                |  |                   |
|-------------------|----------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>   | <b>References</b> |
| 21 Oct 2014       | New delegation | New instrument of delegation to Chief Executive Officer to undertake the powers and duties of the local government under the <i>Dog Act 1976</i> | CJ180-10/14       |

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| <b>Delegation</b>          | <b>3.10 FOOD ACT 2008 - FUNCTIONS OF AN ENFORCEMENT AGENCY</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to exercise the powers or discharge the duties of the local government, as an enforcement agency under the <i>Food Act 2008</i> . |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Nil.  |
| <b>Statutory framework</b> | Section 118(2)(b) of the <i>Food Act 2008</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 21 October 2014   |
| <b>Adoption references</b> | CJ180-10/14   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 21 Oct 2014       | New delegation     | New instrument of delegation to formally delegate to the Chief Executive Officer the functions of a local government under section 118(2) of the Food Act 2008. | CJ180-10/14       |
| 23 Jun 2015       | Amended delegation | Legislative reference amended from Section 122 to Section 118(2)(b) of the Food Act 2008.   | CJ095-06/15       |

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| <b>Delegation</b>             | <b>3.11 GRAFFITI VANDALISM ACT 2016 – POWERS AND DUTIES OF A LOCAL GOVERNMENT</b>   |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to exercise the powers or discharge the duties of the local government under the <i>Graffiti Vandalism Act 2016</i> including the authority to delegate the powers and duties of a local government to other persons. |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Manager Rangers Parking and Community Safety (00912)  |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 16 and 17 of the <i>Graffiti Vandalism Act 2016</i> .   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 15 November 2016  |
| <b>Adoption references</b>    | CJ192-11/16   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 15 Nov 2016       | New delegation     | New instrument of delegation to delegate to the Chief Executive Officer the functions of a local government under section 16 of the Graffiti Vandalism Act 2016.                                   | CJ192-11/16       |
| 21 May 2020       | Amended delegation | New sub-delegations to Manager Rangers Parking and Community Safety (00912) authority to exercise the power or discharge the duties of the local government under the Graffiti Vandalism Act 2016. | INT20/19165       |

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| <b>Delegation</b> | <b>3.12.1 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL</b>  |
| <b>Category</b>   | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>  | Council  |
| <b>Function</b>   | <p>The following powers conferred or imposed on Council or the local government under the Scheme:</p> <ul style="list-style-type: none"> <li>a. the approval of an application for development approval for the purpose of a 'single house', or up to 5 'grouped dwellings', or any associated, ancillary or incidental development to a 'single house', 'grouped dwelling' or 'multiple dwelling' where: <ul style="list-style-type: none"> <li>i. there have not been any objections to the application received; and</li> <li>ii. the application is not required to be considered by the Joondalup Design Reference Panel; and</li> <li>iii. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)</i> the development: <ul style="list-style-type: none"> <li>a. has a Bushfire Attack Level of less than 40; and</li> <li>b. where the Bushfire Attack Level is 12.5, 19 or 29: <ul style="list-style-type: none"> <li>i. is not a vulnerable land use as defined under SPP 3.7; and</li> <li>ii. complies with clause 6.5 of SPP 3.7; and</li> </ul> </li> </ul> </li> <li>iv. the Deemed-to-Comply requirements or Element Objectives of the <i>Residential Design Codes</i> and/or replacement Deemed-to-Comply requirements of the <i>Residential Development Local Planning Policy</i> or <i>Development in Housing Opportunity Areas Local Planning Policy</i> have been satisfied (where applicable), and the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all other applicable local planning policies; or</li> <li>v. the Local Housing Objectives of the <i>Residential Development Local Planning Policy</i> have been satisfied; or</li> <li>vi. in the case of applications for development approval where the development does not meet the Deemed-to-Comply requirements of the <i>Residential Design Codes</i> or the requirements of any applicable standards or requirements of the Scheme, any applicable structure plan, activity centre plan, local development plan, or local planning policy, provided: <ul style="list-style-type: none"> <li>a. the plot ratio of the development does not exceed the requirement of Table 2.1 of the <i>Residential Design Codes</i>;</li> <li>b. the building setbacks of development, including retaining walls, are not less than those specified under the Deemed-to-Comply requirements or Table 2.1 of the <i>Residential Design Codes</i>, or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 1.5 metres;</li> <li>c. any outbuilding is not in the primary or secondary setback area stipulated in Table 1 or Table 2.1 of the <i>Residential Design Codes</i> or</li> </ul> </li> </ul> </li> </ul> |

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|                  | <ol style="list-style-type: none"> <li>1.             <ol style="list-style-type: none"> <li>1. applicable structure plan, activity centre plan, local development plan or local planning policy;</li> <li>2. the height and/or length of boundary wall(s) does not exceed the amounts set out in the Deemed-to-Comply Requirements or Table 2.1 of the <i>Residential Design Codes</i> or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 10% of those requirements, and where there are boundary walls to no more than two (2) separate boundaries;</li> <li>3. the height of the proposed fill or retaining wall within the primary street setback area does not exceed 1.2 metres above natural ground level; and</li> <li>4. the height of non visually permeable fencing within the primary street setback area does not exceed 1.2 metres above natural ground level (as measured from the midpoint of the verge) for more than 25% of the frontage of the lot.</li> </ol> </li> <li>2. the approval of an application for development approval for the purposes of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme other than a 'single house', 'grouped dwelling', 'multiple dwelling', or any associated, ancillary or incidental development where:             <ol style="list-style-type: none"> <li>1. there have not been any objections to the application received; and</li> <li>2. the application is not required to be considered by the Joondalup Design Reference Panel; and</li> <li>3. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)</i> the development:                 <ol style="list-style-type: none"> <li>1. has a Bushfire Attack Level of less than 40; and</li> <li>2. where the Bushfire Attack Level is 12.5, 19 or 29:                     <ol style="list-style-type: none"> <li>i. is not a vulnerable land use as defined under SPP 3.7; and</li> <li>ii. complies with clause 6.5 of SPP 3.7; and</li> </ol> </li> </ol> </li> <li>iv. the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all applicable local planning policies; with the exception of the following:</li> <li>v. setback requirements for patio(s), verandah(s), shade sail(s), portico(s), outbuilding(s) or retaining wall(s) not greater than 1.2 metres above natural ground level in height; or</li> <li>vi. the shortfall in car parking is not increasing from that previously approved; or</li> </ol> </li> </ol> |
| <b>Delegates</b> | Chief Executive Officer (00001)  |

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| <b>Conditions</b>             | The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.   |
| <b>Subdelegates</b>           | Coordinator Planning Approvals (00112)<br>Coordinator Planning Approvals (01313)<br>Coordinator Urban Design and Policy (00111)<br>Senior Planning Project Officer (00122)<br>Senior Urban Planner (00115)<br>Senior Urban Planner (00125)<br>Senior Urban Planner (00609)<br>Senior Urban Planner (00778)<br>Senior Urban Planner (01479) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .<br>Section 5.42 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Town Planning delegations be appointed to delegates; the Planning Director, Manager, Coordinator and Senior Planning Officers, and matters not delegated to coordinator Planning approvals and senior planning officers. | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Wording of delegation to be amended to reflect and align with recent modifications to DPS2, as Schedule 6 and clause 8.9 have been deleted from DPS2.  | CJ186-09/07       |
| 16 Jun 2009       | Amended delegation | Minor amendments to various clauses.   | CJ127-06/09       |
| 22 Jun 2010       | Amended delegation | Removal of Part 4 - the Subdivision Delegation and established in a new delegation for ease of reference and to clarify the source of the delegation power.  | CJ095-06/10       |

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| 28 Jun 2011 | Amended delegation | <p>An amendment to the position title to reflect a change in the City's organisational structure – the position of Manager Planning Services replaces the position of Manager Planning Approvals and Environmental Services.</p> <p>The addition of part (d) the determination of an application for approval for short stay accommodation except where abutting the 'Residential' zone."</p>  | CJ107-06/11 |
| 13 Dec 2011 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Development, to have authority to determine applications for display homes on a maximum of 23 Lots in Burns Beach.   | CJ229-12/11 |
| 21 Feb 2012 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Development, to have authority to determine applications for display homes on Lot 1189 Larvotto Turn, Burns Beach.   | CJ003-02/12 |
| 15 May 2012 | Amended delegation | <p>Town Planning Delegations - General - amendments relating to:</p> <ul style="list-style-type: none"> <li>• Add "Coordinator Urban Design and Policy (00111)".</li> <li>• Amend "Senior Urban Planner (00122, 00125)" to "Senior Planning Officer (00122, 00125)".</li> <li>• Typographical changes.</li> <li>• Insert "associated, ancillary and incidental development".</li> <li>• Insert "any Agreed Structure Plan".</li> </ul> | CJ094-06/13 |
| 16 Jul 2013 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Community Development and the Manager Planning Services, the authority to determine applications for the unlisted land use 'Ancillary Dwelling' as defined by the new Residential Design Codes under the City's District Planning Scheme No.   | CJ123-07/13 |
| 21 Oct 2014 | Amended delegation | Change in title from Town Planning Delegations - General to District Planning Scheme No. 2, and other amendments to the instrument of delegation, including delegations provided to Senior Urban Planner (00778).  | CJ180-10/14 |

|             |                    |  |             |
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| 6 Oct 2015  | Amended delegation | District Planning Scheme No. 2 - Amendments include major changes introduced by the Planning and Development (Local Planning Schemes) Regulations 2015 and alignment to District Planning Scheme No. 2 (DPS2).<br><ul style="list-style-type: none"> <li>• Delegate a range of local government functions to Chief Executive Officer.</li> <li>• Revoke delegations previously afforded to various officers of the Planning Services Business Unit.</li> </ul>               | CJ167-10/15 |
| 19 Oct 2015 | Amended delegation | District Planning Scheme No. 2 - sub-delegation of local government functions to designated employees.   | INT15/36323 |
| 21 Aug 2018 | Amended delegation | <ul style="list-style-type: none"> <li>• Change in title from District Planning Scheme No. 2 - Delegations - General to Local Planning Scheme No. 3 - Delegations - General, and other minor amendments.</li> <li>• Change in conditions, with the removal of "the delegations are to have effect for a period of two years from and including 27 June 2017".</li> <li>• Sub-Delegation afforded to Senior Urban Planner (01479).</li> <li>• Other minor changes.</li> </ul> | CJ133-08/18 |
| 25 Jun 2019 | Amended delegation | Local Planning Scheme No. 3 – Delegations - General - minor changes made due to the annual review of Delegation of Authority Register.   | CJ078-06/19 |
| 23 Jun 2020 | Amended delegation | Local Planning Scheme No. 3 – Delegations - General - minor changes made due to the annual review of Delegation of Authority Register.   | CJ079-06/20 |
| 8 Jan 2021  | Amended delegation | Local Planning Scheme No. 3 – Delegations - General - removal of position 00122, as the position is now classified as an Urban Planner and no longer has delegated authority.  | EMI21/293   |
| 15 Jun 2021 | Amended delegation | Changes in Function in respect to section a, a(iv), a (vi)(b), section b(v), b(vii) slight changes in wording and reference to the new Advertisement Local Planning Policy, which replaces the Signs Policy.   | CJ079-06/21 |
| 10 May 2022 | Amended delegation | Add Sub-delegated authority to Senior Planning Project Officer (00122).  | INT22/18447 |

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| <b>Delegation</b> | <b>3.12.2 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL</b>   |
| <b>Category</b>   | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>  | Council   |
| <b>Function</b>   | <p>The following powers conferred or imposed on the Council or the local government under the <i>Scheme and the Planning and Development Act 2005</i>:</p> <ul style="list-style-type: none"> <li>a. the determination of an application for development approval for the purpose of a 'single house', and/or up to 5 'grouped dwellings', or any associated, ancillary or incidental development;</li> <li>b. the determination of an application for development approval for the purpose of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme or any associated, ancillary or incidental development (other than a 'single house', 'grouped dwelling' or 'multiple dwelling') provided: <ul style="list-style-type: none"> <li>i. building setbacks for buildings other than for those set out in 1(b)(v) of these delegations, as set out in the Scheme or any applicable structure plan, activity centre plan, local development plan or local planning policy, are not less than the required amount by more than 1.5 metres;</li> <li>ii. the amount of car parking provided is not less than the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% or the shortfall in car parking is not increasing from that previously approved;</li> <li>iii. the landscaping between a car parking area and the street as set out under the Scheme, applicable local planning policy or an applicable structure plan, activity centre plan or local development plan achieves an average width of not less than 1.0 metre;</li> <li>iv. the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% of that requirement or the shortfall in landscaping is not increasing from that previously approved; and</li> <li>v. the development complies with the coastal area building height in the <i>Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i>.</li> </ul> </li> <li>c. the direction under clauses 64(3), (4), (5), (6) and (7) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to advertise an application for development approval;</li> <li>d. the determination under clause 64(2) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether a departure from the requirements of the Scheme is of a minor nature and whether to waive the requirement for the advertising of the application, providing it is not an application that would otherwise require advertising under the Scheme or local planning policy;</li> <li>e. the determination under clause 63(2) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether to waive or vary the requirement for plans and other information to be submitted with an application;</li> </ul> |

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|                               | <ol style="list-style-type: none"> <li>1. the determination under clause 61(1)(f) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether works are temporary for the purposes of the Scheme and the length of time that such 'development' is permitted to remain in the requested location;</li> <li>2. the decision whether an application for development approval may affect any other statutory, public or planning authority, and shall therefore require them to be provided a copy of the application for objections and recommendations under clause 66(1) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> </ol> |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.   |
| <b>Subdelegates</b>           | Director Planning and Community Development (00105)<br>Manager Planning Services (00108)<br>Manager Regulatory Services (01093)  |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .<br>Section 5.42 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Town Planning delegations be appointed to delegates; the Planning Director, Manager, Coordinator and Senior Planning Officers, and matters not delegated to coordinator Planning approvals and senior planning officers. | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Wording of delegation to be amended to reflect and align with recent modifications to DPS2, as Schedule 6 and clause 8.9 have been deleted from DPS2.  | CJ186-09/07       |
| 16 Jun 2009       | Amended delegation | Minor amendments to various clauses.   | CJ127-06/09       |

|             |                    |  |             |
|-------------|--------------------|--|-------------|
| 22 Jun 2010 | Amended delegation | Removal of Part 4 - the Subdivision Delegation and established in a new delegation for ease of reference and to clarify the source of the delegation power.  | CJ095-06/10 |
| 28 Jun 2011 | Amended delegation | An amendment to the position title to reflect a change in the City's organisational structure – the position of Manager Planning Services replaces the position of Manager Planning Approvals and Environmental Services.<br><br>The addition of part (d) the determination of an application for approval for short stay accommodation except where abutting the 'Residential' zone."   | CJ107-06/11 |
| 13 Dec 2011 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Development, to have authority to determine applications for display homes on a maximum of 23 Lots in Burns Beach.   | CJ229-12/11 |
| 21 Feb 2012 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Development, to have authority to determine applications for display homes on Lot 1189 Larvotto Turn, Burns Beach.   | CJ003-02/12 |
| 15 May 2012 | Amended delegation | Minor changes made to the Town Planning Delegations.   | CJ075-05/12 |
| 25 Jun 2013 | Amended delegation | Town Planning Delegations - General - amendments relating to:<br><ul style="list-style-type: none"> <li>• Add "Coordinator Urban Design and Policy (00111)".</li> <li>• Amend "Senior Urban Planner (00122, 00125)" to "Senior Planning Officer (00122, 00125)".</li> <li>• Typographical changes.</li> <li>• Insert "associated, ancillary and incidental development".</li> <li>• Insert "any Agreed Structure Plan".</li> </ul> | CJ094-06/13 |
| 16 Jul 2013 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Community Development (00105) and the Manager Planning Services (00108), the authority to determine applications for the unlisted land use 'Ancillary Dwelling' as defined by the new Residential Design Codes under the City's District Planning Scheme No. 2 (DPS2).   | CJ123-07/13 |
| 21 Oct 2014 | Amended delegation | Change in title from Town Planning Delegations - General to District Planning Scheme No. 2, and other amendments to the instrument of delegation, including delegations provided to Senior Urban Planner (00778).  | CJ180-10/14 |

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| 6 Oct 2015  | Amended delegation | <ul style="list-style-type: none"> <li>• District Planning Scheme No. 2 - Amendments include major changes introduced by the Planning and Development (Local Planning Schemes) Regulations 2015 and alignment to District Planning Scheme No. 2 (DPS2).</li> <li>• Delegate a range of local government functions to Chief Executive Officer.</li> <li>• Revoke delegations previously afforded to various officers of the Planning Services Business Unit.</li> </ul> | CJ167-10/15 |
| 19 Oct 2015 | Amended delegation | District Planning Scheme No. 2 - sub-delegation of local government functions to designated employees.   | INT15/36323 |
| 21 Aug 2018 | Amended delegation | <ul style="list-style-type: none"> <li>• Change in title from District Planning Scheme No. 2 - Delegations - General to Local Planning Scheme No. 3 - Delegations - General, and other minor amendments.</li> <li>• Amendments to functions delegated.</li> <li>• Change in conditions, with the removal of "the delegations are to have effect for a period of two years from and including 27 June 2017".</li> </ul>   | CJ133-08/18 |
| 25 Jun 2019 | Amended delegation | Local Planning Scheme No. 3 – Delegations - General - minor changes made due to the annual review of Delegation of Authority Register.   | CJ078-06/19 |
| 21 May 2020 | Amended delegation | Sub-delegation afforded to Manager Compliance and Regulatory Services (01093)  | INT20/19165 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |
| 15 Jun 2021 | Amended delegation | Changes in function relating to removal of determination of applications for 'multiple dwellings', inclusion of reference to the local planning policy in section (i) and (d), inclusion of the wording 'or the shortfall in car parking and landscaping is not increasing from that previously approved in respect to section (ii) and (iv), the inclusion of clauses 64 (4), (5), (6) and (7) in section (c).  | CJ079-06/21 |

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| <b>Delegation</b>          | <b>3.13 PLANNING AND DEVELOPMENT ACT 2005 - POWER AS TO ILLEGAL DEVELOPMENT</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to exercise all the powers and functions of the local government under sections 214 (2), (3) and (5) of the <i>Planning and Development Act 2005</i> . |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Nil.   |
| <b>Statutory framework</b> | Section 5.42(1)(b) of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 21 October 2014  |
| <b>Adoption references</b> | CJ180-10/14  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                |  |                   |
|-------------------|----------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>   | <b>References</b> |
| 21 Oct 2014       | New delegation | Insertion of delegation in accordance to Sections 214 (2), (3) and (5) of the Planning and Development Act 2005. | CJ180-10/14       |

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| <b>Delegation</b>             | <b>3.14 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 - DETERMINE DEVELOPMENT APPLICATIONS FOR 'UNLISTED USE (BICYCLE HIRE)'</b>               |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to determine development applications for 'Unlisted Use (Bicycle Hire)'.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Director Planning and Community Development (00105)<br>Manager Planning Services (00108)  |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 5.42 of the <i>Local Government Act 1995</i> .<br>Clause 82 of Schedule 2 of the <i>Planning and Development(Local Planning Schemes) Regulations 2015</i> . |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 20 September 2016   |
| <b>Adoption references</b>    | CJ135-09/16   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |   |                          |
|-------------------|--------------------|---|--------------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b>        |
| 20 Sep 2016       | New delegation     | Delegate function to Chief Executive Officer to determine development applications for 'Unlisted Use (Bicycle Hire)'  | CJ135-09/16, INT16/36170 |
| 21 Sep 2016       | Amended delegation | Sub-delegation afforded to Director Planning and Community Development (00105) and Manager Planning Services (00108) to determine development applications for 'Unlisted Use (Bicycle | INT16/36191              |

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| <b>Delegation</b>          | <b>3.15 PUBLIC HEALTH ACT 2016 - FUNCTIONS OF AN ENFORCEMENT AGENCY</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to exercise all of the powers and duties conferred or imposed on a local government, as an enforcement agency, under the <i>Public Health Act 2016</i> . |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Nil.   |
| <b>Statutory framework</b> | Section 21 of the <i>Public Health Act 2016</i> .  |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 21 February 2017   |
| <b>Adoption references</b> | CJ012-02/17  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 21 Feb 2017       | New delegation     | New delegation in accordance with Public Health Act 2016.   | CJ012-02/17       |
| 15 Jun 2021       | Amended delegation | Change in delegation numbering from 3.16 to 3.15 - Public Health Act 2016 - Functions of an Enforcement Agency, due to the revoking of delegation 3.15. | CJ079-06/21       |



City of Joondalup  
REGISTER OF DELEGATION OF AUTHORITY

CJ079-06/21



## REVIEW

| <b>Reviewed by</b>      | <b>Date approved</b> | <b>References</b> |
|-------------------------|----------------------|-------------------|
| Council                 | 28 Jun 2011          | CJ107-06/11       |
| Council                 | 26 Jun 2012          | CJ108-06/12       |
| Chief Executive Officer | 30 May 2013          | INT13/9868        |
| Council                 | 25 Jun 2013          | CJ094-06/13       |
| Council                 | 24 Jun 2014          | CJ091-06/14       |
| Chief Executive Officer | 30 Jun 2014          | INT14/15493       |
| Council                 | 21 Oct 2014          | CJ180-10/14       |
| Chief Executive Officer | 13 May 2015          | INT15/11342       |
| Council                 | 23 Jun 2015          | CJ095-06/15       |
| Chief Executive Officer | 1 Jun 2016           | INT16/19021       |
| Council                 | 28 Jun 2016          | CJ091-06/16       |
| Chief Executive Officer | 29 May 2017          | INT17/24978       |
| Council                 | 27 Jun 2017          | CJ091-06/17       |
| Chief Executive Officer | 4 Jun 2018           | INT18/21364       |
| Council                 | 26 Jun 2018          | CJ101-06/18       |
| Council                 | 21 Aug 2018          | CJ133-08/18       |
| Chief Executive Officer | 7 May 2019           | INT19/21782       |
| Council                 | 25 Jun 2019          | CJ078-06/19       |
| Chief Executive Officer | 21 May 2020          | INT20/19165       |
| Council                 | 23 Jun 2020          | CJ079-06/20       |
| Chief Executive Officer | 10 May 2021          | INT21/20088       |
| Council                 | 15 Jun 2021          | CJ079-06/21       |
| Chief Executive Officer | 10 May 2022          | INT22/18447       |

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## INTRODUCTION

### Register of Delegation of Authority

The Delegations of Authority contained within are made to Committees pursuant to Section 5.16 and to the Chief Executive Officer pursuant to Section 5.42 of the *Local Government Act 1995* (the Act) and, where listed, some of these functions are delegated by the Chief Executive Officer to City of Joondalup employees pursuant to Section 5.44 of the Act. All delegations made by the Council must be by an **absolute majority** decision.

Section 5.43 of the Act provides that the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority of the Council.
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
  - Any of the local government's powers under sections 5.98, 5.98A, 5.99 and 5.100 of the Act.
  - Borrowing money on behalf of the local government.
  - Hearing or determining an objection of a kind referred to in Section 9.5.
  - The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government.
  - Any power or duty that requires the approval of the Minister or Governor.
  - Such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if required.

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

In addition to delegations made in accordance with the *Local Government Act 1995*, a number of delegations are also made to the Chief Executive Officer, or directly to other officers in some instances, in accordance with the provisions of other legislation.

The aim of the delegated authority register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the City's commitment to a strong customer service focus.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation.

This delegated authority register will be reviewed in accordance with the Act on an annual basis.

## DELEGATIONS

## PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995

|                            |   |
|----------------------------|---|
| <b>Delegation</b>          | <b>1.1 ACKNOWLEDGE RECEIPT OF PRIMARY AND ANNUAL RETURNS</b>  |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>           | Chief Executive Officer (00001)   |
| <b>Function</b>            | To provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with section 5.77 of the <i>Local Government Act 1995</i> . |
| <b>Delegates</b>           | Director Governance and Strategy (00648)  |
| <b>Conditions</b>          | Nil.  |
| <b>Statutory framework</b> | 5.77 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 25 June 2013  |
| <b>Adoption references</b> | CJ094-06/13   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                |   |                         |
|-------------------|----------------|---|-------------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b>       |
| 8 Apr 2013        | New delegation | Insertion of new delegation to Chief Executive Officer and sub-delegation to Director Governance and Strategy (00648) | INT13/7349; CJ094-06/13 |

|                            |   |
|----------------------------|---|
| <b>Delegation</b>          | <b>1.2 ACTIVITIES ON PRIVATE LAND</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> , even though the land on which it is done is not local government property and the local government does not have the consent to do it. |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Limited to those activities as listed in Schedule 3.2 of the <i>Local Government Act 1995</i> .   |
| <b>Statutory framework</b> | Section 3.27 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 24 June 2014  |
| <b>Adoption references</b> | CJ091-06/14   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                |  |                   |
|-------------------|----------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>   | <b>References</b> |
| 24 Jun 2014       | New delegation | Insertion of delegation providing the Chief Executive Officer authority to do anything prescribed in Schedule 3.2 of the Local Government Act 1995, even though the land on which it is done is not local government property and the local government does not have the consent to do it. | CJ091-06/14       |

|                            |   |
|----------------------------|---|
| <b>Delegation</b>          | <b>1.3 ADMINISTER THE CITY'S LOCAL LAWS</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the City under the City's local laws.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Nil   |
| <b>Statutory framework</b> | Sections 3.18 and 5.42 of the <i>Local Government Act 1995</i><br><i>Animals Local Law 1999</i><br><i>Health Local Law 1999</i><br><i>Local Government and Public Property Local Law 2014</i><br><i>Parking Local Law 2013</i><br><i>Pest Plant Local Law 2012</i><br><i>Waste Local Law 2017</i> |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 19 October 2010   |
| <b>Adoption references</b> | CJ175-10/10   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 19 Oct 2010       | New delegation     | New delegation in relation to authority to administer the City's Local Laws.  | CJ175-10/10       |
| 20 Nov 2012       | Amended delegation | Pest Plant Local Law 2012 added to the list of local laws.  | CJ232-11/12       |
| 30 May 2013       | Amended delegation | Replacing "Agriculture and Related Resources Protection Act 1976" with "Pest Plant Local Law 2012" within the reference list. | INT13/9868        |
| 28 Jun 2016       | Amended delegation | Removal of Trading in Public Places Local Law 1999 and update to Local Government and Public Property Local Law 1999 to 2014. | CJ091-06/16       |

|                               |   |
|-------------------------------|---|
| <b>Delegation</b>             | <b>1.4 AGREEMENT FOR PAYMENT OF RATES AND SERVICE CHARGES</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person. |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075)                          |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 6.49 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | <i>Payments of Rates and Charges Policy.</i><br><i>Rates Hardship Policy.</i>   |
| <b>Date adopted</b>           | 25 June 2019  |
| <b>Adoption references</b>    | CJ078-06/19   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 25 Jun 2019       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to accept payment of a rate or service charge. | CJ078-06/19       |
| 26 Jun 2019       | Amended delegation | The inclusion of sub delegations to position numbers 00063, 00075, 00079.  | INT19/29912       |
| 21 May 2020       | Amended delegation | Change to position title from Team Leader Rating Services (00079) to Coordinator Rating Services (00079).            | INT20/19165       |

|                               |  |
|-------------------------------|--|
| <b>Delegation</b>             | <b>1.5 AMENDMENT TO THE RATE RECORD</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to amend the rate record for the five years preceding the current financial year.                      |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 6.39(2)(a) of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 25 June 2019   |
| <b>Adoption references</b>    | CJ078-06/19  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 25 Jun 2019       | New delegation     | Insertion of delegation providing the Chief Executive Officer authority to amend the rate record for five years prior to current financial year. | CJ078-06/19       |
| 26 Jun 2019       | Amended delegation | The inclusion of sub delegations for position numbers 00063, 00075, 00079.   | INT19/29912       |
| 21 May 2020       | Amended delegation | Change in position title from Team Leader Rating Services (00079) to Coordinator Rating Services (00079).  | INT20/19165       |

|                            |  |
|----------------------------|--|
| <b>Delegation</b>          | <b>1.6 APPOINTMENT OF AUTHORISED PERSONS</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>           | Chief Executive Officer (00001)  |
| <b>Function</b>            | <p>Authority:</p> <p>1. To appoint and authorise persons to exercise the powers and duties of an authorised person as set out in the <i>Local Government Act 1995</i> and listed hereunder::</p> <p>1.1 Section 3.25 – Notices requiring certain things to be done by owner or occupier of land;<br/> 1.2 Section 3.26 – Additional powers when notices are given;<br/> 1.3 Section 3.27 – Particular things local government can do on land that is not local government property;<br/> 1.4 Section 3.31 – Power to enter property;<br/> 1.5 Sections 3.39 to 3.48 – Power to remove, impound and disposal;<br/> 1.6 Section 9.10 – Power to appoint authorised persons to perform particular functions;<br/> 1.7 Section 9.11 – Persons committing breach of Act to give name, address and date of birth;<br/> 1.8 Section 9.13 – Onus of proof in vehicle offences;<br/> 1.9 Section 9.16 – Issue infringement notices;<br/> 1.10 Section 9.17 – Receive payment of modified penalties;<br/> 1.11 Section 9.24 – Commencing prosecutions.</p> <p>2. To appoint and authorise persons to exercise the powers and duties of an authorised person under the City's local laws.</p> |
| <b>Delegates</b>           | Manager Leisure and Cultural Services (00159)  |
| <b>Conditions</b>          | <ol style="list-style-type: none"> <li>Authority extended to appoint members of a Surf Life Saving Club as authorised persons for the purposes of clause 5.3 of the <i>City of Joondalup Local Government and Public Property Local Law 2014</i> (patrol, close beaches).</li> <li>A register of Authorised Persons is to be maintained as a local government record.</li> </ol>   |
| <b>Statutory framework</b> | Sections 3.24 and 9.10 of the <i>Local Government Act 1995</i> .<br>Section 9.10 of the <i>Local Government Legislation Amendment Act 2019</i> .   |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 28 June 2011   |
| <b>Adoption references</b> | CJ107-06/11  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                |   |                   |
|-------------------|----------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b> |
| 28 Jun 2011       | New delegation | Insertion of delegation for Chief Executive Officer to have authority to appoint authorised persons in accordance with the Local Government Act 1995. | CJ107-06/11       |

|             |                    |   |             |
|-------------|--------------------|---|-------------|
| 20 Mar 2012 | Amended delegation | Insertion of delegation as result of the new Building Act 2011.   | CJ027-03/12 |
| 20 Nov 2012 | Amended delegation | Pest Plant Local Law 2012 added to the list of local laws.  | CJ232-11/12 |
| 20 Nov 2012 | Amended delegation | Delegations provided for Chief Executive Officer to appoint authorised persons to enforce the provisions of the City of Joondalup Pest Plant Local Law 2012.  | RGS00813    |
| 30 May 2013 | Amended delegation | Replacing "Agriculture and Related Resources Protection Act 1976" with "Pest Plant Local Law 2012" within the reference list.   | INT13/9868  |
| 25 Jun 2013 | Amended delegation | Inclusion of the Chief Executive Officer being appointed as an authorised person to undertake all the powers and duties of the local government under the Cat Act 2011.   | CJ102-06/13 |
| 24 Jun 2014 | Amended delegation | Changes to Part 1 in relation to; title amendment; delegation re-worded; deletion of part 1.2; inclusion of new parts 1.4 and 1.8. In addition a new Part 2, and Part 2 renumbered as Part 3.   | CJ091-06/14 |
| 21 Oct 2014 | Amended delegation | Removal of Part 3 of delegation relating to appointing and authorising employees to exercise power under individual legislation apart from the Local Government Act 1995.   | CJ180-10/14 |
| 4 Jan 2018  | Amended delegation | The inclusion of a sub-delegation condition - authority be extended to appoint members of a surf lifesaving club as authorised persons for the purposes of clause 5.3 of the Local Government and Public Property Local Law 2014 (patrol, close beaches).                               | INT18/485   |
| 25 Jun 2019 | Amended delegation | Inclusions of Parts 1.2 and 1.3 relating to section 3.26 and 3.27 of the Act where a local government can appoint persons to perform particular functions.  | CJ078-06/19 |
| 7 Nov 2020  | Amended delegation | Amendment reflects the introduction of the Local Government Legislation Amendment Act 2019 section 9.10 of the Act was change to remove the local government appointing authorised persons under the Act (as well as others) and replaced the delegator as the Chief Executive Officer. | EMI21/4952  |

|                               |  |
|-------------------------------|--|
| <b>Delegation</b>             | <b>1.7 CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to choose acceptable tenderers from expressions of interest received, from those persons who are considered to be capable of satisfactorily supplying the goods or services. |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Regulation 23(3) of the <i>Local Government (Functions and General) Regulations 1996</i> .   |
| <b>Policy</b>                 | <i>Purchasing Policy</i> .   |
| <b>Date adopted</b>           | 18 August 1998   |
| <b>Adoption references</b>    | CJ60-08/98   |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 18 Aug 1998       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to choose acceptable tenders from an Expression of Interest. | CJ60-08/98        |
| 24 Jun 2014       | Amended delegation | Re-wording of the Power or Duty delegated and inclusion of the regulation 23 (3).  | CJ091-06/14       |

|                            |  |
|----------------------------|--|
| <b>Delegation</b>          | <b>1.8 CHOICE OF TENDER</b>  |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to decide which tender to accept.<br>Authority to decline to accept any tender.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Authority to accept tenders valued up to \$500,000.  |
| <b>Statutory framework</b> | Section 3.57 and 5.43 of the <i>Local Government Act 1995</i> .<br>Regulation 18 of the <i>Local Government (Functions and General) Regulations 1996</i> . |
| <b>Policy</b>              | <i>Purchasing Policy</i> .   |
| <b>Date adopted</b>        | 21 November 2006   |
| <b>Adoption references</b> | CJ208-11/06  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to assess valid tenders before deciding to accept successful tenderer.                  | CJ208-11/06       |
| 28 Jun 2011       | Amended delegation | The inclusion of a condition relating to "Authority to decline to accept any tender".   | CJ107-06/11       |
| 26 Jun 2012       | Amended delegation | A change to the Conditions, to increase the tender value limit that can be accepted by the CEO from \$250,000 to \$300,000.                 | CJ108-06/12       |
| 24 Jun 2014       | Amended delegation | Wording of delegation amended and layout re-structured, including the removal of the condition "Authority to decline to accept any tender". | CJ091-06/14       |
| 23 Jun 2015       | Amended delegation | A change to the Conditions, to increase the tender value limit that can be accepted by the CEO from \$300,000 to \$350,000.                 | CJ095-06/15       |

|             |                    |  |             |
|-------------|--------------------|--|-------------|
| 25 Jun 2019 | Amended delegation | A change to the Conditions, to increase the tender value limit that can be accepted by the CEO from \$350,000 to \$500,000.      | CJ078-06/19 |
| 15 Jun 2021 | Amended delegation | A change to the Conditions, for authority to accept tenders valued up to \$500,000 changed from (valued at less than \$500,000). | CJ079-06/21 |

|                               |   |
|-------------------------------|---|
| <b>Delegation</b>             | <b>1.9 CLOSING CERTAIN THOROUGHFARE TO VEHICLES</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to close any thoroughfare that the City manages, wholly or partially, to the passage of vehicles. |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Director Infrastructure Services (00184)<br>Manager Infrastructure Management Services (00186)              |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Sections 3.50 and 3.50A of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 21 November 2006  |
| <b>Adoption references</b>    | CJ208-11/06   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to close any thoroughfare that it manages for the passage of vehicles wholly or partially for a period not exceeding four weeks. | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Change to position title   | CJ186-09/07       |
| 22 Jun 2010       | Amended delegation | Consolidation of two delegations into one.   | CJ095-06/10       |
| 24 Jun 2014       | Amended delegation | Wording of delegation function amended to read - Authority to close any thoroughfare that the City manages, wholly or partially, to the passage of vehicles.   | CJ091-06/14       |

|                               |  |
|-------------------------------|--|
| <b>Delegation</b>             | <b>1.10 COMPLAINTS - MODEL CODE OF CONDUCT</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1 deal with a complaint;</li> <li>2 dismiss a complaint; and</li> <li>3 establish procedures for dealing with complaints;</li> </ol> <p>under clauses 12, 13 and 15(2) of Schedule 1 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>.</p>  |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Authority includes the relevant powers and duties within the same clauses specified in the <i>Code of Conduct for the Council Members, Committee Members and Candidates</i> adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i> .   |
| <b>Subdelegates</b>           | Director Governance and Strategy (00648)   |
| <b>Subdelegate conditions</b> | <ol style="list-style-type: none"> <li>1. Authority includes the relevant powers and duties within the same clauses specified in the <i>Code of Conduct for the Council Members, Committee Members and Candidates</i> adopted by Council in accordance with section 5.104(1) of the <i>Local Government Act 1995</i>.</li> <li>2. Authority only extends to complaints lodged by the Chief Executive Officer.</li> </ol> |
| <b>Statutory framework</b>    | Sections 5.42 and 5.104(1) of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | <i>Complaints Investigation Policy</i> .   |
| <b>Date adopted</b>           | 18 May 2021  |
| <b>Adoption references</b>    | CJ071-05/21  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 18 May 2021       | New delegation     | Insertion of new delegation to the Chief Executive Officer with the authority to; deal with a complaint; dismiss a complaint; and establish procedures for dealing with complaints under the model Code of Conduct. | CJ071-05/21       |
| 28 Jun 2021       | Amended delegation | Sub-delegation afforded to Director Governance and Strategy (00648), authority only extends to complaints lodged by the Chief Executive Officer.  | INT21/27953       |

|                               |  |
|-------------------------------|--|
| <b>Delegation</b>             | <b>1.11 DISPOSING OF PROPERTY</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to dispose of property –<br><br>(1) at public auction;<br>(2) by public tender;<br>(3) by private treaty.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Authority limited to property valued at less than \$900,000.<br><br>"Property" includes the whole or any part of the interest of a local government in property, but does not include money.<br><br>"Dispose" includes to sell, lease or otherwise dispose of, whether absolutely or not.<br><br>Following the disposal of City land, the detail of the disposal is to be reported to a relevant Committee of the Council for its information. |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 3.58 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to dispose of property to the highest bidder at public auction.                        | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Clause (3) amended to read: "A local government may dispose of property by private treaty in accordance with Section 3.58 of the Local Government Act 1995." | CJ186-09/07       |

|             |                    |   |             |
|-------------|--------------------|---|-------------|
| 16 Jun 2009 | Amended delegation | Provision relating to exempt dispositions to be added.  | CJ127-06/09 |
| 22 Jun 2010 | Amended delegation | Consolidation of four delegations into one - titled Disposing of Property.  | CJ095-06/10 |
| 26 Jun 2012 | Amended delegation | Change in Conditions - Authority limit to property valued from \$500,000 increased to \$600,000.  | CJ108-06/12 |
| 24 Jun 2014 | Amended delegation | Changes to delegation wording and structure, to include meaning of "Property" under conditions.   | CJ091-06/14 |
| 25 Jun 2019 | Amended delegation | Change in Conditions - Authority limited to property valued less than \$900,000, was previously \$600,000. Inclusion of the meaning of "Dispose".<br><br>Additional condition - "following the disposal of City land, the detail of the disposal is to be reported to a relevant Committee of the Council for its information". | CJ078-06/19 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.11 to 1.12 Disposing of Property  | CJ079-06/21 |

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| <b>Delegation</b>             | <b>1.12 - ACQUISITION OF INTEREST IN LAND BY LEASE OR OTHER SHORT TERM INSTRUMENT</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | <ol style="list-style-type: none"> <li>1. Authority to acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the City is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)].</li> <li>2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r8(1)]: <ol style="list-style-type: none"> <li>a) Without intending to produce a profit to the Local Government; and</li> <li>b) Without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.</li> </ol> </li> </ol> |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | <ol style="list-style-type: none"> <li>a) Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than five years.</li> <li>b) In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$500,000 or less.</li> <li>c) Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s. 9.49A.</li> </ol>  |
| <b>Subdelegates</b>           | Nil.  |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | <p><i>Local Government Act 1995 [s.3.59, s. 9.49A, s.6.2].</i></p> <p><i>Local Government (Functions and General) Regulations 1995 [r.8A, r. 8].</i></p> <p><i>Residential Tenancy act 1987.</i></p> <p><i>Commercial Tenancy (Retail Shops) Agreements Act 1985.</i></p>   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | TBC   |
| <b>Adoption references</b>    | TBC   |
| <b>Last reviewed</b>          | TBC   |

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| <b>Delegation</b>          | <b>1.13 ENTRY IN AN EMERGENCY</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to lawfully enter any land, premises or thing immediately and without notice and perform any functions as is considered appropriate to deal with an emergency.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | <p>An emergency exists where the City or the Chief Executive Officer is of the opinion that the circumstances are such that compliance with the requirements for obtaining entry other than under section 3.34 of the <i>Local Government Act 1995</i> would be impractical or unreasonable because of, or because of the imminent risk of:</p> <p>(a) injury or illness to any person<br/> (b) a natural or other disaster or emergency<br/> or<br/> (c) such other occurrence as is prescribed under the <i>Local Government (Functions and General) Regulations 1996</i> for the purposes of section 3.34 of the <i>Local Government Act 1995</i>.</p> |
| <b>Statutory framework</b> | Section 3.34(1) of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 25 June 2019  |
| <b>Adoption references</b> | CJ078-06/19   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 25 Jun 2019       | New delegation     | Inclusion of delegation for Chief Executive Officer to have authority to lawfully enter property in an Emergency. | CJ078-06/19       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.12 to 1.13 - Entry in an Emergency.   | CJ079-06/21       |

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| <b>Delegation</b>          | <b>1.14 ESTABLISHING PANELS OF PRE-QUALIFIED SUPPLIERS</b>   |
| <b>Category</b>            | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | <p>Authority to decide which applications to accept for inclusion on a panel of pre-qualified suppliers.</p> <p>Authority to decline to accept any application for inclusion on a panel of pre-qualified suppliers.</p> <p>Authority to enter into a contract or contracts, for the supply of goods or services with a pre-qualified supplier.</p> |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Authority extends to the supply of goods/services valued up to \$500,000.  |
| <b>Statutory framework</b> | <p><i>Local Government Act 1995.</i></p> <p>Regulations 24AB, 24AH and 24AJ of the <i>Local Government (Functions and General) Regulations 1996.</i></p>   |
| <b>Policy</b>              | <i>Purchasing Policy.</i>  |
| <b>Date adopted</b>        | 28 June 2016   |
| <b>Adoption references</b> | CJ091-06/16  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 28 Jun 2016       | New delegation     | Inclusion of delegation for Chief Executive Officer to have authority to establish panels of pre-qualified suppliers.                           | CJ091-06/16       |
| 15 Jun 2021       | Amended delegation | Change in conditions where the authority extends to the supply of goods/service value from 'less than \$350,000', changed to 'up to \$500,000'. | CJ079-06/21       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.13 to 1.14 - Establishing Panels of Pre-qualified Suppliers.  | CJ079-06/21       |

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| <b>Delegation</b>             | <b>1.15 EXTENSION OF EXISTING CONTRACTS</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to approve any contract extensions on tenders approved by the Council.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Authority subject to:<br><ol style="list-style-type: none"> <li>1. the extension being within the original terms and conditions approved by the Council;</li> <li>2. satisfactory performance of the contractor(s);</li> <li>3. the Chief Executive Officer reporting to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.</li> </ol> |
| <b>Subdelegates</b>           | Director Corporate Services (00063)   |
| <b>Subdelegate conditions</b> | Only in the event when the Chief Executive Officer declares a conflict of interest in extending a contract.   |
| <b>Statutory framework</b>    | Section 3.57 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 1 November 2005   |
| <b>Adoption references</b>    | CJ231-11/05   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 1 Nov 2005        | New delegation     | Inclusion of delegation for Chief Executive Officer to have authority to extend existing contracts.   | CJ231-11/05       |
| 21 May 2020       | Amended delegation | Sub-delegation afforded to Director Corporate Services (00063), only in the event when the Chief Executive Officer declares a conflict of interest in extending a contract. | INT20/19165       |
| 23 Jun 2020       | Amended delegation | Change to the Conditions - Part 3 to amend the Committee title from Audit Committee to Audit and Risk Committee.  | CJ079-06/20       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.14 to 1.15 - Extension of Existing Contracts.   | CJ079-06/21       |

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| <b>Delegation</b>             | <b>1.16 INFRINGEMENTS - EXTENSION OF TIME TO PAY AND WITHDRAWAL OF NOTICES</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Chief Executive Officer (00001)   |
| <b>Function</b>               | Authority to extend the period within which a modified penalty may be paid or withdraw an infringement notice.                                    |
| <b>Delegates</b>              | Coordinator Field Services (00607)<br>Director Planning and Community Development (00105)<br>Manager Rangers Parking and Community Safety (00912) |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Sections 9.19 and 9.20 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 18 April 2018   |
| <b>Adoption references</b>    | INT18/15225   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 18 Apr 2018       | New delegation     | Insertion of delegation to designated employees to provide the authority to extend the period within a modified penalty may be paid or withdraw an infringement notice.  | INT18/15225       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.15 to 1.16 - Extension of Time to Pay and Withdrawal of Notices.   | CJ079-06/21       |
| 10 May 2022       | Amended delegation | Removal of delegate authority from Parking Project Officer (00853).  | INT22/18447       |
| 10 May 2022       | Amended delegation | Removal of delegate authority from Director Corporate Services (00063) and replace with Director Planning and Community Development (00105), as Rangers, Parking and Community Development BU is transferring to Planning and Community Development Directorate. | INT22/18447       |

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| <b>Delegation</b>             | <b>1.17 OBJECTION TO THE RATE RECORD</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to: <ul style="list-style-type: none"> <li>• consider any objection to the rate record and either disallow it or allow it, wholly or in part;</li> <li>• extend the time for making an objection to the rate record for such period as is deemed fit.</li> </ul> |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075)   |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 6.76 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to consider any objection to the rate record and may either disallow or allow wholly or in part. | CJ208-11/06       |
| 22 Jun 2010       | Amended delegation | Inclusion of "Delegated by Council" and Nil Conditions.  | CJ095-06/10       |
| 24 Jun 2014       | Amended delegation | Function delegated - removal of the words local government and replaced by the word Authority.   | CJ091-06/14       |

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| 25 Jun 2019 | Amended delegation | Change to Function delegated to include " extend the time for making an objection to the rate record for such period as is deemed fit". | CJ078-06/19 |
| 26 Jun 2019 | Amended delegation | Inclusion of sub-delegations relating to position numbers (00063), (00075), (00079).  | INT19/29912 |
| 23 Jun 2020 | Amended delegation | Sub-delegation - Change in title from Team Leader Rating Services to Coordinator Rating Services.                                       | INT20/19165 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.16 to 1.17 - Objection to the Rate Record.  | CJ079-06/21 |

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| <b>Delegation</b>             | <b>1.18 OPENING OF FENCES</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to open a fence on private land.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Limited to those activities that expressly states such authority under Schedule 3.2 of the <i>Local Government Act 1995</i> . |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 3.36 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 24 June 2014  |
| <b>Adoption references</b>    | CJ091-06/14   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 24 Jun 2014       | New delegation     | Insertion of delegation for Chief Executive Officer to have the authority to open a fence on private property. | CJ091-06/14       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.17 to 1.18 - Opening of Fences.  | CJ079-06/21       |

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| <b>Delegation</b>   | <b>1.19 PAYMENTS FROM MUNICIPAL FUND - INCURRING LIABILITIES AND MAKING PAYMENTS</b>   |
| <b>Category</b>     | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>    | Council  |
| <b>Function</b>     | Authority to incur liabilities and make payments from the municipal fund.  |
| <b>Delegates</b>    | Chief Executive Officer (00001)  |
| <b>Conditions</b>   | <p>(1) Authority subject to funds being provided in the Annual Budget.</p> <p>(2) Authority to Chief Executive Officer is unlimited.</p> <p>(3) Incurring liabilities and making payments to be undertaken in accordance with the City's procedures and systems for incurring liabilities and making payments.</p> <p>(4) Authority which may be Delegated by the Chief Executive Officer to employees is subject to the maximum individual amount limits on payments defined by categories A, B, C, D, E and F as follows:</p> <p>(i) Category A – unlimited individual amounts subject to annual budget limitations.</p> <p>(ii) Category B – limited to \$2 million.<br/>(\$2.2 million including GST).</p> <p>(iii) Category C – limited to \$250,000.<br/>(\$275,000 including GST).</p> <p>(iv) Category D – limited to \$100,000.<br/>(\$110,000 including GST).</p> <p>(v) Category E – limited to \$25,000.<br/>(\$27,500 including GST).</p> <p>(vi) Category F – limited to \$5,000.<br/>(\$5,500 including GST).</p> |
| <b>Subdelegates</b> | Administration Officer - Economic Development (01525)<br>Administration Officer Leisure and Cultural Services (00160)<br>Analytics Lead (01200)<br>Branch Librarian - Duncraig (00521)<br>Branch Librarian - Joondalup (00519)<br>Branch Librarian - Whitford (00520)<br>Branch Librarian - Woodvale (00522)<br>Business Support and Finance Officer (01548)<br>Collection Management Team Leader (00528)<br>Contracts and Finance Officer (00906)<br>Coordinator Building Approvals (00113)<br>Coordinator Building Capital Works (00195)<br>Coordinator Building Maintenance (00228)<br>Coordinator Business Systems (00095)<br>Coordinator Civil Design and Construction (01119)<br>Coordinator Community and Youth Development (00175)<br>Coordinator Compliance and Regulatory Performance (01094)<br>Coordinator Contract Administration and Purchasing Services (00068)<br>Coordinator Cultural Services (00166)<br>Coordinator Engineering Operations (00227)<br>Coordinator Field Services (00607)                      |

Coordinator Fleet Management (00069)  
 Coordinator Infrastructure Asset Management (00205)  
 Coordinator Leisure Centres (00612)  
 Coordinator Leisure Planning (00849)  
 Coordinator Library Resources and Development (00517)  
 Coordinator Network Services (00770)  
 Coordinator Organisational Development (00789)  
 Coordinator Park Operations (00806)  
 Coordinator Projects and Conservation (01120)  
 Coordinator Property Management (00497)  
 Coordinator Rating Services (00079)  
 Coordinator Recreation Services (00611)  
 Coordinator Transport Engineering (00203)  
 Coordinator Urban Design and Policy (00111)  
 Coordinator Waste Services (00762)  
 Customer Experience Lead (01545)  
 Director Corporate Services (00063)  
 Director Governance and Strategy (00648)  
 Director Infrastructure Services (00184)  
 Director Planning and Community Development (00105)  
 Electrical Project Engineer (01244)  
 Electrical Project Engineer (01390)  
 Environment Development Coordinator (00783)  
 Executive Assistant to the Chief Executive Officer (00002)  
 Executive Assistant to the Mayor (00003)  
 Inventory Controller (00945)  
 Library Service Coordinator (00516)  
 Library Systems and Administration Officer (00514)  
 Local History and Reference Team Leader (00526)  
 Manager Asset Management (00065)  
 Manager Audit and Risk Services (01193)  
 Manager City Projects (00859)  
 Manager Communications and Stakeholder Relations (01162)  
 Manager Community Development and Library Services (00390)  
 Manager Economic Development and Advocacy (00502)  
 Manager Financial Services (00075)  
 Manager Governance (00010)  
 Manager Human Resource (00054)  
 Manager Information Technology (00094)  
 Manager Infrastructure Management Services (00186)  
 Manager Leisure and Cultural Services (00159)  
 Manager Operation Services (00220)  
 Manager Planning Services (00108)  
 Manager Rangers Parking and Community Safety (00912)  
 Manager Regulatory Services (01093)  
 Manager Strategic and Organisational Development (00503)  
 Parking Project Officer (00853)  
 Principal Environmental Health Officer (00114)  
 Principal Events Officer (00168)  
 Principal Legal Officer (00640)  
 Road Network Engineer (01405)  
 Senior Civil Projects Officer (00208)  
 Senior Development Engineer (00490)  
 Senior Financial Accountant (00078)  
 Senior Landscape Architect / Team Leader Landscaping and Conservation (00211)  
 Senior Management Accountant (00083)  
 Senior Project Engineer (00210)  
 Senior Projects Officer (00005)  
 Senior Projects Officer (00937)

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|                                      | <p>Senior Projects Officer (01154)<br/>                 Senior Projects Officer Casual (01563)<br/>                 Senior Team Leader Customer Care (00027)<br/>                 Service Desk Team Leader (00101)<br/>                 Strategic Planning and Engagement Coordinator (00843)<br/>                 Systems Administrator (01436)<br/>                 Systems Support Officer (00800)<br/>                 Team Leader Aquatic and Facility Operations (01435)<br/>                 Team Leader Community Development (01224)<br/>                 Team Leader Community Venues (00173)<br/>                 Team Leader Field Officers (00212)<br/>                 Team Leader Field Officers (00219)<br/>                 Team Leader Health and Fitness (01433)<br/>                 Team Leader Leisure and Aquatic Programs (01434)<br/>                 Team Leader Marketing and Customer Experience (01432)<br/>                 Team Leader Natural Areas (00506)<br/>                 Team Leader Projects (00224)<br/>                 Team Leader Sport and Recreation (00172)<br/>                 Team Leader Youth Services (00182)<br/>                 Waste Design and Contract Officer (00197)</p>   |
| <p><b>Subdelegate conditions</b></p> | <p><b>Category A</b></p> <ul style="list-style-type: none"> <li>• Director Corporate Services (00063).</li> </ul> <p><b>Category B</b></p> <ul style="list-style-type: none"> <li>• Manager City Projects (00859).</li> <li>• Director Infrastructure Services (00184).</li> <li>• Director Planning and Community Development (00105).</li> <li>• Director Governance and Strategy (00648).</li> </ul> <p><b>Category C</b></p> <ul style="list-style-type: none"> <li>• Manager Financial Services (00075).</li> <li>• Manager Information Technology (00094).</li> <li>• Manager Infrastructure Management Services (00186).</li> <li>• Manager Operation Services (00220).</li> <li>• Manager Asset Management (00065).</li> <li>• Manager Rangers Parking and Community Safety (00912).</li> <li>• Manager Leisure and Cultural Services (00159).</li> <li>• Manager Community Development and Library Services (00390).</li> <li>• Coordinator Engineering Operations (00227).</li> <li>• Coordinator Park Operations (00806).</li> <li>• Coordinator Projects and Conservation (01120).</li> <li>• Coordinator Civil Design and Construction (01119).</li> <li>• Coordinator Waste Services (00762).</li> <li>• Senior Projects Officer (00937).</li> </ul> <p><b>Category D</b></p> <ul style="list-style-type: none"> <li>• Manager Audit and Risk Services (01193).</li> <li>• Coordinator Building Capital Works (00195).</li> <li>• Coordinator Building Maintenance (00228).</li> <li>• Senior Landscape Architect / Team Leader Landscaping and Conservation (00211).</li> <li>• Team Leader Projects (00224).</li> <li>• Coordinator Fleet Management (00069).</li> <li>• Senior Development Engineer (00490).</li> </ul> |

- Senior Projects Officer Casual (01563).
- Electrical Project Engineer (01244).
- Electrical Project Engineer (01390).
- Business Support and Finance Officer (01548).

### **Category E**

- Manager Strategic and Organisational Development (00503).
- Manager Governance (00010).
- Manager Human Resources (00054).
- Manager Planning Services (00108).
- Manager Regulatory Services (01093).
- Coordinator Business Systems (00095).
- Coordinator Network Services (00770).
- Library Service Coordinator (00516).
- Coordinator Library Resources and Development (00517).
- Team Leader Natural Areas (00506).
- Coordinator Field Services (00607).
- Coordinator Transport Engineering (00203).
- Coordinator Infrastructure Asset Management (00205).
- Waste Design and Contract Officer (00197).
- Coordinator Community and Youth Development (00175).
- Coordinator Leisure Centres (00612).
- Coordinator Recreation Services (00611).
- Coordinator Cultural Services (00166).
- Coordinator Urban Design and Policy (00111).
- Principal Environmental Health Officer (00114).
- Principal Events Officer (00168).
- Principal Legal Officer (00640).
- Parking Project Officer (00853).
- Systems Support Officer (00800).
- Coordinator Property Management (00497).
- Analytics Lead (01200).
- Manager Communications and Stakeholder Relations (01162).
- Senior Projects Officer (00005).
- Senior Projects Officer (01154).
- Senior Civil Projects Officer (00208).
- Senior Project Engineer (00210).
- Coordinator Leisure Planning (00849).
- Network Asset Engineer Roads (01405).
- Inventory Controller (00945).
- Manager Economic Development and Advocacy (00502).
- Customer Experience Lead (01545).
- Contracts and Finance Officer (00906).

### **Category F**

- Executive Assistant to the Mayor (00003).
- Executive Assistant to the CEO (00002).
- Senior Financial Accountant (00078).
- Senior Management Accountant (00083).
- Coordinator Rating Services (00079).
- Coordinator Contract Administration and Purchasing Services (00068).
- Service Desk Team Leader (00101).
- Administration Officer Leisure and Cultural Services (00160).
- Coordinator Building Approvals (00113).
- Branch Librarian – Joondalup (00519).
- Branch Librarian – Whitford (00520).
- Branch Librarian – Woodvale (00522).

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|                            | <ul style="list-style-type: none"> <li>• Branch Librarian – Duncraig (00521).</li> <li>• Local History and Reference Team Leader (00526).</li> <li>• Team Leader Field Officers (00212, 00219).</li> <li>• Collection Management Team Leader (00528).</li> <li>• Team Leader Youth Services (00182).</li> <li>• Team Leader Community Development (01224).</li> <li>• Team Leader Marketing and Customer Experience (01432).</li> <li>• Team Leader Leisure and Aquatic Programs (01434).</li> <li>• Team Leader Aquatic and Facility Operations (01435).</li> <li>• Systems Administrator (01436).</li> <li>• Team Leader Health and Fitness (01433).</li> <li>• Coordinator Organisational Development (00789).</li> <li>• Strategic Policy Development Coordinator (00843).</li> <li>• Environment Development Coordinator (00783).</li> <li>• Team Leader – Community Venues (00173).</li> <li>• Team Leader Sport and Recreation (00172).</li> <li>• Administration Officer – Economic Development (01525)</li> <li>• Coordinator Compliance and Regulatory Performance (01094).</li> <li>• Library Systems and Administration Officer (00514).</li> <li>• Senior Team Leader Customer Care (00027).</li> </ul> |
| <b>Statutory framework</b> | Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .  |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 21 November 2006   |
| <b>Adoption references</b> | CJ208-11/06  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to make payments from the Municipal and Trust Fund.   | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Sub- Delegations - Changes to designated Officer titles.  | CJ186-09/07       |
| 16 Jun 2009       | Amended delegation | Sub- Delegations - Changes to designated Officer titles.  | CJ127-06/09       |
| 22 Jun 2010       | Amended delegation | Changes to structure and inclusion of CEO Conditions outlying authority to CEO and sub-delegation approval limits, categorised by A, B, C, D and E. Changes in categories and titles. Change in Legislation reference from 6.10 to 6.5 Local Government Act 1995. | CJ095-06/10       |
| 28 Jun 2011       | Amended delegation | Sub- Delegations - Changes to designated Officer titles.  | CJ107-06/11       |

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| 14 Jun 2012 | Amended delegation | Add to Category C (up to \$250,000) the position of Coordinator Natural Areas and Capital Works Projects.   | INT12/13286             |
| 26 Jun 2012 | Amended delegation | Sub-delegations - Changes to designated officer titles, inclusion of officer positions as designated employees.   | CJ108-06/12             |
| 31 Aug 2012 | Amended delegation | Add to Category E (up to \$5,000) the position of Collection Management Team Leader.  | INT12/20354             |
| 19 Oct 2012 | Amended delegation | Add to Category D (up to \$25,000) the position of Internal Auditor.  | INT12/24858             |
| 22 Nov 2012 | Amended delegation | Add position 'Acting Manager Marketing and Communications' to Category D - limited to \$25,000 , following organisational restructure.  | EMI12/6002; INT12/29775 |
| 30 May 2013 | Amended delegation | Amending the title of "Senior Librarian – Duncraig/Sorrento" to "Senior Librarian Duncraig". Amending various position titles within the Infrastructure Services Directorate. Inclusion of "Design Engineer / Coordinator (01119)" to Category C. Inclusion of "Executive Project Officer (00937)" to Category D. | INT13/9868              |
| 16 Aug 2013 | Amended delegation | Inclusion of "Manager Executive and Risk" (1193) to Category C.   | INT13/16228             |
| 24 Jun 2014 | Amended delegation | Change to title to read "Payments from Municipal Fund and Trust Fund - Incurring Liabilities and Making Payments". Change to wording for function delegated and changes to CEO Conditions to include part 1 - 4.  | CJ091-06/14             |
| 12 Feb 2015 | Amended delegation | Change of position title from Senior Librarian to Branch Librarian for Joondalup (00519), Whitford (00520) Duncraig (00521) and Woodvale (00522).   | INT15/5981              |
| 17 Mar 2015 | Amended delegation | Inclusion of the following positions to Category D:<br><ul style="list-style-type: none"> <li>• Coordinator Civil Projects (00208)</li> <li>• Coordinator Civil Projects (00210)</li> <li>• Coordinator Electrical Projects (01244).</li> </ul>   | INT14/18637             |
| 13 May 2015 | Amended delegation | Changes to positions; remove Internal Auditor (00008), add Business Performance Analyst (01200), add to Category E - Team Leader Youth Services (00182) and Team Leader Community Development (01224), amend various titles and amend position number 00792 to read 00762.  | INT15/11342             |
| 23 Jun 2015 | Amended delegation | Changes to the delegation title and function delegated, removing the words "and Trust Fund".  | CJ095-06/15             |

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| 24 Jul 2015 | Amended delegation | Changes of various position payment limits and titles in Leisure and Cultural Services relating to position (00612, 00172, 00173, 00617, 00637, 00638, 00639).  | INT15/25509            |
| 2 Feb 2016  | Amended delegation | Changes to positions; removal of Executive Officer (00006) and amend - Executive Liaison Officer (00007) to Executive Officer (00007) with changes in category from a Category D to a Category C.   | EMI16/1160; INT16/3378 |
| 28 Jun 2016 | Amended delegation | Change in position title for position (00607) and removal of Executive Officer (00006),   | CJ091-06/16            |
| 6 Dec 2016  | Amended delegation | Change in Position title for (00762) to Coordinator Waste Services and change in Category from D to C approval limit of \$250,000.  | INT17/40500            |
| 2 May 2017  | Amended delegation | Change to title of position from Executive Project Officer (00937) to Senior Projects Officer (00937).  | Nil                    |
| 2 May 2017  | Amended delegation | Changes to titles of various positions within Infrastructure Management Services relating to positions 00490, 01119, 00208, 00210, 01244.   | EMI17/4516             |
| 4 Dec 2017  | Amended delegation | Inclusion of a new designated employee position - Team Leader Health and Fitness (01433), Category E - limited to \$5,000.  | INT17/59664            |
| 13 Feb 2018 | Amended delegation | Inclusion of a new designated position - Verge Coordinator (01468) with Category E - limited to \$5,000.  | INT18/5995             |
| 10 Sep 2018 | Amended delegation | Add Project Engineer (01405) to approval category D (\$25,000).   | Nil                    |
| 25 Jan 2019 | Amended delegation | Amendment category of Senior Projects Officer (00937) from \$25,000 to \$250,000; and add Senior Projects Officer (0005) to Category D (\$25,000).  | EMI19/685; EMI19/686   |
| 9 May 2019  | Amended delegation | Change title of Business Performance Analyst (1200) to Special Projects Officer, Analytics (1200).  | INT19/22398            |
| 25 Jun 2019 | Amended delegation | Changes to Delegation Conditions to include a new Category D - limited to \$100,000 and Category E changed to be limited to \$25,000 and Category F limited to \$5,000.   | CJ078-06/19            |
| 22 Jul 2019 | Amended delegation | Changes to positions and category limits after the inclusion of new category D - limited to \$100,000. Positions to be included in Category D - (00195, 00228, 00211, 00224, 00490, 01244), the inclusion of two new delegations position Stores and Material Controller (00945) and Electrical Project Engineer (01390). | INT19/34634            |

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| 29 Nov 2019 | Amended delegation | Change in Category for Economic Development Lead (00502) from Category F to E, with a limit of \$25,000.  | INT19/57256 |
| 10 Dec 2019 | Amended delegation | Addition of new position title with delegated authority; Administration Officer - Economic Development (01525) - Category F - \$5,000 approval limit.   | INT19/59496 |
| 21 May 2020 | Amended delegation | Change of Category for position Manager Audit and Risk (01193) from Category C to D. Removal of position (00007) from Category C. Various changes to titles.                                    | INT20/19165 |
| 23 Jun 2020 | Amended delegation | Inclusion of Condition limits including GST component for Category B to F.  | CJ079-06/20 |
| 24 Aug 2020 | Amended delegation | Inclusion of a new designated employee position in Category E - Customer Experience Lead (01545) with a limit to \$25,000   | INT20/35245 |
| 2 Sep 2020  | Amended delegation | The inclusion of a new delegated authority position - Customer Experience Lead (01545) - Category E - \$25,000 approval limit.  | INT20/35245 |
| 18 Sep 2020 | Amended delegation | The inclusion of reinstated position (00007) Special Projects Officer, Category F - limited to \$5,000.   | INT20/38115 |
| 21 Dec 2020 | Amended delegation | Change title of Manager Human Resources (00054) to Manager Human Resource Services (00054).   | INT20/54123 |
| 21 Dec 2020 | Amended delegation | Change title of Senior Civil Projects Officer (00210) to Senior Project Engineer (00210).   | INT20/54123 |
| 21 Dec 2020 | Amended delegation | Change title of Coordinator Organisational Development (00789) to Coordinator Organisational Development and Improvement (00789).   | INT20/54123 |
| 21 Dec 2020 | Amended delegation | Change title of Coordinator Natural Areas and Capital Works Projects (01120) to Coordinator Projects and Conservation (01120).  | INT20/54123 |
| 21 Dec 2020 | Amended delegation | Delegated authority has been removed for the position Special Project Officer (00007), as the position is no longer required.   | EMI21/776   |
| 25 Mar 2021 | Amended delegation | The inclusion of a new delegated authority position - Senior Projects Officer Casual (01563) - Category D - \$100,000 (excl gst) approval limit and removal of Senior Projects Officer (00937). | EMI21/3218  |
| 1 Apr 2021  | Amended delegation | Sub-Delegations - Change of position title from Administration Coordinator (00187) to Team Leader Customer Relations (00187).   | EMI21/3277  |

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| 10 May 2021 | Amended delegation | Change in title for Senior Sport and Recreation Officer (00172) to Team Leader Sport and Recreation (00172).   | INT21/20088                 |
| 10 May 2021 | Amended delegation | Add to Category F – limited to \$5,000 (\$5,500 including GST) the position of Library Systems and Administration Officer (00514).   | INT21/20088                 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.18 to 1.19 - Payments from Municipal Fund - Incurring Liabilities and Making Payments.   | CJ079-06/21                 |
| 30 Jun 2021 | Amended delegation | Change in title from Stores and Material Controller (00945) to Inventory Controller (00945).   | EMI21/6316                  |
| 13 Jul 2021 | Amended delegation | Change in position title from Senior Ranger (000212,00219) to Team Leader Field Officers (00212,00219) and Coordinator Parking Services (00853) to Parking Project Officer (00853) | EMI21/9081                  |
| 24 Aug 2021 | Amended delegation | Reinstatement of Senior Projects Officer (00937) with Category E - up to \$100,000 approval limits.  | INT21/38645                 |
| 21 Sep 2021 | Amended delegation | New positions afforded delegation by CEO, Business Support and Finance Officer (01548) and Contracts and Finance Officer (00906).  | INT21/42024 and INT21/42025 |
| 21 Oct 2021 | Amended delegation | Delegation removed for Team Leader Customer Relations (00187), title of the position changed to Team Leader Customer Care (00187).   | EMI21/10335                 |
| 26 Oct 2021 | New delegation     | New position Senior Team Leader Customer Care (00027).   | CJ208-11/06, INT21/51101    |
| 11 Nov 2021 | Amended delegation | Title change for Position No. 01405 from Project Engineer to Network Asset Engineer Roads.   | INT21/48800                 |
| 1 Mar 2022  | Amended delegation | Change in title from Economic Development and Advocacy Lead (00502) to Manager Economic Development and Advocacy (00502).  | INT22/8064                  |
| 9 May 2022  | Amended delegation | New Sub-delegated authority provided to Senior Project Officer (01154).  | INT22/20695                 |
| 10 May 2022 | Amended delegation | Sub-delegate change in title from Coordinator Community Development (00175) to Coordinator Community and Youth Development (00175).  | INT22/18447                 |
| 10 May 2022 | Amended delegation | Sub-delegate change in title from Team Leader Marketing and Customer Service (01432) to Team Leader Marketing and Customer Experience (01432).                                     | INT22/18447                 |

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| 10 May 2022 | Amended delegation | Sub-delegate position title correction should be Coordinator Contract Administration and Purchasing Services (00068). | INT22/18447 |
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| <b>Delegation</b>             | <b>1.20 AUTHORISING PAYMENT FROM THE TRUST FUND</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to make payments from the Trust Fund.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the trust fund.   |
| <b>Subdelegates</b>           | Director Corporate Services (00063)<br>Director Governance and Strategy (00648)<br>Director Infrastructure Services (00184)<br>Director Planning and Community Development (00105)<br>Manager Asset Management (00065)<br>Manager Financial Services (00075)<br>Manager Governance (00010)<br>Manager Infrastructure Management Services (00186)<br>Manager Leisure and Cultural Services (00159)<br>Manager Operation Services (00220)<br>Manager Regulatory Services (01093) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .  |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 23 June 2015   |
| <b>Adoption references</b>    | CJ095-06/15  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                |   |                   |
|-------------------|----------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b> |
| 23 Jun 2015       | New delegation | New delegation arising from separation of authorising payments from municipal fund. Delegations limited to Directors and Managers with trust fund responsibilities. Provides tighter financial management controls. | CJ095-06/15       |

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| 24 Jul 2015 | Amended delegation | Inclusion of:<br><ul style="list-style-type: none"> <li>• Coordinator Leisure Centre (00612) – up to a maximum of \$25,000</li> <li>• Coordinator Recreation Services (00611) – up to a maximum of \$25,000</li> <li>• Recreation Development Officer (00172, 00173) – up to a maximum of \$5,000</li> <li>• Senior Leisure Officer (00617, 00637, 00638, 00639) – up to a maximum of \$5,000.</li> </ul> | INT15/25509 |
| 4 Aug 2015  | Amended delegation | Inclusion of Administration Coordinator - position number 00187 (Infrastructure Services) to authorise payments from the trust fund.  | INT15/25855 |
| 9 Nov 2017  | Amended delegation | Amended various titles and position numbers with delegations resulting from Craigie Leisure Centre restructure. Position numbers 00617, 00637, 00638 and 00639 changed to 01435, 01434, 01433 and 01432 respectively.   | EMI17/9582  |
| 10 May 2021 | Amended delegation | Remove sub-delegations for positions (00612, 00611, 01436, 01435, 00173, 00187, 01433, 01434, 01432), only leaving positions held by Directors and Managers with delegated authority relating to payments from the Trust Fund.  | INT21/20088 |
| 10 May 2021 | Amended delegation | Remove sub-delegation conditions as they relate to positions that have been deleted from this delegation (00612, 00611, 01436, 01435, 00173, 00187, 01433, 01434, 01432) and change conditions to nil.  | INT21/20088 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.19 to 1.20 - Authorising Payment From the Trust Fund.   | CJ079-06/21 |

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| <b>Delegation</b> | <b>1.21 PAYMENTS FROM MUNICIPAL FUND AND TRUST FUND - SIGNATORIES TO BANK ACCOUNTS</b>  |
| <b>Category</b>   | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>  | Council   |
| <b>Function</b>   | Authority to make payments from the Municipal Fund or the Trust Fund.   |
| <b>Delegates</b>  | Chief Executive Officer (00001)   |
| <b>Conditions</b> | <p>Authority is subject to payments being made strictly in accordance with the signatory requirements set out in the following:</p> <p><b>Cheque Payments (only)</b></p> <ul style="list-style-type: none"> <li>• Payments up to \$10,000 - Any one Category A or Category B signatory.</li> <li>• Payments of \$10,001 and over to payments up to \$250,000 - Any two Category A or Category B signatories.</li> <li>• Payments of \$250,001 and over - Any 1 of Category A and 1 of Category B signatories; or any 2 Category A signatories.</li> </ul> <p><b>Electronic Funds Transfer (EFT) Payments (only)</b></p> <ul style="list-style-type: none"> <li>• Payments up to \$10,000 – Any 2 Category A or Category B Signatories; or Any 1 of Category A or Category B signatories and Any 1 of Category C signatories.</li> <li>• Payments of \$10,001 and over to payments up to \$250,000 – Any two Category A or Category B signatories.</li> <li>• Payments of \$250,001 and over – Any 1 Category A and 1 of Category B signatories; or any 2 Category A signatories.</li> </ul> <p><b>Category A Signatories</b></p> <p>Chief Executive Officer (00001).<br/> Director Planning and Community Development (00105).<br/> Director Corporate Services (00063).<br/> Director Infrastructure Services (00184).<br/> Director Governance and Strategy (00648).<br/> Manager Financial Services (00075).</p> <p><b>Category B Signatories</b></p> <p>Senior Management Accountant (00083).<br/> Senior Financial Accountant (00078).</p> <p><b>Category C Signatories</b></p> <p>Financial Accountant (TBC)<br/> Management Accountant (TBC)</p> |

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| <b>Subdelegates</b>           | Director Corporate Services (00063)<br>Director Governance and Strategy (00648)<br>Director Infrastructure Services (00184)<br>Director Planning and Community Development (00105)<br>Manager Financial Services (00075)<br>Senior Financial Accountant (00078)<br>Senior Management Accountant (00083)<br><br>Financial Accountant (TBC)<br>Management Accountant (TBC) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Sections 6.7 and 6.9 of the <i>Local Government Act 1995</i> . Regulation 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .  |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Delegation initially incorporated as part of "Payments from the Municipal Fund and Trust Fund" delegation.   | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Under the 'Category B Signatories' the position title "Manager Strategic Development" has been added against 'Category A Signatories, Director Infrastructure Services'  | CJ186-09/07       |
| 22 Jun 2010       | Amended delegation | The deletion of positions Manager Human Resources, Manager Strategic and Sustainable Development from Category B signatories. Payment under \$10,000 to read "Any one signatory". Payments of \$10,000 to \$250,000 to read "Any two signatories". | CJ095-06/10       |
| 26 Jun 2012       | Amended delegation | Change in title from "Director Planning and Development" to Director Planning and Community Development".  | CJ108-06/12       |
| 24 Jun 2014       | Amended delegation | Change to wording of function delegated "Authority to make payments from the Municipal Fund or the Trust Fund".  | COJ091-06/14      |

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| 23 Jun 2020 | Amended delegation | Change to delegation conditions for payments under \$10,000 to include the words " any one signatory (for cheques only), provided for clarification. | CJ079-06/20 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.20 to 1.21 - Payments from Municipal Fund and Trust Fund - Signatories to Bank Accounts.                       | CJ079-06/21 |

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| <b>Delegation</b>             | <b>1.22 POWER TO INVEST</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to invest funds held in the municipal fund or the trust fund of the local government that is not, for the time being, required by the local government for any other purpose, in accordance with Part III of the <i>Trustees Act 1962</i> . |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Authority is unlimited.   |
| <b>Subdelegates</b>           | Director Corporate Services (00063)<br>Manager Financial Services (00075)<br>Senior Financial Accountant (00078)<br>Senior Management Accountant (00083)  |
| <b>Subdelegate conditions</b> | <b>Director Corporate Services (00063).</b><br>Unlimited<br><br><b>Manager Financial Services (00075).</b><br>Up to \$3 million<br><br><b>Senior Management Accountant (00083) and Senior Financial Accountant (00078).</b><br>Up to \$1.5 million    |
| <b>Statutory framework</b>    | Section 6.14 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | <i>Investment of Available Funds Policy.</i>  |
| <b>Date adopted</b>           | 21 November 2006  |
| <b>Adoption references</b>    | CJ208-11/06   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Chief Executive Officer to have the power to invest municipal and trust funds. | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Deletion of "Statutory Accountant" and addition of "Senior Financial Accountant"                           | CJ186-09/07       |

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| 22 Jun 2010 | Amended delegation | Changes to general format and changes to the conditions to include Chief Executive Officer and Director Corporate Services as unlimited and Manager Financial Services (up to \$3M), Senior Management Accountant and Senior Financial Accountant (up to \$1.5M).            | CJ095-06/10 |
| 24 Jun 2014 | Amended delegation | Changes to wording of delegation and layout re-structured to reflect action required in accordance to the Local Government Act 1995. Conditional wording re-located to 'sub delegation conditions' section of the delegation. The addition of the related Investment Policy. | CJ091-06/14 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.21 to 1.22 - Power to Invest.  | CJ079-06/21 |

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| <b>Delegation</b>             | <b>1.23 RECOVERY OF RATES AND SERVICE CHARGES</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to recover rates and service charges, as well as the costs of court proceedings, if any for that recovery, in a court of competent jurisdiction. |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075)   |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 6.56 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 25 June 2019   |
| <b>Adoption references</b>    | CJ078-06/19  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 25 Jun 2019       | New delegation     | New delegation relating to authority to recover rates and service charges, as well as the costs of court proceedings, if any for that recovery, in a court of competent jurisdiction. | CJ078-06/19       |
| 26 Jun 2019       | Amended delegation | The inclusion CEO sub-delegations to positions 00063, 00075, 00079.   | INT19/29912       |
| 23 Jun 2020       | Amended delegation | Change in position title from Team Leader Rating Services (00079) to Coordinator Rating Services (00079).   | INT20/19165       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.22 to 1.23 - Recovery of Rates and Service Charges.   | CJ079-06/21       |

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| <b>Delegation</b>             | <b>1.24 RECOVERY OF RATES AND SERVICE CHARGES FROM LESSEE</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | <p>Authority to:</p> <ul style="list-style-type: none"> <li>• give notice to the lessee of land requiring the lessee to pay to the City any rent as it falls due, in satisfaction of the imposed rate or service charge on the land;</li> <li>• recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice.</li> </ul> |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Financial Services (00075)   |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 6.60(2) and (4) of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 25 June 2019   |
| <b>Adoption references</b>    | CJ078-06/19  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 25 Jun 2019       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to give notice to the lessee of land requiring the lessee to pay to the City any rent as it falls due, in satisfaction of the imposed rate or service charge on the land; and recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice. | CJ078-06/19       |
| 26 Jun 2019       | Amended delegation | The inclusion CEO sub-delegations to positions 00063, 00075, 00079  | INT19/29912       |

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| 23 Jun 2020 | Amended delegation | Change in position title from Team Leader Rating Services (00079) to Coordinator Rating Services.     | INT20/19165 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.23 to 1.24 - Recovery of Rates and Service Charges from Lessee. | CJ079-06/21 |

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| <b>Delegation</b>             | <b>1.25 - PAYMENTS FROM MUNICIPAL FUND – INCURRING LIABILITIES AND MAKING PAYMENTS FOR COURT FEES IN RESPECT OF LODGEMENTS OF RATES CLAIMS (WA MAGISTRATES' COURT)</b>   |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to incur liabilities and make payments from the municipal fund for court fees in respect of lodgements of rates claims only (WA Magistrates' Court).   |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Making payments to be undertaken in accordance with the City's procedures and systems for making payments from the municipal fund.   |
| <b>Subdelegates</b>           | Manager Financial Services (00075)<br>Senior Management Accountant (00083)<br>Coordinator Rating Services (00079)  |
| <b>Subdelegate conditions</b> | <ol style="list-style-type: none"> <li><b>1. Manager Financial Services (00075)</b><br/>Payment limit over \$10,000 (excluding GST).</li> <li><b>2. Senior Management Accountant (00083) and Coordinator Rating Services (00079).</b><br/>Payment limit up to \$10,000 (excluding GST).</li> </ol> |
| <b>Statutory framework</b>    | Regulations 5, 11 and 12 of the <i>Local Government (Financial Management) Regulations 1996</i> .  |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | TBC  |
| <b>Adoption references</b>    | TBC  |
| <b>Last reviewed</b>          | TBC  |

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| <b>Delegation</b>             | <b>1.265 SEEKING EXPRESSIONS OF INTEREST</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to seek expressions of interest with respect to the supply of goods or services, where it is considered that there is good reason to make a preliminary selection from among prospective tenderers. |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Director Corporate Services (00063)<br>Manager Financial Services (00075)   |
| <b>Subdelegate conditions</b> | Limited to the ability to seek expressions of interest only.  |
| <b>Statutory framework</b>    | Regulation 21 of the <i>Local Government (Functions and General) Regulations 1996</i> .   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 26 June 2012  |
| <b>Adoption references</b>    | CJ108-06/12   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 26 Jun 2012       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to seek expressions of interest with respect to the supply of the goods or services.                                | CJ108-06/12       |
| 24 Jun 2014       | Amended delegation | Changes to wording in Function delegated and removal of CEO condition, and inclusion of sub-delegate conditions to include "Limited to the ability to seek expressions of interest only". | CJ091-06/14       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.24 to 1.25 - Seeking Expressions of Interest.   | CJ079-06/21       |

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| <b>Delegation</b>   | <b>1.276 WAIVER OF FEES AND GRANTING OF CONCESSIONS</b>   |
| <b>Category</b>     | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>    | Council   |
| <b>Function</b>     | Authority to waive or grant a concession in relation to any amount of money which is owed to the City other than rates and service charges.   |
| <b>Delegates</b>    | Chief Executive Officer (00001)   |
| <b>Conditions</b>   | Additional subsidies and waiver of hire fees under the <i>Facility Hire Subsidy Policy</i> limited to \$5,000 per request.  |
| <b>Subdelegates</b> | <p>Adult and Seniors Services Officer (00525)<br/> Branch Librarian - Duncraig (00521)<br/> Branch Librarian - Joondalup (00519)<br/> Branch Librarian - Whitford (00520)<br/> Branch Librarian - Woodvale (00522)<br/> Cataloguer (00531)<br/> Cataloguer (00532)<br/> Collection Management Team Leader (00528)<br/> Coordinator Field Services (00607)<br/> Coordinator Library Resources and Development (00517)<br/> Digital Services Officer (01126)<br/> Director Corporate Services (00063)<br/> Director Governance and Strategy (00648)<br/> Director Infrastructure Services (00184)<br/> Director Planning and Community Development (00105)<br/> Librarian (00539)<br/> Librarian (00549)<br/> Librarian (00558)<br/> Librarian (00559)<br/> Librarian (00560)<br/> Librarian (00575)<br/> Library Service Coordinator (00516)<br/> Local History and Reference Team Leader (00526)<br/> Manager Community Development and Library Services (00390)<br/> Manager Leisure and Cultural Services (00159)<br/> Manager Rangers Parking and Community Safety (00912)<br/> Manager Regulatory Services (01093)<br/> Reference and Local History Librarian (00527)<br/> Youth and Children's Services Officer (00524)<br/> Youth and Children's Services Officer (01231)</p> |

|                                      |  |
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| <p><b>Subdelegate conditions</b></p> | <p><b>1. Director Planning and Community Development (00105), Director Corporate Services, Director (00063), Infrastructure Services (00184) and Director Governance and Strategy (00648).</b><br/>Not applicable.</p> <p><b>2. Manager Leisure and Cultural Services (00159).</b><br/>Limited to individual items to \$5,000 and limited to the hire and use of City facilities.</p> <p><b>3. Librarian – Duncraig (00575), Librarians – Joondalup (00558), (00559), (00560), Librarian – Whitford (00539), Librarians – Woodvale (00549) (x2), Reference and Local History Librarian (00527); Adult and Seniors Officer (00525); Youth and Children’s Services Officer (00524); Youth and Children’s Services Officer (01231); Cataloguer (00532); Cataloguer (00531).</b><br/>Limited to waiving fines to the value of \$50 and under and waiving fines up to any value when a lost or damaged item is paid for by the customer, <b>SUBJECT TO</b> a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.</p> <p><b>4. Coordinator Library Resources and Development (00517), Library Service Coordinator (00516), Branch Librarian – Joondalup (00519), Branch Librarian – Whitford (00520), Branch Librarian – Woodvale (00522), Branch Librarian – Duncraig (00521), Digital Services Officer (01126); Local History and Reference Team Leader (00526); Collection Management Team Leader (00528).</b><br/>Limited to waiving fines to the value of \$100 and under; waiving fines up to any value when a lost or damaged item is paid for by the customer; waiving the \$12.80 debt collection fee in special circumstances; waiving accounts up to \$150 for lost or damaged items in special circumstances, <b>SUBJECT TO</b> a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.</p> <p><b>5. Manager Community Development and Library Services (00390).</b><br/>(a) Limited to waiving fines and accounts to the value of \$50 and over; waiving the \$12.80 debt collection fee in special circumstances, <b>SUBJECT TO</b> a quarterly report on fines and fees that have been waived being submitted to the Manager Financial Services.<br/>(b) Limited to waiver of hire fees for use of library facilities to a maximum of \$1,000.<br/>(c) Limited to waiver of fees for community transport hire up to \$500 per group per year.<br/>(d) Limited to the waiver of fees or grant concessions for the Youth Holiday Programs.</p> <p><b>6. Manager Regulatory Services (01093).</b><br/>Limited to waiving the City’s Building Permit Application fee for applications submitted by not-for-profit charitable organisations.</p> <p><b>7. Manager Rangers, Parking and Community Safety (00912) and Coordinator Field Services (00607)</b><br/>Limited to waiving of fees to the value of the fee for release of an impounded animal from the RSPCA. <b>SUBJECT TO</b> approval of an application by the Manager or Coordinator following a review of the persons financial inability to pay the release fee and a quarterly report on fees.</p> |
| <p><b>Statutory framework</b></p>    | <p>Section 6.12 of the <i>Local Government Act 1995</i>.</p>   |
| <p><b>Policy</b></p>                 | <p><i>Facility Hire Subsidy Policy.</i></p>  |
| <p><b>Date adopted</b></p>           | <p>7 September 2007</p>  |
| <p><b>Adoption references</b></p>    | <p>CJ186-09/07</p>   |

| <b>Amendments</b> |                    |   |  |
|-------------------|--------------------|---|--|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b>  |
| 7 Sep 2007        | New delegation     | <p>Reinstatement and Insertion of delegation for Chief Executive Officer to have authority to Waive Fees.</p> <p>This delegation was removed from the register in 2006. Advice received is that 'acting through' powers of the legislation do not provide sufficient delegation; therefore delegation should be reinstated.</p>   | CJ186-09/07  |
| 22 Jun 2010       | Amended delegation | Change to wording of delegated function - to "Authority to waive or grant a concession in relation to any amount of money which is owed to the City other than rates and service charges. Change to delegation being delegated by Council and change in Policy reference to Setting Fees and Charges.   | CJ095-06/10  |
| 26 Jun 2012       | Amended delegation | The inclusion of the sub-delegation to Manager Leisure and Cultural Services (00159) - individual items to \$5,000 and limited to the hire and use of City facilities.  | CJ108-06/12  |
| 25 Jul 2013       | Amended delegation | Changes to sub-delegation conditions for position, Manager Community Development and Library Services (00390), authority to waive fines and accounts to the value of \$6 and over, Waive the 12.80 debt collection fee in special circumstances, and authority to write off bad debts up to \$500.  | INT13/16608  |
| 25 Jul 2013       | Amended delegation | Insertion of new delegation to various library officers to waive fees and accounts within specified parameters.   | INT13/16608, INT13/16607, INT13/16265, INT13/16587, INT13/16588, INT13/16589, INT13/16590, INT13/16592, INT13/16595, INT13/16597, INT13/16598. |
| 25 Jul 2013       | Amended delegation | Inclusion of sub delegation positions; Senior Librarian-Joondalup, Senior Librarian-Whitford, Senior Librarian-Duncraig, Senior Librarian-Woodvale, Library Operations coordinator and Library Services Coordinator. With authority to waive fines to the value of \$6 and under, waive fines up to any value when a lost or damaged item is paid, waive accounts up to \$150 for lost or damaged items in special circumstances. | INT13/16607  |
| 9 Dec 2014        | Amended delegation | Insertion of new conditions, limiting CEO to \$5,000.   | CJ243-12/14  |

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|-------------|--------------------|--|-------------|
| 16 Feb 2015 | Amended delegation | <ul style="list-style-type: none"> <li>• Inclusion of various library staff with differing limits of authority.</li> <li>• Change of position title from Senior Librarian to Branch Librarian (throughout document).</li> <li>• Inclusion of additional condition from CEO to library staff, requiring quarterly reporting of waivers.</li> </ul>  | INT15/5981  |
| 13 May 2015 | Amended delegation | <ul style="list-style-type: none"> <li>• Add Manager Compliance and Regulatory Services (01093) - Limited to waiving the City's Building Permit Application fee for applications submitted by not-for-profit charitable organisations.</li> <li>• Amend Category 3 delegations as from Librarians – Whitford (00539) (x2) to Librarian – Whitford (00539) and from Librarian – Woodvale (00549) to Librarians – Woodvale (00549) (x2).</li> <li>• Amend title from Librarian Reference and Local Studies (00527) to Reference and Local History Librarian (00527).</li> </ul>        | INT15/11342 |
| 29 May 2017 | Amended delegation | <ul style="list-style-type: none"> <li>• Additional sub-delegation condition 3 and 4, change limit value of waiving from "\$6 and under" to "\$50 and under".</li> <li>• Additional sub delegation condition 5 for position (00390), change amount to "\$50 and over".</li> <li>• Additional sub delegation condition 5 for position (00390), limited to waive hire and use of library facilities of \$1,000 and under.</li> <li>• Additional sub delegation condition 5 for position (00390), limited to Community Transport hire of \$500 and under per group per year.</li> </ul> | INT17/24978 |
| 21 May 2020 | Amended delegation | <ul style="list-style-type: none"> <li>• Change position title from Reference and Local History Team Leader (00526) to Local History and Reference Team Leader (00526).</li> <li>• Remove position number 01516 as the position was temporarily created and no longer required.</li> </ul>   | INT20/19165 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |
| 10 May 2021 | Amended delegation | Change in Sub delegate conditions for Category 4; in part from "Limited to waiving fines to the value of \$50 and under..." to "Limited to waiving fines to the value of \$100 and under..."   | INT21/20088 |
| 15 Jun 2021 | Amended delegation | Change in Delegation numbering from 1.25 to 1.26 - Waiver of Fees and Granting of Concessions.   | CJ079-06/21 |
| 10 May 2022 | Amended delegation | Add sub-delegate authority to Manager Rangers, Parking and Community Safety (00912) and Coordinator Field Services (00607). The addition of Sub-delegate condition 7 in relation to waiving of fees in respect to the impounding of dogs.  | INT22/18447 |

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| <b>Delegation</b>             | <b>1.287 WRITE OFF OF MONIES</b>  |
| <b>Category</b>               | PART 1 – DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to write off monies.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Subject to:<br>(a) individual items to \$20,000;<br>(b) a report being provided to the Audit and Risk Committee on a six monthly basis on the exercise of this delegation.  |
| <b>Subdelegates</b>           | Coordinator Rating Services (00079)<br>Director Corporate Services (00063)<br>Manager Community Development and Library Services (00390)<br>Manager Financial Services (00075)  |
| <b>Subdelegate conditions</b> | Additional sub-delegation conditions:<br><br><b>1. Director Corporate Services (00063).</b><br>Not applicable.<br><br><b>2. Manager Financial Services (00075).</b><br>Individual items to \$5,000.<br><br><b>3. Manager Community Development and Library Services (00390).</b><br>Individual items to \$500.<br><br><b>4. Coordinator Rating Services (00079).</b><br>Individual items to \$50. |
| <b>Statutory framework</b>    | Section 6.12 of the <i>Local Government Act 1995</i> .  |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 15 March 1999   |
| <b>Adoption references</b>    | CJ78-03/99  |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 15 Mar 1999       | New delegation     | Insertion of delegation for Chief Executive Officer to have authority to write off monies.                                      | CJ78-03/99        |
| 22 Jun 2010       | Amended delegation | Change in title to include the words "Authority to" Write off of monies and removal of section number in legislation reference. | CJ095-06/10       |
| 25 Jul 2013       | Amended delegation | Insertion of new delegation to Manager Community Development and Library Services to write off bad debts up to \$500.           | INT13/16608       |
| 21 May 2020       | Amended delegation | Change in position title from Team Leader Rating Services (00079) to Coordinator Rating Services (00079).                       | INT20/19165       |
| 23 Jun 2020       | Amended delegation | Amendment to Condition (b) - Change in Committee name from Audit Committee to Audit and Risk Committee.                         | CJ079-06/20       |
| 15 Jun 2021       | Amended delegation | Change in Delegation numbering from 1.26 to 1.27 - Write Off of Monies.   | CJ079-06/21       |

## PART 2 – DELEGATIONS TO COMMITTEES

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| <b>Delegation</b>                      | <b>2.0 DELEGATIONS TO COMMITTEES</b>                                     |
| <b>Category</b>                        | PART 2 – DELEGATIONS TO COMMITTEES                                       |
| <b>Delegator</b>                       | Council  |
| <b>Express power or duty delegated</b> | No delegations to committees have been approved by Council at this time. |
| <b>Delegates</b>                       | Committee  |
| <b>Conditions</b>                      | Nil  |
| <b>Statutory framework</b>             | Nil.   |
| <b>Policy</b>                          | Not applicable.  |
| <b>Date adopted</b>                    | 3 November 2017  |
| <b>Adoption references</b>             | JSC03-11/17; CJ078-06/19.  |
| <b>Last reviewed</b>                   | 15 June 2021   |

## PART 3 – DELEGATIONS UNDER OTHER LEGISLATION

|                               |   |
|-------------------------------|---|
| <b>Delegation</b>             | <b>3.1 AMENDMENTS TO THE PARKING SCHEMES</b>  |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to approve and implement amendments to parking schemes adopted by Council in relation to: <ul style="list-style-type: none"> <li>• time limits, conditions and prohibitions in streets and parking stations;</li> <li>• the designation of visitor and authorised vehicle parking.</li> </ul> |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Authority to be exercised consistently with the provisions of the <i>City of Joondalup Parking Local Law 2013</i> .   |
| <b>Subdelegates</b>           | Director Planning and Community Development (00105)   |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | <i>City of Joondalup Parking Local Law 2013</i> .   |
| <b>Policy</b>                 | <i>Dedicated Car Parking for Seniors and Parents with Prams Policy.</i><br><i>Joondalup City Centre Car Parking for Commercial Development Policy.</i><br><i>Parking Schemes Policy.</i>  |
| <b>Date adopted</b>           | 3 May 2008  |
| <b>Adoption references</b>    | CJ073-05/08   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 13 May 2008       | New delegation     | Council delegates to CEO authority to approve amendments to the Parking Scheme to implement and change time limits in streets and parking stations and the designation of visitor and authorised vehicle parking. | CJ073-05/08       |
| 18 Aug 2009       | Amended delegation | Delegates to CEO authority to approve amendments to parking schemes adopted by Council under the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre.   | CJ183-08/09       |

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|-------------|--------------------|---|-------------|
| 28 Jun 2011 | Amended delegation | <ul style="list-style-type: none"> <li>• Changes to the Title and removing of the words "for Suburban Areas Outside of the Joondalup City Centre Policy".</li> <li>• Changes to the Function - removing the words "under the Parking Schemes for Suburban Areas Outside of the Joondalup City Centre Policy.</li> <li>• Changes to the Function - adding the word "condition", allowing CEO to approve and implement amendments which are not a time limit or prohibition.</li> </ul> | CJ107-06/11 |
| 16 Aug 2018 | Amended delegation | Sub-delegations to Director Corporate Services (00063).   | INT18/33324 |
| 10 May 2022 | Amended delegation | Remove sub-delegate authority from Director Corporate Services (00063) and replace with Director Planning and Community Development (00105), as Rangers, Parking and Community Development BU is transferring to Planning and Community Development Directorate.  | INT22/18447 |

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| <b>Delegation</b>          | <b>3.2 AUTHORISED PERSONS UNDER THE BUILDING ACT 2011</b>   |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to appoint authorised persons for the purposes of the <i>Building Act 2011</i> and <i>Building Regulations 2012</i> in relation to buildings and incidental structures located, or proposed to be located in the City's district. |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Nil   |
| <b>Statutory framework</b> | Section 96(3) of the <i>Building Act 2011</i> .<br>Section 127 of the <i>Building Act 2011</i> .  |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 20 March 2012   |
| <b>Adoption references</b> | CJ027-03/12   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation     | Insertion of delegation in accordance to Section 127 of the new Building Act 2011, authority to approve or refuse permit applications, building approval certificates, design compliance certificates and certificates of construction compliance. | CJ027-03/12       |
| 23 Jun 2015       | Amended delegation | Update legislation reference to Building Regulation 2012.  | CJ095-06/15       |

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| <b>Delegation</b>          | <b>3.3 BUILDING ACT 2011 - ISSUING CERTIFICATES OF BUILDING COMPLIANCE AND DESIGN COMPLIANCE</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to issue certificates of building compliance and design compliance.   |
| <b>Delegates</b>           | Assistant Building Surveyor (00154)<br>Assistant Building Surveyor (01068)<br>Building Surveyor (00150)<br>Building Surveyor (00151)<br>Building Surveyor (00615)<br>Coordinator Building Approvals (00113)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093)<br>Senior Building Surveyor (00148)<br>Senior Building Surveyor (00153) |
| <b>Conditions</b>          | Subject to meeting the qualification requirements in accordance with <i>Building Services (Registration) Regulations 2011</i> .   |
| <b>Statutory framework</b> | Division 2 of Part 2 of the <i>Building Act 2011</i> .<br>Divisions 1, 2 and 3 of Part 4 of the <i>Building Act 2011</i> .<br>Section 127 of the <i>Building Act 2011</i> .<br><i>Building Services (Registration) Regulations 2011</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 20 March 2012   |
| <b>Adoption references</b> | CJ027-03/12   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation     | Insertion of delegation in accordance to Section 127 of the new Building Act 2011, authority to approve or refuse permit applications, building approval certificates, design compliance certificates and certificates of construction compliance. | CJ027-03/12       |
| 2 Oct 2012        | Amended delegation | Remove Position No. 00150 from Building Surveyor classification to Assistant Building Surveyor classification, in accordance with advice from HR and Coordinator Building Approvals.   | INT12/23123       |

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| 21 Oct 2014 | Amended delegation | Council authorised delegation to Administration Team Leader (00110) the power to approve permit applications, on the condition that the position is restricted to approving permit applications that have been certified by a suitably qualified Building Surveyor.  | CJ180-10/14 |
| 26 Jun 2018 | Amended delegation | Sub delegations provided to position numbers (00105, 01093, 00113, 00153, 00148, 00150, 00154, 00615, 01068, 00151).   | CJ101-06/18 |
| 26 Jun 2018 | New delegation     | The original delegation 'Building Act 2011 - Building and Demolition Permit Applications, building approval certificates, certificates of building compliance, construction compliance and design compliance' was repealed, and split into component parts as the changes to the grouping of the delegations better aligned with workflow processes, extent of authority and aims to improve service delivery.<br><br>This delegation is made by Council direct to officers, subject to the delegated officers being qualified in accordance with the Building Services (registration) Regulations 2011. | CJ101-06/18 |
| 23 Jun 2020 | Amended delegation | Changes to the title and function by way of removing the words "construction compliance".  | CJ079-06/20 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |
| 10 May 2022 | Amended delegation | Delegate change in title from Assistant Building Surveyor for positions (00615 & 00151) to Building Surveyor (00615 & 00151).  | INT22/18447 |

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| <b>Delegation</b>          | <b>3.4 BUILDING ACT 2011 - GRANTING BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS</b>   |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to administratively grant building and demolition permits, building approval certificates and occupancy permits.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Restricted to administratively granting certificates and permits that have the relevant certifications of building compliance, construction compliance and/or design compliance, as certified and issued by a person meeting the qualification requirements of the <i>Building Services (Registration) Regulations 2011</i> .   |
| <b>Subdelegates</b>        | Administration Officer (00110)<br>Administration Officer (00131)<br>Administration Officer (00132)<br>Administration Officer (00133)<br>Assistant Building Surveyor (00154)<br>Assistant Building Surveyor (01068)<br>Building Surveyor (00150)<br>Building Surveyor (00151)<br>Building Surveyor (00615)<br>Coordinator Building Approvals (00113)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093)<br>Senior Building Surveyor (00148)<br>Senior Building Surveyor (00153) |
| <b>Statutory framework</b> | Sections 20, 21, 58 and 127 of the <i>Building Act 2011</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 20 March 2012   |
| <b>Adoption references</b> | CJ027-03/12   |

| <b>Amendments</b> |                |  |                   |
|-------------------|----------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation | Insertion of delegation in accordance to Section 127 of the new Building Act 2011, authority to approve or refuse permit applications, building approval certificates, design compliance certificates and certificates of construction compliance. | CJ027-03/12       |

|             |                    |  |             |
|-------------|--------------------|--|-------------|
| 21 Oct 2014 | Amended delegation | Council authorised delegation to Administration Team Leader (00110) the power to approve permit applications, on the condition that the position is restricted to approving permit applications that have been certified by a suitably qualified Building Surveyor.  | CJ180-10/14 |
| 23 Jun 2015 | Amended delegation | Update legislation reference to Building Regulation 2012.  | CJ095-06/15 |
| 26 Jun 2018 | Amended delegation | Sub delegations provided to position numbers (00105, 01093, 00113, 00153, 00148, 00150, 00154, 00615, 01068, 00151, 00119, 00120, 00155, 00614, 00110, 00131, 00132, 00133, 00109, 00106).   | CJ101-06/18 |
| 26 Jun 2018 | New delegation     | The original delegation 'Building Act 2011 - Building and Demolition Permit Applications, building approval certificates, certificates of building compliance, construction compliance and design compliance' was repealed, and split into component parts as the changes to the grouping of the delegations better aligned with workflow processes, extent of authority and aims to improve service delivery. | CJ101-06/18 |
| 25 Jun 2019 | Amended delegation | Removal of sub delegations for position numbers (00119, 00120, 00155, 00614, 00106)  | CJ078-06/19 |
| 25 Jun 2019 | Amended delegation | Small amendments to title and function, and addition of delegated conditions. Addition of reference to Sections 20, 21, 58 of the Building Act 2011.   | CJ078-06/19 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |
| 10 May 2022 | Amended delegation | Sub-delegate change in title from Assistant Building Surveyor for positions (00615 & 00151) to Building Surveyor (00615 & 00151).  | INT22/18447 |

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| <b>Delegation</b>             | <b>3.5.1 BUILDING ACT 2011 – REFUSING AND CANCELLING BUILDING AND DEMOLITION PERMIT APPLICATIONS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS</b>   |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to refuse and cancel building and demolition permit applications, building approval certificates and occupancy permits.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Building Approvals (00113)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093)<br>Senior Building Surveyor (00148)<br>Senior Building Surveyor (00153) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 24 of the <i>Building Act 2011</i> .<br>Section 60 of the <i>Building Act 2011</i> .<br>Section 127 of the <i>Building Act 2011</i> .  |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 20 March 2012  |
| <b>Adoption references</b>    | CJ027-03/12  |
| <b>Last reviewed</b>          | 15 June 2021   |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation     | Insertion of delegation in accordance to Section 127 of the new Building Act 2011, authority to approve or refuse permit applications, building approval certificates, design compliance certificates and certificates of construction compliance. | CJ027-03/12       |
| 23 Jun 2015       | Amended delegation | Legislation reference changed to Building Regulations 2012.  | CJ095-06/15       |
| 23 Jun 2015       | Amended delegation | Addition of two sub-delegation positions of Senior Building Surveyor (00153, 00148).   | CJ095-06/15       |

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| 26 Jun 2018 | New delegation     | The original delegation 'Building Act 2011 - Building and Demolition Permit Applications, building approval certificates, certificates of building compliance, construction compliance and design compliance' was repealed, and split into component parts as the changes to the grouping of the delegations better aligned with workflow processes, extent of authority and aims to improve service delivery. | CJ101-06/18 |
| 23 Jun 2020 | Amended delegation | Changes to the title and function by way of removing the words "Building approval certificate strata".   | CJ079-06/20 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |

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| <b>Delegation</b>             | <b>3.5.2 BUILDING ACT 2011 – EXTENDING THE DURATION OF BUILDING AND DEMOLITION PERMITS, BUILDING APPROVAL CERTIFICATES AND OCCUPANCY PERMITS</b>   |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>              | Council  |
| <b>Function</b>               | Authority to extend the duration of building and demolition permits, building approval certificates and occupancy permits.   |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | Nil.   |
| <b>Subdelegates</b>           | Coordinator Building Approvals (00113)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093)<br>Senior Building Surveyor (00148)<br>Senior Building Surveyor (00153) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Section 32 of the <i>Building Act 2011</i> .<br><br>Section 65 of the <i>Building Act 2011</i> .<br><br>Section 127 of the <i>Building Act 2011</i> .  |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | TBC  |
| <b>Adoption references</b>    | TBC  |
| <b>Last reviewed</b>          | TBC  |

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| <b>Delegation</b>          | <b>3.6 BUILDING ACT 2011 - BUILDING ORDERS</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to serve a building order.  |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Nil.  |
| <b>Subdelegates</b>        | Coordinator Compliance and Regulatory Performance (01094)<br>Director Planning and Community Development (00105)<br>Manager Regulatory Services (01093) |
| <b>Statutory framework</b> | Division 5 of Part 8 of the Building Act 2011.<br>Section 127 of the Building Act 2011.   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 20 March 2012   |
| <b>Adoption references</b> | CJ027-03/12   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 20 Mar 2012       | New delegation     | Insertion of delegation as a result of the new Building Act 2011.  | CJ027-03/12       |
| 26 Jun 2018       | Amended delegation | Sub delegations provided to position numbers (00105, 01093, 01094).  | CJ101-06/18       |
| 26 Jun 2018       | New delegation     | The original delegation 'Building Act 2011 - Building and Demolition Permit Applications, building approval certificates, certificates of building compliance, construction compliance and design compliance' was repealed, and split into component parts as the changes to the grouping of the delegations better aligned with workflow processes, extent of authority and aims to improve service delivery. | CJ101-06/18       |

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|            |                    | A condition requiring the issuing of orders be reported to Council has been deleted, as this is an operational enforcement matter that may be required following extensive action by the City to address areas of non-compliance with the Building Act 2011. |           |
| 8 May 2020 | Amended delegation | Change in position title from Coordinator Compliance (01094) to Coordinator Compliance and Regulatory Performance (01094).   | EMI21/253 |
| 7 Dec 2020 | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259 |

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| <b>Delegation</b>          | <b>3.7 BUSH FIRES ACT 1954 - FUNCTIONS OF A LOCAL GOVERNMENT</b>                                  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to perform the functions of the local government under the <i>Bush Fires Act 1954</i> . |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Cannot be sub-delegated.  |
| <b>Statutory framework</b> | Section 48 of the <i>Bush Fires Act 1954</i> .  |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 21 October 2014   |
| <b>Adoption references</b> | CJ180-10/14   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                |   |                   |
|-------------------|----------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b> |
| 21 Oct 2014       | New delegation | New instrument of delegation to formally delegate to the Chief Executive Officer the functions of a local government under section 48 of the Bush Fires Act 1954. | CJ180-10/14       |

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| <b>Delegation</b>             | <b>3.8 CAT ACT 2011 - POWERS AND DUTIES OF A LOCAL GOVERNMENT</b>   |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to exercise the powers or discharge the duties of the local government under the Cat Act 2011.    |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil   |
| <b>Subdelegates</b>           | Director Planning and Community Development (00105)<br>Manager Rangers Parking and Community Safety (00912) |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 44 of the <i>Cat Act 2011</i> .   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 25 June 2013  |
| <b>Adoption references</b>    | CJ102-06/13   |

| <b>Amendments</b> |                    |  |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 25 Jun 2013       | New delegation     | Initially this delegation was placed within the instrument of delegation titled "Appointment of Authorised Persons" however the delegation is broader than just appointing authorised persons.   | CJ102-06/13       |
| 21 Oct 2014       | Amended delegation | A separate instrument of delegation has been developed relating to the Cat Act 2011 in its entirety, delegating the Chief Executive Officer all the powers and duties of the local government under the Cat Act 2011.  | CJ180-10/14       |
| 21 May 2020       | Amended delegation | New sub-delegations to Director Corporate Services (00063) and Manager Rangers Parking and Community Safety (00912).   | INT20/19165       |
| 10 May 2022       | Amended delegation | Removal of sub-delegate authority from Director Corporate Services (00063) and replace with Director Planning and Community Development (00105), as Rangers, Parking and Community Development BU is transferring to Planning and Community Development Directorate. | INT22/18447       |

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| <b>Delegation</b>          | <b>3.9 DOG ACT 1976 - POWERS AND DUTIES OF A LOCAL GOVERNMENT</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to exercise the powers or discharge the duties of the local government under the <i>Dog Act 1976</i> including the authority to delegate the powers and duties of a local government to other persons. |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Nil.   |
| <b>Statutory framework</b> | Section 10AA of the <i>Dog Act 1976</i> .  |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 21 October 2014  |
| <b>Adoption references</b> | CJ180-10/14  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                |   |                   |
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| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>  | <b>References</b> |
| 21 Oct 2014       | New delegation | New instrument of delegation to Chief Executive Officer to undertake the powers and duties of the local government under the Dog Act 1976 | CJ180-10/14       |

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| <b>Delegation</b>          | <b>3.10 FOOD ACT 2008 - FUNCTIONS OF AN ENFORCEMENT AGENCY</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>           | Council   |
| <b>Function</b>            | Authority to exercise the powers or discharge the duties of the local government, as an enforcement agency under the <i>Food Act 2008</i> . |
| <b>Delegates</b>           | Chief Executive Officer (00001)   |
| <b>Conditions</b>          | Nil.  |
| <b>Statutory framework</b> | Section 118(2)(b) of the <i>Food Act 2008</i> .   |
| <b>Policy</b>              | Not applicable.   |
| <b>Date adopted</b>        | 21 October 2014   |
| <b>Adoption references</b> | CJ180-10/14   |
| <b>Last reviewed</b>       | 15 June 2021  |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 21 Oct 2014       | New delegation     | New instrument of delegation to formally delegate to the Chief Executive Officer the functions of a local government under section 118(2) of the Food Act 2008. | CJ180-10/14       |
| 23 Jun 2015       | Amended delegation | Legislative reference amended from Section 122 to Section 118(2)(b) of the Food Act 2008.   | CJ095-06/15       |

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| <b>Delegation</b>             | <b>3.11 GRAFFITI VANDALISM ACT 2016 – POWERS AND DUTIES OF A LOCAL GOVERNMENT</b>   |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to exercise the powers or discharge the duties of the local government under the <i>Graffiti Vandalism Act 2016</i> including the authority to delegate the powers and duties of a local government to other persons. |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Manager Rangers Parking and Community Safety (00912)  |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 16 and 17 of the <i>Graffiti Vandalism Act 2016</i> .   |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 15 November 2016  |
| <b>Adoption references</b>    | CJ192-11/16   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 15 Nov 2016       | New delegation     | New instrument of delegation to delegate to the Chief Executive Officer the functions of a local government under section 16 of the Graffiti Vandalism Act 2016.                                   | CJ192-11/16       |
| 21 May 2020       | Amended delegation | New sub-delegations to Manager Rangers Parking and Community Safety (00912) authority to exercise the power or discharge the duties of the local government under the Graffiti Vandalism Act 2016. | INT20/19165       |

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| <b>Delegation</b> | <b>3.12.1 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL</b>  |
| <b>Category</b>   | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>  | Council  |
| <b>Function</b>   | <p>The following powers conferred or imposed on Council or the local government under the Scheme:</p> <ul style="list-style-type: none"> <li>a. the approval of an application for development approval for the purpose of a 'single house', or up to 5 'grouped dwellings', or any associated, ancillary or incidental development to a 'single house', 'grouped dwelling' or 'multiple dwelling' where: <ul style="list-style-type: none"> <li>i. there have not been any objections to the application received; and</li> <li>ii. the application is not required to be considered by the Joondalup Design Reference Panel; and</li> <li>iii. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)</i> the development: <ul style="list-style-type: none"> <li>a. has a Bushfire Attack Level of less than 40; and</li> <li>b. where the Bushfire Attack Level is 12.5, 19 or 29: <ul style="list-style-type: none"> <li>i. is not a vulnerable land use as defined under SPP 3.7; and</li> <li>ii. complies with clause 6.5 of SPP 3.7; and</li> </ul> </li> </ul> </li> <li>iv. the Deemed-to-Comply requirements or Element Objectives of the <i>Residential Design Codes</i> and/or replacement Deemed-to-Comply requirements of the <i>Residential Development Local Planning Policy</i> or <i>Development in Housing Opportunity Areas Local Planning Policy</i> have been satisfied (where applicable), and the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all other applicable local planning policies; or</li> <li>v. the Local Housing Objectives of the <i>Residential Development Local Planning Policy</i> have been satisfied; or</li> <li>vi. in the case of applications for development approval where the development does not meet the Deemed-to-Comply requirements of the <i>Residential Design Codes</i> or the requirements of any applicable standards or requirements of the Scheme, any applicable structure plan, activity centre plan, local development plan, or local planning policy, provided: <ul style="list-style-type: none"> <li>a. the plot ratio of the development does not exceed the requirement of Table 2.1 of the <i>Residential Design Codes</i>;</li> <li>b. the building setbacks of development, including retaining walls, are not less than those specified under the Deemed-to-Comply requirements or Table 2.1 of the <i>Residential Design Codes</i>, or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 1.5 metres;</li> <li>c. any outbuilding is not in the primary or secondary setback area stipulated in Table 1 or Table 2.1 of the <i>Residential Design Codes</i> or</li> </ul> </li> </ul> </li> </ul> |

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|                  | <ol style="list-style-type: none"> <li>1.             <ol style="list-style-type: none"> <li>1. applicable structure plan, activity centre plan, local development plan or local planning policy;</li> <li>2. the height and/or length of boundary wall(s) does not exceed the amounts set out in the Deemed-to-Comply Requirements or Table 2.1 of the <i>Residential Design Codes</i> or any applicable structure plan, activity centre plan, local development plan or local planning policy by more than 10% of those requirements, and where there are boundary walls to no more than two (2) separate boundaries;</li> <li>3. the height of the proposed fill or retaining wall within the primary street setback area does not exceed 1.2 metres above natural ground level; and</li> <li>4. the height of non visually permeable fencing within the primary street setback area does not exceed 1.2 metres above natural ground level (as measured from the midpoint of the verge) for more than 25% of the frontage of the lot.</li> </ol> </li> <li>2. the approval of an application for development approval for the purposes of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme other than a 'single house', 'grouped dwelling', 'multiple dwelling', or any associated, ancillary or incidental development where:             <ol style="list-style-type: none"> <li>1. there have not been any objections to the application received; and</li> <li>2. the application is not required to be considered by the Joondalup Design Reference Panel; and</li> <li>3. in the case of applications for development approval that require a Bushfire Attack Level assessment in accordance with <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)</i> the development:                 <ol style="list-style-type: none"> <li>1. has a Bushfire Attack Level of less than 40; and</li> <li>2. where the Bushfire Attack Level is 12.5, 19 or 29:                     <ol style="list-style-type: none"> <li>i. is not a vulnerable land use as defined under SPP 3.7; and</li> <li>ii. complies with clause 6.5 of SPP 3.7; and</li> </ol> </li> </ol> </li> <li>iv. the development satisfies any applicable standards and requirements of the Scheme, any applicable structure plan, activity centre plan or local development plan and all applicable local planning policies; with the exception of the following:</li> <li>v. setback requirements for patio(s), verandah(s), shade sail(s), portico(s), outbuilding(s) or retaining wall(s) not greater than 1.2 metres above natural ground level in height; or</li> <li>vi. the shortfall in car parking is not increasing from that previously approved; or</li> </ol> </li> </ol> |
| <b>Delegates</b> | Chief Executive Officer (00001)  |

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| <b>Conditions</b>             | The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.   |
| <b>Subdelegates</b>           | Coordinator Planning Approvals (00112)<br>Coordinator Planning Approvals (01313)<br>Coordinator Urban Design and Policy (00111)<br>Senior Planning Project Officer (00122)<br>Senior Urban Planner (00115)<br>Senior Urban Planner (00125)<br>Senior Urban Planner (00609)<br>Senior Urban Planner (00778)<br>Senior Urban Planner (01479) |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .<br>Section 5.42 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |

| <b>Amendments</b> |                    |  |                   |
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| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Town Planning delegations be appointed to delegates; the Planning Director, Manager, Coordinator and Senior Planning Officers, and matters not delegated to coordinator Planning approvals and senior planning officers. | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Wording of delegation to be amended to reflect and align with recent modifications to DPS2, as Schedule 6 and clause 8.9 have been deleted from DPS2.  | CJ186-09/07       |
| 16 Jun 2009       | Amended delegation | Minor amendments to various clauses.   | CJ127-06/09       |
| 22 Jun 2010       | Amended delegation | Removal of Part 4 - the Subdivision Delegation and established in a new delegation for ease of reference and to clarify the source of the delegation power.  | CJ095-06/10       |

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| 28 Jun 2011 | Amended delegation | <p>An amendment to the position title to reflect a change in the City's organisational structure – the position of Manager Planning Services replaces the position of Manager Planning Approvals and Environmental Services.</p> <p>The addition of part (d) the determination of an application for approval for short stay accommodation except where abutting the 'Residential' zone."</p>  | CJ107-06/11 |
| 13 Dec 2011 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Development, to have authority to determine applications for display homes on a maximum of 23 Lots in Burns Beach.   | CJ229-12/11 |
| 21 Feb 2012 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Development, to have authority to determine applications for display homes on Lot 1189 Larvotto Turn, Burns Beach.   | CJ003-02/12 |
| 15 May 2012 | Amended delegation | <p>Town Planning Delegations - General - amendments relating to:</p> <ul style="list-style-type: none"> <li>• Add "Coordinator Urban Design and Policy (00111)".</li> <li>• Amend "Senior Urban Planner (00122, 00125)" to "Senior Planning Officer (00122, 00125)".</li> <li>• Typographical changes.</li> <li>• Insert "associated, ancillary and incidental development".</li> <li>• Insert "any Agreed Structure Plan".</li> </ul> | CJ094-06/13 |
| 16 Jul 2013 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Community Development and the Manager Planning Services, the authority to determine applications for the unlisted land use 'Ancillary Dwelling' as defined by the new Residential Design Codes under the City's District Planning Scheme No.   | CJ123-07/13 |
| 21 Oct 2014 | Amended delegation | Change in title from Town Planning Delegations - General to District Planning Scheme No. 2, and other amendments to the instrument of delegation, including delegations provided to Senior Urban Planner (00778).  | CJ180-10/14 |

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| 6 Oct 2015  | Amended delegation | District Planning Scheme No. 2 - Amendments include major changes introduced by the Planning and Development (Local Planning Schemes) Regulations 2015 and alignment to District Planning Scheme No. 2 (DPS2).<br><ul style="list-style-type: none"> <li>• Delegate a range of local government functions to Chief Executive Officer.</li> <li>• Revoke delegations previously afforded to various officers of the Planning Services Business Unit.</li> </ul>               | CJ167-10/15 |
| 19 Oct 2015 | Amended delegation | District Planning Scheme No. 2 - sub-delegation of local government functions to designated employees.   | INT15/36323 |
| 21 Aug 2018 | Amended delegation | <ul style="list-style-type: none"> <li>• Change in title from District Planning Scheme No. 2 - Delegations - General to Local Planning Scheme No. 3 - Delegations - General, and other minor amendments.</li> <li>• Change in conditions, with the removal of "the delegations are to have effect for a period of two years from and including 27 June 2017".</li> <li>• Sub-Delegation afforded to Senior Urban Planner (01479).</li> <li>• Other minor changes.</li> </ul> | CJ133-08/18 |
| 25 Jun 2019 | Amended delegation | Local Planning Scheme No. 3 – Delegations - General - minor changes made due to the annual review of Delegation of Authority Register.   | CJ078-06/19 |
| 23 Jun 2020 | Amended delegation | Local Planning Scheme No. 3 – Delegations - General - minor changes made due to the annual review of Delegation of Authority Register.   | CJ079-06/20 |
| 8 Jan 2021  | Amended delegation | Local Planning Scheme No. 3 – Delegations - General - removal of position 00122, as the position is now classified as an Urban Planner and no longer has delegated authority.  | EMI21/293   |
| 15 Jun 2021 | Amended delegation | Changes in Function in respect to section a, a(iv), a (vi)(b), section b(v), b(vii) slight changes in wording and reference to the new Advertisement Local Planning Policy, which replaces the Signs Policy.   | CJ079-06/21 |
| 10 May 2022 | Amended delegation | Add Sub-delegated authority to Senior Planning Project Officer (00122).  | INT22/18447 |

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| <b>Delegation</b> | <b>3.12.2 LOCAL PLANNING SCHEME NO. 3 – DELEGATIONS - GENERAL</b>   |
| <b>Category</b>   | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>  | Council   |
| <b>Function</b>   | <p>The following powers conferred or imposed on the Council or the local government under the <i>Scheme and the Planning and Development Act 2005</i>:</p> <ul style="list-style-type: none"> <li>a. the determination of an application for development approval for the purpose of a 'single house', and/or up to 5 'grouped dwellings', or any associated, ancillary or incidental development;</li> <li>b. the determination of an application for development approval for the purpose of a class of use listed in Table 3 Zoning Table, Table 3a Whitford Activity Centre Zoning Table and Table 3b Joondalup Activity Centre Zoning Table of the Scheme or any associated, ancillary or incidental development (other than a 'single house', 'grouped dwelling' or 'multiple dwelling') provided: <ul style="list-style-type: none"> <li>i. building setbacks for buildings other than for those set out in 1(b)(v) of these delegations, as set out in the Scheme or any applicable structure plan, activity centre plan, local development plan or local planning policy, are not less than the required amount by more than 1.5 metres;</li> <li>ii. the amount of car parking provided is not less than the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% or the shortfall in car parking is not increasing from that previously approved;</li> <li>iii. the landscaping between a car parking area and the street as set out under the Scheme, applicable local planning policy or an applicable structure plan, activity centre plan or local development plan achieves an average width of not less than 1.0 metre;</li> <li>iv. the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the Scheme, applicable local planning policy or any applicable structure plan, activity centre plan or local development plan by more than 10% of that requirement or the shortfall in landscaping is not increasing from that previously approved; and</li> <li>v. the development complies with the coastal area building height in the <i>Commercial, Mixed Use and Service Commercial Zone Local Planning Policy</i>.</li> </ul> </li> <li>c. the direction under clauses 64(3), (4), (5), (6) and (7) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> to advertise an application for development approval;</li> <li>d. the determination under clause 64(2) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether a departure from the requirements of the Scheme is of a minor nature and whether to waive the requirement for the advertising of the application, providing it is not an application that would otherwise require advertising under the Scheme or local planning policy;</li> <li>e. the determination under clause 63(2) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether to waive or vary the requirement for plans and other information to be submitted with an application;</li> </ul> |

|                               |  |
|-------------------------------|--|
|                               | <ol style="list-style-type: none"> <li>1. the determination under clause 61(1)(f) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> whether works are temporary for the purposes of the Scheme and the length of time that such 'development' is permitted to remain in the requested location;</li> <li>2. the decision whether an application for development approval may affect any other statutory, public or planning authority, and shall therefore require them to be provided a copy of the application for objections and recommendations under clause 66(1) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> </ol> |
| <b>Delegates</b>              | Chief Executive Officer (00001)  |
| <b>Conditions</b>             | The Chief Executive Officer is to cause a report of the exercise of powers and functions to be prepared and presented to each ordinary meeting of Council.   |
| <b>Subdelegates</b>           | Director Planning and Community Development (00105)<br>Manager Planning Services (00108)<br>Manager Regulatory Services (01093)  |
| <b>Subdelegate conditions</b> | Nil.   |
| <b>Statutory framework</b>    | Clause 82 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .<br>Section 5.42 of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>                 | Not applicable.  |
| <b>Date adopted</b>           | 21 November 2006   |
| <b>Adoption references</b>    | CJ208-11/06  |

| <b>Amendments</b> |                    |  |                   |
|-------------------|--------------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>   | <b>References</b> |
| 21 Nov 2006       | New delegation     | Insertion of delegation for Town Planning delegations be appointed to delegates; the Planning Director, Manager, Coordinator and Senior Planning Officers, and matters not delegated to coordinator Planning approvals and senior planning officers. | CJ208-11/06       |
| 7 Sep 2007        | Amended delegation | Wording of delegation to be amended to reflect and align with recent modifications to DPS2, as Schedule 6 and clause 8.9 have been deleted from DPS2.  | CJ186-09/07       |
| 16 Jun 2009       | Amended delegation | Minor amendments to various clauses.   | CJ127-06/09       |

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|-------------|--------------------|---|-------------|
| 22 Jun 2010 | Amended delegation | Removal of Part 4 - the Subdivision Delegation and established in a new delegation for ease of reference and to clarify the source of the delegation power.   | CJ095-06/10 |
| 28 Jun 2011 | Amended delegation | An amendment to the position title to reflect a change in the City's organisational structure – the position of Manager Planning Services replaces the position of Manager Planning Approvals and Environmental Services.<br><br>The addition of part (d) the determination of an application for approval for short stay accommodation except where abutting the 'Residential' zone."  | CJ107-06/11 |
| 13 Dec 2011 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Development, to have authority to determine applications for display homes on a maximum of 23 Lots in Burns Beach.  | CJ229-12/11 |
| 21 Feb 2012 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Development, to have authority to determine applications for display homes on Lot 1189 Larvotto Turn, Burns Beach.  | CJ003-02/12 |
| 15 May 2012 | Amended delegation | Minor changes made to the Town Planning Delegations.  | CJ075-05/12 |
| 25 Jun 2013 | Amended delegation | Town Planning Delegations - General - amendments relating to: <ul style="list-style-type: none"> <li>• Add "Coordinator Urban Design and Policy (00111)".</li> <li>• Amend "Senior Urban Planner (00122, 00125)" to "Senior Planning Officer (00122, 00125)".</li> <li>• Typographical changes.</li> <li>• Insert "associated, ancillary and incidental development".</li> <li>• Insert "any Agreed Structure Plan".</li> </ul> | CJ094-06/13 |
| 16 Jul 2013 | Amended delegation | Town Planning Delegations - General - delegations have been added for the Director Planning and Community Development (00105) and the Manager Planning Services (00108), the authority to determine applications for the unlisted land use 'Ancillary Dwelling' as defined by the new Residential Design Codes under the City's District Planning Scheme No. 2 (DPS2).  | CJ123-07/13 |
| 21 Oct 2014 | Amended delegation | Change in title from Town Planning Delegations - General to District Planning Scheme No. 2, and other amendments to the instrument of delegation, including delegations provided to Senior Urban Planner (00778).   | CJ180-10/14 |

|             |                    |  |             |
|-------------|--------------------|--|-------------|
| 6 Oct 2015  | Amended delegation | <ul style="list-style-type: none"> <li>• District Planning Scheme No. 2 - Amendments include major changes introduced by the Planning and Development (Local Planning Schemes) Regulations 2015 and alignment to District Planning Scheme No. 2 (DPS2).</li> <li>• Delegate a range of local government functions to Chief Executive Officer.</li> <li>• Revoke delegations previously afforded to various officers of the Planning Services Business Unit.</li> </ul> | CJ167-10/15 |
| 19 Oct 2015 | Amended delegation | District Planning Scheme No. 2 - sub-delegation of local government functions to designated employees.   | INT15/36323 |
| 21 Aug 2018 | Amended delegation | <ul style="list-style-type: none"> <li>• Change in title from District Planning Scheme No. 2 - Delegations - General to Local Planning Scheme No. 3 - Delegations - General, and other minor amendments.</li> <li>• Amendments to functions delegated.</li> <li>• Change in conditions, with the removal of "the delegations are to have effect for a period of two years from and including 27 June 2017".</li> </ul>   | CJ133-08/18 |
| 25 Jun 2019 | Amended delegation | Local Planning Scheme No. 3 – Delegations - General - minor changes made due to the annual review of Delegation of Authority Register.   | CJ078-06/19 |
| 21 May 2020 | Amended delegation | Sub-delegation afforded to Manager Compliance and Regulatory Services (01093)  | INT20/19165 |
| 7 Dec 2020  | Amended delegation | Change in position title from Manager Compliance and Regulatory Services (01093) to Manager Regulatory Services (01093).   | EMI21/259   |
| 15 Jun 2021 | Amended delegation | Changes in function relating to removal of determination of applications for 'multiple dwellings', inclusion of reference to the local planning policy in section (i) and (d), inclusion of the wording 'or the shortfall in car parking and landscaping is not increasing from that previously approved in respect to section (ii) and (iv), the inclusion of clauses 64 (4), (5), (6) and (7) in section (c).  | CJ079-06/21 |

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| <b>Delegation</b>          | <b>3.13 PLANNING AND DEVELOPMENT ACT 2005 - POWER AS TO ILLEGAL DEVELOPMENT</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to exercise all the powers and functions of the local government under sections 214 (2), (3) and (5) of the <i>Planning and Development Act 2005</i> . |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Nil.   |
| <b>Statutory framework</b> | Section 5.42(1)(b) of the <i>Local Government Act 1995</i> .   |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 21 October 2014  |
| <b>Adoption references</b> | CJ180-10/14  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                |  |                   |
|-------------------|----------------|--|-------------------|
| <b>Approved</b>   | <b>Type</b>    | <b>Amendment</b>   | <b>References</b> |
| 21 Oct 2014       | New delegation | Insertion of delegation in accordance to Sections 214 (2), (3) and (5) of the Planning and Development Act 2005. | CJ180-10/14       |

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| <b>Delegation</b>             | <b>3.14 PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 - DETERMINE DEVELOPMENT APPLICATIONS FOR 'UNLISTED USE (BICYCLE HIRE)'</b>               |
| <b>Category</b>               | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION  |
| <b>Delegator</b>              | Council   |
| <b>Function</b>               | Authority to determine development applications for 'Unlisted Use (Bicycle Hire)'.  |
| <b>Delegates</b>              | Chief Executive Officer (00001)   |
| <b>Conditions</b>             | Nil.  |
| <b>Subdelegates</b>           | Director Planning and Community Development (00105)<br>Manager Planning Services (00108)  |
| <b>Subdelegate conditions</b> | Nil.  |
| <b>Statutory framework</b>    | Section 5.42 of the <i>Local Government Act 1995</i> .<br>Clause 82 of Schedule 2 of the <i>Planning and Development(Local Planning Schemes) Regulations 2015</i> . |
| <b>Policy</b>                 | Not applicable.   |
| <b>Date adopted</b>           | 20 September 2016   |
| <b>Adoption references</b>    | CJ135-09/16   |
| <b>Last reviewed</b>          | 15 June 2021  |

| <b>Amendments</b> |                    |   |                          |
|-------------------|--------------------|---|--------------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b>        |
| 20 Sep 2016       | New delegation     | Delegate function to Chief Executive Officer to determine development applications for 'Unlisted Use (Bicycle Hire)'  | CJ135-09/16, INT16/36170 |
| 21 Sep 2016       | Amended delegation | Sub-delegation afforded to Director Planning and Community Development (00105) and Manager Planning Services (00108) to determine development applications for 'Unlisted Use (Bicycle | INT16/36191              |

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| <b>Delegation</b>          | <b>3.15 PUBLIC HEALTH ACT 2016 - FUNCTIONS OF AN ENFORCEMENT AGENCY</b>  |
| <b>Category</b>            | PART 3 – DELEGATIONS UNDER OTHER LEGISLATION   |
| <b>Delegator</b>           | Council  |
| <b>Function</b>            | Authority to exercise all of the powers and duties conferred or imposed on a local government, as an enforcement agency, under the <i>Public Health Act 2016</i> . |
| <b>Delegates</b>           | Chief Executive Officer (00001)  |
| <b>Conditions</b>          | Nil.   |
| <b>Statutory framework</b> | Section 21 of the <i>Public Health Act 2016</i> .  |
| <b>Policy</b>              | Not applicable.  |
| <b>Date adopted</b>        | 21 February 2017   |
| <b>Adoption references</b> | CJ012-02/17  |
| <b>Last reviewed</b>       | 15 June 2021   |

| <b>Amendments</b> |                    |   |                   |
|-------------------|--------------------|---|-------------------|
| <b>Approved</b>   | <b>Type</b>        | <b>Amendment</b>  | <b>References</b> |
| 21 Feb 2017       | New delegation     | New delegation in accordance with Public Health Act 2016.   | CJ012-02/17       |
| 15 Jun 2021       | Amended delegation | Change in delegation numbering from 3.16 to 3.15 - Public Health Act 2016 - Functions of an Enforcement Agency, due to the revoking of delegation 3.15. | CJ079-06/21       |



# Register of Delegations and Authorisations



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## Guidance Notes

### Introduction

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

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

### Legislation

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

- *Building Act 2011*
  - *Building Regulations 2012*
- *Bush Fires Act 1954*
  - *Bush Fires Regulations 1954*
  - *Bush Fires (Infringements) Regulations 1978*
- *Cat Act 2011*
  - *Cat Regulations 2012*
  - *Cat (Uniform Local Provisions) Regulations 2013*
- *Caravan Parks and Camping Grounds Act 1995*
  - *Caravan Parks and Camping Grounds Regulations 1996*
- *Dog Act 1976*
  - *Dog Regulations 2013*
- *Food Act 2008*
  - *Food Regulations 2009*
- *Graffiti Vandalism Act 2016*
- *Health (Miscellaneous Provisions) Act 1911*
  - *Health (Asbestos) Regulations 1992*
  - *Health (Public Buildings) Regulations 1992*
- *Liquor Control Act 1988*
- *Local Government Act 1995*
  - *Local Government (Financial Management) Regulations 1996*
  - *Local Government (Functions and General) Regulations 1996*
  - *Local Government (Parking for People with Disabilities) Regulations 2014*
  - *Local Government (Uniform Local Provisions) regulations 1996*
  - *City of Perth Activities on Land Local Law 2002*
  - *City of Perth Air Conditioning Units Local Law 2004*
  - *City of Perth Outdoor Dining Local Law 2019*
  - *City of Perth Dog Local Law 2011*
  - *City of Perth Fencing Local Law 2015*
  - *City of Perth Health Local Law 2000*
  - *City of Perth Local Government Property Local Law 2005*
  - *City of Perth Parking Local Law 2017*
  - *City of Perth Public Trading Local Law 2005*
  - *City of Perth Special Events Local Law 2007*
  - *City of Perth Thoroughfares and Public Places Local Law 2017*

- *Local Government (Miscellaneous Provisions) Act 1960*
- *Planning and Development 2005*
  - *Planning and Development Local Planning Schemes Regulations 2015*
  - *City of Perth City Planning Scheme No.2*
  - *City of Subiaco Town Planning Scheme No.4*
- *Public Health Act 2016*
- *Road Traffic Act 1976*
- *Strata Titles Act 1985*

### Delegation by the Council

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

### Delegation by the Chief Executive Officer

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

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

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

The record is to contain the following information:

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

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

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

### Acting Through Another Person

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

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

*(a) a local government from performing any of its functions by acting through a person other than the CEO; or*

*(b) a CEO from performing any of his or her functions by acting through another person.'*

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

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

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

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

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

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

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

#### Principles underpinning delegations

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

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

- (a) all delegations must be consistent with the relevant legislation (including Acts, Regulations, Local Laws and the external conditions of granting bodies).
- (b) the exercise of delegations must be consistent with the policies of the City and the City's budget and financial position.
- (c) delegations are to be worded so that they are exercisable by a committee or the holder of a position, including anyone acting in that role, not by a specified individual.
- (d) delegations cannot authorise anything to be done that could not be done by the person or body delegating the function.
- (e) delegations may be subject to such conditions as may be set by the delegator and the delegate must adhere to those conditions.
- (f) a delegator may at any time, regardless of their delegation:
  - (i) exercise the delegated function; or
  - (ii) revoke or vary the delegation, in writing.
- (g) a delegate exercises a delegated function in their own right, not as an agent (or on behalf of) the delegator.
- (h) a true delegation only exists when the delegate in exercising the delegation is not expected to consult prior to making any decision with a superior body or role.

- (i) a delegation cannot be exercised by a person with a conflict of interest, if a conflict of interest exists, it must be declared and dealt with in accordance with the Act and Code of Conduct.
- (j) the principles of delegation above apply generally to sub-delegation.
- (k) sub-delegations should reflect the City's organisational structure, responsibility and accountability.
- (l) sub-delegation should only be made to roles that should be substantively qualified to make that decision and will regularly be expected to make that decision.
- (m) the levels of authority are hierarchical through line management up to and including the CEO. Generally, any function exercisable by a delegate would be exercisable by the delegate's supervisor or line manager, providing due regard is had to requirements of professional qualifications or membership.
- (n) sub-delegations should place decision-making authority as close as possible to the point of service delivery and minimise steps in decision-making processes, enabling decisions to be made faster and therefore be more responsive to the needs of stakeholders.
- (o) a delegation which results the expenditure of City funds is to be limited to authorising expenditure within the budget approved by the Council. A delegate who incurs expenditure beyond or without an approved source of funds is liable for that expenditure.

## Employees with delegated authority

The following employees have delegated authority:

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

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

### Table of Amendments to the Delegated Authority Register

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

## 1. Delegations to Committees

There are no delegations to committees of the Council.

## 2. Delegations under the *Local Government Act 1995*

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

### Delegations relating to land, roads and property

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

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

## 2.2. Close Thoroughfares to Vehicles

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

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|  | <p>General Manager Planning and Economic Development<br/>Alliance Manager Infrastructure and Assets<br/>Manager Parking Services<br/>Alliance Manager Parking Services<br/>Alliance Manager Community Safety and Amenity<br/>Alliance Manager Transport and Urban Design<br/>Coordinator Safe City Rangers<br/>Coordinator Surveillance<br/>Senior Traffic Engineer<br/>Team Leader Rangers Patrol</p> <p>All closures, other than:</p> <ol style="list-style-type: none"><li>1. emergency closures; and</li><li>2. closures during an event as determined by Alliance Manager Community Amenity and Safety or Alliance Manager City Events;</li></ol> <p>must be evaluated by the Transport and Urban Design Unit for impact on traffic flows, before being acted upon.</p> |
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## 2.3. Obstruction of Footpaths and Thoroughfares

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| <p>The functions delegated by Council to the CEO</p>  | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:             <ol style="list-style-type: none"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP 5(2)].</li> </ol> </li> <li>2. provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol> |
| <p>This function can be found</p>                     | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl.3(1)(a)</li> </ul>  |
| <p>The Council's conditions on this delegation</p>    | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>3. Permission may only be granted where, the proponent has:             <ol style="list-style-type: none"> <li>a. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>b. Where appropriate, provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>c. Provided evidence of sufficient Public Liability Insurance.</li> <li>d. Where appropriate, provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>  |
| <p>The function delegated by the CEO to employees</p> | <p>The same functions and the authority to:</p> <ol style="list-style-type: none"> <li>1. determine a sum sufficient for a deposit to cover the cost of repairing damage to the thoroughfare resulting from granting permission for obstruction of a thoroughfare, if the damage is not made good by the applicant.</li> <li>2. determine if protective structures, necessary for public safety, are kept and maintained to the satisfaction of the local government.</li> <li>3. determine if repair of damage to a thoroughfare is to the satisfaction of the local government.</li> </ol>   |

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| <p>The employees to who this function is delegated</p>                                     | <p>General Manager Infrastructure and Operations<br/> Alliance Manager Operations<br/> General Manager Community Development<br/> Alliance Manager Community Safety and Amenity<br/> Alliance Manager City Events<br/> Coordinator Activity Approvals<br/> Activity Approvals Officer - Bonds<br/> Activity Approvals Officer - Events<br/> General Manager Planning and Economic Development<br/> Alliance Manager Development Approvals<br/> Technical Officer (within the Development Approvals Unit)</p> |
| <p>The CEO's conditions on this delegation in addition to any conditions from Council.</p> | <p>No conditions.</p>  |

## 2.4. Dangerous Excavations in or Near Public Thoroughfares

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

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

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

## 2.6. Requirement to Construct or Repair Crossings

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

## 2.7. Private Works on, over or under Public Places

|   |  |
|---|--|
| The functions delegated by Council to the CEO                                       | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property. [ULP 17(3)]</li> <li>2. impose conditions on permission granted to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property. [ULP 17(5)]</li> </ol>  |
| This function can be found  | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 17 Private works on, over, or under public places – Sch. 9.1 cl. 9</li> </ul>  |
| The Council's conditions on this delegation   | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Approval is to be granted subject to a bond for work being performed and the payment of costs for trench resurfacing as required.</li> <li>3. Owners and occupiers of adjoining properties are to be advised of the works.</li> <li>4. In the case of major infrastructure works, where there may be objections from owners or occupiers of adjoining properties, the matter is to be referred to Council for determination.</li> <li>5. This Delegation applies to, but is not limited to, the following: <ol style="list-style-type: none"> <li>a. ground anchors</li> <li>b. verandas</li> <li>c. awnings</li> <li>d. pilings</li> <li>e. signs.</li> </ol> </li> </ol> |
| The function delegated by the CEO to employees                                      | <p>The same functions and the authority to:</p> <ol style="list-style-type: none"> <li>1. determine the amount an applicant is to deposit with the City a sum sufficient in the opinion of the delegate to cover the cost of repairing damage to the public thoroughfare or public place resulting from the construction.</li> <li>2. determine if repair of damage to a thoroughfare is to the satisfaction of the local government.</li> </ol>   |
| The employees to who this function is delegated                                     | <p>General Manager Infrastructure and Operations<br/> Alliance Manager Operations<br/> General Manager Planning and Economic Development<br/> Alliance Manager Development Approvals<br/> Principal Building Surveyor<br/> Technical Officer (within the Development Approvals Unit)<br/> General Manager Community Development<br/> Alliance Manager City Events<br/> Coordinator Activity Approvals<br/> Senior Activity Approvals Officer – Events</p>  |
| The CEO's conditions on this delegation in addition to any conditions from Council. | No conditions.   |

## Delegations relating to financial management

### 2.8. Initiating an expression of interest, tender or a panel of pre-qualified suppliers

|  |  |
|--|--|
| <p>The functions delegated by Council to the CEO</p>   | <p>Authority to determine:</p> <ol style="list-style-type: none"> <li>1. to call tenders for goods or services, including for a panel of pre-qualified suppliers (F&amp;G 11(1) &amp; 24AC(1)(b)).</li> <li>2. to invite tenders though not required to do so (F&amp;G 13).</li> <li>3. when to seek Expressions of Interest to tender and to invite Expressions of Interest to supply goods or services (F&amp;G 21).</li> <li>4. in writing, before tenders are called, the criteria for deciding which tenders/applications should be accepted (F&amp;G 14(2a)).</li> <li>5. the information that is to be disclosed to those interested in submitting a tender or applying for a panel of pre-qualified suppliers (F&amp;G 24AD(3)).</li> <li>6. to vary tender/application information after public notice of invitation to tender/apply has been given and before the close of submissions (F&amp;G 14(5) &amp; 24AD(6)).</li> <li>7. seek clarification from tenderers/applicants in relation to information contained in their submission (F&amp;G 18(4a) &amp; 24AH(4)).</li> </ol> |
| <p>This function can be found</p>                      | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 11 When tenders have to be publicly invited</li> <li>• Regulation 13 Requirements when local government invites tenders though not required to do so</li> <li>• Regulation 14 Publicly inviting tenders, requirements for</li> <li>• Regulation 21 Limiting who can tender, procedure for</li> <li>• Regulation 24AB Local government may establish panels of pre-qualified suppliers</li> <li>• Regulation 24AC Requirements before establishing panels of pre-qualified suppliers</li> <li>• Regulation 24AD Requirements when inviting persons to apply to join panel of pre-qualified suppliers</li> <li>• Regulation 24AH Rejecting and accepting applications to join panel of pre-qualified suppliers</li> </ul>   |
| <p>The Council's conditions on this delegation</p>     | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. In exercising functions 1, 2 and 3, where there is no adopted annual budget, a tender may only be called where it includes a provision that the tender will only be awarded subject to the budget adoption by Council.</li> <li>3. In exercising function 6, the delegate must take reasonable steps to ensure each person who has sought copies of the information is provided with notice of the variation.</li> </ol>   |
| <p>The function delegated by the CEO to employees</p>  | <p>The same functions.</p>   |
| <p>The employees to who this function is delegated</p> | <p>General Manager Infrastructure and Operations<br/>         General Manager Community Development<br/>         General Manager Planning and Economic Development<br/>         General Manager Commercial Services<br/>         General Manager Corporate Services</p>  |

|   |  |
|---|--|
|   | Manager Procurement<br>Senior Category Specialist<br>Category Specialist |
| The CEO's conditions on this delegation in addition to any conditions from Council. | Functions 1, 2, 3 and 4 can only be exercised by a General Manager.      |

## 2.9. Tender exempt procurement

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. undertake tender exempt procurement, in accordance with the Purchasing Policy, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget (F&amp;G 11(2)).</li> <li>2. because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier (F&amp;G 11(2)(f)).</li> </ol>   |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 11 When tenders have to be publicly invited</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. In this delegation, tender exempt procurement refers to exemptions for matters that are above the tender threshold in regulation 11(1). For matters below that threshold, authorisation is not via this delegation but instead via financial authority limits and the City's policies and procedures</li> <li>3. Tender exempt procurement under regulation 11(2) may only be approved where the total consideration under the resulting contract is expected to be less than \$2,000,000 (except for goods or services supplied by a person registered on the Aboriginal Business Directory WA or Indigenous Minority Supplier Office Limited (T/as Supply Nation). As the limit provided in regulation 11(2)(h)(ii) is \$250,000) and where satisfied that the contract represents value for money.</li> <li>4. Tender exempt procurement under regulation 11(2)(f) may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> <li>a. A detailed specification;</li> <li>b. The outcomes of market testing of the specification;</li> <li>c. The reasons why market testing has not met the requirements of the specification;</li> <li>d. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>e. The expense is included in the adopted Annual Budget.</li> </ol> </li> </ol> |
| The functions delegated by the CEO to employees                             | No delegation to employees.   |
| The CEO further delegates this function to the following employees          | Not applicable.   |
| The CEO's conditions on this delegation in addition to Council's conditions | Not applicable.   |

## 2.10. Deciding on an expression of interest, tender or a panel of pre-qualified suppliers

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| <p>The functions delegated by Council to the CEO</p>   | <p>Authority to determine:</p> <ol style="list-style-type: none"> <li>1. to accept or reject tenders or applications after written evaluation (F&amp;G 18(4) &amp; 24AH(3)).</li> <li>2. reject a tender or application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation (F&amp;G 18(2) &amp; 24AH(2)).</li> <li>3. to decline any tender or application (F&amp;G 18(5) &amp; 24AH(5)).</li> <li>4. 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 with a successful tenderer (F&amp;G 20(1)&amp;(3)).</li> <li>5. to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into or the local government and the successful tenderer agree to terminate the contract (F&amp;G 18(6)&amp;(7)).</li> <li>6. enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services (F&amp;G 24AJ(1))</li> <li>7. 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&amp;G 23)</li> <li>8. to choose the next most advantageous tender to accept, if:             <ol style="list-style-type: none"> <li>a. the chosen tenderer is unable or unwilling to form a contract (F&amp;G 20(2)).; or</li> <li>b. a minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer (F&amp;G 20(2)).</li> </ol> </li> </ol> |
| <p>This function can be found</p>                      | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 18 Rejecting and accepting tenders</li> <li>• Regulation 20 Variation of requirements before entry into contract</li> <li>• Regulation 23 Rejecting and accepting expressions of interest to be acceptable tenderer</li> <li>• Regulation 24AH Rejecting and accepting applications to join panel of pre-qualified suppliers</li> <li>• Regulation 24AJ Contracts with pre-qualified suppliers</li> </ul>   |
| <p>The Council's conditions on this delegation</p>     | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Under this delegation tenders may only be accepted or rejected where there is an adopted budget for the proposed good or service.</li> <li>3. Tenders or applications may only be accepted where the total consideration under the proposed resulting contract is \$2,000,000 (excl. GST) per annum or less and the expense is included in the Annual Budget.</li> <li>4. Function 5 cannot be exercised when the tender was accepted by Council.</li> </ol>   |
| <p>The functions delegated by the CEO to employees</p> | <p>The function to approve purchase orders under function 6, after the CEO or Council has approved a panel.</p>  |

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| <p>The CEO further delegates this function to the following employees</p>          | <p>Executive Director Governance and Strategy<br/> General Manager Infrastructure and Operations<br/> Alliance Manager Operations<br/> Alliance Manager Infrastructure and Assets<br/> General Manager Community Development<br/> General Manager Planning and Economic Development<br/> General Manager Corporate Services<br/> Project Director Strategic Finance (CFO)<br/> General Manager Commercial Services<br/> Alliance Manager Parking Services<br/> Alliance Manager Properties</p> |
| <p>The CEO's conditions on this delegation in addition to Council's conditions</p> | <p>Function 6 may only be exercised up to the financial authority limit of the delegate.</p>   |

## 2.11. Varying and extending tender contracts

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| The functions delegated by Council to the CEO                               | <p>Authority to determine:</p> <ol style="list-style-type: none"> <li>1. vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract (F&amp;G 21A(a)).</li> <li>2. exercise a renewal or extension option contained in a tender contract (F&amp;G 11(2)(j)).</li> </ol>   |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 11 When tenders have to be publicly invited</li> <li>• Regulation 21A Varying a contract for the supply of goods or services</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. A variation to a contract must be provided for in the annual budget.</li> <li>3. A variation to a contract cannot be for more than 20% of the contract value</li> <li>4. A variation to a contract under function 1 cannot result in the contract exceeding \$2,000,000 per annum.</li> <li>5. Function 2 of this delegation does not apply to panels of prequalified suppliers, pursuant to the restrictions of Regulation 24AJ.</li> </ol> |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | <p>General Manager Infrastructure and Operations<br/>         General Manager Community Development<br/>         General Manager Planning and Economic Development<br/>         General Manager Corporate Services<br/>         General Manager Commercial Services</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | <ol style="list-style-type: none"> <li>1. A delegate cannot vary a contract more than 20% of the original contract value.</li> <li>2. A delegate cannot vary a contract to exceed the limit of their financial authority.</li> </ol>   |

## 2.12. Disposing of property other than land or buildings

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| The functions delegated by Council to the CEO                      | <p>Authority to determine to dispose of property other than land or buildings:</p> <ol style="list-style-type: none"> <li>1. to the highest bidder at public auction [s 3.58(2)(b)]; or</li> <li>2. to the person who at public tender called makes the most acceptable tender, which does not have to be the highest tender [s 3.58(2)(b)].</li> <li>3. by negotiating, and entering into, an agreement subject to compliance with section 3.58(3) and (4), including the consideration of any submissions received following the giving of public notice prior to the disposal. [s 3.58(3)&amp;(4)]</li> <li>4. that is exempt from the requirements of section 3.58(1)-(4) (s 3.58(5))</li> </ol>  |
| This function can be found   | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.58 Disposing of Property</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 30 Dispositions of property excluded from Act s. 3.58</li> </ul>   |
| The Council's conditions on this delegation                        | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Disposal of property under this delegation, is limited, for any single transaction, for property, worth \$2,000,000 or less.</li> <li>3. Where the following methods of disposal of property are implemented, it is conditional on the corresponding requirements: <ol style="list-style-type: none"> <li>a. for a public auction, a confidential independent valuation must be obtained in advance to operate as the "reserve price" and then any disposal must be: <ol style="list-style-type: none"> <li>i. for no less than the reserve price; or</li> <li>ii. within 10% of the reserve price, if the reserve price is not achieved and an agreement that complies with section 3.58 is subsequently negotiated;</li> </ol> </li> <li>b. for a public tender, if in the delegates opinion no reasonable tender response is received, then the delegate is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method; and</li> <li>c. where a direct negotiation is determined as the method of disposal, authority to: <ol style="list-style-type: none"> <li>i. negotiate the disposal of the property up to a 10% variance on the valuation; and</li> <li>ii. consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded.</li> </ol> </li> </ol> </li> <li>4. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ol> |
| The functions delegated by the CEO to employees                    | The same functions.   |
| The CEO further delegates this function to the following employees | <p>General Manager Infrastructure and Operations<br/> Alliance Manager Infrastructure and Assets<br/> Alliance Manager Operations<br/> General Manager Corporate Services<br/> Project Director Strategic Finance (CFO)</p>   |

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|   | Alliance Manager ICT Services<br>General Manager Commercial Services<br>Alliance Manager Properties<br>Alliance Manager Parking Services  |
| The CEO's conditions on this delegation in addition to Council's conditions | Limitations apply for determining the disposal of all other (asset classes) property, for any for any single project, or where not part of a project a single event, to an aggregated value, as follows: <ol style="list-style-type: none"> <li>a. Directors and General Managers are limited to a maximum value of \$500,000.</li> <li>b. Alliance Managers are limited to a maximum value of \$50,000.</li> </ol> |

## 2.13. Disposing of land or buildings

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| <p>The functions delegated by Council to the CEO</p>   | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. dispose of land and building assets where it is included in the annual budget in accordance with the requirements of section 3.58 of the <i>Local Government Act 1995</i>. (s 3.58)</li> <li>2. dispose of land to an adjoining owner where:             <ol style="list-style-type: none"> <li>a. it has a market value of less than \$5,000; and</li> <li>b. the delegate does not consider the land would be of significant benefit to anyone other than the buyer (F&amp;G 30(2)(a)).</li> </ol> </li> <li>3. the extent that a tenant under a lease exercising an option for a further term is a disposal of property, to agree to the exercise of that option for a further term in accordance with the conditions of the relevant lease (s 3.58).</li> <li>4. the extent that a tenant under a lease assigning that lease is a disposal of property, to agree to the assignment of that in accordance with the conditions of the relevant lease (s 3.58).</li> <li>5. the extent that a tenant under a lease, sub-leasing that property, is a disposal of property, to give consent to the sub-lease of that property in accordance with the conditions of the relevant lease (s 3.58).</li> <li>6. Dispose of residential property by lease (F&amp;G 30(2)(g)).</li> <li>7. Dispose of land or a building by lease or licence to occupy to a body whether incorporated or not the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions (F&amp;G 30(2)(b))</li> <li>8. lease a building, where its independent market rental valuation is less than \$2,000,000 per annum in accordance with the requirements of section 3.58 of the <i>Local Government Act 1995</i> (s 3.58)</li> <li>9. dispose of Shop 3, Regal Place Car Park, 81 – 95 Royal Street, East Perth.</li> </ol> |
| <p>This function can be found</p>                      | <p><i>Local Government Act 1995</i>:</p> <ul style="list-style-type: none"> <li>• Section 3.58 Disposing of Property</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996</i>:</p> <ul style="list-style-type: none"> <li>• Regulation 30 Dispositions of property excluded from Act s. 3.58</li> </ul>   |
| <p>The Council's conditions on this delegation</p>     | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. No lease or licence can exceed a maximum term of ten (10) years including any options.</li> <li>3. In the exercise of function 8 the rent to be paid under the lease must be not less than 95% of the independent market rental valuation obtained, or in the case of land classified as a strategic holding under Policy 2.7 Property Performance, Investment and Disposal, 90%.</li> <li>4. This delegation does not extend to a disposal of property that would be a major land transaction.</li> <li>5. Disposal of Shop 3, Regal Place Car Park, 81 – 95 Royal Street, East Perth is subject to no submissions being received following local public notice of the proposed disposition.</li> </ol>  |
| <p>The functions delegated by the CEO to employees</p> | <p>No delegation to employees.</p>  |

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| The CEO further delegates this function to the following employees          | Not applicable. |
| The CEO's conditions on this delegation in addition to Council's conditions | Not applicable. |

## 2.14. Payments from Municipal or Trust Fund

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| The functions delegated by Council to the CEO                               | Authority to make payments from the municipal or trust fund. [FM 12(1)(a)]   |
| This function can be found  | <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> <li>Regulations 12(1)(a) Payments from municipal fund or trust fund, restrictions on making</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>All payments from the municipal or trust fund must be approved by two delegates.</li> <li>The functions of verification of the proposed payment and authorization of the payment cannot be undertaken by the same delegate.</li> </ol> |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | General Manager Corporate Services<br>Project Director Strategic Finance (CFO)<br>Financial Controller<br>Financial Accounting Lead<br>Revenue Services Lead<br>Financial Accountant   |
| The CEO's conditions on this delegation in addition to Council's conditions | One of the two delegates approving a payment must be the: <ol style="list-style-type: none"> <li>Chief Executive Officer</li> <li>General Manager Corporate Services</li> <li>Project Director Strategic Finance (CFO)</li> <li>Financial Controller</li> </ol>  |

## 2.15. Defer, Grant Concessions, Waive or Write Off Debts

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| The functions delegated by Council to the CEO                                       | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Waive or grant a concession in relation to any amount of money which is owed to the City. [s 6.12(1)(b)]</li> <li>2. Write off any amount of money which is owed to the City. [s 6.12(1)(c)]</li> </ol>   |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.12 Power to defer, grant discounts, waive or write off debts</li> </ul>  |
| The Council's conditions on this delegation   | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Prior to writing off a debt, all necessary measures have been taken to recover the debt and the debt remained unpaid for a period of 90 days after its due date for payment.</li> <li>3. This delegation is limited to individual debts valued below \$200,000 or cumulative debts of a debtor valued below \$200,000. Write offs greater than these values must be referred for Council decision.</li> <li>4. Rates and service charges cannot be waived or be written off, but concessions may be granted in accordance with the relevant Council policies.</li> </ol>   |
| The function delegated by the CEO to employees                                      | The same functions.  |
| The employees to who this function is delegated                                     | <p>General Manager Commercial Services<br/> Alliance Manager Parking Services<br/> General Manager Community Development<br/> General Manager Corporate Services<br/> Project Director Strategic Finance (CFO)<br/> Financial Controller</p>   |
| The CEO's conditions on this delegation in addition to any conditions from Council. | <ol style="list-style-type: none"> <li>1. Only General Managers or the Project Director Strategic Finance (CFO) or the Financial Controller may only write off debts amounts of up to \$20,000 on any one occasion;</li> <li>2. Only General Managers may only waive fees and charges related to their operational responsibilities limited to a value less than \$50,000 per customer within a financial year, if it relates to: <ol style="list-style-type: none"> <li>i. extenuating or hardship circumstances;</li> <li>ii. charitable purposes;</li> <li>iii. an information request by a student for academic research purposes;</li> <li>iv. to rectify a service failure on the part of the City of Perth; or</li> <li>v. if there is high demonstrated value for the City of Perth.</li> </ol> </li> <li>3. This delegation cannot be used where a Council policy prescribes a specific process for the granting of deferral, concessions or waiver of debts, fees or charges unless it is consistent with that process.</li> </ol> |

## 2.16. Power to Invest and Manage Investments

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| The functions delegated by Council to the CEO                               | <p>The authority to:</p> <ol style="list-style-type: none"> <li>invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose, 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 2.1 Management of Investments. [s 6.14(1)]</li> <li>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 19]</li> </ol> |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>Section 6.14(1) Power to invest</li> </ul> <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>Regulation 19 Investments, control procedures for</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>All investments from the municipal or trust fund must be approved by two delegates.</li> </ol>   |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | <p>General Manager Corporate Services<br/>         Project Director Strategic Finance (CFO)<br/>         Financial Controller<br/>         Revenue Services Lead</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | <p>The General Manager Corporate Services, Project Director Strategic Finance (CFO), Financial Controller and Revenue Services Lead may invest up to a total value of \$10 million on the short term money market per transaction and up to a total value of \$5 million for other markets per transaction.</p>  |

## Delegations relating to rates and service charges

### 2.17. Agreement as to Payment of Rates and Service Charges

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| The functions delegated by Council to the CEO                               | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. make an agreement with a person for the payment of rates or service charges. [6.49]</li> <li>2. determine the date on which rates or service charges become due and payable under that agreement. [6.50]</li> </ol>  |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.49 Agreement as to payment of rates and service charges</li> <li>• Section 6.50 Rates or service charges due and payable</li> </ul>  |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | <p>General Manager Corporate Services<br/>           Project Director Strategic Finance (CFO)<br/>           Financial Controller<br/>           Revenue Services Lead<br/>           Senior Rates Coordinator<br/>           Senior Rates Officer<br/>           Rates Officer</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | <p>The Financial Controller may agree to terms not exceeding 12 months on amounts less than \$100,000.</p> <p>The Revenue Services Lead may agree to terms not exceeding 9 months on amounts less than \$50,000.</p> <p>The Senior Rates Officer, Senior Rates Coordinator, Rates Support Officer and Rates Officer may agree to terms not exceeding 9 months on amounts less than \$25,000.</p> |

## 2.18. Recovery of rates debts

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| The functions delegated by Council to the CEO                               | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. [6.56(1)]</li> <li>2. 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. [6.60(2)]</li> <li>3. 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. [6.60(4)]</li> </ol> |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.56 Rates or service charges recoverable in court</li> <li>• Section 6.60 Local government may require lessee to pay rent</li> </ul>  |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Delegates must comply with Council Policy 2.10 Financial Hardship</li> </ol>   |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | <p>General Manager Corporate Services<br/>           Project Director Strategic Finance (CFO)<br/>           Financial Controller<br/>           Revenue Service Lead<br/>           Senior Rates Coordinator</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

## 2.19. Recovery of rates debts – Actions Against Land

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| <p>The functions delegated by Council to the CEO</p>                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. 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. [6.64(3)]</li> <li>2. to take possession of land and hold the land 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, including:             <ol style="list-style-type: none"> <li>a. lease the land, or</li> <li>b. sell the land, or where land is offered for sale and a contract of sale has not been entered into after 12 months:                 <ol style="list-style-type: none"> <li>i. cause the land to be transferred to the Crown [s 6.71]; or</li> <li>ii. cause the land to be transferred to the City [s 6.71]; and</li> <li>iii. determine such matters that Schedule 6.2 and 6.3 require to be determined for the lease or sale of land, including the date of the auction, desirable means of advertisement, and the reserve price. [Sch 6.2 and 6.3]</li> </ol> </li> </ol> </li> <li>3. agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale. [6.69(2)]</li> </ol> |
| <p>This function can be found</p>  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.64 Actions to be taken</li> <li>• Section 6.69 Right to pay rates, service charges and costs, and stay proceedings</li> <li>• Section 6.71 Power to transfer land to Crown or local government</li> <li>• Section 6.74 Power to have land revested in Crown if rates in arrears 3 years</li> </ul>  |
| <p>The Council's conditions on this delegation</p>                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. In accordance with section 6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates and/or charges through a court under section 6.56, as section 6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</li> </ol>  |
| <p>The functions delegated by the CEO to employees</p>                             | <p>No delegation to employees.</p>  |
| <p>The CEO further delegates this function to the following employees</p>          | <p>Not applicable.</p>  |
| <p>The CEO's conditions on this delegation in addition to Council's conditions</p> | <p>Not applicable.</p>  |

## 2.20. Amendment or Objection to Rate Record

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| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. determine any requirement to amend the rate record for the 5-years preceding the current financial year. [s 6.39(2)(b)]</li> <li>2. extend the time for a person to make an objection to a rate record. [s 6.76(4)]</li> <li>3. consider an objection to a rate record and either allow it or disallow it wholly or in part. [s 6.76(5)]</li> </ol> |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.39 Rate record</li> <li>• Section 6.76 Grounds of objection</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Delegates must comply with the requirements of section 6.40 of the <i>Local Government Act 1995</i>.</li> </ol>  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | <p>General Manager Corporate Services<br/>         Project Director Strategic Finance (CFO)<br/>         Financial Controller</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

## Delegations relating to Governance

### 2.21. Administer the City's local laws

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|--|---|
| <p>The functions delegated by Council to the CEO</p> | <p>All of the functions of the local government or City under the:</p> <ol style="list-style-type: none"> <li>a. <i>City of Perth Activities on Land Local Law 2002</i></li> <li>b. <i>City of Perth Air Conditioning Units Local Law 2004</i></li> <li>c. <i>City of Perth Outdoor Dining Local Law 2019</i></li> <li>d. <i>City of Perth Fencing Local Law 2015</i></li> <li>e. <i>City of Perth Local Government Property Local Law 2005</i></li> <li>f. <i>City of Perth Parking Local Law 2017</i></li> <li>g. <i>City of Perth Public Trading Local Law 2005</i></li> <li>h. <i>City of Perth Special Events Local Law 2007</i></li> <li>i. <i>City of Perth Thoroughfares and Public Places Local Law 2017</i></li> </ol>  |
| <p>This function can be found</p>                    | <p><i>City of Perth Activities of Land Local Law 2002</i></p> <ul style="list-style-type: none"> <li>• Clause 3.2 Prohibited activities</li> <li>• Clause 3.3 Water run-off</li> </ul> <p><i>City of Perth Air Conditioning Units Local Law 2004</i></p> <ul style="list-style-type: none"> <li>• Clause 7 Placement</li> <li>• Clause 14 Notices</li> </ul> <p><i>City of Perth Outdoor Dining Local Law 2019</i></p> <ul style="list-style-type: none"> <li>• Clause 2.5 Decision on application for permit</li> <li>• Clause 2.13 Transfer of permit</li> <li>• Clause 2.14 Placement</li> </ul> <p><i>City of Perth Fencing Local Law 2015</i></p> <ul style="list-style-type: none"> <li>• Clause 2.1 Sufficient fences</li> <li>• Clause 2.3 Gates in fences</li> <li>• Clause 2.4 Depositing fencing material on public place</li> <li>• Clause 2.6 Fences across rights-of-ways, public access ways or thoroughfares</li> <li>• Clause 2.7 Fences and Sightlines</li> <li>• Clause 2.10 Pre-used fencing materials</li> <li>• Clause 2.11 Barbed wire fences and spiked or jagged materials</li> <li>• Clause 2.12 Electrified and razor wire fences</li> <li>• Clause 3.1 Application for approval</li> <li>• Clause 3.2 Decision on application for approval</li> </ul> <p><i>City of Perth Local Government Property Local Law 2005</i></p> <ul style="list-style-type: none"> <li>• Clause 8 City may enter into Agreement</li> <li>• Clause 19 Application for permit</li> <li>• Clause 20 Decision on application for permit</li> <li>• Clause 21 Conditions which may be imposed on a permit</li> <li>• Clause 22 Compliance with and variation of conditions</li> <li>• Clause 23 Agreement for building</li> <li>• Clause 26 Transfer of permit</li> <li>• Clause 28 Cancellation of permit</li> <li>• Clause 29 Activities needing a permit</li> <li>• Clause 42 No entry to fenced or closed local government property</li> <li>• Clause 47 Unclaimed Property in Locker</li> <li>• Clause 49 No unauthorised entry to function</li> <li>• Clause 51 Application for consent and application fee</li> <li>• Clause 52 When use of jetty is prohibited</li> <li>• Clause 56 Restrictions on launching</li> <li>• Clause 63 Liability for damage to local government property</li> </ul> <p><i>City of Perth Parking Local Law 2017</i></p> <ul style="list-style-type: none"> <li>• Clause 1.4 Application</li> </ul> |

- Clause 1.11 Establishment of parking facilities
- Clause 1.12 Permitted payment
- Clause 1.13 Alternative method of payment
- Clause 2.3 Stopping or parking generally
- Clause 3.15 Construction site vehicle parking
- Clause 4.4 Expired meter, parking limit
- Clause 4.6 Reserved fee paying zones
- Clause 5.7 Parking restrictions for vehicles with multiple occupants
- Clause 6.1 Classes and application for parking permit
- Clause 8.3 Modified penalty

*City of Perth Public Trading Local Law 2005*

- Clause 2.3 Application for permit
- Clause 2.5 Decision on application for permit
- Clause 2.6 Conditions which may be imposed on a permit
- Clause 2.8 Amendment of permit conditions
- Clause 2.13 Cancellation or suspension of permit
- Clause 2.14 Exemption from the requirements to obtain a permit
- Clause 3.3 Grounds for refusing an application
- Clause 3.4 Conditions of a permit
- Clause 3.5 Authorisation of nominee
- Clause 3.6 Exemptions from requirement to pay a fee
- Clause 3.7 Conduct of stallholders and traders
- Clause 4.3 Ground for refusing an application
- Clause 4.4 Variation of permitted area and permitted time
- Clause 4.5 Cancellation of permit
- Clause 4.6 Obligations of permit holder
- Clause 6.2 Notice to repair damage to thoroughfare
- Clause 6.4 City may undertake requirements of notice

*City of Perth Special Events Local Law 2007*

- Clause 1.7 Agreement to use local government property
- Clause 2.1 Possession of liquor
- Clause 2.2 Possession and use of large objects
- Clause 2.4 Possession of loud stereos
- Clause 3.1 Local public notice to be given

*City of Perth Thoroughfares and Public Places Local Law 2017*

- Clause 2.1 General prohibitions
- Clause 2.2 Activities allowed with a permit
- Clause 2.5 Temporary crossings – permit required
- Clause 2.6 Removal of redundant crossing
- Clause 2.10 Notice to owner or occupier
- Clause 2.13 Assignment of property numbers
- Clause 2.20 Hand held signs
- Clause 3.6 Waste receptacles
- Clause 4.1 Application for permit
- Clause 4.2 Decision on application for permit
- Clause 4.3 Conditions which may be imposed on a permit
- Clause 4.4 Security for restoration and reinstatement
- Clause 4.6 Amendment of permit conditions
- Clause 4.9 Transfer of permit
- Clause 4.11 Cancellation of permit
- Clause 6.1 Notice to redirect or repair sprinkler
- Clause 6.2 Hazardous plants
- Clause 6.3 Notice to repair damage to thoroughfare
- Clause 6.4 Notice to remove thing unlawfully placed on thoroughfare

|   |   |
|---|---|
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. This delegation does not include any function which requires a resolution of Council.</li> </ol>  |
| The functions delegated by the CEO to employees                             | All of the above functions and all of the CEO's functions under those local laws.   |
| The CEO further delegates this function to the following employees          | <p>General Manager Infrastructure and Operations<br/> General Manager Community Development<br/> General Manager Planning and Economic Development<br/> Alliance Manager Development Approvals<br/> Alliance Manager Operations<br/> Alliance Manager Community Safety and Amenity<br/> Alliance Manager City Events<br/> Coordinator Activity Approvals<br/> General Manager Commercial Services<br/> Alliance Manager Parking Services<br/> Alliance Manager Properties</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | <ol style="list-style-type: none"> <li>1. The General Manager Infrastructure and Operations, General Manager Commercial Services, Alliance Manager Properties, Alliance Manager Parking Services and Alliance Manager Operations are only delegated the functions under the <i>City of Perth Parking Local Law 2017</i>, <i>City of Perth Local Government Property Local Law 2005</i> and <i>City of Perth Thoroughfares and Public Places Local Law 2017</i></li> <li>2. The General Manager Planning and Economic Development and Alliance Manager Development Approvals are only delegated the functions under the <i>City of Perth Air Conditioning Units Local Law 2004</i> and the <i>City of Perth Fencing Local Law 2015</i> and <i>City of Perth Thoroughfares and Public Places Local Law 2017</i>.</li> <li>3. The General Manager Community Development and Alliance Manager Community Safety and Amenity is delegated all the functions under all the local laws in this delegation except the <i>City of Perth Fencing Local Law 2015</i> and <i>City of Perth Air Conditioning Units Local Law 2004</i>.</li> <li>4. The Alliance Manager City Events and Coordinator Activity Approvals are only delegated the functions under the <i>City of Perth Thoroughfares and Public Places Local Law 2017</i>, <i>City of Perth Public Trading Local Law 2005</i>, <i>City of Perth Local Government Property 2005</i> and <i>City of Perth Outdoor Dining Local Law 2019</i>.</li> </ol> |

## 2.22. Appointment of an Acting Chief Executive Officer

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Determine that a person is suitably qualified to act as Chief Executive Officer (s5.36)</li> <li>2. Appoint a person to act as Chief Executive Officer (s5.36 &amp; 5.39)</li> </ol>            |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 5.36 Local Government Employees</li> <li>• Section 5.39 Contracts for CEO and senior employees</li> </ul>  |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Subject to the requirements of Policy 2.8 Acting Chief Executive Officer.</li> </ol> |
| The functions delegated by the CEO to employees                             | No delegation to employees.  |
| The CEO further delegates this function to the following employees          | Not applicable.  |
| The CEO's conditions on this delegation in addition to Council's conditions | Not applicable.  |

## 2.22A. Appointment of an Acting Chief Executive Officer

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. approve the form on which a complaint must be made regarding a breach of the behavioural requirements of the City of Perth Code of Conduct for Council Members, Committee Members and Candidates. [Sch 1, clause 11(2)(a)]</li> <li>2. authorise 1 or more persons, in writing, to receive complaints and withdrawals of complaints [Sch 1, clause 11(3)]</li> <li>3. After considering a complaint, make a finding as to whether the alleged breach has occurred. [Sch 1 clause 12(1)]</li> <li>4. Before making a finding in relation to the complaint, give the person to whom the complaint relates reasonable opportunity to be heard. [Sch 1 clause 12(2)]</li> <li>5. If a finding that the alleged breach has occurred:             <ol style="list-style-type: none"> <li>a. Take no further action [Sch 1 clause 12(4)(a)] o</li> <li>b. Prepare and implement a plan to address the behaviour of the person whom the complaint relates [Sch 1 clause 12(4)(b)]</li> </ol> </li> <li>6. When preparing a plan under 5b above consult with the person to whom the complaint relates. [Sch 1 clause 12(5)]</li> <li>7. Include in the plan made under 5b above, the requirement for the person to whom the complaint relates to take action considered appropriate. [Sch 1 clause 12(6)]</li> <li>8. If a finding in made in relation to the complaint, give the complainant and the person to whom the complaint relates written notice of:             <ol style="list-style-type: none"> <li>a. The findings and the reasons for the findings. [Sch 1 clause 12(7)(a)]</li> <li>b. If the findings are that an alleged breach occurred the decision whether to take no further action or to prepare and implement a plan to address the behaviour of the person whom the complaint relates. [Sch 1 clause 12(7)(b)]</li> </ol> </li> <li>9. Dismiss the complaint. [Sch 1 Clause 13]</li> <li>10. Determine the procedure for dealing with complaints [Sch 1 Clause 15(2)]</li> </ol> |
| This function can be found  | <p><i>Local Government (Model Code of Conduct) Regulations 2021:</i></p> <ul style="list-style-type: none"> <li>• Schedule 1 Clause 11 Complaint about alleged breach</li> <li>• Schedule 1 Clause 12 Dealing with complaint</li> <li>• Schedule 1 Clause 13 Dismissal of complaint</li> <li>• Schedule 1 Clause 14 Other provisions about complaints</li> </ul> <p><i>City of Perth Code of Conduct for Council Members, Committee Members and Candidates</i></p>  |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Should the CEO not authorise a person under function 2 of this delegation, the CEO is the authorised person to receive complaints and withdrawals of complaints.</li> </ol>   |
| The functions delegated by the CEO to employees                             | No delegation to employees.   |
| The CEO further delegates this function to the following employees          | Not applicable.   |
| The CEO's conditions on this delegation in addition to Council's conditions | Not applicable.   |

## 2.23. Electoral Roll Eligibility

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | Not a function of Council.   |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 4.32 Eligibility to enrol under s4.30, how to claim</li> <li>• Section 4.34 Accuracy of enrolment details to be maintained</li> <li>• Section 4.35 Decision that eligibility to enrol under s4.30 has ended</li> </ul> <p><i>Local Government (Elections) Regulations 1995:</i></p> <ul style="list-style-type: none"> <li>• Reg 11(1a) Nomination of co-owners or co-occupiers — s.4.31</li> <li>• Reg 13(2) &amp; (4) Register - s.4.32(6)</li> </ul>  |
| The Council's conditions on this delegation                                 | Not a function of Council.   |
| The functions delegated by the CEO to employees                             | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. decide whether or not the claimant is eligible under section 4.30(1)(a) and (b) and accept or reject the claim accordingly.</li> <li>2. make any enquiries necessary in order to make a decision on an eligibility claim.</li> <li>3. approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk.</li> <li>4. amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate.</li> <li>5. ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form.</li> <li>6. decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll and to give notice and consider submissions, before making such determination.</li> <li>7. determine to take any action necessary to give effect to advice received from the Electoral Commissioner.</li> <li>8. decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations.</li> <li>9. require the written notice for co-owners or co-occupiers to be incorporated into Form 2.</li> </ol> |
| The CEO further delegates this function to the following employees          | Executive Director Governance and Strategy<br>Manager Governance and Executive Services<br>Governance Coordinator  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions  |

## 2.24. Destruction of Electoral Papers

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | Not a function of Council.  |
| This function can be found  | <i>Local Government (Electoral) Regulations 1997:</i><br><ul style="list-style-type: none"> <li>• Regulation 82 Keeping election papers — s. 4.84(a)</li> </ul> |
| The Council's conditions on this delegation                                 | Not a function of Council.  |
| The functions delegated by the CEO to employees                             | Authority to after a period of 4-years, destroy the parcels of election papers.   |
| The CEO further delegates this function to the following employees          | Executive Director Governance and Strategy<br>Manager Governance and Executive Services<br>Governance Coordinator   |
| The CEO's conditions on this delegation in addition to Council's conditions | The destruction of records must be done in the presence of two City of Perth Employees.   |

## 2.25. Public Access to Information

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | Not a function of Council.  |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 5.94(3)(b) Public can inspect certain local government information</li> <li>• Section 5.95(1)(b) Limits on right to inspect local government information</li> </ul> <p><i>Local Government (Administration) Regulations 1996</i></p> <ul style="list-style-type: none"> <li>• Regulation 29 Information to be available for public inspection (Act s. 5.94)</li> <li>• Regulation 29B Copies of certain information not to be provided (Act s. 5.96)</li> </ul>   |
| The Council's conditions on this delegation                                 | Not a function of Council.  |
| The functions delegated by the CEO to employees                             | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. determine the manner and form by which a person may request copies of rates record information or owners and occupiers register and electoral rolls and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.</li> <li>2. determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions.</li> </ol> |
| The CEO further delegates this function to the following employees          | <p>General Manager Corporate Services<br/> Project Director Strategic Finance (CFO)<br/> Executive Director Governance and Strategy<br/> Manager Governance and Executive Services<br/> Governance Coordinator</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 2.26. Withdrawal and Extension time for payment of Infringement Notices

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | Not a function of Council.  |
| This function can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.12 Power to defer, grant discounts, waive or write off debts</li> <li>• Section 9.13 Onus of proof in vehicle offences may be shifted</li> <li>• Section 9.19 Extension of time</li> <li>• Section 9.20 Withdrawal of notice</li> </ul>   |
| The Council's conditions on this delegation                                 | Not a function of Council.  |
| The functions delegated by the CEO to employees                             | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Be satisfied that a vehicle has been stolen or unlawfully taken or was being unlawfully used, at the time an offence is alleged to have been committed</li> <li>2. Extend the period of payment of a modified penalty past 28 days.</li> <li>3. Withdraw an infringement notice by sending the alleged offender notice, in the prescribed form, that the infringement notice has been withdrawn and write off the amount of money which is owed to the City by withdrawing that infringement.</li> </ol> |
| The CEO further delegates this function to the following employees          | <p>General Manager Community Development<br/> Alliance Manager Community Safety and Amenity<br/> Alliance Manager City Events<br/> General Manager Commercial Services<br/> Alliance Manager Parking Services<br/> Manager Parking Services<br/> General Manager Planning and Economic Development<br/> Alliance Manager Development Approvals<br/> General Manager Corporate Services<br/> Project Director Strategic Finance (CFO)<br/> Financial Controller<br/> Coordinator Strategic Finance</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 2.27. Receive and acknowledge primary and annual returns

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | Not a function of Council.   |
| This function can be found  | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• Section 5.75 Primary returns</li> <li>• Section 5.76 Annual returns</li> <li>• Section 5.77 Acknowledging receipt of returns</li> </ul>   |
| The Council's conditions on this delegation                                 | Not a function of Council.   |
| The functions delegated by the CEO to employees                             | Authority to: <ol style="list-style-type: none"> <li>3. Receive a primary or annual return on behalf of the CEO [5.75(1) &amp; 5.76(1)]</li> <li>4. Give a person written acknowledgement of having received their return [5.77]</li> </ol>  |
| The CEO further delegates this function to the following employees          | Executive Director Governance and Strategy<br>Manager Governance and Executive Services<br>General Manager Corporate Services<br>Senior Corporate Governance Officer   |
| The CEO's conditions on this delegation in addition to Council's conditions | <ol style="list-style-type: none"> <li>1. A delegate cannot receive or acknowledge their own return or the return of someone they report to or the CEO's return.</li> <li>2. The General Manager Corporate Services and Senior Corporate Governance Officer cannot receive or acknowledge the return of a Council member.</li> </ol> |

### 3. Delegations under the Building Act 2011

Under section 6 of the *Building Act 2011* the City of Perth, as a local government, is a permit authority.

Under section 127 of the *Building Act 2011* the Council of the City of Perth, as the local government, has the power to delegate to the CEO of the City of Perth its powers and duties, as a permit authority and local government under that Act.

#### 3.1. Grant or refuse a building, demolition or occupancy permit or building approval certificate

|  |   |
|--|---|
| <p>The functions delegated by Council to the CEO</p>   | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. require an applicant to provide any documentation or information required to determine an application (s18(1), 55).</li> <li>2. grant or refuse to grant a building, demolition or occupancy permit or building approval certificate (s20(1)&amp;(2), 22, 58).</li> <li>3. impose, vary or revoke conditions on a building, demolition or occupancy permit or building approval certificate (s27(1)&amp;(3), 62(1)&amp;(3)).</li> <li>4. determine an application to extend time during which a building or demolition permit has effect, subject to (r23):             <ol style="list-style-type: none"> <li>a. being satisfied that work for which the building or demolition permit was granted has not been completed (r24(1)); or</li> <li>b. the extension is necessary to allow rectification of defects of works for which the permit was granted (r24(1)).</li> </ol> </li> <li>5. impose any condition on the building or demolition permit extension that could have been imposed under section 27 (r24(2)).</li> <li>6. approve, or refuse to approve, an application for a new responsible person for a building or demolition permit (r26).</li> <li>7. extend the period in which an occupancy permit or modification, or building approval certificate has effect (s65(4)&amp;r40)</li> </ol> |
| <p>This function can be found</p>                      | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> <li>• Section 18 Further Information</li> <li>• Section 20 Grant of building permit</li> <li>• Section 21 Grant of demolition permit</li> <li>• Section 22 Further grounds for not granting an application</li> <li>• Section 27 Impose Conditions on Permit</li> <li>• Section 55 Further Information</li> <li>• Section 58 Grant of Occupancy Permit, Building Approval Certificate</li> <li>• Section 62 Conditions Imposed by Permit Authority</li> <li>• Section 65(4) Extension of Period of Duration</li> </ul> <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> <li>• Regulation 23 Application to extend time during which permit has effect (s. 32)</li> <li>• Regulation 24 Extension of time during which permit has effect (s. 32(3))</li> <li>• Regulation 26 Approval of new responsible person (s.35(c))</li> <li>• Regulation 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)</li> </ul>  |
| <p>The Council's conditions on this delegation</p>     | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>  |
| <p>The functions delegated by the CEO to employees</p> | <p>The same functions.</p>  |

|   |  |
|---|--|
| The CEO further delegates this function to the following employees          | General Manager Planning and Economic Development<br>Alliance Manager Development Approvals<br>Principal Building Surveyor<br>Senior Building Surveyor |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

### 3.2. Building Orders

|  |  |
|--|--|
| <p>The functions delegated by Council to the CEO</p>                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. make Building Orders [s110] in relation to:             <ol style="list-style-type: none"> <li>a. Building work,</li> <li>b. Demolition Work,</li> <li>c. An existing building or incidental structure.</li> </ol> </li> <li>2. give notice of a proposed building order and consider submissions received in response and determine actions (s111)</li> <li>3. revoke a Building Order (s117).</li> <li>4. if there is non-compliance with a building order, cause an authorised person to:             <ol style="list-style-type: none"> <li>a. Take any action specified in the order; or</li> <li>b. Commence or complete any work specified in the order; or</li> <li>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 (s118(2)).</li> </ol> </li> <li>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 (s118).</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011 (s133).</li> </ol> |
| <p>This function can be found</p>  | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> <li>• Section 110 Building Order</li> <li>• Section 111(1) Notice of proposed building order other than building order (emergency)</li> <li>• Section 117 Revocation of building order</li> <li>• Section 118 Permit authority may give effect to building order if non-compliance</li> <li>• Section 133(1) A permit authority may commence a prosecution for an offence against this Act</li> </ul>   |
| <p>The Council's conditions on this delegation</p>                                 | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>   |
| <p>The functions delegated by the CEO to employees</p>                             | <p>The same functions.</p>   |
| <p>The CEO further delegates this function to the following employees</p>          | <p>General Manager Planning and Economic Development<br/>         Alliance Manager Development Approvals<br/>         Principal Building Surveyor<br/>         Senior Development Compliance Officer</p>   |
| <p>The CEO's conditions on this delegation in addition to Council's conditions</p> | <p>No conditions.</p>  |

### 3.3. Inspection and Copies of Building Records

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].                                      |
| This function can be found  | <i>Building Act 2011</i><br><ul style="list-style-type: none"> <li>Section 131 Inspection, Copies of Building Records</li> </ul>                       |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.                                    |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | General Manager Planning and Economic Development<br>Alliance Manager Development Approvals<br>Principal Building Surveyor<br>Team Leader Applications |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

### 3.4. Designate Authorised Persons and Appoint Approved and Authorised Officers

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. to designate an employee as an authorised person (s96(3)).</li> <li>2. to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person (s99(3)).</li> <li>3. appoint a specified employee to be an approved officer for the purposes of the Criminal Procedure Act 2004 section 6(a) (r70).</li> <li>4. appoint an authorised officer for the purposes of the Criminal Procedure Act 2004 section 6(b) (r70).</li> </ol>  |
| This function can be found  | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> <li>• Section 96(3) Authorised Persons</li> <li>• Section 99(3) Limitations on powers of authorise person</li> </ul> <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> <li>• Regulation 70 Approved officers and authorised officers</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. In function 3, Specified employee means a local government employee who has delegated authority to perform a function under section 9.19 or 9.20 of the <i>Local Government Act 1995</i>.</li> <li>3. A person may only be appointed to be an authorised officer if that person is also appointed under the Local Government Act 1995 section 9.10(1) for the purpose of performing functions under section 9.16 of that Act.</li> <li>4. A certificate of authority must be issued to all authorised officers.</li> </ol> |
| The functions delegated by the CEO to employees                             | No delegation to employees.  |
| The CEO further delegates this function to the following employees          | Not applicable.  |
| The CEO's conditions on this delegation in addition to Council's conditions | Not applicable.  |

### 3.5. Alternative and Performance Solutions

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 (r51(2)).</li> <li>2. approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability (r51(3)).</li> <li>3. approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement (r51(5)).</li> <li>4. approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning (r55).</li> <li>5. approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval (r61).</li> </ol> |
| This function can be found  | <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> <li>• Regulation 51 Approvals by permit authority</li> <li>• Regulation 55 Terms Used (alternative building solution approval)</li> <li>• Regulation 61 Local Government approval of battery powered smoke alarms</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | <p>General Manager Planning and Economic Development<br/> Alliance Manager Development Approvals<br/> Principal Building Surveyor<br/> Senior Building Surveyor</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

### 3.6. Referrals and Issuing Certificates

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City of Perth's District (s145A). |
| This function can be found  | <i>Building Act 2011:</i><br><ul style="list-style-type: none"> <li>• Section 145A Local Government functions</li> </ul>  |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | General Manager Planning and Economic Development<br>Alliance Manager Development Approvals<br>Principal Building Surveyor<br>Senior Building Surveyor  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 4. Delegations under the Bush Fires Act 1954

Under Section 48 of the *Bush Fires Act 2011* the Council of the City of Perth, as the local government, has the power to delegate to the CEO of the City of Perth its powers and duties, as a local government under that Act. Section 48 does not allow for sub-delegation.

### 4.1. Functions of the local government

|   |   |
|---|---|
| The functions delegated by Council to the CEO | All of the functions of the local government under the <i>Bush Fires Act 1954</i> and <i>Bush Fires Regulations 1954</i> except the power to make local laws.   |
| This function can be found                    | <p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> <li>• Section 13 Duties and powers of bush fire liaison officers</li> <li>• Section 17 Prohibited burning times may be declared by Minister</li> <li>• Section 22 Burning on exempt land and land adjoining exempt land</li> <li>• Section 24F Burning garden refuse during limited burning times</li> <li>• Section 24G Minister or local government may further restrict burning of garden refuse</li> <li>• Section 25 No fire to be lit in open air unless certain precautions taken</li> <li>• Section 25A Power of Minister to exempt from provisions of section 25</li> <li>• Section 27 Prohibition on use of tractors or engines except under certain conditions</li> <li>• Section 27D Requirements for carriage and deposit of incendiary material</li> <li>• Section 28 Occupier of land to extinguish bush fire occurring on own land</li> <li>• Section 33 Local government may require occupier of land to plough or clear fire-breaks</li> <li>• Section 38 Local Government may appoint bush fire control officer</li> <li>• Section 46 Bush fire control officer or forest officer may postpone lighting fire</li> <li>• Section 58 General penalty and recovery of expenses incurred</li> <li>• Section 59 Prosecution of offences</li> <li>• Section 59A(2) Alternative procedure – infringement notices</li> </ul> <p><i>Bush Fires Regulations 1954:</i></p> <ul style="list-style-type: none"> <li>• Regulation 15 Permit to burn (Act s. 18), form of and applying for after refusal etc.</li> <li>• Regulation 15C Local Government may prohibit burning on certain days</li> <li>• Regulation 38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</li> <li>• Regulation 39B Crop dusters etc., use of in restricted or prohibited burning times</li> <li>• Regulation 39C Welding and cutting apparatus, use of in open air</li> <li>• Regulation 39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</li> <li>• Regulation 39D Explosives, use of</li> <li>• Regulation 39E Fireworks, use of</li> </ul> |
| The Council's conditions on this delegation   | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |

In addition to the powers under section 48, under Section 59 of the *Bush Fires Act 2011* the Council of the City of Perth, as the local government, has the power to delegate to a Bush Fire Control Officer, or other officer the ability to initiate prosecution of offences and issue of infringement notices.

#### 4.2. Prosecution of Offences

|  |   |
|--|---|
| The functions delegated by Council to a Bush Fire Control Officer (including Chief and Deputy Chief) | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. institute and carry on proceedings against a person for an offence alleged to be committed against this Act (s59).</li> <li>2. serve an infringement notice for an offence against this Act (59A(2)).</li> </ol> |
| This function can be found   | <p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> <li>• Section 59 Prosecution of offences</li> <li>• Section 59A Alternative procedure – infringement notices</li> </ul>   |
| The Council’s conditions on this delegation  | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |

## 5. Delegations under the Cat Act 2011

Under section 44 of the *Cat Act 2011* the Council of the City of Perth, as the local government, has the power to delegate to the CEO of the City of Perth its powers and duties, as a local government under that Act.

Under section 45 of the *Cat Act 2011* the CEO may delegate to any employee of the City of Perth the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of that Act. This extends to a power or duty which has been delegated to the CEO, by Council, under section 44 of that Act.

### 5.1. Cat Registrations

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. grant, or refuse to grant, a cat registration or renewal of a cat registration [s9(1)].</li> <li>2. refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. cancel a cat registration [s.10].</li> <li>4. give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> </ol> |
| This function can be found  | <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> <li>• Section 9 Registration</li> <li>• Section 10 Cancellation of registration</li> <li>• Section 11 Registration numbers, certificates and tags</li> </ul>  |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | <p>General Manager Community Development<br/> Alliance Manager Community Safety and Amenity<br/> Alliance Manager Customer Experience</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 5.2. Cat Control Notices

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the City's district (s26).  |
| This function can be found  | <i>Cat Act 2011</i> <ul style="list-style-type: none"> <li>Section 26 Cat control notice may be given to cat owner</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | General Manager Community Development<br>Alliance Manager Community Safety and Amenity<br>Principal Safe City Operations<br>Coordinator Safe City Rangers<br>Team Leader Rangers Patrol |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

### 5.3. Approval to Breed Cats

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</li> <li>2. refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].</li> <li>3. cancel an approval to breed cats [s.38].</li> <li>4. give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</li> </ol> |
| This function can be found  | <p><i>Cat Act 2011</i></p> <ul style="list-style-type: none"> <li>• Section 37 Approval to breed cats</li> <li>• Section 38 Cancellation of approval to breed cats</li> <li>• Section 39 Certificate to be given to approved cat breeder</li> </ul>  |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | General Manager Community Development<br>Alliance Manager Community Safety and Amenity   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

#### 5.4. Waive or Discount Registration Fees

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | Authority to waive or discount prescribed fees in relation to registration of cats (Cat Regs Schedule 3 c1(4)).     |
| This function can be found  | <i>Cat Regulations 2011</i> <ul style="list-style-type: none"> <li>• Schedule 3 – cl. 1(4)</li> </ul>               |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | General Manager Community Development<br>Alliance Manager Community Safety and Amenity                              |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 5.5. Applications to keep additional cats

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>5. require any document or additional information required to determine an application (Cat ULP 8(3))</li> <li>6. refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application (Cat ULP 8(4)).</li> <li>7. grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats (Cat ULP 9).</li> </ol> |
| This function can be found  | <p><i>Cat (Uniform Local Provisions) Regulations 2013:</i></p> <ul style="list-style-type: none"> <li>• Regulation 8 Application to keep additional number of cats</li> <li>• Regulation 9 Grant of approval to keep additional number of cats</li> </ul>  |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | <p>General Manager Community Development<br/> Alliance Manager Community Safety and Amenity</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

## 5.6. Infringement Notices – Extensions and Withdrawals

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | Not a function of Council.  |
| This function can be found  | <i>Cat Act 2011</i> <ul style="list-style-type: none"> <li>• Section 64 Extension of time</li> <li>• Section 65 Withdrawal of notice</li> </ul>   |
| The Council's conditions on this delegation                                 | Not a function of Council.  |
| The functions delegated by the CEO to employees                             | Authority to: <ol style="list-style-type: none"> <li>1. Extend the period of 28 days within which the modified penalty may be paid and to the extension may be allowed whether or not the period of 28 days has elapsed.</li> <li>2. Within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice.</li> </ol> |
| The CEO further delegates this function to the following employees          | General Manager Community Development<br>Alliance Manager Community Safety and Amenity  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 6. Delegations under the Dog Act 1976

Under section 10AA of the *Dog Act 1976* the Council of the City of Perth, as the local government, has the power to delegate to the CEO of the City of Perth its powers and duties, as a local government under that Act.

Under section 10AA of the *Dog Act 2011* the CEO may delegate to any employee of the City of Perth the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of that Act. This extends to a power or duty which has been delegated to the CEO, by Council, under section 10AA of that Act where the council expressly permits it.

### 6.1. Registration of Dogs

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>determine to refuse a dog registration and refund the fee, if any (s16(2)).</li> <li>Direct a registration officer to refuse to effect or renew a registration of a dog or cancel an existing registration (s16(3)&amp;17A(2)).</li> <li>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 (s16(3)&amp;17A(2)).</li> <li>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 (s16(3)&amp;17A(2)).</li> <li>Apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administrative Tribunal for the decision to be reviewed. and following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed (s17(4)).</li> <li>discount or waive a registration fee for any individual dog or any class of dogs within the City excluding a dangerous dog (s15(4A)).</li> </ol> |
| This function can be found  | <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> <li>Section 15 Registration periods and fees</li> <li>Section 16 Registration procedure</li> <li>Section 17A If no application for registration made</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>The Chief Executive Officer may further delegate these functions.</li> </ol>  |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | <p>General Manager Community Development<br/>Alliance Manager Community Safety and Amenity</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | The sub-delegation does not include the power to further sub-delegate the above powers.   |

## 6.2. Keeping of multiple dogs without an approved kennel establishment

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | Authority where the limit on the keeping of dogs, under the <i>City of Perth Dog Local Law 2011</i> , is exceeded grant an exemption in respect of those premises from the need to be an approved kennel establishment (s26(4))                  |
| This function can be found  | <i>Dog Act 1976</i> <ul style="list-style-type: none"> <li>Section 26 Limitation as to numbers</li> </ul>  |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>The Chief Executive Officer may further delegate these functions.</li> </ol> |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | General Manager Community Development<br>Alliance Manager Community Safety and Amenity   |
| The CEO's conditions on this delegation in addition to Council's conditions | The sub-delegation does not include the power to further sub-delegate the above powers.  |

### 6.3. Recovery of Moneys Due Under the Dog Act 1976

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable (29(5)).</li> <li>2. determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under section 15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous (s33H(5)).</li> </ol> |
| This function can be found  | <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> <li>• Section 29 Power to seize dogs</li> <li>• Section 33M(1)(a) Local Government expenses to be recoverable</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. The Chief Executive Officer may further delegate these functions.</li> </ol>   |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | <p>General Manager Community Development<br/>Alliance Manager Community Safety and Amenity</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | The sub-delegation does not include the power to further sub-delegate the above powers.  |

#### 6.4. Dangerous Dog Deal with Objections

|  |   |
|--|---|
| <p>The functions delegated by Council to the CEO</p>                               | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog (s33F(6)).</li> <li>2. consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog (s33G(4)).</li> <li>3. consider and determine to either dismiss or uphold an objection to a decision to revoke a notice (s33H(5):             <ol style="list-style-type: none"> <li>a. declaring a dog to be dangerous; or</li> <li>b. proposing to cause a dog to be destroyed.</li> </ol> </li> <li>4. revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act (s33H(1)).</li> <li>5. before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog (s33H(2)).</li> </ol> |
| <p>This function can be found</p>  | <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> <li>• Section 33F Owners to be notified of making of declaration</li> <li>• Section 33G Seizure and destruction</li> <li>• Section 33H Local government may revoke declaration or proposal to destroy</li> </ul>  |
| <p>The Council's conditions on this delegation</p>                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. The Chief Executive Officer may further delegate these functions.</li> <li>3. A person who determines objection to a declaration of a dangerous dog cannot consider or determine an objection to their decision to revoke that notice.</li> </ol>   |
| <p>The functions delegated by the CEO to employees</p>                             | <p>The same functions.</p>  |
| <p>The CEO further delegates this function to the following employees</p>          | <p>General Manager Community Development<br/>Alliance Manager Community Safety and Amenity</p>  |
| <p>The CEO's conditions on this delegation in addition to Council's conditions</p> | <p>The sub-delegation does not include the power to further sub-delegate the above powers.</p>  |

## 7. Delegations under the Food Act 2008

Under section 8 of the *Food Act 2008* the City of Perth, as a local government, is an enforcement agency.

Under 118 of the *Food Act 2008* the Council of the City of Perth, as the enforcement agency, has the power to delegate to the employees of the City of Perth its powers and duties, as an enforcement agency and local government under that Act. The *Food Regulations 2009* do not allow for sub-delegation.

As there is no power of sub-delegation, the delegation must be directly to each relevant employee.

### 7.1. Prohibition orders

|   |  |
|---|--|
| The functions delegated by Council          | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. Serve a Prohibition Order on the proprietor of a food business in accordance with section 65 of the Food Act 2008 (s65).</li> <li>2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices (s66).</li> <li>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).</li> </ol> |
| Delegated to                                | <p>Chief Executive Officer<br/>           General Manager Community Development<br/>           Alliance Manager Community Safety and Amenity<br/>           Principal Environmental Health</p>   |
| This function can be found                  | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>• Section 65(1) Prohibition Order</li> <li>• Section 66 Certificate of Clearance</li> <li>• Section 67(4) Certificate of Clearance Refusal Requirement</li> </ul>  |
| The Council's conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>   |

## 7.2. Registration of Food Businesses

|   |  |
|---|--|
| The functions delegated by Council          | <p>Authority to</p> <ol style="list-style-type: none"> <li>1. consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration (s110).</li> <li>2. vary the conditions or cancel the registration of a food business (s112).</li> </ol> |
| Delegated to                                | <p>Chief Executive Officer<br/>           General Manager Community Development<br/>           Alliance Manager Community Safety and Amenity<br/>           Principal Environmental Health<br/>           Senior Environmental Health Officer<br/>           Environmental Health Officer</p>                              |
| This function can be found                  | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>• Section 65 Prohibition Order</li> <li>• Section 66 Certificate of Clearance</li> <li>• Section 67 Certificate of Clearance Refusal Requirement</li> </ul>  |
| The Council's conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>   |

### 7.3. Appoint authorised officers and designated officer

|   |  |
|---|--|
| The functions delegated by Council to the CEO | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> (s112).</li> <li>2. Appoint a person to be a designated officer for the purposes of the <i>Food Act 2008</i> (s126).</li> <li>3. Appoint an authorised officer to be a designated officer (who is prohibited by s126(13) from also being a designated officer for the purpose of issuing infringements), for the purpose of extending the time for payment modified penalties and determining withdrawal on an infringement notice (s126).</li> </ol> |
| This function can be found                    | <p><i>Food Act 2008</i>:</p> <ul style="list-style-type: none"> <li>• Section 122 Appointment of authorised officers</li> <li>• Section 126 Infringement Notices</li> </ul>  |
| The Council's conditions on this delegation   | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |

#### 7.4. Prosecutions and Debt Recovery

|   |   |
|---|---|
| The functions delegated by Council          | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs and the costs of any subsequent proceedings in a court competent jurisdiction (s54(3)).</li> <li>2. Institute proceedings for an offence under the Food Act 2008 (s125).</li> </ol> |
| Delegated to                                | <p>Chief Executive Officer<br/>           General Manager Community Development<br/>           Alliance Manager Community Safety and Amenity<br/>           Principal Environmental Health<br/>           Senior Environmental Health Officer<br/>           Environmental Health Officer</p>   |
| This function can be found                  | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>• Section 54 Cost of destruction or disposal of forfeited item</li> <li>• Section 125 Institution of proceedings</li> </ul>   |
| The Council's conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>  |

## 8. Delegations under the Graffiti Vandalism Act 2016

Under Section 16 of the *Graffiti Vandalism Act 2016* the Council of the City of Perth, as the local government, has the power to delegate to the CEO of the City of Perth its powers and duties, as a local government under that Act.

### 8.1. Give Notice Requiring Obliteration of Graffiti

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority:</p> <ol style="list-style-type: none"> <li>to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice (s18).</li> <li>where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice (s19).</li> </ol> |
| This function can be found  | <p><i>Graffiti Vandalism Act 2016</i>:</p> <ul style="list-style-type: none"> <li>Section 18 Notice requiring removal of graffiti</li> <li>Section 19 Additional powers when notice is given</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | <p>General Manager Community Development<br/> Alliance Manager Community Safety and Amenity</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 8.2. Notices – Deal with Objections and Give Effect to Notices

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority:</p> <ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice (s22).</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken (s24(1)(b)); and</li> <li>b. to give notice to the affected person, before taking the necessary actions (s24(3)).</li> </ol> </li> </ol> |
| This function can be found  | <p><i>Graffiti Vandalism Act 2016:</i></p> <ul style="list-style-type: none"> <li>• Section 22 Objection may be lodged</li> <li>• Section 24 Suspension of effect of notice</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | General Manager Community Development  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

### 8.3. Obliterate Graffiti on Private Property

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent (s25).                         |
| This function can be found  | <i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>Section 25 Local government graffiti powers on land not local government property</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>This function is subject to exercising Powers of Entry under section 28.</li> </ol> |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | General Manager Infrastructure and Operations<br>Alliance Manager Operations  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

#### 8.4. Powers of Entry

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required (s28).</li> <li>2. obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act (s29).</li> </ol> |
| This function can be found  | <p><i>Graffiti Vandalism Act 2016:</i></p> <ul style="list-style-type: none"> <li>• Section 28 Notice of entry</li> <li>• Section 29 Entry under warrant</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | <p>General Manager Infrastructure and Operations<br/>           Alliance Manager Operations<br/>           General Manager Community Development<br/>           Alliance Manager Community Safety and Amenity</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 9. Delegations under the Planning and Development Act 2005

Under section 5.42 of the *Local Government Act 1995* the Council of the City of Perth, as the local government for the district, has the power to delegate to the CEO of the City of Perth its powers and duties under Section 214(2), (3) and (5) of the *Planning and Development Act 2005*.

Under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the Council of the City of Perth, as the local government for the district, has the power to delegate to the CEO of the City of Perth its powers and duties under a local planning scheme.

### 9.1. Illegal Development

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development:             <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>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.</li> </ol> |
| This function can be found  | <p><i>Planning and Development Act 2005</i>:</p> <ul style="list-style-type: none"> <li>• Section 214 Illegal Development. responsible authority's powers as to</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | General Manager Planning and Economic Development<br>Alliance Manager Development Approvals  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

## 9.2. Planning Approval – City of Perth City Planning Scheme No.2

|  |  |
|--|--|
| <p>The functions delegated by Council to the CEO</p> | <ol style="list-style-type: none"> <li>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.</li> <li>2. Authority to require or waive the requirement for an applicant to advertise a proposal.</li> <li>3. 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"> <li>a. to amend an approval so as to extend the period within which any development approved must be substantially commenced;</li> <li>b. to amend or delete any condition to which an approval is subject;</li> <li>c. to amend an aspect of the development approved which, if amended, would not substantially change the development approved; or to cancel an approval.</li> </ol> </li> </ol>   |
| <p>This function can be found</p>                    | <p><i>City of Perth City Planning Scheme No.2</i></p>  |
| <p>The Council's conditions on this delegation</p>   | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. In relation to Delegated Authority 1 above: <ol style="list-style-type: none"> <li>a. The delegation of power may not be exercised where: <ol style="list-style-type: none"> <li>i. the application is a non-complying application for the purposes of clause 36 of the Scheme and clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 – 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</li> <li>ii. the application is for development that may have a detrimental impact on a place that is: <ol style="list-style-type: none"> <li>A. 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</li> <li>B. entered in the Register of Heritage Places under the <i>Heritage Act 2018</i>, or is the subject of a relevant order under the <i>Heritage Act 2018</i>;</li> </ol> </li> </ol> </li> <li>b. 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): <ol style="list-style-type: none"> <li>i. can be resolved through the placement of reasonable conditions on the approval; or</li> <li>ii. does not relate to valid planning and development considerations associated with the proposal;</li> </ol> </li> </ol> </li> <li>3. Authority may not be exercised where the where the Lord Mayor or three Councillors have requested that the application be referred to the Council for determination.</li> <li>4. Details of approvals issued under delegated authority are to be made available to elected members on a weekly basis.</li> </ol> |

|   |   |
|---|---|
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | General Manager Planning and Economic Development<br>Alliance Manager Development Approvals |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

### 9.3. Planning Approval – City of Subiaco Town Planning Scheme No.4

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | Authority to determine an application for planning approval for the commencement or continuation of any development or use of any land or building.  |
| This function can be found  | <i>City of Subiaco Town Planning Scheme No.4</i>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. This delegation does not apply in the following circumstances: <ol style="list-style-type: none"> <li>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.</li> <li>b. the application is for planning approval where the development may have a detrimental impact on a place that is: <ol style="list-style-type: none"> <li>i. entered in the Register of Heritage Places under the <i>Heritage Act 2018</i>, or</li> <li>ii. the subject of a relevant order under the <i>Heritage Act 2018</i>, or</li> <li>iii. 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 – Schedule 2 Deemed Provisions for Local Planning Schemes</i>; or</li> <li>iv. located within an Heritage Area designated under clause 59 of the Scheme or clause 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i>; or the subject of a heritage agreement entered into under clause 56 of the Scheme or Clause 10 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 Deemed Provisions for Local Planning Schemes</i>.</li> </ol> </li> <li>c. where 5 or more objections are received on valid planning grounds.</li> </ol> </li> <li>3. Authority may not be exercised where the Lord Mayor or three Councillors have requested that the application be referred to the Council for determination.</li> <li>4. Details of approvals issued under delegated authority are to be made available to elected members on a weekly basis.</li> </ol> |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The CEO further delegates this function to the following employees          | General Manager Planning and Economic Development<br>Alliance Manager Development Approvals  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

#### 9.4. Issue of Heritage Conservation Notices

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. After assessment and having considered any relevant advice, form the view that a heritage place is not being properly maintained and give a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given;</li> <li>2. If a person fails to comply with a heritage conservation notice, enter the heritage place and carry out the repairs specified in the notice;</li> <li>3. Recover the expenses incurred in carrying out repairs as a debt due from the person to whom the notice was given, in a court of competent jurisdiction;</li> <li>4. Vary a heritage conservation notice to extend the time for carrying out the specified repairs; and</li> <li>5. Revoke a heritage conservation notice.</li> </ol> |
| This function can be found  | <p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <ul style="list-style-type: none"> <li>• Clause 13 of Schedule 2</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The CEO further delegates this function to the following employees          | <p>General Manager Community Development<br/> Alliance Manager City Culture</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 10. Delegations under the *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911*

Under section 4 of the *Public Health Act 2016* the City of Perth, as a local government, is an enforcement agency.

Under section 21 of the *Public Health Act 2016* the Council of the City of Perth, as an enforcement agency that is a local government for, has the power to delegate to:

- (a) the CEO of the City of Perth, or
- (b) a person appointed by the City of Perth as an authorised officer under the *Public Health Act 2016*

its powers and duties under the *Public Health Act 2016*.

It is not permitted to further delegate by the *Public Health Act 2016*.

Under Regulation 15D of the *Health (Asbestos) Regulations 1992* A local government may delegate a power or duty conferred or imposed on it by that regulation to the chief executive officer of the local government.

### 10.1. Appoint authorised officers and approved persons

|   |  |
|---|--|
| The functions delegated by Council to the CEO | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Appoint a qualified person to be an environmental health officer (s24)</li> <li>2. Designate environmental health officers (either as a person or as a class of persons) to be authorised officers for the purposes of the Public Health Act 2016 or another specified Act or for the purposes of the specified provisions of that Act or another specified Act (s24).</li> <li>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 Public Health Act 2016 or another specified Act or for the purposes of the specified provisions of this Act or another specified Act (s24).</li> <li>4. appoint in writing, persons or classes of persons to be authorised officers or approved officers for the purposes of the Criminal Procedure Act 2004 Part 2 in relation to the <i>Health (Asbestos) Regulations 1992</i> (r15D(5)).</li> </ol> |
| This function can be found                    | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> <li>• Section 17 Appointment of environmental health officers</li> <li>• Section 24 Designation of authorised officers</li> </ul> <p><i>Health (Asbestos) Regulations 1992</i></p> <ul style="list-style-type: none"> <li>• Regulation 15D Infringement Notices</li> </ul>   |
| The Council's conditions on this delegation   | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. In appointing authorised officers who are not environmental health officers, the CEO 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 section 29(1).</li> <li>3. A person cannot be appointed as an Environmental Health Officer unless they meet the qualifications determined and published by the Department under section 18.</li> <li>4. An officer authorised to issue an infringement ('authorised officer') may not be appointed to withdraw an infringement ('approved officer').</li> </ol>  |

## 10.2. Enforcement Agency Reports to the Chief Health Officer

|   |   |
|---|---|
| The functions delegated by Council          | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. prepare and provide to the Chief Health Officer, the Local Government’s report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City (s22(1)).</li> <li>2. prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act (s22(2)).</li> </ol> |
| Delegated to                                | <p>Chief Executive Officer<br/>Principal Environmental Health</p>   |
| This function can be found                  | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> <li>• Section 22 Reports by and about enforcement agencies</li> </ul>   |
| The Council’s conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>  |

### 10.3. Commence Proceedings

|   |   |
|---|---|
| The functions delegated by Council          | Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> (s280).                      |
| Delegated to                                | Chief Executive Officer<br>Principal Environmental Health   |
| This function can be found                  | <i>Public Health Act 2016</i><br><ul style="list-style-type: none"> <li>Section 280 Commencing Proceedings</li> </ul> |
| The Council's conditions on this delegation | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |

## Authorisations Given by Council to Employees under various Acts

## 11. Authorisations given by Council to the CEO and other employees

Under various acts the Council, as the local government of the City of Perth is conferred various functions, but no specific power of delegation is provided. To ensure the efficient and orderly government of the City of Perth, the Council has provided the following authority to the CEO and other employees of the City of Perth.

### 11.1. Execution of documents by employees

|   |  |
|---|--|
| The functions authorised by Council         | Authorisation to execute a document on behalf of the City of Perth, including a deed.  |
| To the following persons                    | any employee who has: <ol style="list-style-type: none"> <li>delegated authority,</li> <li>statutory authority,</li> <li>financial authorisation or</li> <li>operational authorisation.</li> </ol>   |
| This function can be found                  | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>Section 9.49A Execution of Documents</li> </ul>   |
| The Council's conditions on this delegation | <ol style="list-style-type: none"> <li>This authorisation can only be used within the limits of the persons: <ol style="list-style-type: none"> <li>Delegated authority;</li> <li>Statutory authority;</li> <li>Financial authorisation; or</li> <li>Operational authorisation.</li> </ol> </li> <li>The use of this authorisation must be consistent with the relevant decisions and policies of the City and any financial commitment being provided for in Annual Budget or by a Council resolution.</li> <li>All documents duly executed are to be maintained as a Local Government Record.</li> <li>Only the Chief Executive Officer may execute a document by deed.</li> </ol> |

### 11.2. Execution of documents to implement decisions of Council and other bodies

|   |   |
|---|---|
| The functions authorised by Council:        | Authorisation to execute a document on behalf of the City of Perth, including a deed.   |
| To the following persons                    | Chief Executive Officer<br>General Managers<br>Project Directors<br>General Counsel<br>Alliance Managers  |
| This function can be found                  | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>Section 9.49A Execution of Documents</li> </ul>  |
| The Council's conditions on this delegation | <ol style="list-style-type: none"> <li>This authorisation can only be used to give effect to a decision of: <ol style="list-style-type: none"> <li>Council;</li> <li>City of Perth Local Development Approval Panel;</li> <li>Western Australian Planning Commission; or</li> <li>A Minister of the Crown.</li> </ol> </li> <li>The use of this authorisation must be consistent with the relevant decision.</li> <li>All documents duly executed are to be maintained as a Local Government Record.</li> <li>Only the Chief Executive Officer may execute a document by deed.</li> </ol> |

### 11.3. Execution of documents by common seal

|   |  |
|---|--|
| The authorisation by Council to any document, including a deed. | To have the common seal affixed.   |
| This function can be found                                      | <i>Local Government Act 1995:</i><br><ul style="list-style-type: none"> <li>• Section 9.49A Execution of Documents</li> </ul>  |
| The Council's conditions on this delegation                     | <ol style="list-style-type: none"> <li>1. This authorisation can only be used to give effect to a decision which could be by: <ol style="list-style-type: none"> <li>a. Resolution of Council;</li> <li>b. City of Perth Local Development Approval Panel</li> <li>c. Western Australian Planning Commission;</li> <li>d. A Minister of the Crown</li> <li>e. Delegated authority;</li> <li>f. Statutory authority;</li> <li>g. Financial authorisation; or</li> <li>h. Operational authorisation.</li> </ol> </li> <li>2. Affixing of common seal should only be used where it is required to execute the document.</li> <li>3. All documents duly executed are to be maintained as a Local Government Record.</li> </ol> |

### 11.4. Execution of documents by common seal

|   |   |
|---|---|
| The functions authorised by Council         | Authorisation to execute a document on behalf of the City of Perth, including a deed.   |
| To the following persons                    | Any Lawyers and conveyancers appointed by the City to act on its behalf   |
| This function can be found                  | <i>Local Government Act 1995:</i><br><ul style="list-style-type: none"> <li>• Section 9.49A Execution of Documents</li> </ul>   |
| The Council's conditions on this delegation | <ol style="list-style-type: none"> <li>1. This authorisation can only be used to give effect to a decision which could be by: <ol style="list-style-type: none"> <li>a. Resolution of Council;</li> <li>b. A decision of the City of Perth Local Development Approval Panel or Western Australian Planning Commission;</li> <li>c. Delegated authority;</li> <li>d. Statutory authority;</li> <li>e. Financial authorisation; or</li> <li>f. Operational authorisation.</li> </ol> </li> <li>2. Lawyers, solicitors and conveyancers may only execute a document on the City's behalf, where it receives written instructions from the City to do so.</li> <li>3. This authorisation extends to electronically signing documents through the Property Exchange Australia (PEXA) process</li> <li>4. All documents duly executed are to be maintained as a Local Government Record.</li> </ol> |

#### 11.5. Issue of certificate of compliance under Section 39 of the Liquor Control Act 1988

|   |   |
|---|---|
| The functions authorised by Council         | Authorisation to issue a certificate of compliance under section 39 of the <i>Liquor Control Act 1988</i> .   |
| To the following persons                    | Chief Executive Officer<br>General Manager Community Development<br>Manager Community Safety and Amenity<br>Principal Environmental Health<br>Senior Environmental Health Officer   |
| This function can be found                  | <i>Liquor Control Act 1988</i> :<br><ul style="list-style-type: none"> <li>Section 39 Certificate of local government as to whether premises comply with laws</li> </ul>  |
| The Council's conditions on this delegation | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>All certificates issued are to be maintained as a Local Government Record.</li> </ol> |

#### 11.6. Issue of certificate of compliance under Section 40 of the Liquor Control Act 1988

|   |   |
|---|---|
| The functions authorised by Council         | Authorisation to issue a certificate of compliance under section 40 of the <i>Liquor Control Act 1988</i> .   |
| To the following persons                    | Chief Executive Officer<br>General Manager Planning and Economic Development<br>Alliance Manager Development Approvals<br>Principal Statutory Planner   |
| This function can be found                  | <i>Liquor Control Act 1988</i> :<br><ul style="list-style-type: none"> <li>Section 40 Certificate of planning authority as to whether premises comply with planning laws</li> </ul>   |
| The Council's conditions on this delegation | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>All certificates issued are to be maintained as a Local Government Record.</li> </ol> |

#### 11.7. Issue of approval or refusal under section 81C of the *Road Traffic Act 1974*

|   |   |
|---|---|
| The functions authorised by Council         | Authorisation to approve or refuse an application to temporarily close a road under section 81C of the <i>Road Traffic Act 1974</i> and advise the Commissioner of Police accordingly.  |
| To the following persons                    | Chief Executive Officer<br>General Manager Community Development<br>Alliance Manager Community Safety and Amenity<br>General Manager Planning and Economic Development<br>Alliance Manager Transport and Urban Design   |
| This function can be found                  | <i>Road Traffic Act 1974</i> :<br><ul style="list-style-type: none"> <li>Section 81C Order for road closure for event, making</li> </ul>  |
| The Council's conditions on this delegation | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>All documents relating to approvals or refusals are to be maintained as a Local Government Record.</li> </ol> |

## 11.8. Comments on development applications

|   |   |
|---|---|
| The functions authorised by Council         | To provide a submission or comment to in relation to a development application referred to the City for comment or a submission before a decision is made on the application.   |
| To the following persons                    | Chief Executive Officer<br>General Manager Planning and Economic Development<br>Alliance Manager Development Approvals  |
| This function can be found                  | <i>Metropolitan Redevelopment Authority Act 2011</i> <ul style="list-style-type: none"> <li>• Section 64 Notice of development application</li> </ul> <i>Planning and Development Act 2005</i> <ul style="list-style-type: none"> <li>• Section 16 Delegation by Commission</li> <li>• Section 100 Commission to consult local government on some development applications</li> <li>• Section 115 Development in planning control area, applying for approval of</li> <li>• Section 142 Consultation requirements as to proposed subdivision</li> <li>• Section 153 Setting aside land for open space or payment in lieu</li> <li>• Section 276 Consultation, submissions and other input</li> </ul> <i>Swan and Canning Rivers Management Act 2006</i> <ul style="list-style-type: none"> <li>• Section 73 Consultation with local governments etc. about development application</li> </ul> |
| The Council's conditions on this delegation | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. All comments or submissions are to be maintained as a Local Government Record.</li> <li>3. Authority may not be exercised where the Lord Mayor or three Councillors have requested that the comment or submission on the application be referred to the Council for determination.</li> <li>4. Nothing in this authorisation prevents the persons authorised from refusing to exercise their authority and referring the matter to Council for decision.</li> </ol>   |

## 11.9. Deputy of the Local Government under the *Health (Miscellaneous Provisions) Act 1911*

|   |   |
|---|---|
| The functions authorised by Council         | To be the Deputy of the City of Perth under the <i>Health (Miscellaneous Provisions) Act 1911</i> and in that capacity to exercise and discharge all or any of the powers and functions of the local government under that Act, regulations and local laws made under that Act. |
| To the following persons                    | Chief Executive Officer<br>General Manager Community Development<br>Alliance Manager Community Safety and Amenity<br>Principal Environmental Health   |
| This function can be found                  | <i>Health (Miscellaneous Provisions) Act 1911</i> <ul style="list-style-type: none"> <li>• Section 26 Powers of local government</li> </ul>   |
| The Council's conditions on this delegation | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |

## 12. Authorisations and Delegations given by the State Government to the Council, CEO and other employees

Under various acts the State Government, through its agencies has delegated to the City of Perth various functions and authorities as set out below.

### 12.1. *Environmental Protection Act 1986* – Noise Control – Serve Environmental Protection Notices 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.

12.2. *Environmental Protection Act 1986* – Noise Control – Keeping of log books, noise control notices, calibration and approval of non-complying events

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.

12.3. *Environmental Protection Act 1986* – Noise management plans – Construction sites  
Government Gazette No.232, 20 December 2013

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

12.4. *Planning and Development Act 2005* – Western Australian Planning Commission – Referral Arrangements

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

PL403\*

**PLANNING AND DEVELOPMENT ACT 2005**

RES 2015/01 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 15 May 2015, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) resolved –

- A TO REVOKE its resolution made under clause 32 of the MRS as detailed in the notice entitled “RES 2014/01 Resolution under Clause 32 of the MRS” published in the *Government Gazette* of 9 May 2014 (pages 1410-1412);
- 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.

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## 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 000m<sup>2</sup> 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—

- 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 10000m<sup>2</sup>; 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 5000m<sup>2</sup>.

“*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.

## Referral Arrangements for Specific Local Governments

### 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. 4.1622

### 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—

- (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.

12.5. *Planning and Development Act 2005* – Western Australian 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

## SECTION A – Types of Development

### 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
- (iv) 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.

## SECTION B—Conditions

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

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

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

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

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.

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

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
  - Category 1 road means that frontage access is not allowed (control of access);
  - Category 2 road means that frontage access may be allowed subject to approval; and

- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
  - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

**“Category 1 road”** applies where regional roads—

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

**“Category 2 road”** applies where regional roads—

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

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

For enquiries and assistance regarding—

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

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

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

| Respective referral agency (as per Section B)  |  |
|--|--|
| Referral is required in these instances  | Referral is not required in these instances  |
| 1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</li> </ul> | 1. Where the local government first decides to refuse the application under the MRS; or<br>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements. |

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

| Respective referral agency (as per Section B)   |  |
|---|--|
| Referral is required in these instances   | Referral is not required in these instances  |
| <p>1. Where a development application has one or more of the following characteristics—</p> <p>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</p> <p>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</p> <p>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</p> <p>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</p> <p>(e) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> <li>• all or part of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$20 000; or</li> </ul> <p>(f) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> <li>• none of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$150 000</li> </ul> | <p>1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p> |

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

| Respective referral agency (as per Section B) |   |
|---|---|
| Referral is required in these instances       | Referral is not required in these instances |
|   |   |

|  |   |
|--|---|
| 1. All development applications, other than those where local government first decides to refuse it. | 1. Where the local government first decides to refuse the application under the MRS |
|--|---|

Notes—

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

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

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

**3. Referral requirements for development on land abutting other reservations**

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government. In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.

**4. For the purpose of this Instrument of Delegation**

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received

within that 30 day period the local government may determine the application on the available information.

- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government’s local planning scheme.

### Interpretation

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

A reference to a ‘position’ or ‘classification’ contemplates and includes a reference to its successor in title.

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

**Table 1 – Referrals for Primary Regional Roads (Red)**

|   |
|---|
| <b>PRIMARY REGIONAL ROADS (PRR)—) - Red</b> |
|---|

| Column 1   | Column 2   | Column 3  |
|--|--|---|
| <p>Primary Regional Road (PRR-Red)</p>   | <p>Referral of development application to Public Authority required for Category 1 and 2</p>   | <p>Referral of development application to Public Authority not required for Category 1 and 2.</p>   |
| <p><b>Category 1</b></p> <p>No vehicle access permitted.</p> <p><b>Public Authority</b></p> <p>Main Roads WA</p>       | <p><b>1. A development application which has one or more of the following characteristics—</b></p> <p>(a) includes any earthworks, change in design levels and drainage that encroaches or impacts upon the regional road reservation.</p> <p>(b) has the potential for a significant increase in traffic using any access, either directly or indirectly, onto the regional road reservation; or</p> <p>(c) involves direct access between the subject land and the regional road reservation.</p> <p><b>2. All other applications except those listed as non referral for Category 1 in Column 3.</b></p>  | <p><b>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.</b></p> <p><b>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—</b></p> <p>(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;</p> <p>(b) The access arrangements are consistent with the agreed access strategy (Refer to Note 3).</p> <p>(c) The rationalisation of the existing crossovers to reduce the number of crossovers to one;</p> <p>(d) No additional, relocated or new access between the development site and the regional road reservation;</p> <p>(e) The development being designed so that all vehicles can enter and exit in a forward gear; and</p> <p>(f) Development being designed to comply with all appropriate policy and standards related to noise.</p> |
| <p><b>Category 2</b></p> <p>Limited vehicle access permissible</p> <p><b>Public Authority</b></p> <p>Main Roads WA</p> | <p><b>3. A development application which has one or more of the following characteristics—</b></p> <p>(a) proposes earthworks, change in design levels, drainage or car parking, that would encroach or impact upon the regional road reservation;</p> <p>(b) has the potential for a significant increase in traffic using any access, either directly or indirectly, onto the regional road reservation;</p> <p>(c) involves additional, relocated or new access between the subject land and the regional road reservation;</p> <p>(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</p> <p>(e) involves the construction of entrance ramps.</p> <p><b>4. All other applications except those listed as non referral for Category 2 in Column 3.</b></p> | <p><b>1. A development application which has one or more of the following characteristics—</b></p> <p>(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;</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><b>Category 3</b><br/><b>Public Authority</b><br/>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 <b>Category 3 road</b>, 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> |

Table 2 – Referrals for Other Regional Roads (Blue)

| OTHER REGIONAL ROADS (ORR)—Blue   |   |   |
|---|---|---|
| Column 1  | Column 2  | Column 3  |
| Other Regional Road (ORR-Dark Blue)   | Referral of development application to Public Authority required for Category 1 and 2   | Referral of development application to Public Authority not required for Category 1 and 2.  |
| <b>Category 1</b><br><i>No Vehicle access permitted.</i><br><b>Public Authority</b><br>Department of Planning       | <b>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).</b>   | <b>1. All other applications except those listed a referral on Column 2, Category 1 and 2.</b>  |
| <b>Category 2</b><br><i>Limited vehicle access permissible</i><br><b>Public Authority</b><br>Department of Planning | <b>2. A development application which has all of the following characteristics—</b> <ul style="list-style-type: none"> <li>(a) the lot is affected by a regional road reservation</li> <li>(b) all or part of the proposed development is within the regional road reservation.</li> <li>(c) has a construction value greater than \$10,000</li> </ul> <b>3. A development application which has all of the following characteristics—</b> <ul style="list-style-type: none"> <li>(a) the lot is affected by a regional road reservation</li> <li>(b) none of the proposed development is within the regional road reservation.</li> <li>(c) has a construction value greater than \$100,000</li> </ul> |   |
| <b>Category 3</b><br><b>Public Authority</b><br>Department of Planning  | <b>4. All development applications except those listed as non-referral for Category 3 in Column 3.</b>  | <b>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.</b><br><b>3. A development application which has one or more of the following characteristics—</b> <ul style="list-style-type: none"> <li>(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</li> </ul> |

|  |  |  |
|--|--|--|
|  |  | (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. |
|--|--|--|

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 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—

- (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.

12.6. *Planning and Development Act 2005* – Western Australian Planning Commission – Section 15 of the *Strata Titles Act 1985*

Government Gazette No.46– 27 March 2020 (Pages 822)

PL402\*

**PLANNING AND DEVELOPMENT ACT 2005**

INSTRUMENT OF DELEGATION

DEL 2020/01 POWERS OF LOCAL GOVERNMENTS

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

**Preamble**

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

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

**Resolution under section 16 of the Act (delegation)**

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

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary

Western Australian Planning Commission.

## SCHEDULE 1

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

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

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

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

### 2. Reporting requirements

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

\*\*Delegation amended by Government Gazette No 119 dated 14 July 2020 page [2354](#).

12.7. *Planning and Development Act 2005* – Minister for Lands – Sign Development Applications for Crown Land as Owner

**DoL FILE 1738/2002v8; 858/2001v9**

***PLANNING AND DEVELOPMENT ACT 2005***

**INSTRUMENT OF AUTHORISATION**

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

Dated the 2<sup>nd</sup> day of June 2016



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

## SCHEDULE

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

| Column 1  | Column 2  | Column 3  |
|---|---|---|
| <p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>• a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>• the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <ul style="list-style-type: none"> <li>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</li> <li>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</li> <li>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</li> <li>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</li> <li>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</li> <li>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</li> <li>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</li> </ul> | <p>City of Albany<br/>           City of Armadale<br/>           Shire of Ashburton<br/>           Shire of Augusta-Margaret River<br/>           Town of Bassendean<br/>           City of Baywater<br/>           City of Belmont<br/>           Shire of Beverley<br/>           Shire of Boddington<br/>           Shire of Boyup Brook<br/>           Shire of Bridgetown-Greenbushes<br/>           Shire of Brookton<br/>           Shire of Broome<br/>           Shire of Broomehill-Tambellup<br/>           Shire of Bruce Rock<br/>           City of Bunbury<br/>           Shire of Busselton<br/>           Town of Cambridge<br/>           City of Cannington<br/>           Shire of Capel<br/>           Shire of Carnarvon<br/>           Shire of Carnarvon<br/>           Shire of Chapman Valley<br/>           Shire of Chittaring<br/>           Shire of Christmas Island<br/>           Town of Claremont<br/>           City of Cockburn<br/>           Shire of Cocos (Keeling) Islands<br/>           Shire of Collie<br/>           Shire of Coolgardie<br/>           Shire of Coorow<br/>           Shire of Corrigin<br/>           Town of Cottesloe<br/>           Shire of Cranbrook<br/>           Shire of Cunderdin<br/>           Shire of Cullin<br/>           Shire of Cunderdin<br/>           Shire of Dalwallinu<br/>           Shire of Dandaragan<br/>           Shire of Dardanup<br/>           Shire of Denmark<br/>           Shire of Derby/West Kimberley<br/>           Shire of Donnybrook-Balingup<br/>           Shire of Dowerin<br/>           Shire of Dumbleyung<br/>           Shire of Dundas<br/>           Town of East Fremantle<br/>           Shire of East Pilbara<br/>           Shire of Esperance<br/>           Shire of Exmouth<br/>           City of Fremantle<br/>           City of Greater Geraldton</p> <p>Shire of Gingin<br/>           Shire of Gnowangerup<br/>           Shire of Goomalling<br/>           City of Goolweili<br/>           Shire of Halls Creek<br/>           Shire of Harvey<br/>           Shire of Irwin<br/>           Shire of Jerramungup<br/>           City of Joondalup<br/>           Shire of Kalamunda<br/>           City of Kalbarrie-Boulder<br/>           Shire of Katanning<br/>           Shire of Kellerberrin<br/>           Shire of Kent<br/>           Shire of Kojonup<br/>           Shire of Kondinin<br/>           Shire of Koorda<br/>           Shire of Kulin<br/>           City of Kunena<br/>           Shire of Lake Grace<br/>           Shire of Laverton<br/>           Shire of Leonora<br/>           City of Mandurah<br/>           Shire of Manjimup<br/>           Shire of Maelkathara<br/>           City of Melville<br/>           Shire of Menzies<br/>           Shire of Merredin<br/>           Shire of Mingenew<br/>           Shire of Moora<br/>           Shire of Morawa<br/>           Town of Meaman Park<br/>           Shire of Mount Magnet<br/>           Shire of Mt Marshall<br/>           Shire of Mukinbudin<br/>           Shire of Mundaring<br/>           Shire of Murchison<br/>           Shire of Murray</p> | <p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement:<br/>           Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p> |

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

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



HON DONALD TERENCE REDMAN MLA  
MINISTER FOR LANDS

2<sup>nd</sup> day of June 2016

12.8. *Road Traffic Code 2000 – Main Roads Western Australia – Main Road Traffic Management Signs (Temporary related to Maintenance and Road Works)*

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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](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

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

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

Dated: 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 Wronowski  
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

**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](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

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

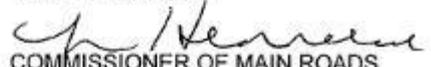
The powers in this Instrument of Authorisation do not change or replace:

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

Dated: 1/9/08

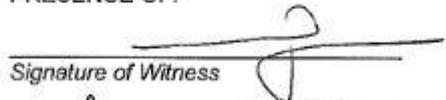
THE COMMON SEAL OF THE  
COMMISSIONER OF MAIN ROADS

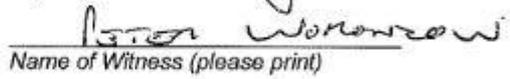
WAS AFFIXED BY

  
COMMISSIONER OF MAIN ROADS



FOR THE TIME BEING IN THE  
PRESENCE OF:

  
Signature of Witness

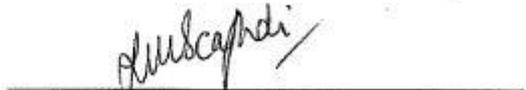
  
Name of Witness (please print)

**ACKNOWLEDGMENT BY AUTHORISED BODY**

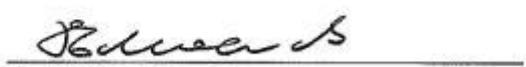
The CITY OF PERTH agrees to unconditionally observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE  
CITY OF PERTH

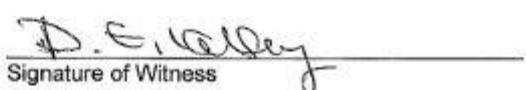
WAS AFFIXED PURSUANT TO A  
RESOLUTION OF THE COUNCIL  
IN THE PRESENCE OF

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

Dated: 5/2/08

  
Frank Edwards  
Chief Executive Officer

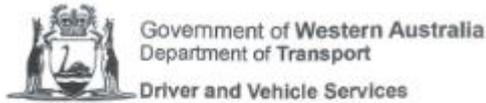
Dated: 5/2/08

  
Signature of Witness

Dated: 5/2/08

  
Name of Witness

12.10. *Road Traffic (Vehicles) Act 2012* – Department of Transport – Approval for Certain Local Government Vehicles as Special Use Vehicles



**ROAD TRAFFIC (VEHICLES) ACT 2012**

*Road Traffic (Vehicles) Regulations 2014*

**RTVR-2017-202046**

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

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

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

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

**CONDITIONS**

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



Government of **Western Australia**  
Department of **Transport**

**Driver and Vehicle Services**

- (a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and
- (b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

A handwritten signature in blue ink, appearing to read 'CD', written over a horizontal line.

Christopher Davers  
Assistant Director, Strategy and Policy  
Driver and Vehicle Services  
Department of Transport

Dated the 5<sup>th</sup> day of September 2017



# Delegated Authority Register



## City of Stirling Delegated Authority Register

| <b>Review</b>  |                  |                         |   |
|--|------------------|-------------------------|---|
| Reviewed By  | Date Approved    | Resolution / ECM Number |   |
| Council  | 29 June 2021     | 0621/050                |   |
| Chief Executive Officer                                | 22 July 2021     | 10203870                |   |
| <b>Amendments</b>                                      |                  |                         |   |
| Delegation   | Date Approved    | Resolution / ECM Number | Amendment   |
| Various  | 30 August 2021   | 10460755                | New Delegation to the following positions:<br>Customer Experience Officer – Front Counter (CUSO05)<br>Customer Experience Officer – Digital (CUSC03, WPSU01, WMCS01)<br>Senior Customer Experience Officer – Digital (CUSO10) |
| Various  | 10 November 2021 | 10496292                | New Delegation to new Ranger position (RANG16)  |
| Various  | 6 January 2022   | 12765209                | New Delegation to the Naala Djookan Senior Coordinator (SCHH01) position  |
| Various  | 15 February 2022 | 10570583                | New Delegation to the Coordinator Environmental Health (EHSN03) and Senior Environmental Health Officer (EHSN01, EHOFO4)  |
| <i>City of Stirling Parking Local Law 2014, c13.13</i> | 24 February 2022 | 10575317                | New delegation to new Parking and Information Officer (CSPO12) position   |

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## 1 DECISION TO DELEGATE

The principal consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented. In certain circumstances, "acting through" may be a suitable mechanism for achieving that efficiency.

## 2 GENERAL

A local government may, by absolute majority, delegate authority to exercise any of its statutory functions (except the power to delegate) to Committees or the Chief Executive Officer (CEO). The CEO can delegate the exercise of any of his/her powers or duties (other than the power to delegate) to employees.

Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, a delegation made under the *Local Government Act 1995* has effect for the period of time specified in the delegation or where no period is specified, indefinitely.

A decision to amend or revoke a delegation to a Committee or the CEO by a local government must be made by absolute majority.

All dollar amounts listed in this register are excluding GST.

## 3 DELEGATIONS TO THE CEO

Delegations of authority from Council to the CEO must be in writing and can be general or specific. The limits on delegations of authority to the CEO are:

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government;
- (e) any of the local government's powers under sections 5.98, 5.98A, 5.99, 5.99A or 5.100; (these relate to: fees, expenses and allowances for Elected Members);
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.



## **4 DELEGATION BY THE CEO TO EMPLOYEES**

Delegations of authority from the CEO to employees:

- (a) must be in writing;
- (b) can be general or specific; and
- (c) are subject to any conditions Council may have imposed.

## **5 REGISTER OF, AND RECORDS RELEVANT TO DELEGATIONS**

The CEO must keep a register of all delegations made to the CEO and employees. The register records the power or duty delegated, the delegate's position, any conditions imposed on the delegation and where the power to delegate is derived from.

The register of delegations must be reviewed at least once every financial year. The review is to be carried out by Governance.

A person who is delegated a power or duty is to keep records of the following in relation to the exercise of the power or discharge of the duty:

- (a) how the power was exercised or duty discharged;
- (b) when the power was exercised or duty discharged; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or discharge of the duty.



## 6 DELEGATIONS

### 6.1 BUILDING ACT 2011

#### APPROVE OR REFUSE TO GRANT BUILDING PERMIT

**Function to be performed:** Approve or refuse to approve a certified or uncertified application for a building permit in accordance with Section 20 of the *Building Act 2011*.

**Conditions:** In undertaking the functions of this delegation, Building Surveyors must:

1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).

**Statutory Reference:** *Building Act 2011*, s20

**s127(1) Delegation to:** Chief Executive Officer

**s127(6A) Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 21 February 2012 - 'Implementation - Western Australian *Building Act 2011*' (Resolution 0212/072). Came into effect on 2 April 2012.



## APPROVE OR REFUSE TO GRANT DEMOLITION PERMIT

- Function to be performed:** Approve or refuse to approve an application for a demolition permit in accordance with Section 21 and 22 of the *Building Act 2011*.
- Conditions:** In undertaking the functions of this delegation, Building Surveyors must:
1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
  2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).
- Statutory Reference:** *Building Act 2011*, s21 & 22
- s127(1) Delegation to:** Chief Executive Officer
- s127(6A) Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)
- Relevant local law, policy or management practice:** Nil
- Initial Council Adoption:** 21 February 2012 - 'Implementation - Western Australian *Building Act 2011*' (Resolution 0212/072). Came into effect on 2 April 2012.



## BUILDING OR DEMOLITION PERMIT CONDITIONS

- Function to be performed:** Impose conditions on the grant of a building permit or demolition permit in accordance with Section 27 of the *Building Act 2011*.
- Conditions:** In undertaking the functions of this delegation, Building Surveyors must:
1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
  2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).
- Statutory Reference:** *Building Act 2011, s27*
- s127(1) Delegation to:** Chief Executive Officer
- s127(6A) Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)
- Relevant local law, policy or management practice:** Nil
- Initial Council Adoption:** 31 May 2016 - 'Annual Review of Delegations 2015/2016' (Resolution 0516/058)



## **APPROVE OR REFUSE TO GRANT OCCUPANCY PERMIT AND BUILDING APPROVAL CERTIFICATE**

**Function to be performed:** To approve, modify or refuse to approve applications submitted under Section 58 of the *Building Act 2011*.

**Conditions:** In undertaking the functions of this delegation, Building Surveyors must:

1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).

**Statutory Reference:** *Building Act 2011*, s58

**s127(1) Delegation to:** Chief Executive Officer

**s127(6A) Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)  
Senior Building Surveyor Compliance (COMO03)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 21 February 2012 - 'Implementation - Western Australian *Building Act 2011*' (Resolution 0212/072). Came into effect on 2 April 2012.



## OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE CONDITIONS

**Function to be performed:** Impose conditions on an occupancy permit or modification or building approval certificate in accordance with Section 62 of the *Building Act 2011*.

**Conditions:** In undertaking the functions of this delegation, Building Surveyors must:

1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).

**Statutory Reference:** *Building Act 2011*, s62

**s127(1) Delegation to:** Chief Executive Officer

**s127(6A) Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)

Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)  
Senior Building Surveyor Compliance (COMO03)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 31 May 2016 - 'Annual Review of Delegations 2015/2016' (Resolution 0516/058)



## **APPROVE OR REFUSE TO EXTEND THE DURATION OF OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES**

**Function to be performed:** Approve or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect in accordance with Section 65 of the *Building Act 2011*.

**Conditions:** In undertaking the functions of this delegation, Building Surveyors must:

1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).

**Statutory Reference:** *Building Act 2011*, s65

**s127(1) Delegation to:** Chief Executive Officer

**s127(6A) Delegation to:** Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)  
Senior Building Surveyor Compliance (COMO03)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 21 February 2012 - 'Implementation - Western Australian *Building Act 2011*' (Resolution 0212/072). Came into effect on 2 April 2012.



## **ENCROACHMENT ONTO THE ROAD RESERVE (CITY WIDE)**

- Function to be performed:** To give consent for encroachments on Crown land under the care, control and management of the City in accordance with Section 76 of the *Building Act 2011*.
- Conditions:** All applications relating to encroachments that are not supported by City officers must be referred to Council for determination.
- Statutory Reference:** *Building Act 2011, s76*
- s127(1) Delegation to:** Chief Executive Officer
- s127(6A) Delegation to:** Coordinator Planning Compliance (EHSN04)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor Compliance (COMO03)  
Senior Planning Officer Compliance (COMO04)
- Relevant local law, policy or management practice:** Nil
- Initial Council Adoption:** 10 December 2013 – 'Encroachment onto the Road Reserve (City Wide)' (Resolution 1213/032)



## AUTHORISED PERSONS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Designate an employee of the local government as an authorised person for the purposes of the <i>Building Act 2011</i> in relation to buildings and incidental structures located, or proposed to be located, in the district of the City of Stirling. |
| <b>Conditions:</b>  | An authorised person must: <ol style="list-style-type: none"><li>1. Be employed by the City of Stirling in accordance with Section 5.36 of the <i>Local Government Act 1995</i>; and</li><li>2. Be authorised in writing.</li></ol>                    |
| <b>Statutory Reference:</b>                               | <i>Building Act 2011</i> , s96(3)  |
| <b>s127(1) Delegation to:</b>                             | Chief Executive Officer  |
| <b>s127(6A) Delegation to:</b>                            | Director Planning and Development (EXCD01)   |
| <b>Relevant local law, policy or management practice:</b> | Nil  |
| <b>Initial Council Adoption:</b>                          | 3 June 2014 – ‘Council Annual Review of Delegations 2013/14’ (Resolution 0614/011)   |



## MAKE BUILDING ORDERS

**Function to be performed:** Make a building order in accordance with Section 110 of the *Building Act 2011* in relation to:

- Building work;
- Demolition work; and/or
- An existing building or incidental structure whether completed before or after commencement day.

**Conditions:** In undertaking the functions of this delegation, Building Surveyors must:

1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).

**Statutory Reference:** *Building Act 2011*, s110

**s127(1) Delegation to:** Chief Executive Officer

**s127(6A) Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)  
Senior Building Surveyor Compliance (COMO03)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 21 February 2012 - 'Implementation - Western Australian *Building Act 2011*' (Resolution 0212/072). Came into effect on 2 April 2012.



## SERVE BUILDING ORDERS

**Function to be performed:** Serve a building order in accordance with Section 114 of the *Building Act 2011*.

**Conditions:** In undertaking the functions of this delegation, Building Surveyors must:

1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).

**Statutory Reference:** *Building Act 2011*, s114

**s127(1) Delegation to:** Chief Executive Officer

**s127(6A) Delegation to:** Nil

**Relevant local law, policy or management practice:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)  
Senior Building Surveyor Compliance (COMO03)

**Initial Council Adoption:** 31 May 2016 - 'Annual Review of Delegations 2015/2016' (Resolution 0516/058)



## REVOKE BUILDING ORDERS

**Function to be performed:** Revoke a building order in accordance with Section 117 of the *Building Act 2011*.

**Conditions:**

1. The Director Planning and Development may determine that an order is to remain in effect in accordance with Section 117(2) of the *Building Act 2011* where it is considered appropriate.
2. In undertaking the functions of this delegation, Building Surveyors must:
  - Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
  - Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).

**Statutory Reference:** *Building Act 2011*, s117

**s127(1) Delegation to:** Chief Executive Officer

**s127(6A) Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)  
Senior Building Surveyor Compliance (COMO03)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 21 February 2012 - 'Implementation - Western Australian *Building Act 2011*' (Resolution 0212/072). Came into effect on 2 April 2012.



## NON-COMPLIANCE WITH BUILDING ORDERS

- Function to be performed:**
1. If there is non-compliance with a building order, cause an authorised person to:
    - Take any action specified in the building order;
    - Commence or complete any work specified in the building order; or
    - If any specified action was required by the building order to cease, take such steps as are reasonable in the circumstances to cause the action to cease.
  2. In a court of competent jurisdiction, recover as a debt from a person who has been served with a building order, the reasonable costs and expenses incurred in doing anything in relation to the building order.

- Conditions:**
- In undertaking the functions of this delegation, Building Surveyors must:
1. Be employed by the City of Stirling in accordance with Section 5.36 of the *Local Government Act 1995*; and
  2. Be authorised in writing by the Director Planning and Development prior to exercising the authority. (Note, this may include other limitations based on the Building Surveyor's qualifications, experience and demonstrated competencies).

**Statutory Reference:** *Building Act 2011*, s118(2) & (3)

**s127(1) Delegation to:** Chief Executive Officer

**s127(6A) Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)  
Senior Building Surveyor Compliance (COMO03)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 31 May 2016 - 'Annual Review of Delegations 2015/2016' (Resolution 0516/058)



## 6.2 BUSH FIRES ACT 1954

### LOCAL GOVERNMENT FUNCTIONS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | All the functions of the 'local government' under the <i>Bush Fires Act 1954</i> other than those functions under Section 33(5a). |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Bush Fires Act 1954</i> , s48(1)   |
| <b>s48 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Not applicable  |
| <b>Relevant local law, policy or management practice:</b> | Nil   |
| <b>Initial Council Adoption:</b>                          | 13 September 2011 – 'City of Stirling Policy Review – Community Safety' (Resolution 0911/007)                                     |



## 6.3 CAT ACT 2011

### LOCAL GOVERNMENT FUNCTIONS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | All powers and duties of the 'local government' under the <i>Cat Act 2011</i> .   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s44   |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | See various delegations below   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – 'Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ' (Resolution 1113/014) |

### CAT MANAGEMENT FACILITIES

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Approve, in writing, a cat management facility that is operated by a person or body.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s3(1)(c)  |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – 'Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ' (Resolution 1113/014) |



## REQUEST FOR INFORMATION

- Function to be performed:** Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.
- Conditions:** Nil
- Statutory Reference:** *Cat Act 2011, s9(5)*
- s44 Delegation to:** Chief Executive Officer
- s45 Delegation to:** Administration Officer – Systems (CUSO06)  
Animal Registration Officer (CUSO03, AROF01)  
Assistant Animal Registration Officer (AARO01)  
Community Safety Administration Officer (RSAD01, CSAO05)  
Community Safety Officer (SEPO13)  
Community Safety Operations Coordinator (RANG04)  
Coordinator Community Safety (SSAD01)  
Customer Experience Coach (CUSM01)  
Customer Experience Officer (ASCO09, , CUSM02, CUSM03, CUSO07, CUSO15)  
Customer Experience Officer – Digital (CUSC03, WPSU01, WMCS01)  
Customer Experience Team Leader (WPOP01)  
Senior Customer Experience Officer – Digital (CUSO10)  
Senior Community Ranger (SNRA01)
- Relevant local law, policy or management practice:** City of Stirling Keeping and Control of Cats Local Law 1999  
Cats Management Practice
- Initial Council Adoption:** 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the *Cat Act 2011*’ (Resolution 1113/014)



## CANCEL THE REGISTRATION OF A CAT

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Cancel the registration of a cat.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s10   |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Animal Registration Officer (CUSO03, AROF01)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01)<br>Customer Experience Coach (CUSM01)<br>Customer Experience Officer (ASCO09, , CUSM02, CUSM03, CUSO07, CUSO15)<br>Customer Experience Officer – Digital (CUSC03, WPSU01, WMCS01)<br>Customer Experience Team Leader (WPOP01)<br>Senior Customer Experience Officer – Digital (CUSO10)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014)   |



## CAT CONTROL NOTICES

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Issue a cat control notice to a person who is the owner of a cat which is ordinarily kept within the district.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011, s26</i>  |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)<br>Senior Community Ranger (SNRA01)                             |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014) |



## CAT MANAGEMENT FACILITY COST RECOVERY

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | The operator of a cat management facility may recover the amounts of the costs referred to in section 31(1) of the <i>Cat Act 2011</i> from the owner of the cat in a court of competent jurisdiction.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s31(2)  |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Animal Care Facility and Registration Officer (RSIM01)<br>Animal Registration Officer (CUSO03)<br>Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014)   |



## CAT MANAGEMENT FACILITY POWER TO MICROCHIP OR STERILISE

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | The operator of a cat management facility may do anything necessary to ensure that the cat is microchipped and/or sterilised before the cat is reclaimed or transferred from the facility. |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s33  |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer  |
| <b>s45 Delegation to:</b>                                 | Animal Care Facility and Registration Officer (RSIM01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice  |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014)            |

## GRANT, RENEW OR REFUSE APPLICATIONS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Grant, renew or refuse an application to breed cats.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s37(1) and (2)  |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014) |



## REQUEST INFORMATION FOR BREEDING CATS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration. |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s37(3)   |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer  |
| <b>s45 Delegation to:</b>                                 | Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)  |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice  |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014)                          |

## CANCEL APPROVALS TO BREED CATS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Cancel an approval to breed cats if one or more of the things set out in section 37(2) of the <i>Cat Act 2011</i> applies in respect of the approved cat breeder.               |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s38   |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014) |



## **COST RECOVERY OF ANIMAL DESTRUCTION**

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Recover the amount of the costs referred to in section 49(2) from the owner of the cat in a court of competent jurisdiction.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s49(3)  |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Community Safety Operations Coordinator (RANG04)  |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014) |



## RECEIVE PAYMENTS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Receive payments of infringement notices under the <i>Cat Act 2011</i> .  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011</i> , s63   |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Administration Officer – Environmental Health (BISE01, AOEH01)<br>Administration Officer – Parking Support (CSAO02)<br>Business Support Officer (BSOD01)<br>Community Safety Infringement Officer (RSCO01)<br>Customer Experience Coach (CUSM01)<br>Customer Experience Officer (ASCO09, , CUSM02, CUSM03, CUSO07, CUSO15)<br>Customer Experience Officer – Digital (CUSC03, WPSU01, WMCS01)<br>Customer Experience Team Leader (WPOP01)<br>Senior Customer Experience Officer – Digital (CUSO10)<br>Team Leader – Parking Support (CSPC02) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014)   |



## EXTENSION OF PAYMENT DEADLINES FOR INFRINGEMENTS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011, s64</i>  |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01)<br>Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)<br>Manager Community Safety (RSAA01)<br>Parking Coordinator (CSPC01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014)   |



## WITHDRAWAL OF INFRINGEMENT NOTICE

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Withdraw an infringement notice within one (1) year after the notice was issued whether or not the modified penalty has been paid.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Cat Act 2011, s65</i>  |
| <b>s44 Delegation to:</b>                                 | Chief Executive Officer   |
| <b>s45 Delegation to:</b>                                 | Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01)<br>Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)<br>Manager Community Safety (RSAA01)<br>Parking Coordinator (CSPC01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999<br>Cats Management Practice   |
| <b>Initial Council Adoption:</b>                          | 19 November 2013 – ‘Delegation to Chief Executive Officer the exercise of powers or discharge of duties under the provisions of the <i>Cat Act 2011</i> ’ (Resolution 1113/014)   |



## 6.4 DOG ACT 1976

### LOCAL GOVERNMENT FUNCTIONS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Perform any power or duty of the 'local government' under the <i>Dog Act 1976</i> including the authority to on-delegate the power and duties of the 'local government' to employees. |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Dog Act 1976</i> , s10AA   |
| <b>s10AA(1) Delegation to:</b>                            | Chief Executive Officer   |
| <b>s10AA(3) Delegation to:</b>                            | Nil   |
| <b>Relevant local law, policy or management practice:</b> | Nil   |
| <b>Initial Council Adoption:</b>                          | 3 June 2014 – 'Annual Review of Delegations 2013/2014 (Resolution 0614/011)   |



## 6.5 FOOD ACT 2008

### LOCAL GOVERNMENT FUNCTIONS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Perform the functions of an 'enforcement agency' under the <i>Food Act 2008</i> .                  |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | <i>Food Act 2008, s118</i>   |
| <b>s118(2)(b) Delegation to:</b>                          | Chief Executive Officer  |
| <b>Relevant local law, policy or management practice:</b> | Nil  |
| <b>Initial Council Adoption:</b>                          | 6 March 2012 - 'Delegation of Local Government Functions Under Various Acts' (Resolution 0312/004) |



## 6.6 HEALTH (ASBESTOS) REGULATIONS 1992

### LOCAL GOVERNMENT FUNCTIONS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Appoint 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. |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Health (Asbestos) Regulations 1992</i> , r15D(5)   |
| <b>r15D(7) Delegation to:</b>                             | Chief Executive Officer   |
| <b>Relevant local law, policy or management practice:</b> | Nil   |
| <b>Initial Council Adoption:</b>                          | 12 June 2018 - 'Annual Review of Delegations 2017/2018' (Resolution 0618/007)   |



## 6.7 LIQUOR CONTROL ACT 1988

### LOCAL GOVERNMENT FUNCTIONS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Perform the functions of the 'local government' under Sections 39, 40, 61(2) and 69(8) of the <i>Liquor Control Act 1988</i> . |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | <i>Liquor Control Act 1988</i> , s39, 40, 61(2) & 69(8)  |
| <b>s9.10 Authorisation to:</b>                            | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Director Planning and Development (EXCD01)   |
| <b>Relevant local law, policy or management practice:</b> | Nil  |
| <b>Initial Council Adoption:</b>                          | 6 March 2012 - 'Delegation of Local Government Functions Under Various Acts' (Resolution 0312/004)                             |



## 6.8 LOCAL GOVERNMENT ACT 1995

### LOCAL LAWS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Perform the functions of the 'City' and 'local government' under the: <ul style="list-style-type: none"><li>• City of Stirling Bee Keeping Local Law 2008;</li><li>• City of Stirling Dogs Local Law 2008;</li><li>• City of Stirling Fencing Local Law 2008;</li><li>• City of Stirling Keeping and Control of Cats Local Law 1999;</li><li>• City of Stirling Local Government Property Local Law 2009;</li><li>• City of Stirling Parking Local Law 2014;</li><li>• City of Stirling Pest Plant Local Law 2012;</li><li>• City of Stirling Local Law Relating to the Prevention and Abatement of Dust and Liquid Waste 2002;</li><li>• City of Stirling Thoroughfares and Public Places Local Law 2009; and</li><li>• City of Stirling Waste Management Local Law 2010.</li></ul> |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | <i>Local Government Act 1995, s3.18(1)</i>   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | See various delegations under each local law below.  |
| <b>Relevant local law, policy or management practice:</b> | Local laws as listed above   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 - 'Delegation of Local Government Functions Under Various Local Laws and Related Legislation' (Resolution 1011/006)  |



## 6.8.1 CITY OF STIRLING FENCING LOCAL LAW

### LOCAL GOVERNMENT FUNCTIONS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Perform the functions of the 'City' and 'local government' under the City of Stirling Fencing Local Law 2008                        |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Fencing Local Law 2008   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Manager Development Services (PBSA01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Fencing Local Law 2008   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – 'Delegation of Local Government Functions under Various Local Laws and Related Legislation' (Resolution 1011/006) |



## 6.8.2 CITY OF STIRLING PARKING LOCAL LAW 2014

### PROHIBIT OR REGULATE PARKING

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Prohibit or regulate by signs, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region.   |
| <b>Conditions:</b>  | It must be consistent with the provisions of the City of Stirling Parking Local Law 2014.   |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl1.10   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Manager Engineering Services (MEDS01)<br>Parking Coordinator (CSPC01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |

### ENTER INTO PARKING ENFORCEMENT AGREEMENTS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Enter into a written agreement, with the owner or occupier of a parking facility or station, to apply the City of Stirling Parking Local Law 2014 to that facility or station. |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl1.7(2)  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Manager Community Safety (RSAA01)<br>Parking Coordinator (CSPC01)  |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## DETERMINE PARKING BAYS, PARKING STATIONS AND PARKING AREAS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Constitute, determine and indicate by signs: <ul style="list-style-type: none"><li>(a) parking bays;</li><li>(b) parking stations;</li><li>(c) parking areas;</li><li>(d) general no parking or restricted parking zones;</li><li>(e) permitted time and conditions of parking in parking bays, parking stations and parking areas which may vary with the locality;</li><li>(f) permitted classes of vehicles which may park in parking bays, parking stations and parking areas;</li><li>(g) permitted classes of persons who may park in specified parking bays, parking stations and parking areas; and</li><li>(h) the manner of parking in parking bays, parking stations and parking areas.</li></ul> |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl2.1   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Manager Engineering Services (MEDS01)<br>Parking Coordinator (CSPC01)  |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## ‘AUTHORISED VEHICLES ONLY’ PARKING AREAS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Permit a person to park a vehicle in an area designated by a sign stating ‘Authorised Vehicles Only’.                               |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl3.1  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Parking Coordinator (CSPC01)<br>Senior Community Ranger (SNRA01)<br>Senior Parking and Information Officer (CSPC03)                 |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |

## PARKING ON RESERVES

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Authorise a person to drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.   |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl3.11  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Parking Coordinator (CSPC01)<br>Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)<br>Senior Community Ranger (SNRA01)<br>Senior Parking and Information Officer (CSPC03) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## SUSPEND PARKING LIMITATIONS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Permit a person to park a vehicle in a portion of the thoroughfare or parking facility for longer than the permitted time in accordance with a sign, in order for the person to carry out urgent, essential or official duties.  |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl3.13  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Parking and Information Officer (CSPO01, CSPO02, CSPO03, CSPO04, CSPO05, CSPO08, CSPO12)<br>Parking and Information Officer – Scarborough (PIOF01)<br>Parking Coordinator (CSPC01)<br>Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)<br>Senior Community Ranger (SNRA01)<br>Senior Parking and Information Officer (CSPC03) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## ISSUE EVENT PARKING PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Issue a person a permit in respect of all or part of a parking station, road or public place for an event.                          |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl3.14   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Parking Coordinator (CSPC01)<br>Senior Community Ranger (SNRA01)<br>Senior Parking and Information Officer (CSPC03)                 |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |

## ISSUE OR REVOKE PARKING PERMITS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Issue and/or revoke a permit in respect of all or part of a parking station or road.   |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl7.1(issue) and cl7.6(revoke)  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Administration Officer (CSAO02)<br>Community Safety Infringement Officer (RSCO01)<br>Parking Coordinator (CSPC01)<br>Senior Community Ranger (SNRA01)<br>Senior Parking and Information Officer (CSPC03)<br>Team Leader – Parking Support (CSPC02) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## VEHICLES OBSTRUCTING A PUBLIC PLACE

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Permit a person to leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of the public place.                           |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Parking Local Law 2014, cl8.9  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Community Safety Operations Coordinator (RANG04)<br>Parking Coordinator (CSPC01)<br>Senior Community Ranger (SNRA01)<br>Senior Parking and Information Officer (CSPC03) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Parking Local Law 2014   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)                                     |



## **6.8.3 CITY OF STIRLING LOCAL GOVERNMENT PROPERTY LOCAL LAW 2009**

### **LOCAL PUBLIC NOTICE**

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Give local public notice of the City's intent to make a determination.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl2.2  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Coordinator Community Safety (SSAD01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – 'Delegation of Local Government Functions under Various Local Laws and Related Legislation' (Resolution 1011/006) |

### **ERECT SIGNS**

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Erect a sign on local government property to give notice of the effect of a determination which applies to that property.           |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl2.3  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Community Safety Operations Coordinator (RANG04)<br>Manager Engineering Services (MEDS01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – 'Delegation of Local Government Functions under Various Local Laws and Related Legislation' (Resolution 1011/006) |



## DETERMINATIONS REGISTER

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Maintain a register of determinations.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl2.5  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Coordinator Community Safety (SSAD01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |

## APPLICATION FORMS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Determine the form of the application for a permit.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl3.2  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Coordinator Community Safety (SSAD01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## APPROVE OR REFUSE PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | <ul style="list-style-type: none"><li>• Approve an application for a permit unconditionally or subject to any conditions; or</li><li>• Refuse an application for a permit.</li></ul>                                    |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl3.3  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Coordinator Community Safety (SSAD01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |

## RENEW PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Renew permits.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl3.9  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Coordinator Community Safety (SSAD01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## CANCEL PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Cancel permits where the permit holder has not complied with a condition of the permit or a determination or provision of any written law which may relate to the activity regulated by the permit.                     |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl3.12   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Coordinator Community Safety (SSAD01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## EXEMPT A PERSON FROM NEED TO OBTAIN A PERMIT

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | <ul style="list-style-type: none"><li>• Exempt a person from compliance with clause 3.13(1) of the City of Stirling Local Government Property Local Law 2009 on the application of that person.</li><li>• Exempt specified local government property or a class of local government property from the application of clause 3.13(1)(a) of the City of Stirling Local Government Property Local Law 2009.</li></ul> |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl3.13  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Coordinator Community Safety (SSAD01)<br>Senior Community Ranger (SNRA01)  |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## ERECT SIGNS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Erect a sign on local government property specifying any conditions of use which apply to that property.                            |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl4.9  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Parking Coordinator (CSPC01)<br>Manager Engineering Services (MEDS01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |

## UNDERTAKE REQUIREMENTS OF NOTICES

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Undertake the requirements of a notice where a person fails to comply with that notice given to him or her under the City of Stirling Local Government Property Local Law 2009.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Local Government Property Local Law 2009, cl10.2   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Local Government Property Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## **6.8.4 CITY OF STIRLING KEEPING AND CONTROL OF CATS LOCAL LAW 1999**

### **APPLICATION FORMS**

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Approve the form of an application.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Keeping and Control of Cats Local Law 1999, cl3.3  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Animal Registration Officer (CUSO03)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Coordinator Community Safety (SSAD01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## KEEPING MORE THAN PERMITTED NUMBER OF CATS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Approve or refuse an application for a permit.   |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Keeping and Control of Cats Local Law 1999, cl3.6   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Animal Registration Officer (CUSO03)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEOP13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01)<br>Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## PERMIT CONDITIONS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Approve conditions on a permit in addition to clause 3.7(1), (2) and (3) of the City of Stirling Keeping and Control of Cats Local Law 1999 where appropriate.                  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Keeping and Control of Cats Local Law 1999, cl3.7  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Community Safety Operations Coordinator (RANG04)<br>Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## SERVE NOTICES

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Keeping and Control of Cats Local Law 1999, cl3.9  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Animal Registration Officer (CUSO03)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01)<br>Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)<br>Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## REVOKE PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Revoke a permit if the permit holder fails to observe any provision of the City of Stirling Keeping and Control of Cats Local Law 1999 or a condition of a permit.              |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Keeping and Control of Cats Local Law 1999, cl3.11   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Community Safety Operations Coordinator (RANG04)<br>Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |

## REMOVED AND IMPOUNDED CATS REGISTER

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Maintain a register of removed and impounded cats.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Keeping and Control of Cats Local Law 1999, cl5.1  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Animal Care Facility and Registration Officer (RSIM01)<br>Animal Registration Officer (CUSO03)                                      |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |



## DESTROY CATS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Destroy a cat if requested to do so by the keeper.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Keeping and Control of Cats Local Law 1999, cl6.1  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Animal Care Facility and Registration Officer (RSIM01)<br>Animal Registration Officer (CUSO03)<br>Ranger (RANG01, RANG02, RANG03, RANG05, RANG06,<br>RANG07, RANG08, RANG09, RANG10, RANG11, RANG13,<br>RANG16, HSTL01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Keeping and Control of Cats Local Law 1999   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## **6.8.5 CITY OF STIRLING THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2009**

### **SERVE NOTICES**

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Give a notice in writing to the owner or occupier of land requiring the person to do, within the time specified, anything specified in the notice this is prescribed in the City of Stirling Thoroughfares and Public Places Local Law 2009. |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl2.5(2), 2.10, 8.1-4   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Coordinator Verge Control and Swimming Pools (ECSE01)<br>Manager Development Services (PBSA01)<br>Verge Control Officer (COMO05, COMO06, EOFO01, EWTD46)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## ERECT SIGNS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Erect a sign on a public place specifying any conditions of use which apply to that place.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl2.16   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Manager Engineering Services (MEDS01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |

## COMMUNITY EVENT ADVERTISING SIGNS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Issue a permit to a charitable organisation to place, on a thoroughfare or verge, an advertising sign to draw attention to a community event held by that organisation.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl3.4  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Animal Registration Officer (CUSO03)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Coordinator Community Safety (SSAD01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## ADVERTISING SIGNS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Issue a permit to a person to post a bill, paint, place or affix any advertisement on a bus seat or bus shelter.                    |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl3.5(1)   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Manager Engineering Services (MEDS01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |

## ILLUMINATED STREET SIGNS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Issue a permit to a person to erect an illuminated street sign on a thoroughfare or verge.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl3.8  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Manager Engineering Services (MEDS01)   |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |



## PERMITS FOR ANIMALS OR VEHICLES TO BE LEFT ON PROPERTY

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Issue a permit for an animal or vehicle to be left on City property.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl4.1  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Community Safety Operations Coordinator (RANG04)<br>Senior Community Ranger (SNRA01)  |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006) |



## ABANDONED SHOPPING TROLLEYS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley if found in a public place or on City property, other than an area set aside for the storage or shopping trolleys.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl4.7  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Animal Registration Officer (CUSO03)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Neat Streets Ranger (RANG15)<br>Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## VARY STREET ENTERTAINER PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Vary the permitted area and/or time shown on a permit.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl5.9  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Animal Registration Officer (CUSO03)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## CANCEL STREET ENTERTAINER PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Cancel a permit if the volume of sound caused by the permit holder affects the enjoyment, convenience or comfort of other persons in a public place or the performance constitutes a nuisance.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl5.11   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Community Safety Operations Coordinator (RANG04)<br>Security Patrol Officer (SEPO01, SEPO03, SEPO04, SEPO05, SEPO07, SEPO10, SEPO11, SEPO14, SEPO16, SEPO17, SEPO21, SEPO22, SEPO24)<br>Senior Community Ranger (SNRA01)<br>Senior Security Officer (SEPO12)<br>Team Leader – Security (SEPO02, SEPO06, SEPO08, SEPO09) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## APPLICATION FORMS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Determine the form of the application for a permit.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl6.1  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Business Support Officer (BSOD01)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Coordinator Community Safety (SSAD01)<br>Coordinator Verge Control and Swimming Pools (ECSE01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## APPROVE OR REFUSE PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Approve or refuse a permit.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl6.2  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Verge Control and Swimming Pools (ECSE01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## RENEW PERMITS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Approve an application to renew a permit where the application is received prior to the expiry of the permit.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl6.8  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Administration Officer (EHSE02)<br>Administration Officer – Systems (CUSO06)<br>Business Support Officer (BSOD01)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Verge Control and Swimming Pools (ECSE01)<br>Senior Community Ranger (SNRA01) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## CANCEL PERMITS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Cancel a permit where the permit holder has not complied with a condition of the permit or a provision of any written law which may relate to the activity regulated by the permit.  |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl6.11  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Administration Officer – Systems (CUSO06)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Officer (SEPO13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Verge Control and Swimming Pools (EHSE01)<br>Security Patrol Officer (SEPO01, SEPO03, SEPO04, SEPO05, SEPO07, SEPO10, SEPO11, SEPO14, SEPO16, SEPO17, SEPO21, SEPO22, SEPO24)<br>Senior Community Ranger (SNRA01)<br>Senior Security Officer (SEPO12)<br>Team Leader – Security (SEPO02, SEPO06, SEPO08, SEPO09) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## SPRINKLER ALTERATIONS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Serve a notice to the owner or occupier to move or alter the direction of the sprinkler or other watering equipment where it causes or may cause an inconvenience or obstruction to any person using a thoroughfare.   |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl8.1   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)<br>Security Patrol Officer (SEPO01, SEPO03, SEPO04, SEPO05, SEPO07, SEPO10, SEPO11, SEPO14, SEPO16, SEPO17, SEPO21, SEPO22, SEPO24)<br>Senior Community Ranger (SNRA01)<br>Senior Security Officer (SEPO12)<br>Team Leader – Security (SEPO02, SEPO06, SEPO08, SEPO09) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## HAZARDOUS PLANTS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Serve a notice to the owner or occupier of the land abutting the garden to remove, cut, move or otherwise deal with a plant where it creates or may create a hazard for any person using a thoroughfare. |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl8.2   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Coordinator Verge Control and Swimming Pools (ECSE01)<br>Verge Control Officer (COMO05, COMO06, EOFO01, EWTD46)  |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## UNLAWFUL OBSTRUCTIONS

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Serve a notice to the owner, occupier or other person who may be responsible to remove the thing which has been placed or remains on a thoroughfare in contravention of the City of Stirling Thoroughfares and Public Places Local Law 2009.   |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl8.4   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Community Safety Operations Coordinator (RANG04)<br>Coordinator Verge Control and Swimming Pools (ECSE01)<br>Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)<br>Senior Community Ranger (SNRA01)<br>Verge Control Officer (COMO05, COMO06, EOFO01, EWTD46) |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009  |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)  |



## NON-COMPLIANCE WITH NOTICES

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | If a person fails to comply with a notice issued under the City of Stirling Thoroughfares and Public Places Local Law 2009, do the thing specified in the notice and recover from that person, as a debt, the costs incurred in doing so. |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | City of Stirling Thoroughfares and Public Places Local Law 2009, cl9.2  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Coordinator Verge Control and Swimming Pools (ECSE01)<br>Manager Development Services (PBSA01)  |
| <b>Relevant local law, policy or management practice:</b> | City of Stirling Thoroughfares and Public Places Local Law 2009   |
| <b>Initial Council Adoption:</b>                          | 11 October 2011 – ‘Delegation of Local Government Functions under Various Local Laws and Related Legislation’ (Resolution 1011/006)   |



## ENTRY IN AN EMERGENCY

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency.  |
| <b>Conditions:</b>  | Nil  |
| <b>Statutory Reference:</b>                               | <i>Local Government Act 1995, s3.34</i>  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Coordinator Environmental Health (EHSN03)<br>Director Planning and Development (EXCD01)<br>Manager Community Safety (RSAA01)<br>Manager Development Services (PBSA01)<br>Manager Facilities, Projects and Assets (MCBO01)<br>Manager Parks and Sustainability (MAPR01)<br>Service Lead Engineering Operations (MAES01) |
| <b>Relevant local law, policy or management practice:</b> | Nil  |
| <b>Initial Council Adoption:</b>                          | 22 September 2009 – ‘Annual Review of Delegations from Council to the Chief Executive Officer 2008/2009’ (Resolution 0909/068)   |



## TENDERS, EXPRESSIONS OF INTEREST AND OTHER PROCUREMENT PROCESSES

**Function to be performed:** Authority to undertake a procurement process

- Determine in writing the criteria and weightings for evaluating a response to a procurement process
- Call for expressions of interest.
- Invite tender.
- Engage with prequalified suppliers under the WALGA Preferred Supplier Program or State Government Common Use Agreement (CUA)
- Engaging with suppliers registered with the Australian Minority Supplier Office Limited (trading as Supply Nation) or as Australian Disability Enterprise
- Assess responses by means of a written evaluation of the extent to which each respondent satisfies the criteria.
- Recommend which respondent would be most advantageous to accept.

**Conditions:**

- Part 4, Division 2 of the *Local Government (Functions and General) Regulations 1996* must be followed.

**Statutory Reference:** *Local Government Act 1995*, s3.57  
*Local Government (Functions and General) Regulations 1996*, Part 4, Division 2

**s5.42 Delegation to:** Chief Executive Officer

**Conditions on all s5.44 on-delegates:**

1. Prior to exercising this delegation, all on-delegates must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.
2. All on-delegates must sign a declaration as part of their annual return requirements to reaffirm their understanding of the City's Procurement Policy.

**s5.44 Delegation to:** Director Community Development (EMCS01)  
Director Corporate Services (DCRM01)  
Director Infrastructure (EXWK01)  
Director Planning and Development (EXCD01)

### Definitions

#### Procurement Process

Procurement process includes publicly invited tenders and any procurement process exempt from the requirement to undertake a publicly invited tenders under Part 4, Division 2 of the *Local Government (Functions and General) Regulations 1996*.



**Relevant local law, policy or management practice:** Procurement Policy

**Initial Council Adoption:** 29 June 2021 – ‘Annual Review of Delegations from Council to the Chief Executive Officer 2020/21 (Resolution 0621/050)



## DISPOSAL OF COUNCIL PROPERTY

**Function to be performed:** Dispose of property\* (except land):

- Under \$20,000 – in accordance with methods provided in the Disposal of Assets Under \$20,000 Management Practice.
- Over \$20,000 – in accordance with s3.58 of the *Local Government Act 1995*.

\***property** includes the whole or any part of the interest of a local government in property, but does not include money.

**Conditions:** Nil

**Statutory Reference:** *Local Government Act 1995, s3.58*  
*Local Government (Functions and General) Regulations 1996, r30(3)*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** **Category A**

Authority to dispose of property under **\$20,000** in accordance with methods provided in the Disposal of Assets Under \$20,000 Management Practice.

- Coordinator Fleet Services (TATO01) (fleet vehicles and items of plant)
- Manager Finance (MASF01) (general items)
- Senior Supply Officer (ASPS01) (general items and scrap)

### **Category B**

Authority to dispose of fleet vehicles and items of plant over **\$20,000** at public auction in accordance with s3.58 of the *Local Government Act 1995*.

- Coordinator Fleet Services (TATO01)
- Manager Waste and Fleet (WMOP01)

### **Category C**

Authority to dispose of fleet vehicles and items of plant in accordance with the methods provided in the Disposal of Assets Under \$20,000 Management Practice, where it has become an exempt disposition as prescribed in r30(2a) of the *Local Government (Functions and General) Regulations 1996*.

- Manager Waste and Fleet (WMOP01)

**Relevant local law, policy or management practice:** Disposal of Assets Under \$20,000 Management Practice



**Initial Council Adoption:** 22 September 2009 – ‘Annual Review of Delegations from Council to the Chief Executive Officer 2008/2009’ (Resolution 0909/068)

## EXISTING LEASES AND LICENSES

**Function to be performed:** Variation, extension or assignment of existing lease or licence.

- Conditions:**
- Elected Members to be notified one month prior to the exercise of this delegation for any proposal to extend the term of a lease. This will provide Elected Members with the opportunity to request further information or request for the item to be tabled at Committee and Council.
  - Lease variation, extension or assignment must be for the same or similar purpose as the existing lease.
  - Compliance with Section 3.58 of the *Local Government Act 1995*, including advertising and seeking submissions if required.
  - In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration.
  - Any rental or car bay licence fee be set at not less than 10% below that of the licensed valuation as determined by a licenced valuer.
  - Any lease to a commercial entity extension is at a rental within 10% of a current variation obtained by the City.
  - Any extension is for a maximum period of 10 years including options, beyond which a report must be presented to Council.

**Statutory Reference:** *Local Government Act 1995*, s3.58

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Nil

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 29 June 2021 – ‘Annual Review of Delegations from Council to the Chief Executive Officer 2020/21’ (Resolution 0621/050)



## **LEASES (ADMINISTRATION CENTRE, LOT 799, HOUSE NUMBER 25, CEDRIC STREET, STIRLING)**

**Function to be performed:** Enter into any new lease, variation, extension or assignment of lease or licence in respect of the second floor of the Administration Centre, Lot 799, House Number 25, Cedric Street, Stirling.

**Conditions:**

- The intention to dispose of property be advertised in accordance with Section 3.58 of the *Local Government Act 1995*;
- The rental or car bay licence fee be set at not less than 10% below that of the licensed valuation as determined by a licenced valuer; and
- In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration.

**Statutory Reference:** *Local Government Act 1995, s3.58(3)*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Nil

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 6 December 2016 – ‘New Lease – Second Floor, Administration Centre, Lot 799, House Number 25, Cedric Street, Stirling to Commonwealth Bank of Australia Trading as Bankwest’ (Resolution 1216/028)



## **LEASES (LOT 310, HOUSE NUMBER 22, CHESTERFIELD ROAD, MIRRABOOKA)**

**Function to be performed:** Granting of new leases, termination of existing leases, extension of leases and variation of existing lease terms for all the commercial suites located at Lot 310, House Number 22, Chesterfield Road, Mirrabooka.

**Conditions:**

- The intention to dispose of property be advertised in accordance with Section 3.58 of the *Local Government Act 1995*;
- The rental be set at no less than 10% of the licensed valuation taking into consideration the recommendation of the City's Management Agent; and
- In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration.

**Statutory Reference:** *Local Government Act 1995*, s3.58(3)

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Nil

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 10 December 2013 – 'Delegation of the Chief Executive Officer for the Exercise of Powers and Discharge of Duties Under the Provisions of the *Local Government Act 1995*' (Resolution 1213/008)



## ASSIGNMENT OF LEASE OR SUB-LEASE

**Function to be performed:** Authority to approve and execute an assignment of lease or sub-lease to which the *Commercial Tenancy (Retail Shops) Agreements Act 1985* applies, from an existing tenant ('the Tenant') to a new tenant ('the Assignee') or sub-tenant ('the Sub-Tenant'), as the case may be.

**Conditions:**

The Chief Executive Officer must be satisfied that:

- There is no variation to the existing/current terms and conditions of the lease;
- The Tenant has complied with the assignment or sub-leasing criteria (as the case may be) under the relevant lease;
- The Assignee/Sub-Tenant has the appropriate qualifications and/or experience to carry on the business permitted under the relevant lease;
- The Assignee/Sub-Tenant has provided relevant personal references (if requested by the City of Stirling);
- The Assignee/Sub-Tenant is a financially sound person (evidenced through financial statements provided) and agrees to provide the City of Stirling with a security deposit and/or personal guarantee to support its financial capability; and
- The Tenant and the Assignee/Sub-Tenant agree to pay the City of Stirling's reasonable legal costs and expenses incurred in relation to the assignment or sub-leasing (as the case may be), unless otherwise provided under the relevant lease.

**Statutory Reference:** *Local Government Act 1995*, s3.58(3)

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Nil

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 31 May 2016 – 'Annual Review of Delegations 2015/2016' (Resolution 0516/058)



## APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

**Function to be performed:** Authority to appoint an Acting Chief Executive Officer.

**Conditions:**

- The appointment must be for a period not exceeding 20 consecutive working days; all other appointments to the position of Acting Chief Executive Officer must be referred to the Council for determination;
- Only employees classified as Directors (being a 'senior employee'), can be appointed to the position of Acting Chief Executive Officer; and
- The Chief Executive Officer must provide the Elected Members appropriate notice of all appointments to the position of Acting Chief Executive Officer.

**Statutory Reference:** *Local Government Act 1995, s5.39(1a)(a)*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Nil

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 4 September 2007 – 'Delegation of Authority to Appoint an Acting Chief Executive Officer'



## PAYMENTS FROM MUNICIPAL, RESERVE AND TRUST FUNDS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Make payments from the City Municipal, Reserve and Trust Funds for purposes duly authorised by the <i>Local Government Act 1995</i> and for which provision has been made in the Council budget.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Local Government Act 1995</i> , s6.7(2) & 6.9(2) & (3)<br><i>Local Government (Financial Management) Regulations 1996</i> , r12(1)(a) & 13   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>                               | Make payments from the: <ul style="list-style-type: none"><li>• Municipal Fund by two (2) authorised signatories.</li><li>• Trust Fund by two (2) authorised signatories.</li><li>• Reserve Fund by two (2) authorised signatories.</li></ul> Assistant Corporate Accountant (ACAC01)<br>Director Corporate Services (DCRM01)<br>Senior Corporate Accountant (SCAC01)<br>Manager Finance (MASF01)<br>Revenue Services Team Leader (ASRI01)<br>Corporate Accountant (ASAM01) |
| <b>Relevant local law, policy or management practice:</b> | Nil   |
| <b>Initial Council Adoption:</b>                          | 6 August 1996 – ‘Local Government Payments Delegation to Chief Executive Officer’   |



## ENGAGEMENT OF CONSULTANTS

**Function to be performed:** Engagement of consultants\* for services valued at less than \$150,000 (excluding GST).

\***consultants** provide expert advice with recommendations as the basis for making a decision or taking a certain course of action.

**Contractors** deliver a product or result and, are not to be confused with consultants.

**Conditions:** The engagement of all consultants, including WALGA and DTF contracts, must be in accordance with the Procurement Policy.

**Statutory Reference:** *Local Government Act 1995, s6.10*  
*Local Government (Financial Management) Regulations 1996, r11(2)*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** **Category A**

Engagement of consultants valued at:

- Less than **\$50,000** (excluding GST) – no conditions.
- **\$50,000 - \$149,999.99** (excluding GST) - providing the brief/specification has been approved by the Executive Team.

- Director Community Development (EMCS01)
- Director Corporate Services (DCRM01)
- Director Infrastructure (EXWK01)
- Director Planning and Development (EXCD01)

### **Category B**

Engagement of consultants valued at less than **\$50,000** (excluding GST), providing the brief/specification has been approved by the relevant Director or the Chief Executive Officer.

- Internal Auditor (AUDT01)
- Manager City Future (MPSA01)
- Manager Community Safety (RSAA01)
- Manager Community Services (MAHS01)
- Manager Customer and Communications (EMCP01)
- Manager Development Services (PBSA01)
- Manager Engineering Services (MEDS01)
- Manager Facilities, Projects and Assets (MCBO01)
- Manager Finance (MASF01)
- Manager Governance (MADM01)



- Manager Human Resources (HRM01)
- Manager Information Communications and Technology (MAIT01)
- Manager Parks and Sustainability (MAPR01)
- Manager Recreation and Leisure Services (LECO05)
- Manager Waste and Fleet (WMOP01)
- Service Lead Engineering Operations (MAES01)

**Relevant local law, policy or management practice:**

Procurement Policy

**Initial Council Adoption:**

17 December 1991

**Definitions:**

**Consultants** provide expert advice with recommendations as the basis for making a decision or taking a certain course of action.

For example, a Consultant will:

- Be involved in providing advice and recommendations in a written form.
- Not require the City to give detailed direction on how a project is to be conducted.
- Carry out research projects, attitudinal surveys, feasibility studies and investigations where recommendations are made.
- Provide advice in the development of policy and strategic planning issues.
- Develop and design a benchmarking framework/process and standards; and advise on a future action, e.g. organisational structures, policy development, product development and providing recommendations to consider.

**Contractors** deliver a product or result.

For example, a Contractor will:

- Facilitate and present training sessions.
- Deliver information technology programs, software development, implementation, analysis and support.
- Conduct market research, architectural and engineering design.
- Provide financial, legal and compliance services on day to day matters.
- Conduct tree audits.
- Be appointed to deliver project management.



## PURCHASE ORDERS

**Function to be performed:**

Authority to approve purchase orders.

**Conditions:**

Category A – Unlimited individual value with the authority to approve purchase orders subject to annual budget limitations and legislative compliance.

Category B – G – Values assigned are reviewed annually through the City’s Purchasing Patterns report. Business Unit Manager/Director approval is required for any changes.

**Statutory Reference:**

*Local Government Act 1995, s6.10*  
*Local Government (Financial Management) Regulations 1996, r12(1)(a)*

**s5.42 Delegation to:**

Chief Executive Officer

**Conditions on all s5.44 on-delegates:**

1. Prior to exercising this delegation, all on-delegates must complete procurement training provided by the City and sign a declaration of understanding of the City’s Procurement Policy.
2. All on-delegates must sign a declaration as part of their annual return requirements to reaffirm their understanding of the City’s Procurement Policy.

**s5.44 Delegation to:**

**Category A**

Authority to approve purchase orders to an **unlimited** individual value subject to annual budget limitations and legislative compliance.

|  |           |
|--|-----------|
| Director Community Development (EMCS01)    | Unlimited |
| Director Corporate Services (DCRM01)       | Unlimited |
| Director Infrastructure (EXWK01)           | Unlimited |
| Director Planning and Development (EXCD01) | Unlimited |

**Category B**

Authority to approve purchase orders to the value of **\$250,000** (excluding GST).

|  |           |
|--|-----------|
| Manager Engineering Services (MEDS01)            | \$250,000 |
| Manager Facilities, Projects and Assets (MCBO01) | \$250,000 |
| Manager Parks and Sustainability (MAPR01)        | \$250,000 |



|  |           |
|--|-----------|
| Manager Waste and Fleet (WMOP01)             | \$250,000 |
| Service Lead Engineering Operations (MAES01) | \$250,000 |
| Manager Engineering Services (MEDS01)        | \$250,000 |

### Category C

Authority to approve purchase orders to the value of **\$100,000** (excluding GST).

|  |           |
|--|-----------|
| Coordinator Arboriculture (PKCA01)                                 | \$100,000 |
| Coordinator Engineering Construction (ECCE01)                      | \$100,000 |
| Coordinator Engineering Maintenance (ENLS01)                       | \$100,000 |
| Coordinator Fleet Services (TATO01)                                | \$100,000 |
| Coordinator Project Management and Landscape Architecture (PKLA01) | \$100,000 |
| Manager Finance (MASF01)   | \$100,000 |
| Manager Governance (MADM01)  | \$100,000 |
| Manager Human Resources (HRM01)                                    | \$100,000 |
| Manager Information Communications and Technology (MAIT01)         | \$100,000 |
| Senior Irrigation Officer (PRLH01)                                 | \$100,000 |
| Senior Parks Operations Coordinator (PKSC01)                       | \$100,000 |
| Service Lead – Facility Management (SLFM01)                        | \$100,000 |
| Service Lead Project Management (EDBA01)                           | \$100,000 |
| Service Lead Waste and Fleet (SLWF01)                              | \$100,000 |
| Service Lead Waste Operations (WMFS01)                             | \$100,000 |



**Category D**

Authority to approve purchase orders to the value of **\$50,000** (excluding GST).

|   |          |
|---|----------|
| Engineer Construction (ENCC01, ENPJ01)              | \$50,000 |
| Engineer Drainage and Lighting Maintenance (ENOE01) | \$50,000 |
| Manager City Future (MPSA01)                        | \$50,000 |
| Manager Community Safety (RSAA01)                   | \$50,000 |
| Manager Community Services (MAHS01)                 | \$50,000 |
| Manager Customer and Communications (EMCP01)        | \$50,000 |
| Manager Recreation and Leisure Services (LECO05)    | \$50,000 |
| Senior Environmental Conservation Officer (PKEN01)  | \$50,000 |
| Senior Supply Officer (ASPS01)                      | \$50,000 |
| Service Lead – Strategy and Policy (SLSP01)         | \$50,000 |

**Category E**

Authority to approve purchase orders to the value of **\$25,000** (excluding GST).

|  |          |
|--|----------|
| Arts and Activation Assistant (AAAS01)                     | \$25,000 |
| Coordinator Building Projects (CBCO01)                     | \$25,000 |
| Coordinator Facility Maintenance (CBFM01)                  | \$25,000 |
| Service Lead HR Services (ASEP01)                          | \$25,000 |
| Coordinator Operations City Recreation Facilities (LHGM01) | \$25,000 |
| Service Lead Work Health and Safety (OHSC02)               | \$25,000 |



|   |          |
|---|----------|
| Coordinator Strategic Sourcing and Contracts (ASPP04)     | \$25,000 |
| Coordinator Property Services (TPLO01)                    | \$25,000 |
| Engineer Construction (ECAE01, ENCO01)                    | \$25,000 |
| Engineer Preventative Maintenance (ECAE03)                | \$25,000 |
| Engineer Reactive Maintenance (ECAE02)                    | \$25,000 |
| Environmental Officer Natural Areas (PKEN02)              | \$25,000 |
| Facility Maintenance and Construction Supervisor (CBFS01) | \$25,000 |
| Manager Development Services (PBSA01)                     | \$25,000 |
| Marketing Assistant (MRKA43)                              | \$25,000 |
| Policy Officer (COPR03)                                   | \$25,000 |
| Senior Technical Officer (PKTO03)                         | \$25,000 |
| Service Lead – Recreational Facilities (COCA01)           | \$25,000 |
| Service Lead – HR Operations (SLHR01)                     | \$25,000 |
| Service Lead – Libraries Lifelong Learning (SLLL01)       | \$25,000 |
| Turf Technician (PGCC01)                                  | \$25,000 |

**Category F**

Authority to approve purchase orders to the value of **\$10,000** (excluding GST).

|   |          |
|---|----------|
| Conservation Officer Natural Areas (PKTO04)             | \$10,000 |
| Coordinator Arts and Activation (LERO01)                | \$10,000 |
| Coordinator Compliance and Service Development (WMDO01) | \$10,000 |



|   |          |
|---|----------|
| Service Lead Council and Civic(ADSA01)                            | \$10,000 |
| Coordinator Environmental Health (EHSN03)                         | \$10,000 |
| Coordinator Sustainability (TPPR05)                               | \$10,000 |
| Coordinator Sports, Programs and Facility Hire (LSCS01)           | \$10,000 |
| Service Lead Compliance, Risk and Information Management (ADAD01) | \$10,000 |
| Service Lead Community Services and Development (DCDC01)          | \$10,000 |
| Service Lead Cultural Diversity and Community (LHSC01)            | \$10,000 |
| Service Lead Stirling Community Care (HSHC01)                     | \$10,000 |
| Supervisor Tree Services (PPGL01)                                 | \$10,000 |
| Team Leader Civic and Hospitality Services (CCCO01)               | \$10,000 |

**Category G**

Authority to approve purchase orders to the value of **\$5,000** (excluding GST).

|   |         |
|---|---------|
| Administration Supervisor (BACA01)                    | \$5,000 |
| Administration Support Officer (ASOL01)               | \$5,000 |
| Business Support Coordinator (EWDC01)                 | \$5,000 |
| Children and Youth Development – Team Leader (ANCS02) | \$5,000 |
| Community and Home Based Care Coordinator (CHCC01)    | \$5,000 |
| Coordinator Community Safety (SSAD01)                 | \$5,000 |
| Customer Experience Team Leader (PICO01)              | \$5,000 |



|   |         |
|---|---------|
| Executive Assistant Director Community Development (LBCO01) | \$5,000 |
| Executive Assistant to the CEO (CEOS01)                     | \$5,000 |
| Executive Assistant to the Mayor (MAYS01)                   | \$5,000 |
| Food Services Coordinator (FSSC01)                          | \$5,000 |
| Insurance Officer (ASED02)                                  | \$5,000 |
| Librarian Community Engagement (LBCS01)                     | \$5,000 |
| Naala Djookan Senior Coordinator (SCHH01)                   | \$5,000 |
| Project Officer (LECO03)                                    | \$5,000 |
| Purchasing Officer (ASPP03)                                 | \$5,000 |
| Senior Administration Officer (CSCO01)                      | \$5,000 |
| Facility Hire Team Leader (LHGS01)                          | \$5,000 |
| Senior Coordinator Day Club (DCAC02)                        | \$5,000 |
| Senior Engineering/Licensed Surveyor (SELS01)               | \$5,000 |
| Senior Environmental Health Officer (EHSN01, EHOFF04)       | \$5,000 |
| Sports and Leisure Programs Team Leader (FODO01)            | \$5,000 |
| Strengthening Communities Team Leader (CDFS01)              | \$5,000 |
| Supply Officer (ASPO01, ASPO02)                             | \$5,000 |
| Team Leader – Beach Services (BSCO01)                       | \$5,000 |
| Women’s Centre Coordinator (WRSR01)                         | \$5,000 |



**Relevant local law, Procurement Policy  
policy or management  
practice:**

**Initial Council Adoption:** 7 August 1990

|



## WRITE OFF ASSETS

**Function to be performed:** Authority to write off assets with written down values outside of the capital replacement program.

**Conditions:**

- Items lost or stolen – **no limit** (per asset)
- Other categories – up to **\$20,000** (per asset)

**Statutory Reference:** *Local Government Act 1995, s6.10(c)*  
*Local Government (Financial Management) Regulations 1996, r5(1)(d)(iii)*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** **Category A**

Authority to write off assets with written down values outside of the capital replacement program within the following limits:

- Items lost or stolen – up to **\$20,000** (per asset)
- Other categories – up to **\$20,000** (per asset)

Director Corporate Services (DCRM01)

### **Category B**

Authority to write off assets with written down values outside of the capital replacement program within the following limits:

- Items lost or stolen – up to **\$2,000** (per asset)
- Other categories – up to **\$2,000** (per asset)

Director Community Development (EMCS01)

Director Infrastructure (EXWK01)

Director Planning and Development (EXCD01)

Manager Finance (MASF01)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 13 December 2005 – ‘Annual Review of Delegation Register 2005/2006’



## WAIVE OR GRANT CONCESSIONS/WRITE OFF MONEY

- Function to be performed:**
- Waive or grant concessions (except for rates and service charges); and
  - Write off money – \$10,000 per transaction to an annual limit of \$150,000.

**Conditions:** A report must be submitted to the Community and Resources Committee every twelve months on the exercise of this delegation. Report to contain information prescribed in r26(1)(c) of the *Local Government (Financial Management) Regulations 1996*.

**Statutory Reference:** *Local Government Act 1995*, s6.12(1)(b) & (c)  
*Local Government (Financial Management) Regulations 1996*, r26(1)(c)

**s5.42 Delegation to:** Chief Executive Officer

**Conditions on all s5.44 on-delegates:** On-delegates are only permitted to write off money that relates to their Directorate/Business Unit with the exception of Manager Finance.

**s5.44 Delegation to:** **Category A**

Authority to:

- Waive or grant concessions (except rates and service charges); and
- Write off money (except rates and service charges) – \$7,500 per transaction to an annual limit of **\$75,000**.

Director Community Development (EMCS01)

**Category B**

Authority to:

- Waive or grant concessions (except rates and service charges); and
- Write off money (except rates and service charges) - \$2,000 per transaction to an annual limit of **\$20,000**.

Director Corporate Services (DCRM01)

Director Infrastructure (EXWK01)

Director Planning and Development (EXCD01)

**Category C**

Authority to:



- Waive or grant concessions (except rates and service charges); and
- Write off money (except rates and service charges) – \$800 per transaction to an annual limit of **\$8,000**.

Manager Finance (MASF01)

Manager Recreation and Leisure Services (LECO05)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 5 September 2006 – 'Delegated Authority to Write Off Debts'

## **AUTHORISED OFFICERS**

**Function to be performed:** To appoint persons or classes of persons to be authorised for the purposes of performing particular functions.

**Conditions:** Nil

**Statutory Reference:** *Local Government Act 1995, s9.10(1)*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Director Community Development (EMCS01)  
Director Planning and Development (EXCD01)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 3 July 2007 – 'Annual Review of Delegations to the Chief Executive Officer 2006/2007 (Absolute Majority Vote Required – Supplementary Report)'



## RECEIVE PAYMENTS

- Function to be performed:** Receive payments of infringement notices under the *Local Government Act 1995*.
- Conditions:** Nil
- Statutory Reference:** *Local Government Act 1995*, s9.17
- s5.42 Delegation to:** Not applicable
- s5.44 Delegation to:** Administration Officer – Environmental Health (BISE01, AOEH01)  
Administration Officer – Parking Support (CSAO02)  
Business Support Officer (BSOD01)  
Community Safety Infringement Officer (RDCO01)  
Customer Experience Coach (CUSM01)  
Customer Experience Officer (ASCO09, , CUSM02, CUSM03, CUSO07, CUSO15)  
Customer Experience Officer – Digital (CUSC03, WPSU01, WMCS01)  
Customer Experience Team Leader (WPOP01)  
Senior Customer Experience Officer – Digital (CUSO10)  
Team Leader – Parking Support (CSPC02)
- Relevant local law, policy or management practice:** Nil
- Initial Council Adoption:** Not applicable – power is given to the CEO by section 9.17 of the *Local Government Act 1995*



## EXTEND PAYMENT PERIODS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.  |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Local Government Act 1995, s9.19</i>   |
| <b>s5.42 Delegation to:</b>                               | Not applicable  |
| <b>s5.44 Delegation to:</b>                               | Administration Officer (CSAO02)<br>Administration Officer – Environmental Health (BISE01, AOEH01)<br>Administration Officer – Systems (CUSO06)<br>Animal Registration Officer (CUSO03, AROF01)<br>Business Support Officer (BSOD01)<br>Community Safety Administration Officer (RSAD01, CSAO05)<br>Community Safety Infringement Officer (RSCO01)<br>Community Safety Officer (SEPO13)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01)<br>Coordinator Environmental Health (EHSN03)<br>Coordinator Verge Control and Swimming Pools (ECSE01)<br>Director Planning and Development (EXCD01)<br>Manager Community Safety (RSAA01)<br>Manager Development Services (PBSA01)<br>Parking Coordinator (CSPC01)<br>Team Leader – Parking Support (CSPC02) |
| <b>Relevant local law, policy or management practice:</b> | Nil   |
| <b>Initial Council Adoption:</b>                          | Not applicable – power is given to the CEO by section 9.19 of the <i>Local Government Act 1995</i>  |



## WITHDRAW INFRINGEMENT NOTICES

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.   |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Local Government Act 1995, s9.20</i>   |
| <b>s5.42 Delegation to:</b>                               | Not applicable  |
| <b>s5.44 Delegation to:</b>                               | Administration Officer (CSAO02)<br>Business Support Officer (BSOD01)<br>Community Safety Infringement Officer (RSCO01)<br>Community Safety Operations Coordinator (RANG04)<br>Coordinator Community Safety (SSAD01)<br>Coordinator Environmental Health (EHSN03)<br>Coordinator Verge Control and Swimming Pools (ECSE01)<br>Director Planning and Development (EXCD01)<br>Manager Community Safety (RSAA01)<br>Manager Development Services (PBSA01)<br>Parking Coordinator (CSPC01)<br>Team Leader – Parking Support (CSPC02) |
| <b>Relevant local law, policy or management practice:</b> | Nil   |
| <b>Initial Council Adoption:</b>                          | Not applicable – power is given to the CEO by section 9.20 of the <i>Local Government Act 1995</i>  |



## AFFIXING OF COMMON SEAL

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Authorise the affixing of the Common Seal of the City to any document that needs the City's Common Seal to be legally effective. |
| <b>Conditions:</b>  | The document must not be inconsistent with a Council policy or resolution.   |
| <b>Statutory Reference:</b>                               | <i>Local Government Act 1995, s9.49A(2) &amp; (3) (Execution of Documents)</i>   |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Nil  |
| <b>Relevant local law, policy or management practice:</b> | Documents Requiring the Common Seal to be Affixed  |
| <b>Initial Council Adoption:</b>                          | 6 April 2010 - 'Amendments to Local Government Act 1995 – Delegations of Authority and Authorisation' (Resolution 0410/035)      |



## SIGNING DOCUMENTS

**Function to be performed:** To sign any document that is necessary or appropriate for the CEO or employee to sign in carrying out his functions under any written law

**Conditions:** Signing of documents in line with employee's approved delegated authority

**Statutory Reference:** *Local Government Act 1995, s9.49A(4)*

**Authorisation to:** Chief Executive Officer  
All Employees

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 6 April 2010 - 'Amendments to Local Government Act 1995 – Delegations of Authority and Authorisation' (Resolution 0410/035)

Note: This is not a delegation as this power cannot be delegated.



## NEW CONTRACTS

**Function to be performed:** Accepting a Procurement Process with a value below \$750,000  
Negotiating terms of all written contracts and agreements below a total contract value of \$750,000.  
Entering and signing all written contracts and agreements below a total contract value of \$750,000.

**Exemptions:** The purchase is to be obtained from expenditure authorised in an emergency (Regulation 11(2)(a));

**Conditions:** The delegation is subject to the following conditions:

1. Prior to exercising this delegation, all on-delegates must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.
2. If required by legislation, on-delegates must sign a declaration as part of their annual return requirements to reaffirm their understanding of the City's Procurement Policy.
3. The contract or agreement is a procurement contract or agreement for the supply of goods or services only.
4. The contract or agreement must be on the City of Stirling's standard Terms, an Australian Standard Contract, a City of Stirling bespoke contract, or a Risk Assessment of the contract has been completed and the risk has been deemed acceptable to the City.

**Statutory Reference:** *Local Government Act 1995, s9.49A, s9.49B*  
*Local Government (Functions and General) Regulations 1996, r21(A)*  
*Local Government (Financial Management) Regulations 1996*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** The following positions as per the delegation limits assigned to the position in the in the purchase order delegation.

### **Category A**

Accepting a Procurement Process with a value of below \$750,000 (excluding GST)

Negotiating terms of all written contracts and agreements below a total contract value of \$750,000 (excluding GST)



Entering and signing all written contracts and agreements below a contract value of \$750,000 (excluding GST)

- Director Community Development (EMCS01)
- Director Corporate Services (DCRM01)
- Director Infrastructure (EXWK01)
- Director Planning and Development (EXCD01)

### **Category B**

Accepting a Procurement Process with a value of \$250,000 (excluding GST).

Negotiating terms of all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST).

Entering and signing all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST).

- Manager Engineering Services (MEDS01)
- Manager Facilities, Projects and Assets (MCBO01)
- Manager Parks and Sustainability (MAPR01)
- Manager Waste and Fleet (WMOP01)
- Service Lead Engineering Operations (MAES01)

### **Category C**

Accepting a Procurement Process with a value of \$100,000 (excluding GST).

Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST).

Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST).

- Coordinator Arboriculture (PKCA01)
- Coordinator Engineering Construction (ECCE01)
- Coordinator Engineering Maintenance (ENLS01)
- Coordinator Fleet Services (TATO01)
- Coordinator Project Management and Landscape Architecture (PKLA01)
- Manager Finance (MASF01)
- Manager Governance (MADM01)
- Manager Human Resources (HRM01)
- Manager Information Communications and Technology (MAIT01)
- Senior Irrigation Officer (PRLH01)
- Senior Parks Operations Coordinator (PKSC01)
- Service Lead – Facility Management (SLFM01)
- Service Lead Project Management (EDBA01)
- Service Lead Waste and Fleet (SLWF01)
- Service Lead Waste Operations (WMFS01)



### **Category D**

Accepting a Procurement Process with a value of \$50,000 (excluding GST).

Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST).

Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST).

- Engineer Construction (ENCC01, ENPJ01)
- Engineer Drainage and Lighting Maintenance (ENOE01)
- Manager City Future (MPSA01)
- Manager Community Safety (RSAA01)
- Manager Community Services (MAHS01)
- Manager Customer and Communications (EMCP01)
- Manager Recreation and Leisure Services (LECO05)
- Senior Environmental Conservation Officer (PKEN01)
- Senior Supply Officer (ASPS01)
- Service Lead – Strategy and Policy (SLSP01)

### **Category E**

Accepting a Procurement Process with a value of \$25,000 (excluding GST).

Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST).

Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST).

- Arts and Activation Assistant (AAAS01)
- Coordinator Building Projects (CBCO01)
- Coordinator Facility Maintenance (CBFM01)
- Service Lead HR Services (ASEP01)
- Coordinator Operations City Recreation Facilities (LHGM01)
- Service Lead WHS (OHSC02)
- Coordinator Strategic Sourcing and Contracts (ASPP04)
- Coordinator Property Services (TPLO01)
- Engineer Construction (ECAE01, ENCO01)
- Engineer Preventative Maintenance (ECAE03)
- Engineer Reactive Maintenance (ECAE02)
- Environmental Officer Natural Areas (PKEN02)
- Facility Maintenance and Construction Supervisor (CBFS01)
- Manager Development Services (PBSA01)
- Marketing Assistant (MRKA43)
- Policy Officer (COPR03)
- Senior Technical Officer (PKTO03)
- Service Lead – Recreational Facilities (COCA01)



- Service Lead – HR Operations (SLHR01)
- Service Lead – Libraries Lifelong Learning (SLLL01)
- Turf Technician (PGCC01)

### **Category F**

Accepting a Procurement Process with a value of \$10,000 (excluding GST).

Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST).

Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST).

- Conservation Officer Natural Areas (PKTO04)
- Coordinator Arts and Activation (LERO01)
- Coordinator Compliance and Service Development (WMDO01)
- Coordinator Environmental Health (EHSN03)
- Coordinator Sustainability (TPPR05)
- Coordinator Sports, Programs and Facility Hire (LSCS01)
- Service Lead Compliance, Risk and Information Management (ADAD01)
- Service Lead Community Services and Development (DCDC01)
- Service Lead Council and Civic (ADSA01)
- Service Lead Cultural Diversity and Community (LHSC01)
- Service Lead Stirling Community Care (HSHC01)
- Supervisor Tree Services (PPGL01)
- Team Leader Civic and Hospitality Services (CCCO01)

### **Category G**

Accepting a Procurement Process with a value of \$5,000 (excluding GST).

Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST).

Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST).

- Administration Supervisor (BACA01)
- Administration Support Officer (ASOL01)
- Business Support Coordinator (EWDC01)
- Children and Youth Development – Team Leader (ANCS02)
- Community and Home-Based Care Coordinator (CHCC01)
- Coordinator Community Safety (SSAD01)
- Customer Experience Team Leader (PICO01)
- Executive Assistant Director Community Development (LBCO01)
- Executive Assistant to the CEO (CEOS01)



- Executive Assistant to the Mayor (MAYS01)
- Food Services Coordinator (FSSC01)
- Insurance Officer (ASED02)
- Librarian Community Engagement (LBCS01)
- Naala Djookan Senior Coordinator (SCHH01)
- Project Officer (LECO03)
- Purchasing Officer (ASPP03)
- Senior Administration Officer (CSCO01)
- Facility Hire Team Leader (LHGS01)
- Senior Coordinator Day Club (DCAC02)
- Senior Engineering/Licensed Surveyor (SELS01)
- Senior Environmental Health Officer (EHSN01, EHOFO4)
- Sports and Leisure Programs Team Leader (FODO01)
- Strengthening Communities Team Leader (CDFS01)
- Strengthening Communities Team Leader (CDFS01)
- Supply Officer (ASPO01, ASPO02)
- Team Leader – Beach Services (BSCO01)
- Women’s Centre Coordinator (WRSR01)

**Relevant local law, policy or management practice:**

Procurement Policy  
Contract Management Guide  
Signature Authority Management Practice

**Definitions:**

**Procurement Process**

Procurement process includes publicly invited tenders and any procurement process exempt from the requirement to undertake a publicly invited tenders under Part 4, Division 2 of the *Local Government (Functions and General) Regulations 1996*.

**Contract**

A business agreement (other than a purchase order) for the supply of goods or performance of work at a fixed price that is intended to be enforceable by law.

**Initial Council Adoption:**

29 June 2021 – ‘Annual Review of Delegations from Council to the Chief Executive Officer 2020/21’ (Resolution 0621/050)



## CONTRACT VARIATION AND EXTENSION

|                                  |   |
|----------------------------------|---|
| <b>Function to be performed:</b> | <p>Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is less than \$750,000</p> <p>Total Contract Value includes the value of the variation or extension.</p>  |
| <b>Conditions:</b>               | <p>The delegation is subject to the following conditions:</p> <ol style="list-style-type: none"><li>1. Prior to exercising this delegation, all on-delegates must complete procurement training provided by the City and sign a declaration of understanding of the City's Procurement Policy.</li><li>2. If required by legislation, on-delegates must sign a declaration as part of their annual return requirements to reaffirm their understanding of the City's Procurement Policy.</li><li>3. The contract or agreement is a procurement contract or agreement for the supply of goods or services only.</li><li>4. The contract or agreement must be on the City of Stirling's standard Terms, an Australian Standard Contract, a City of Stirling bespoke contract, or the contractor's terms and conditions or a Risk Assessment of the contract has been completed and the risk has been deemed acceptable to the City.</li></ol> |
| <b>Statutory Reference:</b>      | <p><i>Local Government Act 1995, s9.49A, s9.49B</i></p> <p><i>Local Government (Functions and General) Regulations 1996, r21(A)</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>  |
| <b>s5.42 Delegation to:</b>      | Chief Executive Officer   |
| <b>s5.44 Delegation to:</b>      | <p>The following positions as per the delegation limits assigned to the position in the in the purchase order delegation.</p> <p><b>Category A</b></p> <p>Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is less than \$750,000 (excluding GST)</p> <p>Total Contract Value includes the value of the variation or extension.</p> <ul style="list-style-type: none"><li>• Director Community Development (EMCS01)</li></ul>   |



- Director Corporate Services (DCRM01)
- Director Infrastructure (EXWK01)
- Director Planning and Development (EXCD01)

### **Category B**

Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$250,000 (excluding GST).

Total Contract Value includes the value of the variation or extension.

- Manager Engineering Services (MEDS01)
- Manager Facilities, Projects and Assets (MCBO01)
- Manager Parks and Sustainability (MAPR01)
- Manager Waste and Fleet (WMOP01)
- Service Lead Engineering Operations (MAES01)

### **Category C**

Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST).

Total Contract Value includes the value of the variation or extension.

- Coordinator Arboriculture (PKCA01)
- Coordinator Engineering Construction (ECCE01)
- Coordinator Engineering Maintenance (ENLS01)
- Coordinator Fleet Services (TATO01)
- Coordinator Project Management and Landscape Architecture (PKLA01)
- Manager Finance (MASF01)
- Manager Governance (MADM01)
- Manager Human Resources (HRM01)
- Manager Information Communications and Technology (MAIT01)
- Senior Irrigation Officer (PRLH01)
- Senior Parks Operations Coordinator (PKSC01)
- Service Lead – Facility Management (SLFM01)
- Service Lead Project Management (EDBA01)
- Service Lead Waste and Fleet (SLWF01)
- Service Lead Waste Operations (WMFS01)



### **Category D**

Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST).

Total Contract Value includes the value of the variation or extension.

- Engineer Construction (ENCC01, ENPJ01)
- Engineer Drainage and Lighting Maintenance (ENOE01)
- Manager City Future (MPSA01)
- Manager Community Safety (RSAA01)
- Manager Community Services (MAHS01)
- Manager Customer and Communications (EMCP01)
- Manager Recreation and Leisure Services (LECO05)
- Senior Environmental Conservation Officer (PKEN01)
- Senior Supply Officer (ASPS01)
- Service Lead – Strategy and Policy (SLSP01)

### **Category E**

Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST).

Total Contract Value includes the value of the variation or extension.

- Arts and Activation Assistant (AAAS01)
- Coordinator Building Projects (CBCO01)
- Coordinator Facility Maintenance (CBFM01)
- Service Lead HR Services (ASEP01)
- Coordinator Operations City Recreation Facilities (LHGM01)
- Service Lead WHS (OHSC02)
- Coordinator Strategic Sourcing and Contracts (ASPP04)
- Coordinator Property Services (TPLO01)
- Engineer Construction (ECAE01, ENCO01)
- Engineer Preventative Maintenance (ECAE03)
- Engineer Reactive Maintenance (ECAE02)
- Environmental Officer Natural Areas (PKEN02)
- Facility Maintenance and Construction Supervisor (CBFS01)
- Manager Development Services (PBSA01)
- Marketing Assistant (MRKA43)
- Policy Officer (COPR03)
- Senior Technical Officer (PKTO03)
- Service Lead – Recreational Facilities (COCA01)



- Service Lead – HR Operations (SLHR01)
- Service Lead – Libraries Lifelong Learning (SLLL01)
- Turf Technician (PGCC01)

### **Category F**

Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST).

Total Contract Value includes the value of the variation or extension.

- Conservation Officer Natural Areas (PKTO04)
- Coordinator Arts and Activation (LERO01)
- Coordinator Compliance and Service Development (WMDO01)
- Coordinator Environmental Health (EHSN03)
- Coordinator Sustainability (TPPR05)
- Coordinator Sports, Programs and Facility Hire (LSCS01)
- Service Lead Compliance, Risk and Information Management (ADAD01)
- Service Lead Community Services and Development (DCDC01)
- Service Lead Council and Civic (ADSA01)
- Service Lead Cultural Diversity and Community (LHSC01)
- Service Lead Stirling Community Care (HSHC01)
- Supervisor Tree Services (PPGL01)
- Team Leader Civic and Hospitality Services (CCCO01)

### **Category G**

Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST).

Total Contract Value includes the value of the variation or extension.

- Administration Supervisor (BACA01)
- Administration Support Officer (ASOL01)
- Business Support Coordinator (EWDC01)
- Children and Youth Development – Team Leader (ANCS02)
- Community and Home-Based Care Coordinator (CHCC01)
- Coordinator Community Safety (SSAD01)
- Customer Experience Team Leader (PICO01)
- Executive Assistant Director Community Development (LBCO01)



- Executive Assistant to the CEO (CEOS01)
- Executive Assistant to the Mayor (MAYS01)
- Food Services Coordinator (FSSC01)
- Insurance Officer (ASED02)
- Librarian Community Engagement (LBCS01)
- Naala Djookan Senior Coordinator (SCHH01)
- Project Officer (LECO03)
- Purchasing Officer (ASPP03)
- Senior Administration Officer (CSCO01)
- Facility Hire Team Leader (LHGS01)
- Senior Coordinator Day Club (DCAC02)
- Senior Engineering/Licensed Surveyor (SELS01)
- Senior Environmental Health Officer (EHSN01, EHOF04)
- Sports and Leisure Programs Team Leader (FODO01)
- Strengthening Communities Team Leader (CDFS01)
- Strengthening Communities Team Leader (CDFS01)
- Supply Officer (ASPO01, ASPO02)
- Team Leader – Beach Services (BSCO01)
- Women’s Centre Coordinator (WRSR01)

**Relevant local law, policy or management practice**

Procurement Policy  
Contract Management Practice Guide  
Signature Authority Management Practice

**Definition:**

**Procurement Process**

Procurement process includes publicly invited tenders and any procurement process exempt from the requirement to undertake a publicly invited tenders under Part 4, Division 2 of the *Local Government (Functions and General) Regulations 1996*

**Contract**

A business agreement (other than a purchase order) for the supply of goods or performance of work at a fixed price that is intended to be enforceable by law.

**Initial Council Adoption:**

29 June 2021 – ‘Annual Review of Delegations from Council to the Chief Executive Officer 2020/21’ (Resolution 0621/050)



## CROSSOVERS

- Function to be performed:**
- Refuse applications not in keeping with the intent of the City's Crossover Policy; and
  - Approve variations to the City's Crossover Policy where adequate justification is provided and the intent of the policy is deemed to have been met.

**Conditions:** All decisions must be in writing.

**Statutory Reference:** *Local Government Act 1995, Sch.9.1, cl7(2)*  
*Local Government (Uniform Local Provisions) Regulations 1996, r12*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Coordinator Verge Control and Swimming Pools (ECSE01)  
Director Infrastructure (EXWK01)  
Manager Development Services (PBSA01)  
Manager Engineering Services (MEDS01)

### Category A

Approve variations to the City's Crossover Policy where adequate justification is provided and the intent of the policy is deemed to have been met.

Verge Control Officer (COMO05, COMO06, EOFO01, EWTD46)

**Relevant local law, policy or management practice:** City of Stirling Thoroughfares and Public Places Local Law 2009  
Crossover Policy

**Initial Council Adoption:** 3 March 2009 – 'Adoption of Policies Relating to Proposed Thoroughfares and Public Places Local Law (Absolute Majority Vote)' (Resolution 0309/019)



## INSTRUCT LEGAL ACTION

**Function to be performed:** Authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the *Building Act 2011*, *Planning and Development Act 2005*, gazetted Town Planning Schemes, *Local Government Act 1995* and all subsidiary legislation made under those Acts, including signing and executing all documents on behalf of the City.

**Conditions:** Section 5.44 on-delegation in relation to the *Building Act 2011* and the *Planning and Development Act 2005* be restricted to the Director Planning and Development.

Where the cost of obtaining legal advice, with the exception of employee related matters exceeds \$50,000, be referred to Council for direction.

**Statutory Reference:** *Local Government Act 1995*  
*Building Act 2011*  
*Planning and Development Act 2005*  
gazetted Town Planning Schemes

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Director Planning and Development (EXCD01)

### Category A

Authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the *Local Government Act 1995* and all subsidiary legislation made under this Act, including signing and executing all documents on behalf of the City.

Coordinator Planning Compliance (EHSN04)  
Coordinator Verge Control and Swimming Pools (ECSE01)  
Director Corporate Services (DCRM01)  
Manager City Future (MPSA01)  
Manager Development Services (PBSA01)  
Manager Finance (MASF01)  
Senior Rates and Receivables Team Leader (ASCA01)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 30 November 2004 – 'Annual Review of Delegation Register 2004-2005'



## 6.9 PLANNING AND DEVELOPMENT ACT 2005

### ALTERATION OF CATEGORY - RIGHTS OF WAY

|   |  |
|---|--|
| <b>Function to be performed:</b>                          | Alter the category of Rights of Way where the current category is clearly in conflict with the category definitions. |
| <b>Conditions:</b>  | Elected Member's and all affected owners are to be notified of the change and the rationale for it.                  |
| <b>Statutory Reference:</b>                               | Local Planning Scheme 3, c5.9.5  |
| <b>s5.42 Delegation to:</b>                               | Chief Executive Officer  |
| <b>s5.44 Delegation to:</b>                               | Director Planning and Development (EXCD01)<br>Manager City Future (MPSA01)   |
| <b>Relevant local law, policy or management practice:</b> | Nil  |
| <b>Initial Council Adoption:</b>                          | 21 March 2006 – 'Right of Way Categorisation – Proposed Changes to ROWs 28085, 28031 and 28071'                      |



## LOCAL GOVERNMENT FUNCTIONS

**Function to be performed:** Perform the functions of the 'local government' under Sections 214(2), 214(3) and 214(5) of the Planning and Development Act 2005.

**Conditions:** Nil

**Statutory Reference:** *Planning and Development Act 2005, s214(2), 214(3) & 214(5)*

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Director Planning and Development (EXCD01)

### **Category A**

Perform the functions of the 'local government' under Sections 214(2) and 214(3) of the Planning and Development Act 2005.

Coordinator Planning Compliance (EHSN04)

Senior Planning Officer (COMO04)

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 6 March 2012 - 'Delegation of Local Government Functions Under Various Acts' (Resolution 0312/004)



## **PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015 AND LOCAL PLANNING SCHEME NO. 3**

**Function to be performed:** Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.

**Conditions:** All powers and duties are delegated under the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual with the following exceptions:

- (a) Clauses 3-6(inclusive), 8-10(inclusive), , 20, 20A, 29, , 52, 59, 78, 82 and 83 of the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- (b) Clauses 4.9.3, 4.11, 4.12, 6.3.3, 6B.13.3, 6B.17, 6B.18, 7.3, 11.1.1(b), 11.6 and 11.7 of Local Planning Scheme No. 3;
- (c) Determination of applications where the shortfall of car parking bays is in total greater than ten (10) bays in addition to any existing car parking shortfall, as calculated in accordance with Council's Local Planning Policy 6.7 – Parking & Access and any other applicable planning instrument;
- (d) Determination of applications requiring cash-in-lieu for car parking under Clause 5.8 of Local Planning Scheme No. 3;
- (e) Amended applications the subject of a previous decision of Council where it is considered that the proposed amendments will have a greater impact on the locality;
- (f) Reconsideration of applications pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, which require decisions relative to matters contained in part (a) – (e);
- (g) Reconsideration of applications pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, where the City is recommending refusal of the revised proposal or the imposition of a condition not agreed to by the applicant; and
- (h) Development applications that have been called in to Council at the request of two (2) or more Councillors, at least one (1) of whom is a ward Councillor or the Mayor, where the development application raises planning related matters that require an exercise of discretion.



|   |   |
|---|---|
| <b>Statutory Reference:</b>                               | <i>Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2, Part 10, Clause 82</i><br>Local Planning Scheme No. 3, c11.3  |
| <b>cl82 Delegation to:</b>                                | Chief Executive Officer   |
| <b>cl83 Delegation to:</b>                                | Coordinator City Future Projects (CSTP02)<br>Coordinator City Planning – Schemes and Policies (CSTP01)<br>Coordinator Planning Compliance (EHSN04)<br>Coordinator Planning Approvals (TPSP01, TPSP02)<br>Director Planning and Development (EXCD01)<br>Manager City Future (MPSA01)<br>Manager Development Services (PBSA01)<br>Senior Development Engagement Officer (SDEO01)<br>Senior Planning Officer (TPAP01, TPAP09, TPAP10, TPSD01, TPAP20)<br>Senior Planning Officer Compliance (COMO04)<br>Senior Strategic Planning Officer (TPPR03, TPPR07, TPSL01)<br>Senior Strategic Project Planning Officer (TPPR09) |
| <b>Relevant local law, policy or management practice:</b> | Nil   |
| <b>Initial Council Adoption:</b>                          | 10 August 2010 - 'Local Planning Scheme 3 - Delegations' (Resolution 0810/053)  |



## 6.10 PUBLIC HEALTH ACT 2016

### ENFORCEMENT AGENCY FUNCTIONS

|   |   |
|---|---|
| <b>Function to be performed:</b>                          | Perform the powers and/or duties of an 'enforcement agency' under the <i>Public Health Act 2016</i> . |
| <b>Conditions:</b>  | Nil   |
| <b>Statutory Reference:</b>                               | <i>Public Health Act 2016</i> , s21   |
| <b>s21(1)(b) Delegation to:</b>                           | Chief Executive Officer   |
| <b>Relevant local law, policy or management practice:</b> | Nil   |
| <b>Initial Council Adoption:</b>                          | 13 June 2017 – 'Annual Review of Delegations 2016/2017' (Resolution 0617/010)                         |



## 6.11 STATE RECORDS ACT 2000

### DESTRUCTION OF CORPORATE RECORDS

**Function to be performed:** Authorise corporate records for destruction or transfer to the State Records Office.

**Conditions:** Nil

**Statutory Reference:** *State Records Act 2000*, Records Retention and Disposal Instructions cl17

*Local Government (Elections) Regulations 1997*, s82(3)(4)

**cl17 Delegation to:** Chief Executive Officer  
Manager Governance (MADM01)  
Coordinator Information Management (REMA01)  
Service Lead Compliance, Risk and Information Management (ADAD01)  
Service Lead Council and Civic (ADSA01)

**Relevant local law, policy or management practice:** Nil

**Initial CEO Endorsement:** 30 May 2017 – 'New delegation to Manager Governance



## 6.12 STRATA TITLES ACT 1985

### ISSUING CERTIFICATES OF APPROVAL

**Function to be performed:** Power to determine applications for issuing of a certificate of approval under section 15 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 strata's in multi-tiered strata scheme developments;
- (c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City 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.

**Conditions:** All power exercised under this delegation must be provided to the WAPC with data on all applications determined at the conclusion of each financial year in the format prescribed by the WAPC.

**Statutory Reference:** *Strata Titles Act 1985*, s15

**s5.42 Delegation to:** Chief Executive Officer

**s5.44 Delegation to:** Building Surveyor (BISN02, BISU01, BISU03, BISU05)  
Coordinator Planning Approvals (TPSP01, TPSP02)  
Director Planning and Development (EXCD01)  
Manager Development Services (PBSA01)  
Principal Building Surveyor (BIPR01)  
Senior Building Surveyor (BISN01, BISU07)  
Senior Development Engagement Officer (SDEO01)  
Senior Planning Officer (TPAP01, TPAP09, TPAP10, TPSD01, TPAP20)

**Relevant local law, policy or management practice:** *Government Gazette* No.98 dated 9 June 2009 - Instrument of Delegation from the WAPC to all local governments.

*Government Gazette* No.46 dated 27 March 2020 – Applications made under section 15 of the *Strata Title Act 1985*



**Initial Council Adoption:** 5 April 2011 - 'Strata Titles Act – Delegations for Issuing of Local Authority Certificate' (Resolution 0411/018)



## 6.13 TRANSFER OF LAND ACT 1892

### EASEMENTS

**Function to be performed:** Grant the surrender and partial surrender of drainage easements which benefit the City of Stirling where:-

- a. a minor encroachment of a building or structure has occurred within the easement area and a partial surrender of easement is required to accommodate the encroached structure, subject to:-
  - i. The partial surrender being no greater than 10% of the total easement area and no greater than 10% of the overall width of the easement;
  - ii. The Applicant must safeguard any building, structures and City infrastructure to the satisfaction of the City of Stirling; and
  - iii. The Applicant paying all costs to effect the partial surrender of easement.
- b. the drainage easement is considered redundant and no longer required to secure the City's infrastructure (as determined by the City of Stirling) subject to:-
  - i. The Applicant being responsible for the removal of any redundant infrastructure within the easement area to the satisfaction of the City of Stirling; and
  - ii. The Applicant paying all costs to effect the partial surrender or surrender of easement.
- c. An alternative easement area is required due to the modification or relocation of the City's drainage infrastructure as part of the development or redevelopment of private property, subject to:-
  - i. The Applicant being responsible for the removal, relocation or replacement of the City's infrastructure to the satisfaction of the City of Stirling; and
  - ii. The Applicant paying all costs to effect the surrender or partial surrender of easement.

**Conditions:** Nil

**Statutory Reference:** *Transfer of Land Act 1893, s136J*

**s5.42 Delegation to:** Chief Executive Officer



**s5.44 Delegation to:** Nil

**Relevant local law, policy or management practice:** Nil

**Initial Council Adoption:** 6 November 2018 – ‘Delegation to the Chief Executive Officer to Grant the Surrender and Partial Surrender of Drainage Easements and Grant of Replacement Easements’ (Resolution 1118/005)



## **6.14 DELEGATIONS TO COMMITTEES**

### **CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW COMMITTEE**

**Function to be performed:** All the powers, functions and duties necessary to:

- (a) conduct and manage the performance review of the Chief Executive Officer in accordance with the Chief Executive Officer's Employment Agreement;
- (b) select and appoint an independent external consultant to facilitate the performance review process of the Chief Executive Officer; and
- (c) make any appropriate changes to the Chief Executive Officer's Employment Agreement in respect of the Chief Executive Officer's remuneration.

**Initial Council Adoption:** 22 February 2011 – 'Chief Executive Officer's Performance Review Process – Delegation of Powers' (Resolution 0211/079)

**s5.16 Delegation to:** Chief Executive Officer's Performance Review Committee



## 7 DELEGATIONS BY DIRECTORATE/BUSINESS UNIT

### OFFICE OF THE CHIEF EXECUTIVE OFFICER

#### Chief Executive Officer (CEOA01)

Approve or refuse to approve a certified or uncertified application for a building permit in accordance with Section 20 of the *Building Act 2011*.

Approve or refuse to approve an application for a demolition permit in accordance with Section 21 and 22 of the *Building Act 2011*.

Impose conditions on the grant of a building permit or demolition permit in accordance with Section 27 of the *Building Act 2011*.

Approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate in accordance with Section 58 of the *Building Act 2011*.

Impose conditions on an occupancy permit or modification or building approval certificate in accordance with Section 62 of the *Building Act 2011*.

Approve or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect in accordance with Section 65 of the *Building Act 2011*.

To give consent for encroachments on Crown land under the care, control and management of the City in accordance with Section 76 of the *Building Act 2011*.

Designate an employee of the local government as an authorised person for the purposes of the *Building Act 2011* in relation to buildings and incidental structures located, or proposed to be located, in the district of the City of Stirling.

Make a building order in accordance with Section 110 of the *Building Act 2011* in relation to:

- Building work;
- Demolition work; and/or
- An existing building or incidental structure whether completed before or after commencement day.

Serve a building order in accordance with Section 114 of the *Building Act 2011*.

Revoke a building order in accordance with Section 117 of the *Building Act 2011*.



1. If there is non-compliance with a building order, cause an authorised person to:
  - Take any action specified in the building order;
  - Commence or complete any work specified in the building order; or
  - If any specified action was required by the building order to cease, take such steps as are reasonable in the circumstances to cause the action to cease.
2. In a court of competent jurisdiction, recover as a debt from a person who has been served with a building order, the reasonable costs and expenses incurred in doing anything in relation to the building order.

All the functions of the 'local government' under the *Bush Fires Act 1954* other than those functions under Section 33(5a).

All powers and duties of the 'local government' under the *Cat Act 2011*.

Perform any power or duty of the 'local government' under the *Dog Act 1976* including the authority to on-delegate the power and duties of the 'local government' to employees.

Perform the functions of an 'enforcement agency' under the *Food Act 2008*.

Appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004 Part 2*.

Perform the functions of the 'local government' under Sections 39, 40, 61(2) and 69(8) of the *Liquor Control Act 1988*.

Perform the functions of the 'City' and 'local government' under the:

- City of Stirling Bee Keeping Local Law 2008;
- City of Stirling Dogs Local Law 2008;
- City of Stirling Fencing Local Law 2008;
- City of Stirling Keeping and Control of Cats Local Law 1999;
- City of Stirling Local Government Property Local Law 2009;
- City of Stirling Parking Local Law 2014;
- City of Stirling Pest Plant Local Law 2012;
- City of Stirling Local Law Relating to the Prevention and Abatement of Dust and Liquid Waste 2002;
- City of Stirling Thoroughfares and Public Places Local Law 2009; and



|  |
|--|
| <ul style="list-style-type: none"> <li>• City of Stirling Waste Management Local Law 2010.</li> </ul>  |
| <p>In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any of its functions appropriate to deal with the emergency.</p>   |
| <p>Authority to undertake a procurement process</p> <ul style="list-style-type: none"> <li>• Determine in writing the criteria and weightings for evaluating a response to a procurement process.</li> <li>• Call for expression of interest</li> <li>• Invite tender</li> <li>• Engage with prequalified suppliers under the WALGA Preferred Supplier Program or State Government Common Use Agreement (CUA)</li> <li>• Engaging with suppliers registered with the Australian Minority Supplier Office Limited (trading as Supply Nation) or as Australian Disability Enterprise</li> <li>• Assess responses by means of written evaluation of the extent to which each respondent satisfies the criteria</li> <li>• Recommend which respondent would be most advantageous to accept.</li> </ul> |
| <p>Dispose of property* (except land):</p> <ul style="list-style-type: none"> <li>• Under \$20,000 – in accordance with methods provided in the Disposal of Assets Under \$20,000 Management Practice.</li> <li>• Over \$20,000 – in accordance with s3.58 of the <i>Local Government Act 1995</i>.</li> </ul>   |
| <p>Variation, extension or assignment of existing lease or licence</p>   |
| <p>Enter into any new lease, variation, extension or assignment of lease or licence in respect of the second floor of the Administration Centre, Lot 799, House Number 25, Cedric Street, Stirling.</p>  |
| <p>Granting of new leases, termination of existing leases, extension of leases and variation of existing lease terms for all the commercial suites located at Lot 310, House Number 22, Chesterfield Road, Mirrabooka.</p>   |
| <p>Authority to approve and execute an assignment of lease or sub-lease to which the <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i> applies, from an existing tenant ('the Tenant') to a new tenant ('the Assignee') or sub-tenant ('the Sub-Tenant'), as the case may be.</p>   |
| <p>Authority to appoint an Acting Chief Executive Officer.</p>   |
| <p>Make payments from the City Municipal, Reserve and Trust Funds for purposes duly authorised by the <i>Local Government Act 1995</i> and for which provision has been made in the Council budget.</p>  |



|  |
|--|
| Engagement of consultants* for services valued at less than \$150,000 (excluding GST).   |
| Authority to approve purchase orders.  |
| Authority to write off assets with written down values outside of the capital replacement program.   |
| <ul style="list-style-type: none"> <li>• Waive or grant concessions (except for rates and service charges); and</li> <li>• Write off money – \$10,000 per transaction to an annual limit of \$150,000.</li> </ul>  |
| <p>Nett \$7,000 for CEO in lieu of the value allocated to Directors as follows:<br/>         Director Community Development (EMCS01) \$75,000, Director Corporate Services (DCRM01) \$20,000, Director Infrastructure (EXWK01) \$20,000, Director Planning and Development (EXCD01) \$20,000, Manager Finance (MASF01) \$8,000 and Manager Recreation and Leisure (LECO05) \$8,000).</p> |
| To appoint persons or classes of persons to be authorised for the purposes of performing particular functions.   |
| Authorise the affixing of the Common Seal of the City to any document that needs the City's Common Seal to be legally effective.   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value below \$750,000</li> <li>• Negotiating terms of all written contracts and agreements below a Total Contract Value of \$750,000</li> <li>• Entering and signing all written contracts and agreements below a Total Contract Value of \$750,000</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is less than \$750,000<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Refuse applications not in keeping with the intent of the <u>City's Crossover Policy</u>; and</li> <li>• Approve variations to the <u>City's Crossover Policy</u> where adequate justification is provided and the intent of the policy is deemed to have been met.</li> </ul>  |
| Authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the <i>Planning and Development Act 2005</i> , gazetted Town Planning Schemes, <i>Local Government Act 1995</i> and all subsidiary legislation made under those Acts, including signing and executing all documents on behalf of the City.                      |
| Alter the category of Rights of Way where the current category is clearly in conflict with the category definitions.   |
| Perform the functions of the 'local government' under Sections 214(2), 214(3) and 214(5) of the <i>Planning and Development Act 2005</i> .   |



Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.

Perform the powers and/or duties of an 'enforcement agency' under the *Public Health Act 2016*.

Authorise corporate records for destruction or transfer to the State Records Office under the *State Records Act 2000* and Sections 82(3) and 82(4) of the *Local Government (Elections) Regulations 1997*

Power to determine applications for issuing of a certificate of approval under section 15 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 strata's in multi-tiered strata scheme developments;
- (c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City 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.

Grant the surrender and partial surrender of drainage easements which benefit the City of Stirling where:-

- a. a minor encroachment of a building or structure has occurred within the easement area and a partial surrender of easement is required to accommodate the encroached structure, subject to:-
  - i. The partial surrender being no greater than 10% of the total easement area and no greater than 10% of the overall width of the easement;
  - ii. The Applicant must safeguard any building, structures and City infrastructure to the satisfaction of the City of Stirling; and
  - iii. The Applicant paying all costs to effect the partial surrender of easement.
- b. the drainage easement is considered redundant and no longer required to secure the City's infrastructure (as determined by the City of Stirling) subject to:-
  - i. The Applicant being responsible for the removal of any redundant infrastructure within the easement area to the satisfaction of the City of Stirling; and



- ii. The Applicant paying all costs to effect the partial surrender or surrender of easement.
- c. An alternative easement area is required due to the modification or relocation of the City’s drainage infrastructure as part of the development or redevelopment of private property, subject to:-
  - i. The Applicant being responsible for the removal, relocation or replacement of the City’s infrastructure to the satisfaction of the City of Stirling; and
  - ii. The Applicant paying all costs to effect the surrender or partial surrender of easement.

**Service Lead – Strategy and Policy (SLSP01)**

Authority to approve purchase orders to the value of \$50,000 (excluding GST).

- Accepting a Procurement Process with a value of \$50,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Policy Officer (COPR03)**

Authority to approve purchase orders to the value of \$25,000 (excluding GST).

- Accepting a Procurement Process with a value of \$25,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Executive Assistant to the CEO (CEOS01)**

**Executive Assistant to the Mayor (MAYS01)**

Authority to approve purchase orders to the value of \$5,000 (excluding GST).

- Accepting a Procurement Process with a value of \$5,000 (excluding GST).



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| <ul style="list-style-type: none"> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Internal Auditor (AUDT01)</b>   |
| Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.   |
| <b>Manager Governance (MADM01)</b>   |
| Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.   |
| Authority to approve purchase orders to the value of \$100,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$100,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Authorise corporate records for destruction or transfer to the State Records Office.</li> </ul>   |
| <b>Service Lead Compliance, Risk and Information Management (ADAD01)</b>   |
| <b>Service Lead Council and Civic (ADSA01)</b>   |
| Authority to approve purchase orders to the value of \$10,000 (excluding GST).   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$10,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> </ul>    |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST).</li> </ul>  |



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| Total Contract Value includes the value of the variation or extension.  |
| Authorise corporate records for destruction or transfer to the State Records Office.  |
| <b>Team Leader Civic and Hospitality Services (CCCO01)</b>  |
| Authority to approve purchase orders to the value of \$10,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$100,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Coordinator Information Management (REMA01)</b>  |
| Authorise corporate records for destruction or transfer to the State Records Office.  |
| <b>COMMUNITY DEVELOPMENT DIRECTORATE</b>  |
| <b>Director Community Development (EMCS01)</b>  |
| Authority to undertake a procurement process  |
| <ul style="list-style-type: none"> <li>• Determine in writing the criteria and weightings for evaluating a response to a procurement process</li> <li>• Call for expressions of interest.</li> <li>• Invite tender.</li> <li>• Engage with prequalified suppliers under the WALGA Preferred Supplier Program or State Government Common Use Agreement (CUA)</li> <li>• Engaging with suppliers registered with the Australian Minority Supplier Office Limited (trading as Supply Nation) or as Australian Disability Enterprise</li> <li>• Assess responses by means of a written evaluation of the extent to which each respondent satisfies the criteria.</li> <li>• Recommend which respondent would be most advantageous to accept.</li> </ul> |
| Engagement of consultants valued at:  |
| <ul style="list-style-type: none"> <li>• Less than \$50,000 (excluding GST) - no conditions.</li> </ul>   |



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| <ul style="list-style-type: none"> <li>• \$50,000 - \$149,999.99 (excluding GST) - providing the brief/specification has been approved by the Executive Team.</li> </ul>   |
| <p>Authority to approve purchase orders to an unlimited individual value subject to annual budget limitations and legislative compliance.</p>  |
| <p>Authority to write off assets with written down values outside of the capital replacement program within the following limits:</p> <ul style="list-style-type: none"> <li>• Items lost or stolen – up to \$2,000 (per asset)</li> <li>• Other categories – up to \$2,000 (per asset)</li> </ul>   |
| <p>Authority to:</p> <ul style="list-style-type: none"> <li>• Waive or grant concessions (except rates and service charges); and</li> <li>• Write off money (except rates and service charges) – \$7,500 per transaction to an annual limit of \$75,000.</li> </ul>  |
| <p>To appoint persons or classes of persons to be authorised for the purposes of performing particular functions.</p>  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value below \$750,000</li> <li>• Negotiating terms of all written contracts and agreements below a Total Contract Value of \$750,000</li> <li>• Entering and signing all written contracts and agreements below a Total Contract Value of \$750,000</li> </ul>                                   |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is less than \$750,000<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>   |
| <p><b>Executive Assistant Director Community Development (LBCO01)</b></p>  |
| <p>Authority to approve purchase orders to the value of \$5,000 (excluding GST).</p>   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$5,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <p><b>Manager Community Safety (RSAA01)</b></p>  |
| <p>Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed.</p>  |



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| Withdraw an infringement notice within one (1) year after the period of notice was issued whether or not the modified penalty has been paid.  |
| Enter into a written agreement, with the owner or occupier of a parking facility or station, to apply the City of Stirling Parking Local Law 2014 to that facility or station.  |
| In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency.   |
| Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.  |
| Authority to approve purchase orders to the value of \$50,000 (excluding GST).  |
| Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.  |
| Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$50,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Coordinator Community Safety (SSAD01)</b>  |
| Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.  |
| Cancel the registration of a cat.   |
| Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed.  |
| Withdraw an infringement notice within one (1) year after the period of notice was issued whether or not the modified penalty has been paid.  |
| Give local public notice of the City's intent to make a determination.  |



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| Maintain a register of determinations.   |
| Determine the form of the application for a permit.  |
| <ul style="list-style-type: none"><li>• Approve an application for a permit unconditionally or subject to any conditions; or</li><li>• Refuse an application for a permit.</li></ul>   |
| Renew permits.   |
| Cancel permits where the permit holder has not complied with a condition of the permit or a determination or provision of any written law which may relate to the activity regulated by the permit.  |
| <ul style="list-style-type: none"><li>• Exempt a person from compliance with clause 3.13(1) of the City of Stirling Local Government Property Local Law 2009 on the application of that person.</li><li>• Exempt specified local government property or a class of local government property from the application of clause 3.13(1)(a) of the City of Stirling Local Government Property Local Law 2009.</li></ul> |
| Undertake the requirements of a notice where a person fails to comply with that notice given to him or her under the City of Stirling Local Government Property Local Law 2009.  |
| Approve the form of an application.  |
| Approve or refuse an application for a permit.   |
| Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.  |
| Issue a permit to a charitable organisation to place, on a thoroughfare or verge, an advertising sign to draw attention to a community event held by that organisation.  |
| Vary the permitted area and/or time shown on a permit.   |
| Determine the form of the application for a permit.  |
| Authority to approve purchase orders to the value of \$5,000 (excluding GST).  |
| <ul style="list-style-type: none"><li>• Accepting a Procurement Process with a value of \$5,000 (excluding GST).</li><li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li></ul>  |



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| <ul style="list-style-type: none"> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>                   |
| Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.  |
| Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.   |
| <b>Community Safety Operations Coordinator (RANG04)</b>   |
| Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.  |
| Cancel the registration of a cat.   |
| Recover the amount of the costs referred to in section 49(2) from the owner of the cat in a court of competent jurisdiction.  |
| Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed.  |
| Withdraw an infringement notice within one (1) year after the notice was issued whether or not the modified penalty has been paid.  |
| Permit a person to leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of the public place.   |
| Erect a sign on local government property to give notice of the effect of a determination which applies to that property.   |
| Undertake the requirements of a notice where a person fails to comply with that notice given to him or her under the City of Stirling Local Government Property Local Law 2009.   |
| Approve or refuse an application for a permit.  |
| Approve conditions on a permit in addition to clause 3.7(1), (2) and (3) of the City of Stirling Keeping and Control of Cats Local Law 1999 where appropriate.  |
| Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises. |



Revoke a permit if the permit holder fails to observe any provision of the City of Stirling Keeping and Control of Cats Local Law 1999 or a condition of a permit.

Issue a permit for an animal or vehicle to be left on City property.

Vary the permitted area and/or time shown on a permit.

Cancel a permit if the volume of sound caused by the permit holder affects the enjoyment, convenience or comfort of other persons in a public place or the performance constitutes a nuisance.

Approve or refuse a permit.

Approve an application to renew a permit where the application is received prior to the expiry of the permit.

Cancel a permit where the permit holder has not complied with a condition of the permit or a provision of any written law which may relate to the activity regulated by the permit.

Serve a notice to the owner, occupier or other person who may be responsible to remove the thing which has been placed or remains on a thoroughfare in contravention of the City of Stirling Thoroughfares and Public Places Local Law 2009.

Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.

Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.

#### **Parking Coordinator (CSPC01)**

Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed.

Withdraw an infringement notice within one (1) year after the notice was issued whether or not the modified penalty has been paid.

Prohibit or regulate by signs, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region.

Enter into a written agreement, with the owner or occupier of a parking facility or station, to apply the City of Stirling Parking Local Law 2014 to that facility or station.

Constitute, determine and indicate by signs:

(a) parking bays;



- (b) parking stations;
- (c) parking areas;
- (d) general no parking or restricted parking zones;
- (e) permitted time and conditions of parking in parking bays, parking stations and parking areas which may vary with the locality;
- (f) permitted classes of vehicles which may park in parking bays, parking stations and parking areas;
- (g) permitted classes of persons who may park in specified parking bays, parking stations and parking areas; and
- (h) the manner of parking in parking bays, parking stations and parking areas.

Permit a person to park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

Authorise a person to drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.

Permit a person to park a vehicle in a portion of the thoroughfare or parking facility for longer than the permitted time in accordance with a sign, in order for the person to carry out urgent, essential or official duties.

Issue a person a permit in respect of all or part of a parking station, road or public place for an event.

Issue and/or revoke a permit in respect of all or part of a parking station or road.

Permit a person to leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of the public place.

Erect a sign on local government property specifying any conditions of use which apply to that property.

Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.

Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.

### **Senior Parking and Information Officer (CSPC03)**

Permit a person to park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

Authorise a person to drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.

Permit a person to park a vehicle in a portion of the thoroughfare or parking facility for longer than the permitted time in accordance with a sign, in order for the person to carry out urgent, essential or official duties.



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| Issue a person a permit in respect of all or part of a parking station, road or public place for an event.  |
| Issue and/or revoke a permit in respect of all or part of a parking station or road.  |
| Permit a person to leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of the public place.   |
| <b>Parking and Information Officer (CSPO01, CSPO02, CSPO03, CSPO04, CSPO05, CSPO08, CSPO12)</b><br><b>Parking and Information Officer – Scarborough (PIOF01)</b>  |
| Permit a person to park a vehicle in a portion of the thoroughfare or parking facility for longer than the permitted time in accordance with a sign, in order for the person to carry out urgent, essential or official duties. |
| <b>Administration Officer (CSAO02)</b><br><b>Community Safety Infringement Officer (RSCO01)</b><br><b>Team Leader – Parking Support (CSPC02)</b>  |
| Receive payments of infringement notices under the <i>Cat Act 2011</i> .  |
| Receive payments of infringement notices under the <i>Local Government Act 1995</i> .   |
| Issue and/or revoke a permit in respect of all or part of a parking station or road.  |
| Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.  |
| Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.   |
| <b>Senior Community Ranger (SNRA01)</b>   |
| Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.                        |
| Cancel the registration of a cat.   |
| Issue a cat control notice to a person who is the owner of a cat which is ordinarily kept within the district.  |
| The operators of a cat management facility may recover the amounts of the costs referred to in section 31(1) of the <i>Cat Act 2011</i> from the owner of the cat in a court of competent jurisdiction.                         |



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| Permit a person to park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.   |
| Authorise a person to drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.  |
| Permit a person to park a vehicle in a portion of the thoroughfare or parking facility for longer than the permitted time in accordance with a sign, in order for the person to carry out urgent, essential or official duties.   |
| Issue a person a permit in respect of all or part of a parking station, road or public place for an event.  |
| Issue and/or revoke a permit in respect of all or part of a parking station or road.  |
| Permit a person to leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of the public place.   |
| <ul style="list-style-type: none"> <li>• Approve an application for a permit unconditionally or subject to any conditions; or</li> <li>• Refuse an application for a permit.</li> </ul>   |
| Renew permits.  |
| Cancel permits where the permit holder has not complied with a condition of the permit or a determination or provision of any written law which may relate to the activity regulated by the permit.   |
| <ul style="list-style-type: none"> <li>• Exempt a person from compliance with clause 3.13(1) of the City of Stirling Local Government Property Local Law 2009 on the application of that person.</li> <li>• Exempt specified local government property or a class of local government property from the application of clause 3.13(1)(a) of the City of Stirling Local Government Property Local Law 2009.</li> </ul> |
| Approve or refuse an application for a permit.  |
| Approve conditions on a permit in addition to clause 3.7(1), (2) and (3) of the City of Stirling Keeping and Control of Cats Local Law 1999 where appropriate.  |
| Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.   |
| Revoke a permit if the permit holder fails to observe any provision of the City of Stirling Keeping and Control of Cats Local Law 1999 or a condition of a permit.  |
| Destroy a cat if requested to do so by the keeper.  |



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| Issue a permit for an animal or vehicle to be left on City property.   |
| Issue a permit to a charitable organisation to place, on a thoroughfare or verge, an advertising sign to draw attention to a community event held by that organisation.  |
| Advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley if found in a public place or on City property, other than an area set aside for the storage or shopping trolleys.    |
| Vary the permitted area and/or time shown on a permit.   |
| Cancel a permit if the volume of sound caused by the permit holder affects the enjoyment, convenience or comfort of other persons in a public place or the performance constitutes a nuisance.   |
| Determine the form of the application for a permit.  |
| Approve or refuse a permit.  |
| Approve an application to renew a permit where the application is received prior to the expiry of the permit.  |
| Cancel a permit where the permit holder has not complied with a condition of the permit or a provision of any written law which may relate to the activity regulated by the permit.  |
| Serve a notice to the owner or occupier to move or alter the direction of the sprinkler or other watering equipment where it causes or may cause an inconvenience or obstruction to any person using a thoroughfare.                         |
| Serve a notice to the owner, occupier or other person who may be responsible to remove the thing which has been placed or remains on a thoroughfare in contravention of the City of Stirling Thoroughfares and Public Places Local Law 2009. |
| <b>Ranger (RANG01, RANG02, RANG03, RANG05, RANG06, RANG07, RANG08, RANG09, RANG10, RANG11, RANG13, RANG16, HSTL01)</b>   |
| Issue a cat control notice to a person who is the owner of a cat which is ordinarily kept within the district.   |
| The operator of a cat management facility may recover the amounts of the costs referred to in section 31(1) of the <i>Cat Act 2011</i> from the owner of the cat in a court of competent jurisdiction.                                       |
| Authorise a person to drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.   |
| Permit a person to park a vehicle in a portion of the thoroughfare or parking facility for longer than the permitted time in accordance with a sign, in order for the person to carry out urgent, essential or official duties.              |



Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.

Destroy a cat if requested to do so by the keeper.

Advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley if found in a public place or on City property, other than an area set aside for the storage of shopping trolleys.

Serve a notice to the owner or occupier to move or alter the direction of the sprinkler or other watering equipment where it causes or may cause an inconvenience or obstruction to any person using a thoroughfare.

Serve a notice to the owner, occupier or other person who may be responsible to remove the thing which has been placed or remains on a thoroughfare in contravention of the City of Stirling Thoroughfares and Public Places Local Law 2009.

#### **Neat Streets Ranger (RANG15)**

Advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley if found in a public place or on City property, other than an area set aside for the storage of shopping trolleys.

#### **Animal Registration Officer (CUSO03)**

Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.

Cancel the registration of a cat.

The operator of a cat management facility may recover the amounts of the costs referred to in section 31(1) of the *Cat Act 2011* from the owner of the cat in a court of competent jurisdiction.

Approve the form of an application.

Approve or refuse an application for a permit.

Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.

Maintain a register of removed and impounded cats.

Destroy a cat if requested to do so by the keeper.



Issue a permit to a charitable organisation to place, on a thoroughfare or verge, an advertising sign to draw attention to a community event held by that organisation.

Advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley if found in a public place or on City property, other than an area set aside for the storage or shopping trolleys.

Vary the permitted area and/or time shown on a permit.

Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.

**Animal Registration Officer (AROF01)**

Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.

Cancel the registration of a cat.

Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.

**Assistant Animal Registration Officer (AARO01)**

Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.

**Animal Care Facility and Registration Officer (RSIM01)**

The operator of a cat management facility may recover the amounts of the costs referred to in section 31(1) of the *Cat Act 2011* from the owner of the cat in a court of competent jurisdiction.

The operator of a cat management facility may do anything necessary to ensure that the cat is microchipped and/or sterilised before the cat is reclaimed or transferred from the facility.

Maintain a register of removed and impounded cats.

Destroy a cat if requested to do so by the keeper.



**Security Patrol Officer (SEPO01, SEPO03, SEPO04, SEPO05, SEPO07, SEPO10, SEPO11, SEPO14, SEPO16, SEPO17, SEPO21, SEPO22, SEPO24)  
Senior Security Officer (SEPO12)  
Team Leader – Security (SEPO02, SEPO06, SEPO08, SEPO09)**

Cancel a permit if the volume of sound caused by the permit holder affects the enjoyment, convenience or comfort of other persons in a public place or the performance constitutes a nuisance.

Cancel a permit where the permit holder has not complied with a condition of the permit or a provision of any written law which may relate to the activity regulated by the permit.

Serve a notice to the owner or occupier to move or alter the direction of the sprinkler or other watering equipment where it causes or may cause an inconvenience or obstruction to any person using a thoroughfare.

**Community Safety Officer (SEPO13)**

Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.

Cancel the registration of a cat.

Determine the form of the application for a permit.

- Approve an application for a permit unconditionally or subject to any conditions; or
- Refuse an application for a permit.

Renew permits.

Cancel permits where the permit holder has not complied with a condition of the permit or a determination or provision of any written law which may relate to the activity regulated by the permit.

- Exempt a person from compliance with clause 3.13(1) of the City of Stirling Local Government Property Local Law 2009 on the application of that person.
- Exempt specified local government property or a class of local government property from the application of clause 3.13(1)(a) of the City of Stirling Local Government Property Local Law 2009.

Undertake the requirements of a notice where a person fails to comply with that notice given to him or her under the City of Stirling Local Government Property Local Law 2009.



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| Approve the form of an application.   |
| Approve or refuse an application for a permit.  |
| Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises. |
| Issue a permit to a charitable organisation to place, on a thoroughfare or verge, an advertising sign to draw attention to a community event held by that organisation.   |
| Vary the permitted area and/or time shown on a permit.  |
| Determine the form of the application for a permit.   |
| Approve or refuse a permit.   |
| Approve an application to renew a permit where the application is received prior to the expiry of the permit.   |
| Cancel a permit where the permit holder has not complied with a condition of the permit or a provision of any written law which may relate to the activity regulated by the permit.   |
| Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.  |
| <b>Community Safety Administration Officer (RSAD01, CSAO05)</b>   |
| Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.  |
| Cancel the registration of a cat.   |
| Determine the form of the application for a permit.   |
| <ul style="list-style-type: none"> <li>• Approve an application for a permit unconditionally or subject to any conditions; or</li> <li>• Refuse an application for a permit.</li> </ul>   |
| Renew permits.  |



Cancel permits where the permit holder has not complied with a condition of the permit or a determination or provision of any written law which may relate to the activity regulated by the permit.

- Exempt a person from compliance with clause 3.13(1) of the City of Stirling Local Government Property Local Law 2009 on the application of that person.
- Exempt specified local government property or a class of local government property from the application of clause 3.13(1)(a) of the City of Stirling Local Government Property Local Law 2009.

Undertake the requirements of a notice where a person fails to comply with that notice given to him or her under the City of Stirling Local Government Property Local Law 2009.

Approve the form of an application.

Approve or refuse an application for a permit.

Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.

Issue a permit to a charitable organisation to place, on a thoroughfare or verge, an advertising sign to draw attention to a community event held by that organisation.

Advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley if found in a public place or on City property, other than an area set aside for the storage or shopping trolleys.

Vary the permitted area and/or time shown on a permit.

Determine the form of the application for a permit.

Approve or refuse a permit.

Approve an application to renew a permit where the application is received prior to the expiry of the permit.

Cancel a permit where the permit holder has not complied with a condition of the permit or a provision of any written law which may relate to the activity regulated by the permit.

Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.



**Administration Officer – Systems (CUSO06)**

Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.

Determine the form of the application for a permit.

- Approve an application for a permit unconditionally or subject to any conditions; or
- Refuse an application for a permit.

Renew permits.

Cancel permits where the permit holder has not complied with a condition of the permit or a determination or provision of any written law which may relate to the activity regulated by the permit.

- Exempt a person from compliance with clause 3.13(1) of the City of Stirling Local Government Property Local Law 2009 on the application of that person.
- Exempt specified local government property or a class of local government property from the application of clause 3.13(1)(a) of the City of Stirling Local Government Property Local Law 2009.

Undertake the requirements of a notice where a person fails to comply with that notice given to him or her under the City of Stirling Local Government Property Local Law 2009.

Approve the form of an application.

Approve or refuse an application for a permit.

Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.

Issue a permit to a charitable organisation to place, on a thoroughfare or verge, an advertising sign to draw attention to a community event held by that organisation.

Vary the permitted area and/or time shown on a permit.

Determine the form of the application for a permit.

Approve or refuse a permit.



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| Approve an application to renew a permit where the application is received prior to the expiry of the permit.   |
| Cancel a permit where the permit holder has not complied with a condition of the permit or a provision of any written law which may relate to the activity regulated by the permit.   |
| Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.  |
| <b>Manager Community Services (MAHS01)</b>  |
| Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.  |
| Authority to approve purchase orders to the value of \$50,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$50,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Service Lead Community Services and Development (DCDC01)</b>   |
| <b>Service Lead Cultural Diversity and Community (LHSC01)</b>   |
| <b>Service Lead Stirling Community Care (HSHC01)</b>  |
| Authority to approve purchase orders to the value of \$10,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$10,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |



**Children and Youth Development – Team Leader (ANCS02)**  
**Community and Home-Based Care Coordinator (CHCC01)**  
**Food Services Coordinator (FSSC01)**  
**Naala Djookan Senior Coordinator (SCHH01)**  
**Senior Administration Officer (CSCO01)**  
**Senior Coordinator Day Club (DCAC02)**  
**Strengthening Communities Team Leader (CDFS01)**  
**Women’s Centre Coordinator (WRSR01)**

Authority to approve purchase orders to the value of \$5,000 (excluding GST).

- Accepting a Procurement Process with a value of \$5,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Service Lead – Libraries Lifelong Learning (SLLL01)**

Authority to approve purchase orders to the value of \$25,000 (excluding GST).

- Accepting a Procurement Process with a value of \$25,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Administration Support Officer (ASOL01)**  
**Librarian Community Engagement (LBCS01)**

Authority to approve purchase orders to the value of \$5,000 (excluding GST).



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| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$5,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> </ul>    |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>   |
| <b>Manager Customer and Communications (EMCP01)</b>   |
| Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.  |
| Authority to approve purchase orders to the value of \$50,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$50,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Marketing Assistant (MRKA43)</b>   |
| Authority to approve purchase orders to the value of \$25,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$25,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Arts and Activation Assistant (AAAS01)</b>   |
| Authority to approve purchase orders to the value of \$25,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$25,000 (excluding GST).</li> </ul>   |



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| <ul style="list-style-type: none"> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Coordinator Arts and Activation (LERO01)</b>   |
| Authority to approve purchase orders to the value of \$10,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$10,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Customer Experience Coach (CUSM01)</b>   |
| <b>Customer Experience Officer (ASCO09, , CUSM02, CUSM03, CUSO07, CUSO15)</b>   |
| <b>Customer Experience Officer – Digital (CUSC03, WPSU01, WMCS01)</b>   |
| <b>Customer Experience Team Leader (WPOP01)</b>   |
| <b>Senior Customer Experience Officer – Digital (CUSO10)</b>  |
| Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.  |
| Cancel the registration of a cat.   |
| Receive payments of infringement notices under the <i>Cat Act 2011</i> .  |
| Receive payments of infringement notices under the <i>Local Government Act 1995</i> .   |
| <b>Manager Recreation and Leisure Services (LECO05)</b>   |
| Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.  |



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| Authority to approve purchase orders to the value of \$50,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$50,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| Authority to:   |
| <ul style="list-style-type: none"> <li>• Waive or grant concessions (except rates and service charges); and</li> <li>• Write off money (except rates and service charges) – \$800 per transaction to an annual limit of \$8,000.</li> </ul>   |
| <b>Coordinator Operations City Recreation Facilities (LHGM01)</b>   |
| <b>Service Lead – Recreational Facilities (COCA01)</b>  |
| Authority to approve purchase orders to the value of \$25,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$25,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Coordinator Sports, Programs and Facility Hire(LSCS01)</b>   |
| Authority to approve purchase orders to the value of \$10,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$10,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |



**Administration Supervisor (BACA01)**  
**Customer Experience Team Leader (PICO01)**  
**Sports and Leisure Programs Team Leader (FODO01)**  
**Project Officer (LECO03)**  
**Facility Hire Team Leader (LHGS01)**  
**Team Leader – Beach Services (BSCO01)**

Authority to approve purchase orders to the value of \$5,000 (excluding GST).

- Accepting a Procurement Process with a value of \$5,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

## **CORPORATE SERVICES DIRECTORATE**

**Director Corporate Services (DCRM01)**

Authority to undertake a procurement process

- Determine in writing the criteria and weightings for evaluating a response to a procurement process
- Call for expressions of interest.
- Invite tender.
- Engage with prequalified suppliers under the WALGA Preferred Supplier Program or State Government Common Use Agreement (CUA)
- Engaging with suppliers registered with the Australian Minority Supplier Office Limited (trading as Supply Nation) or as Australian Disability Enterprise
- Assess responses by means of a written evaluation of the extent to which each respondent satisfies the criteria.
- Recommend which respondent would be most advantageous to accept.

Make payments from the:

- Municipal Fund by two (2) authorised signatories.



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| <ul style="list-style-type: none"> <li>• Trust Fund by two (2) authorised signatories.</li> <li>• Reserve Fund by two (2) authorised signatories.</li> </ul>   |
| <p>Engagement of consultants valued at:</p> <ul style="list-style-type: none"> <li>• Less than \$50,000 (excluding GST) - no conditions.</li> <li>• \$50,000 - \$149,999.99 (excluding GST) - providing the brief/specification has been approved by the Executive Team.</li> </ul>  |
| <p>Authority to approve purchase orders to an unlimited individual value subject to annual budget limitations and legislative compliance.</p>  |
| <p>Authority to write off assets with written down values outside of the capital replacement program within the following limits:</p> <ul style="list-style-type: none"> <li>• Items lost or stolen – up to \$20,000 (per asset)</li> <li>• Other categories – up to \$20,000 (per asset)</li> </ul>   |
| <p>Authority to:</p> <ul style="list-style-type: none"> <li>• Waive or grant concessions (except rates and service charges); and</li> <li>• Write off money (except rates and service charges) – \$2,000 per transaction to an annual limit of \$20,000.</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value below \$750,000</li> <li>• Negotiating terms of all written contracts and agreements below a Total Contract Value of \$750,000</li> <li>• Entering and signing all written contracts and agreements below a Total Contract Value of \$750,000</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is less than \$750,000<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>   |
| <p>Authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the <i>Local Government Act 1995</i> and all subsidiary legislation made under this Act, including signing and executing all documents on behalf of the City.</p>  |
| <p><b>Manager Information Communications and Technology (MAIT01)</b></p>   |
| <p>Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.</p>  |
| <p>Authority to approve purchase orders to the value of \$100,000 (excluding GST).</p>   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$100,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)</li> </ul>   |



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| <ul style="list-style-type: none"> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <p><b>Manager Finance (MASF01)</b></p>   |
| <p>Authority to dispose of property (general items) under \$20,000 in accordance with methods provided in the Disposal of Assets Under \$20,000 Management Practice.</p>   |
| <p>Make payments from the:</p> <ul style="list-style-type: none"> <li>• Municipal Fund by two (2) authorised signatories.</li> <li>• Trust Fund by two (2) authorised signatories.</li> <li>• Reserve Fund by two (2) authorised signatories.</li> </ul>   |
| <p>Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.</p>  |
| <p>Authority to approve purchase orders to the value of \$100,000 (excluding GST).</p>   |
| <p>Authority to write off assets with written down values outside of the capital replacement program within the following limits:</p> <ul style="list-style-type: none"> <li>• Items lost or stolen – up to \$2,000 (per asset)</li> <li>• Other categories – up to \$2,000 (per asset)</li> </ul>   |
| <p>Authority to:</p> <ul style="list-style-type: none"> <li>• Waive or grant concessions (except rates and service charges); and</li> <li>• Write off money (except rates and service charges) – \$800 per transaction to an annual limit of \$8,000.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$100,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |



Authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the *Local Government Act 1995* and all subsidiary legislation made under this Act, including signing and executing all documents on behalf of the City.

**Coordinator Strategic Sourcing and Contracts (ASPP04)**

Authority to approve purchase orders to the value of \$25,000 (excluding GST).

- Accepting a Procurement Process with a value of \$25,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.

**Senior Supply Officer (ASPS01)**

Authority to dispose of property (general items and scrap) under \$20,000 in accordance with methods provided in the Disposal of Assets Under \$20,000 Management Practice.

Authority to approve purchase orders to the value of \$50,000 (excluding GST).

- Accepting a Procurement Process with a value of \$50,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.

**Insurance Officer (ASED02)**  
**Purchasing Officer (ASPP03)**  
**Supply Officer (ASPO01, ASPO02)**

Authority to approve purchase orders to the value of \$5,000 (excluding GST).

- Accepting a Procurement Process with a value of \$5,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)



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| <ul style="list-style-type: none"> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Senior Corporate Accountant (SCAC01)</b><br><b>Assistant Corporate Accountant (ACAC01)</b><br><b>Revenue Services Team Leader (ASRI01)</b><br><b>Corporate Accountant (ASAM01)</b>  |
| <p>Make payments from the:</p> <ul style="list-style-type: none"> <li>• Municipal Fund by two (2) authorised signatories.</li> <li>• Trust Fund by two (2) authorised signatories.</li> <li>• Reserve Fund by two (2) authorised signatories.</li> </ul>   |
| <b>Senior Rates and Receivables Team Leader (ASCA01)</b>   |
| <p>Authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the <i>Local Government Act 1995</i> and all subsidiary legislation made under this Act, including signing and executing all documents on behalf of the City.</p>  |
| <b>Manager Human Resources (HRM01)</b>   |
| <p>Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.</p>  |
| <p>Authority to approve purchase orders to the value of \$100,000 (excluding GST).</p>   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$100,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |



**Service Lead HR Services (ASEP01)**  
**Service Lead WHS (OHSC02)**  
**Service Lead – HR Operations (SLHR01)**

Authority to approve purchase orders to the value of \$25,000 (excluding GST).

- Accepting a Procurement Process with a value of \$25,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.

**INFRASTRUCTURE DIRECTORATE**

**Director Infrastructure (EXWK01)**

Authority to undertake a procurement process

- Determine in writing the criteria and weightings for evaluating a response to a procurement process
- Call for expressions of interest.
- Invite tender.
- Engage with prequalified suppliers under the WALGA Preferred Supplier Program or State Government Common Use Agreement (CUA)
- Engaging with suppliers registered with the Australian Minority Supplier Office Limited (trading as Supply Nation) or as Australian Disability Enterprise
- Assess responses by means of a written evaluation of the extent to which each respondent satisfies the criteria.
- Recommend which respondent would be most advantageous to accept.

Engagement of consultants valued at:

- Less than \$50,000 (excluding GST) - no conditions.
- \$50,000 - \$149,999.99 (excluding GST) - providing the brief/specification has been approved by the Executive Team.

Authority to approve purchase orders to an unlimited individual value subject to annual budget limitations and legislative compliance.

Authority to write off assets with written down values outside of the capital replacement program within the following limits:



- Items lost or stolen – up to \$2,000 (per asset)
- Other categories – up to \$2,000 (per asset)

Authority to:

- Waive or grant concessions (except rates and service charges); and
- Write off money (except rates and service charges) – \$2,000 per transaction to an annual limit of \$20,000.

- Accepting a Procurement Process with a value below \$750,000
- Negotiating terms of all written contracts and agreements below a Total Contract Value of \$750,000
- Entering and signing all written contracts and agreements below a Total Contract Value of \$750,000

- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is less than \$750,000  
Total Contract Value includes the value of the variation or extension.

- Refuse applications not in keeping with the intent of the City's Crossover Policy; and
- Approve variations to the City's Crossover Policy where adequate justification is provided and the intent of the policy is deemed to have been met.

#### **Coordinator Property Services (TPLO01)**

Authority to approve purchase orders to the value of \$25,000 (excluding GST).

- Accepting a Procurement Process with a value of \$25,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.

#### **Manager Engineering Services (MEDS01)**

Prohibit or regulate by signs, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region.

Constitute, determine and indicate by signs:

- (a) parking bays;
- (b) parking stations;
- (c) parking areas;



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| <p>(d) general no parking or restricted parking zones;</p> <p>(e) permitted time and conditions of parking in parking bays, parking stations and parking areas which may vary with the locality;</p> <p>(f) permitted classes of vehicles which may park in parking bays, parking stations and parking areas;</p> <p>(g) permitted classes of persons who may park in specified parking bays, parking stations and parking areas; and</p> <p>(h) the manner of parking in parking bays, parking stations and parking areas.</p> |
| Erect a sign on local government property to give notice of the effect of a determination which applies to that property.   |
| Erect a sign on local government property specifying any conditions of use which apply to that property.  |
| Erect a sign on a public place specifying any conditions of use which apply to that place.  |
| Issue a permit to a person to post a bill, paint, place or affix any advertisement on a bus seat or bus shelter.  |
| Issue a permit to a person to erect an illuminated street sign on a thoroughfare or verge.  |
| Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.  |
| Authority to approve purchase orders to the value of \$250,000 (excluding GST).   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$250,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$250,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Refuse applications not in keeping with the intent of the <u>City's Crossover Policy</u>; and</li> <li>• Approve variations to the <u>City's Crossover Policy</u> where adequate justification is provided and the intent of the policy is deemed to have been met.</li> </ul>   |



**Service Lead Engineering Operations (MAES01)**

In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency.

Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.

Authority to approve purchase orders to the value of \$250,000 (excluding GST).

- Accepting a Procurement Process with a value of \$250,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$250,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Coordinator Engineering Construction (ECCE01)**

**Coordinator Engineering Maintenance (ENLS01)**

Authority to approve purchase orders to the value of \$100,000 (excluding GST).

- Accepting a Procurement Process with a value of \$100,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Engineer Construction (ENCC01, ENPJ01)**

**Engineer Drainage and Lighting Maintenance (ENOE01)**

Authority to approve purchase orders to the value of \$50,000 (excluding GST).

- Accepting a Procurement Process with a value of \$50,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)



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| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Engineer Construction (ECAE01, ENCO01)</b><br><b>Engineer Preventative Maintenance (ECAE03)</b><br><b>Engineer Reactive Maintenance (ECAE02)</b>   |
| <p>Authority to approve purchase orders to the value of \$25,000 (excluding GST).</p>   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$25,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Business Support Coordinator (EWDC01)</b><br><b>Senior Engineering/Licensed Surveyor (SELS01)</b>  |
| <p>Authority to approve purchase orders to the value of \$5,000 (excluding GST).</p>  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$5,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> </ul>    |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>   |
| <b>Manager Facilities, Projects and Assets (MCBO01)</b>   |
| <p>In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency.</p>  |
| <p>Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.</p>   |



Authority to approve purchase orders to the value of \$250,000 (excluding GST).

- Accepting a Procurement Process with a value of \$250,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$250,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.

**Service Lead – Facility Management (SLFM01)**  
**Service Lead Project Management (EDBA01)**

Authority to approve purchase orders to the value of \$100,000 (excluding GST).

- Accepting a Procurement Process with a value of \$100,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.

**Coordinator Building Projects (CBCO01)**  
**Coordinator Facility Maintenance (CBFM01)**  
**Facility Maintenance and Construction Supervisor (CBFS01)**

Authority to approve purchase orders to the value of \$25,000 (excluding GST).

- Accepting a Procurement Process with a value of \$25,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.



**Manager Parks and Sustainability (MAPR01)**

In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency.

Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.

Authority to approve purchase orders to the value of \$250,000 (excluding GST).

- Accepting a Procurement Process with a value of \$250,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$250,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Coordinator Arboriculture (PKCA01)**

**Coordinator Project Management and Landscape Architecture (PKLA01)**

**Senior Irrigation Officer (PRLH01)**

**Senior Parks Operations Coordinator (PKSC01)**

Authority to approve purchase orders to the value of \$100,000 (excluding GST).

- Accepting a Procurement Process with a value of \$100,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Senior Environmental Conservation Officer (PKEN01)**

Authority to approve purchase orders to the value of \$50,000 (excluding GST).

- Accepting a Procurement Process with a value of \$50,000 (excluding GST).



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| <ul style="list-style-type: none"> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Environmental Officer Natural Areas (PKEN02)</b><br><b>Senior Technical Officer (PKTO03)</b><br><b>Turf Technician (PGCC01)</b>  |
| <p>Authority to approve purchase orders to the value of \$25,000 (excluding GST).</p>   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$25,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Conservation Officer Natural Areas (PKTO04)</b><br><b>Coordinator Sustainability (TPPR05)</b><br><b>Supervisor Tree Services (PPGL01)</b>  |
| <p>Authority to approve purchase orders to the value of \$10,000 (excluding GST).</p>   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$10,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST).<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |



**Manager Waste and Fleet (WMOP01)**

- Authority to dispose of fleet vehicles and items of plant over \$20,000 at public auction in accordance with s3.58 of the Local Government Act 1995.
- Authority to dispose of fleet vehicles and items of plant in accordance with the methods provided in the Disposal of Assets Under \$20,000 Management Practice, where it has become an exempt disposition as prescribed in r30(2a) of the Local Government (Functions and General) Regulations 1996.

Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.

Authority to approve purchase orders to the value of \$250,000 (excluding GST).

- Accepting a Procurement Process with a value of \$250,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$250,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$250,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

**Coordinator Fleet Services (TATO01)**

- Authority to dispose of property (fleet vehicles and items of plant) under \$20,000 in accordance with methods provided in the Disposal of Assets Under \$20,000 Management Practice.
- Authority to dispose of fleet vehicles and items of plant over \$20,000 at public auction in accordance with s3.58 of the *Local Government Act 1995*.

Authority to approve purchase orders to the value of \$100,000 (excluding GST).

- Accepting a Procurement Process with a value of \$100,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST). Total Contract Value includes the value of the variation or extension.



**Service Lead Waste and Fleet (SLWF01)**

**Service Lead Waste Operations (WMFS01)**

Authority to approve purchase orders to the value of \$100,000 (excluding GST).

- Accepting a Procurement Process with a value of \$100,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$100,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$100,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.

**Coordinator Compliance and Service Development (WMDO01)**

Authority to approve purchase orders to the value of \$10,000 (excluding GST).

- Accepting a Procurement Process with a value of \$10,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST).  
Total Contract Value includes the value of the variation or extension.

**PLANNING AND DEVELOPMENT DIRECTORATE**

**Director Planning and Development (EXCD01)**

Designate an employee of the local government as an authorised person for the purposes of the *Building Act 2011* in relation to buildings and incidental structures located, or proposed to be located, in the district of the City of Stirling.

Approve, in writing, a cat management facility that is operated by a person or body.

Grant, renew or refuse an application to breed cats.

Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.



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| Cancel an approval to breed cats if one or more of the things set out in section 37(2) of the <i>Cat Act 2011</i> applies in respect of the approved cat breeder.   |
| Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed.  |
| Withdraw an infringement notice within one (1) year after the notice was issued whether or not the modified penalty has been paid.  |
| Perform the functions of the 'local government' under Sections 39, 40, 61(2) and 69(8) of the <i>Liquor Control Act 1988</i> .  |
| Approve or refuse an application for a permit.  |
| Approve conditions on a permit in addition to clause 3.7(1), (2) and (3) of the City of Stirling Keeping and Control of Cats Local Law 1999 where appropriate.  |
| Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.   |
| Revoke a permit if the permit holder fails to observe any provision of the City of Stirling Keeping and Control of Cats Local Law 1999 or a condition of a permit.  |
| In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency.   |
| <p>Authority to undertake a procurement process</p> <ul style="list-style-type: none"> <li>• Determine in writing the criteria and weightings for evaluating a response to a procurement process</li> <li>• Call for expressions of interest.</li> <li>• Invite tender.</li> <li>• Engage with prequalified suppliers under the WALGA Preferred Supplier Program or State Government Common Use Agreement (CUA)</li> <li>• Engaging with suppliers registered with the Australian Minority Supplier Office Limited (trading as Supply Nation) or as Australian Disability Enterprise</li> <li>• Assess responses by means of a written evaluation of the extent to which each respondent satisfies the criteria.</li> <li>• Recommend which respondent would be most advantageous to accept.</li> </ul> |
| <p>Engagement of consultants valued at:</p> <ul style="list-style-type: none"> <li>• Less than \$50,000 (excluding GST) - no conditions.</li> <li>• \$50,000 - \$149,999.99 (excluding GST) - providing the brief/specification has been approved by the Executive Team.</li> </ul>   |



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| Authority to approve purchase orders to an unlimited individual value subject to annual budget limitations and legislative compliance.  |
| Authority to write off assets with written down values outside of the capital replacement program within the following limits: <ul style="list-style-type: none"> <li>• Items lost or stolen – up to \$2,000 (per asset)</li> <li>• Other categories – up to \$2,000 (per asset)</li> </ul>   |
| Authority to: <ul style="list-style-type: none"> <li>• Waive or grant concessions (except rates and service charges); and</li> <li>• Write off money (except rates and service charges) – \$2,000 per transaction to an annual limit of \$20,000.</li> </ul>  |
| To appoint persons or classes of persons to be authorised for the purposes of performing particular functions.  |
| Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.  |
| Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice. <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value below \$750,000</li> <li>• Negotiating terms of all written contracts and agreements below a Total Contract Value of \$750,000</li> </ul>   |
| Entering and signing all written contracts and agreements below a Total Contract Value of \$750,000 <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is less than \$750,000<br/>Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| Authority to instruct Council’s Solicitors to take legal action in respect of any breach, contravention or offence under the <i>Planning and Development Act 2005</i> , gazetted Town Planning Schemes, <i>Local Government Act 1995</i> , <i>Local Government (Miscellaneous Provisions) Act 1960</i> and all subsidiary legislation made under those Acts, including signing and executing all documents on behalf of the City. |
| Alter the category of Rights of Way where the current category is clearly in conflict with the category definitions.  |
| Perform the functions of the 'local government' under Sections 214(2), 214(3) and 214(5) of the <i>Planning and Development Act 2005</i> .  |
| Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.  |



Power to determine applications for issuing of a certificate of approval under section 15 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 strata’s in multi-tiered strata scheme developments;
- (c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City 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.

**Manager City Future (MPSA01)**

Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.

Authority to approve purchase orders to the value of \$50,000 (excluding GST).

- Accepting a Procurement Process with a value of \$50,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$50,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$50,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

Authority to instruct Council’s Solicitors to take legal action in respect of any breach, contravention or offence under the *Local Government Act 1995* and all subsidiary legislation made under this Act, including signing and executing all documents on behalf of the City.

Alter the category of Rights of Way where the current category is clearly in conflict with the category definitions.

Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.



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| <p><b>Coordinator City Future Projects (CSTP02)</b><br/> <b>Senior Strategic Planning Officer (TPPR07, TPSL01)</b><br/> <b>Senior Strategic Project Planning Officer (TPPR09)</b></p>  |
| <p>Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.</p>                     |
| <p><b>Coordinator Environmental Health (EHSN03)</b></p>  |
| <p>Approve, in writing, a cat management facility that is operated by a person or body.</p>  |
| <p>Grant, renew or refuse an application to breed cats.</p>  |
| <p>Request an applicant to provide, within no more than 21 days, any document or information required to determine the application and may require the information to be verified by statutory declaration.</p>  |
| <p>Cancel an approval to breed cats if one or more of the things set out in section 37(2) of the <i>Cat Act 2011</i> applies in respect of the approved cat breeder.</p>   |
| <p>Extend the period of 28 days within which the modified penalty may be paid whether or not the period of 28 days has elapsed.</p>  |
| <p>Withdraw an infringement notice within one (1) year after the notice was issued whether or not the modified penalty has been paid.</p>  |
| <p>Approve or refuse an application for a permit.</p>  |
| <p>Approve conditions on a permit in addition to clause 3.7(1), (2) and (3) of the City of Stirling Keeping and Control of Cats Local Law 1999 where appropriate.</p>  |
| <p>Serve a notice to the permit holder or any other keeper of the cat to keep the cat on the premises where the cat is the subject of a permit; the premises are the subject of the same permit; and 2 or more complaints are received from 2 or more occupiers of different premises.</p> |
| <p>Revoke a permit if the permit holder fails to observe any provision of the City of Stirling Keeping and Control of Cats Local Law 1999 or a condition of a permit.</p>  |
| <p>In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency.</p>   |
| <p>Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.</p>  |



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| Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.   |
| Authority to approve purchase orders to the value of \$10,000 (excluding GST).  |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$10,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$10,000 (excluding GST)</li> </ul> |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$10,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>  |
| <b>Senior Environmental Health Officer (EHSN01, EHOF04)</b>   |
| Authority to approve purchase orders to the value of \$5,000 (excluding GST).   |
| <ul style="list-style-type: none"> <li>• Accepting a Procurement Process with a value of \$5,000 (excluding GST).</li> <li>• Negotiating terms of all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> <li>• Entering and signing all written contracts and agreements to a Total Contract Value of \$5,000 (excluding GST)</li> </ul>    |
| <ul style="list-style-type: none"> <li>• Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$5,000 (excluding GST). Total Contract Value includes the value of the variation or extension.</li> </ul>   |
| <b>Administration Officer – Environmental Health (BISE01, AOEH01)</b>   |
| Receive payments of infringement notices under the <i>Cat Act 2011</i> .  |
| Receive payments of infringement notices under the <i>Local Government Act 1995</i> .   |
| Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.  |
| <b>Manager Development Services (PBSA01)</b>  |
| Approve or refuse to approve a certified or uncertified application for a building permit in accordance with Section 20 of the <i>Building Act 2011</i> .   |
| Approve or refuse to approve an application for a demolition permit in accordance with Section 21 and 22 of the <i>Building Act 2011</i> .  |
| Impose conditions on the grant of a building permit or demolition permit in accordance with Section 27 of the <i>Building Act 2011</i> .  |



Approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate in accordance with Section 58 of the *Building Act 2011*.

Impose conditions on an occupancy permit or modification or building approval certificate in accordance with Section 62 of the *Building Act 2011*.

Approve or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect in accordance with Section 65 of the *Building Act 2011*.

To give consent for encroachments on Crown land under the care, control and management of the City in accordance with Section 76 of the *Building Act 2011*.

Make a building order in accordance with Section 110 of the *Building Act 2011* in relation to:

- Building work;
- Demolition work; and/or
- An existing building or incidental structure whether completed before or after commencement day.

Serve a building order in accordance with Section 114 of the *Building Act 2011*.

Revoke a building order in accordance with Section 117 of the *Building Act 2011*.

1. If there is non-compliance with a building order, cause an authorised person to:

- Take any action specified in the building order;
- Commence or complete any work specified in the building order; or
- If any specified action was required by the building order to cease, take such steps as are reasonable in the circumstances to cause the action to cease.

2. In a court of competent jurisdiction, recover as a debt from a person who has been served with a building order, the reasonable costs and expenses incurred in doing anything in relation to the building order.

Perform the functions of the “City” and “local government” under the City of Stirling Fencing Local Law 2008.

Give a notice in writing to the owner or occupier of land requiring the person to do, within the time specified, anything specified in the notice this is prescribed in the City of Stirling Thoroughfares and Public Places Local Law 2009.

If a person fails to comply with a notice issued under the City of Stirling Thoroughfares and Public Places Local Law 2009, do the thing specified in the notice and recover from that person, as a debt, the costs incurred in doing so.



In an emergency, lawfully enter any land, premises or thing immediately and without notice and perform any function appropriate to deal with the emergency.

Engagement of consultants valued at less than \$50,000 (excluding GST), providing the brief/specification has been approved by relevant Director or the Chief Executive Officer.

Authority to approve purchase orders to the value of \$25,000 (excluding GST).

Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.

Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.

- Refuse applications not in keeping with the intent of the City's Crossover Policy; and
- Approve variations to the City's Crossover Policy where adequate justification is provided and the intent of the policy is deemed to have been met.
- Accepting a Procurement Process with a value of \$25,000 (excluding GST).
- Negotiating terms of all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Entering and signing all written contracts and agreements to a Total Contract Value of \$25,000 (excluding GST)
- Approve variations of expenditure or extensions of contracts and agreements where Total Contract Value is \$25,000 (excluding GST). Total Contract Value includes the value of the variation or extension.

Authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the *Local Government Act 1995* and all subsidiary legislation made under this Act, including signing and executing all documents on behalf of the City.

Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.

Power to determine applications for issuing of a certificate of approval under section 15 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 strata's in multi-tiered strata scheme developments;
- (c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City as notified to the WAPC in writing, relate to:



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| <p>(i) a type of development; and/or<br/>(ii) land within an area,<br/>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.</p>   |
| <p><b>Coordinator City Planning – Schemes and Policies (CSTP01)</b><br/><b>Senior Strategic Planning Officer (TPPR03)</b></p>  |
| <p>Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.</p>   |
| <p><b>Coordinator Planning Approvals (TPSP01, TPSP02)</b><br/><b>Senior Development Engagement Officer (SDEO01)</b><br/><b>Senior Planning Officer (TPAP01, TPAP09, TPAP10, TPSD01, TPAP20)</b></p>  |
| <p>Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.</p>   |
| <p>Power to determine applications for issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i> for a plan of subdivision, re-subdivision or consolidation, except those applications that–<br/>(a) propose the creation of a vacant lot;<br/>(b) propose vacant air strata’s in multi-tiered strata scheme developments;<br/>(c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City as notified to the WAPC in writing, relate to:<br/>(i) a type of development; and/or<br/>(ii) land within an area,<br/>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.</p> |
| <p><b>Principal Building Surveyor (BIPR01)</b></p>   |
| <p>Approve or refuse to approve a certified or uncertified application for a building permit in accordance with Section 20 of the <i>Building Act 2011</i>.</p>  |



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| Approve or refuse to approve an application for a demolition permit in accordance with Section 21 and 22 of the <i>Building Act 2011</i> .  |
| Impose conditions on the grant of a building permit or demolition permit in accordance with Section 27 of the <i>Building Act 2011</i> .  |
| Approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate in accordance with Section 58 of the <i>Building Act 2011</i> .  |
| Impose conditions on an occupancy permit or modification or building approval certificate in accordance with Section 62 of the <i>Building Act 2011</i> .   |
| Approve or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect in accordance with Section 65 of the <i>Building Act 2011</i> .   |
| To give consent for encroachments on Crown land under the care, control and management of the City in accordance with Section 76 of the <i>Building Act 2011</i> .  |
| Make a building order in accordance with Section 110 of the <i>Building Act 2011</i> in relation to: <ul style="list-style-type: none"><li>• Building work;</li><li>• Demolition work; and/or</li><li>• An existing building or incidental structure whether completed before or after commencement day.</li></ul>  |
| Serve a building order in accordance with Section 114 of the <i>Building Act 2011</i> .   |
| Revoke a building order in accordance with Section 117 of the <i>Building Act 2011</i> .  |
| <ol style="list-style-type: none"><li>1. If there is non-compliance with a building order, cause an authorised person to:<ul style="list-style-type: none"><li>• Take any action specified in the building order;</li><li>• Commence or complete any work specified in the building order; or</li><li>• If any specified action was required by the building order to cease, take such steps as are reasonable in the circumstances to cause the action to cease.</li></ul></li><li>2. In a court of competent jurisdiction, recover as a debt from a person who has been served with a building order, the reasonable costs and expenses incurred in doing anything in relation to the building order.</li></ol> |
| Power to determine applications for issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i> for a plan of subdivision, re-subdivision or consolidation, except those applications that– <ol style="list-style-type: none"><li>(a) propose the creation of a vacant lot;</li></ol>  |



(b) propose vacant air strata's in multi-tiered strata scheme developments;  
(c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City 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.

**Senior Building Surveyor (BISN01, BISU07)**

Approve or refuse to approve a certified or uncertified application for a building permit in accordance with Section 20 of the *Building Act 2011*.

Approve or refuse to approve an application for a demolition permit in accordance with Section 21 and 22 of the *Building Act 2011*.

Impose conditions on the grant of a building permit or demolition permit in accordance with Section 27 of the *Building Act 2011*.

Approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate in accordance with Section 58 of the *Building Act 2011*.

Impose conditions on an occupancy permit or modification or building approval certificate in accordance with Section 62 of the *Building Act 2011*.

Approve or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect in accordance with Section 65 of the *Building Act 2011*.

Make a building order in accordance with Section 110 of the *Building Act 2011* in relation to:

- Building work;
- Demolition work; and/or
- An existing building or incidental structure whether completed before or after commencement day.

Serve a building order in accordance with Section 114 of the *Building Act 2011*.

Revoke a building order in accordance with Section 117 of the *Building Act 2011*.

1. If there is non-compliance with a building order, cause an authorised person to:
  - Take any action specified in the building order;



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| <ul style="list-style-type: none"> <li>• Commence or complete any work specified in the building order; or</li> <li>• If any specified action was required by the building order to cease, take such steps as are reasonable in the circumstances to cause the action to cease.</li> </ul> <p>2. In a court of competent jurisdiction, recover as a debt from a person who has been served with a building order, the reasonable costs and expenses incurred in doing anything in relation to the building order.</p>   |
| <p>Power to determine applications for issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i> for a plan of subdivision, re-subdivision or consolidation, except those applications that–</p> <ul style="list-style-type: none"> <li>(a) propose the creation of a vacant lot;</li> <li>(b) propose vacant air strata’s in multi-tiered strata scheme developments;</li> <li>(c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City as notified to the WAPC in writing, relate to:             <ul style="list-style-type: none"> <li>(i) a type of development; and/or</li> <li>(ii) land within an area,</li> </ul> </li> </ul> <p>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.</p> |
| <p><b>Building Surveyor (BISN02, BISU01, BISU03, BISU05)</b></p>  |
| <p>Approve or refuse to approve a certified or uncertified application for a building permit in accordance with Section 20 of the <i>Building Act 2011</i>.</p>   |
| <p>Approve or refuse to approve an application for a demolition permit in accordance with Section 21 and 22 of the <i>Building Act 2011</i>.</p>  |
| <p>Impose conditions on the grant of a building permit or demolition permit in accordance with Section 27 of the <i>Building Act 2011</i>.</p>  |
| <p>Approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate in accordance with Section 58 of the <i>Building Act 2011</i>.</p>  |
| <p>Impose conditions on an occupancy permit or modification or building approval certificate in accordance with Section 62 of the <i>Building Act 2011</i>.</p>   |
| <p>Make a building order in accordance with Section 110 of the <i>Building Act 2011</i> in relation to:</p> <ul style="list-style-type: none"> <li>• Building work;</li> <li>• Demolition work; and/or</li> </ul>   |



|   |
|---|
| <ul style="list-style-type: none"> <li>• An existing building or incidental structure whether completed before or after commencement day.</li> </ul>  |
| Serve a building order in accordance with Section 114 of the <i>Building Act 2011</i> .   |
| Revoke a building order in accordance with Section 117 of the <i>Building Act 2011</i> .  |
| <ol style="list-style-type: none"> <li>1. If there is non-compliance with a building order, cause an authorised person to: <ul style="list-style-type: none"> <li>• Take any action specified in the building order;</li> <li>• Commence or complete any work specified in the building order; or</li> <li>• If any specified action was required by the building order to cease, take such steps as are reasonable in the circumstances to cause the action to cease.</li> </ul> </li> <li>2. In a court of competent jurisdiction, recover as a debt from a person who has been served with a building order, the reasonable costs and expenses incurred in doing anything in relation to the building order.</li> </ol>  |
| <p>Power to determine applications for issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i> for a plan of subdivision, re-subdivision or consolidation, except those applications that–</p> <ol style="list-style-type: none"> <li>(a) propose the creation of a vacant lot;</li> <li>(b) propose vacant air strata’s in multi-tiered strata scheme developments;</li> <li>(c) in the opinion of the Western Australian Planning Commission (WAPC) as notified to the City in writing, or in the opinion of the City as notified to the WAPC in writing, relate to: <ol style="list-style-type: none"> <li>(i) a type of development; and/or</li> <li>(ii) land within an area,</li> </ol> </li> </ol> <p>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.</p> |
| <b>Coordinator Planning Compliance (EHSN04)</b>   |
| To give consent for encroachments on Crown land under the care, control and management of the City in accordance with Section 76 of the <i>Building Act 2011</i> .  |
| Authority to instruct Council’s Solicitors to take legal action in respect of any breach, contravention or offence under the <i>Local Government Act 1995</i> and all subsidiary legislation made under this Act, including signing and executing all documents on behalf of the City.  |



Perform the functions of the 'local government' under Sections 214(2) and 214(3) of the Planning and Development Act 2005.

Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.

**Senior Building Surveyor Compliance (COMO03)**

Approve, modify or refuse to approve an application for an occupancy permit or approve or refuse to approve an application for a building approval certificate in accordance with Section 58 of the *Building Act 2011*.

Impose conditions on an occupancy permit or modification or building approval certificate in accordance with Section 62 of the *Building Act 2011*.

Approve or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect in accordance with Section 65 of the *Building Act 2011*.

To give consent for encroachments on Crown land under the care, control and management of the City in accordance with Section 76 of the *Building Act 2011*.

Make a building order in accordance with Section 110 of the *Building Act 2011* in relation to:

- Building work;
- Demolition work; and/or
- An existing building or incidental structure whether completed before or after commencement day.

Serve a building order in accordance with Section 114 of the *Building Act 2011*.

Revoke a building order in accordance with Section 117 of the *Building Act 2011*.

1. If there is non-compliance with a building order, cause an authorised person to:

- Take any action specified in the building order;
- Commence or complete any work specified in the building order; or
- If any specified action was required by the building order to cease, take such steps as are reasonable in the circumstances to cause the action to cease.

2. In a court of competent jurisdiction, recover as a debt from a person who has been served with a building order, the reasonable costs and expenses incurred in doing anything in relation to the building order.



**Senior Planning Officer Compliance (COMO04)**

To give consent for encroachments on Crown land under the care, control and management of the City in accordance with Section 76 of the *Building Act 2011*.

Perform the functions of the 'local government' under Sections 214(2) and 214(3) of the Planning and Development Act 2005.

Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Scheme No. 3 and Local Planning Scheme No. 3 Policy Manual.

**Coordinator Verge Control and Swimming Pools (ECSE01)**

Give a notice in writing to the owner or occupier of land requiring the person to do, within the time specified, anything specified in the notice this is prescribed in the City of Stirling Thoroughfares and Public Places Local Law 2009.

Determine the form of the application for a permit.

Approve or refuse a permit

Approve an application to renew a permit where the application is received prior to the expiry of the permit.

Cancel a permit where the permit holder has not complied with a condition of the permit or a provision of any written law which may relate to the activity regulated by the permit.

Serve a notice to the owner or occupier of the land abutting the garden to remove, cut, move or otherwise deal with a plant where it creates or may create a hazard for any person using a thoroughfare.

Serve a notice to the owner, occupier or other person who may be responsible to remove the thing which has been placed or remains on a thoroughfare in contravention of the City of Stirling Thoroughfares and Public Places Local Law 2009.

If a person fails to comply with a notice issued under the City of Stirling Thoroughfares and Public Places Local Law 2009, do the thing specified in the notice and recover from that person, as a debt, the costs incurred in doing so.

Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.

Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.

- Refuse applications not in keeping with the intent of the City's Crossover Policy; and



- Approve variations to the City's Crossover Policy where adequate justification is provided and the intent of the policy is deemed to have been met.

Authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the *Local Government Act 1995* and all subsidiary legislation made under this Act, including signing and executing all documents on behalf of the City.

**Verge Control Officer (COMO05, COMO06, EOFO01, EWTD46)**

Give a notice in writing to the owner or occupier of land requiring the person to do, within the time specified, anything specified in the notice this is prescribed in the City of Stirling Thoroughfares and Public Places Local Law 2009.

Serve a notice to the owner or occupier of the land abutting the garden to remove, cut, move or otherwise deal with a plant where it creates or may create a hazard for any person using a thoroughfare.

Serve a notice to the owner, occupier or other person who may be responsible to remove the thing which has been placed or remains on a thoroughfare in contravention of the City of Stirling Thoroughfares and Public Places Local Law 2009.

Approve variations to the City's Crossover Policy where adequate justification is provided and the intent of the policy is deemed to have been met.

**Business Support Officer (BSOD01)**

Receive payments of infringement notices under the *Cat Act 2011*.

Receive payments of infringement notices under the *Local Government Act 1995*.

Determine the form of the application for a permit.

Approve an application to renew a permit where the application is received prior to the expiry of the permit.

Extend the period of 28 days within which the modified penalty may be paid. The extension may be allowed whether or not the period of 28 days has elapsed.

Within one year after the notice was given, whether or not the modified penalty has been paid, withdraw an infringement notice.

**Administration Officer (EHSE02)**

Approve an application to renew a permit where the application is received prior to the expiry of the permit.



# CONSOLIDATED DELEGATED AUTHORITY REGISTER

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| <p><b>NOTE:</b> City of Wanneroo Committees have no delegated decision making authority.</p> |
|--|

# 1 LOCAL GOVERNMENT ACT 1995

## 1.1 COUNCIL TO CEO

### 1.1.1 AUTHORITY TO MAKE DECISIONS ON BEHALF OF THE CITY DURING COUNCIL RECESS.

|  |  |                           |
|--|--|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | To make decisions on behalf of the City during Council recess.   |                           |
| <b>Statutory Power being Delegated:</b>  | The powers and duties of the City under the Local Government Act 1995.   |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limits on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | The delegation is subject to any decisions being made by agreement with the Mayor (or in their absence the Deputy Mayor).<br><br>Those matters prescribed in Section 5.43 of the Local Government Act 1995 are exempt. |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | A report on those decisions made is to be provided to Council at the conclusion of the delegation period.  |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Return required - Yes</i>  |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE06-05/17  | 6.   | 11.                       |
| 2. CE01-06/18  | 7.   | 12.                       |
| 3.   | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

## 1.1.2 PERFORMING FUNCTIONS OUTSIDE THE DISTRICT

|  |   |                           |
|--|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].  |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.20(1) Performing functions outside district   |                           |
| <b>Power is originally assigned to:</b>  | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                           |
| <b>Council's Conditions on Delegation:</b>   | <ol style="list-style-type: none"> <li>1) This delegation is not to be sub-delegated.</li> <li>2) A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant budget allocation and the performance of the functions does not negatively impact service levels within the District.</li> </ol> <p>Where these conditions are not met, the matter must be referred for Council decision.</p> |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | N/A   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting.   |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Return required - Yes</i>   |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE01-06/18<br>2. CE03-06/21<br>3.<br>4.   | 6.<br>7.<br>8.<br>9.  | 11.<br>12.<br>13.<br>14.  |

### 1.1.3 COMPENSATION FOR DAMAGE INCURRED WHEN PERFORMING FUNCTIONS

|  |   |                           |
|--|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Assess and determine the extent of damage arising through the performance by the local government of its functions under the Local Government Act 1995 and make payment of compensation [s.3.22(1)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol> |                           |
| <b>Statutory Power being Delegated:</b>  | Local Government Act 1995<br>s.3.22(1) Compensation<br>s.3.23 Arbitration   |                           |
| <b>Power is originally assigned to:</b>  | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>  | Local Government Act 1995<br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                           |
| <b>Council's Conditions on Delegation:</b>   | Delegation is limited to settlements which do not exceed \$20,000   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | Local Government Act 1995:<br>s.5.44 CEO may delegate some powers and duties to other employees   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Nil   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of decisions are to be recorded on the appropriate file or record and Council Members to be notified through the Council Members Hub.   |                           |
| <b>Compliance Links</b>  | Financial Interest Return required - Yes  |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE01-06/18<br>2. CE03-06/21<br>3.<br>4.   | 6.<br>7.<br>8.<br>9.  | 11.<br>12.<br>13.<br>14.  |

## 1.1.4 POWERS OF ENTRY

|  |   |                           |
|--|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry to enter onto land to perform any of the Local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect of entry by opening a fence [s.3.36].</li> </ol> |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.28 – Enter Land<br>s.3.32 – Notice of Entry<br>s.3.33 – Entry under warrant<br>s.3.34 – Entry in an emergency<br>s.3.36 – Opening fences  |                           |
| <b>Power is originally assigned to:</b>  | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                           |
| <b>Council's Conditions on Delegation:</b>   | Nil   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | All Directors<br>Manager Health & Compliance<br>Manager Community Safety & Emergency Management<br>Manager Parks & Conservation Management<br>Manager Asset Maintenance<br>Manager Approval Services<br>Manager Waste Services  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of the notice must be recorded in the appropriate record.   |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Return required - Yes</i>   |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. Annual Review – May 2014  | 6. 18/274278  | 11.                       |
| 2. CE06-05/17  | 7. 19/376416  | 12.                       |
| 3. 07/02/18 Administrative   | 8. 19/394864  | 13.                       |
| 4. CE01-06/18  | 9. CE03-06/21   | 14.                       |

## 1.1.5 DECLARING A VEHICLE TO BE AN ABANDONED VEHICLE WRECK

|  |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]   |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.40A(4) Abandoned vehicle wreck may be taken  |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.6 Confiscated or Uncollected Goods or alternatively, referred for Council decision. |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees.   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Community & Place<br>Manager Community Safety and Emergency Management<br>Coordinator Community Safety  |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The declaration is to be recorded in the appropriate record to meet legislative requirements.  |
| <b>Compliance Links</b>  | <i>Financial Interest Return required - Yes</i>  |
| <b>Delegation Administration:</b>  |  |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| 1. 14/196797   | 6.   |
| 2. CE01-06/18  | 7.   |
| 3. 18/274278   | 8.   |
| 4.   | 9.   |
|  | 11.  |
|  | 12.  |
|  | 13.  |
|  | 14.  |

## 1.1.6 CONFISCATED OR UNCOLLECTED GOODS

|  |   |                           |
|--|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol> |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.47 Confiscated or uncollected goods, disposal of<br>s.3.48 Impounding expenses, recovery of   |                           |
| <b>Power is originally assigned to:</b>  | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                           |
| <b>Council's Conditions on Delegation:</b>   | Nil   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Community & Place<br>Director Planning & Sustainability<br>Manager Health & Compliance<br>Manager Community Safety and Emergency Management<br>Coordinator Community Safety  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The sale or disposal of goods or vehicles is to be recorded in the appropriate record.  |                           |
| <b>Compliance Links</b>  | <i>Local Government (Functions and General) Regulations 1996</i><br>r.30 Dispositions of property excluded from s.3.58 of the <i>Local Government Act 1995</i> s3.58<br><br><i>Financial Interest Return required - Yes</i>   |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. 14/196797   | 6.  | 11.                       |
| 2. CE01-06/18  | 7.  | 12.                       |
| 3. 18/274278   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

## 1.1.7 DISPOSAL OF SICK OR INJURED IMPOUNDED ANIMALS

|  |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to determine that an impounded animal is ill or injured to such an extent that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.47A Sick or injured animals, disposal of   |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | Nil  |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Community & Place<br>Manager Community Safety and Emergency Management<br>Coordinator Community Safety  |
| <b>CEO's Conditions on Sub-delegation:</b>   | Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.   |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The details of sick or injured animals disposed of are to be recorded in the appropriate record.   |
| <b>Compliance Links</b>  | <i>Local Government Act 1995</i><br>s.3.47A(2)(b)(i) Take reasonable steps to notify the owner<br><br><i>Financial Interest Return required - Yes</i>  |
| <b>Delegation Administration:</b>  |  |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| 1. 14/196797   | 6. 18/274278   |
| 2. 16/254349   | 7.   |
| 3. CE01-06/18  | 8.   |
| 4. 18/203840   | 9.   |
|  | 11.  |
|  | 12.  |
|  | 13.  |
|  | 14.  |

## 1.1.8 CLOSE THOROUGHFARES TO VEHICLES

|   |   |
|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so: <ul style="list-style-type: none"> <li>• give local public notice;</li> <li>• written notice to prescribed persons and persons that own prescribed land;</li> <li>• consider submissions relevant to the road closure/s proposed; and</li> <li>• provide a copy of the public notice to the Commissioner of Main Roads; [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.3.50 Closing certain thoroughfares to vehicles<br/> s.3.50A Partial closure of thoroughfare for repairs or maintenance<br/> s.3.51 Affected owners to be notified of certain proposals</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.5.42 Delegation of some powers or duties to the CEO<br/> s.5.43 Limitations on delegations to the CEO</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>The permanent closure of thoroughfares to be referred to Council for determination</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.5.44 CEO may delegate powers and duties to other employees</p>   |
| <p><b>CEO's Sub-Delegation:</b><br/> <i>The exercise of the delegated power does not include the power of delegation</i></p>  | <p>Director Assets<br/> Director Planning &amp; Sustainability</p> <p>For Function 4 - Partial Closures only:-</p> <p>Manager Asset Maintenance<br/> Manager Infrastructure Capital Works<br/> Manager Land Development</p>   |

|   |  |                           |
|---|--|---------------------------|
|   | Manager Parks and Conservation Management  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | As per Council's conditions to the CEO   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | <p>Action taken to close thoroughfares (not partial closures for repairs or maintenance) must be recorded in the appropriate register and elected members advised accordingly.</p> <p>Details of partial closures for repairs or maintenance to be recorded on the appropriate record.</p>   |                           |
| <b>Compliance Links</b>   | <ul style="list-style-type: none"> <li>• If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>• Maintain access to adjoining land [s.3.52(3)];</li> </ul> <p><i>Financial Interest Return required – Yes</i></p> |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18   | 6.   | 11.                       |
| 2. 18/203840  | 7.   | 12.                       |
| 3. 18/306398  | 8.   | 13.                       |
| 4.  | 9.   | 14.                       |

## 1.1.9 CONTROL OF RESERVES AND CERTAIN UNVESTED FACILITIES

|  |  |                           |
|--|--|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].</li> <li>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the City of Wanneroo that the City of Wanneroo could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [s.3.54(1)].</li> </ol> |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.53(3) Control of certain unvested facilities<br>s.3.54(1) Reserves under control of local government   |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | Nil  |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Planning and Sustainability<br>Director Assets  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting.  |                           |
| <b>Compliance Links</b>  | <i>Parks and Reserves Act 1895</i><br><i>Land Administration Act 1997</i><br><br><i>Financial Interest Return required - Yes</i>   |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18<br>2. 18/203840<br>3.<br>4.  | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

### 1.1.10 DETERMINING THAT TENDERS DO NOT HAVE TO BE INVITED FOR THE SUPPLY OF GOODS AND SERVICES

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|--|--|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11 (2)(f)].  |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Functions and General) Regulations 1996</i><br>r.11(2)(f) When tenders have to be publicly invited  |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | 1. The determination is to be supported by a detailed report; and<br>2. Subject to the requirements and conditions of Council's Purchasing Policy.   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Nil  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The determination is to be recorded in the appropriate record.   |                           |
| <b>Compliance Links</b>  | <a href="#"><i>Local Government (Functions and General) Regulations 1996</i></a> – prescribe applicable statutory procedures<br><br><i>City of Wanneroo Purchasing Policy</i><br><i>Procurement Corporate Guideline</i><br><br><i>Financial Interest Return required - Yes</i> |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18  | 6.   | 11.                       |
| 2.   | 7.   | 12.                       |
| 3.   | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

## 1.1.11 TENDERS FOR GOODS AND SERVICES – CALL FOR TENDERS

|  |  |
|--|--|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>  | <ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>   | <p><i>Local Government Act 1995</i><br/>s.3.57 Tenders for providing goods or services<br/><i>Local Government (Functions and General) Regulations 1996</i><br/>r.11(1), (2) When tenders have to be publicly invited<br/>r.13 <i>Requirements when local governments invite tenders though not required to do so</i><br/>r.14 Publicly inviting tenders, requirements for.</p>  |
| <p><b>Power is originally assigned to:</b></p>   | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>   | <p><i>Local Government Act 1995</i><br/>s.5.42 Delegation of some powers or duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</p>   |
| <p><b>Power Delegated to:</b></p>  | <p>Chief Executive Officer</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>  | <p>Tenders can only be invited for those goods and services identified in the Long Term Financial Plan and the Annual Budget, Corporate Business Plan or separately approved by Council</p> <p>Acceptance of the most advantageous tender is subject to Delegation 1.1.14.</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>   | <p><i>Local Government Act 1995</i><br/>s.5.44 CEO may delegate some powers and duties to other employees</p>  |
| <p><b>CEO's Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>  | <p>Functions 1 to 3<br/>All Directors</p> <p>Function 4<br/>Manager Contracts &amp; Procurement</p>  |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>  | <p>Subject to the conditions on delegation to the CEO.</p>   |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p>The invitation to tender is to be entered into the Tender Register in the manner prescribed.</p>  |

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| <b>Compliance Links</b>                                       | <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> –<br>prescribe applicable statutory procedures<br><br><i>City of Wanneroo Purchasing Policy</i><br><i>City of Wanneroo Procurement Corporate Guideline</i><br><br><i>Financial Interest Return required – Yes</i> |                           |
| <b>Delegation Administration:</b>                             |  |                           |
| <b>Decision Reference</b>                                     | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18<br>2. 18/313146<br>3. 18/306398<br>4. 19/394864 | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

## 1.1.12 EXTENSION OF CONTRACTS

|  |   |                           |
|--|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).  |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995:</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Functions &amp; General) Regulations 1996</i><br>r.11(2)(j) When tenders have to be publicly invited  |                           |
| <b>Power is originally assigned to:</b>  | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                           |
| <b>Council's Conditions on Delegation:</b>   | Subject to the: <ul style="list-style-type: none"> <li>tender specifying the provisions of the option term;</li> <li>contract providing for the extension;</li> <li>extension being on the same terms and conditions as the last year of the original term but does allow for price increases in line with the contract provisions (if any) for price.</li> </ul> |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 - CEO may delegate powers or duties to other employees   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | All Directors   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of the extension must be recorded in the appropriate record.  |                           |
| <b>Compliance Links</b>  | <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures<br><i>City of Wanneroo Contract Management Corporate Guideline</i><br><i>Financial Interest Return required – Yes</i>  |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE01-06/18  | 6.  | 11.                       |
| 2.   | 7.  | 12.                       |
| 3.   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

### 1.1.13 CHOICE OF MOST ADVANTAGEOUS TENDER

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|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine:             <ol style="list-style-type: none"> <li>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>ii. To accept the tender that is most advantageous [F&amp;G r.18(4)].</li> </ol> </li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995:</i><br/>s.3.57 Tenders for providing goods or services<br/><i>Local Government (Functions and General) Regulations 1996</i><br/>r.18 (2), (4), (4a) &amp; (5) Rejecting and accepting tenders</p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.5.42 Delegation of some powers or duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer.</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Function 3 is subject to a provision in the adopted Annual Budget and / or the Long Term Financial Plan and limited to:</p> <ul style="list-style-type: none"> <li>• Tenders resulting from the expiry of a recurring contract - \$5 million (life of contract).</li> <li>• Supply of plant and equipment - to a maximum amount of \$2,000,000.</li> <li>• All other tenders - to a maximum amount of \$1,000,000.</li> </ul>  |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.5.44 CEO may delegate some powers and duties to other employees</p>   |
| <p><b>CEO's Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>Where the CEO has a conflict of interest that precludes the CEO from exercising this delegation of authority, the CEO delegates to a Director the authority to exercise this function.</p> <p><u>Function 2 only</u><br/>Manager Contracts and Procurement</p>   |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>The approving Director is not to be the same Director making the recommendation.</p>   |

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|   | Once the tender has been accepted, the CEO or any Director may execute the contractual documents relating to the acceptance of the tender.  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Acceptance must be recorded in the appropriate record and in the Tender Register as required by Regulation 17 of the <i>Local Government (Functions and General) Regulations 1996</i> .   |                           |
| <b>Compliance Links</b>   | <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures<br><br><i>City of Wanneroo Execution of Documents Policy and Management Procedure</i><br><i>City of Wanneroo Purchasing Policy</i><br><i>City of Wanneroo Procurement Corporate Guideline</i><br><br><i>Financial Interest Return required - Yes</i> |                           |
| <b>Delegation Administration:</b>   |   |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE04-12/16   | 6. CE01-04/20   | 11.                       |
| 2. 16/421025  | 7. CE02-06/20   | 12.                       |
| 3. 17/335505  | 8.  | 13.                       |
| 4. CE01-06/18   | 9.  | 14.                       |

## 1.1.14 MINOR VARIATION IN GOODS OR SERVICES

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|--|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations <u>before</u> entering into a contract [F&G r.20(1) and (3)].   |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995:</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Functions and General) Regulations 1996</i><br>r.20(1), (3) Variation of requirements before entry into contract  |                           |
| <b>Power is originally assigned to:</b>  | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                           |
| <b>Council's Conditions on Delegation:</b>   | That the variation is minor having regard to the total goods or services that tenderers were invited to supply  |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | All Directors - \$10,000  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of the minor variation must be recorded in the appropriate record.  |                           |
| <b>Compliance Links</b>  | <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures<br><br><i>City of Wanneroo Purchasing Policy</i><br><i>City of Wanneroo Procurement Corporate Guideline</i><br><br><i>Financial Interest Return required - Yes</i> |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE01-06/18  | 6.  | 11.                       |
| 2.   | 7.  | 12.                       |
| 3.   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

## 1.1.15 SELECTING THE NEXT MOST ADVANTAGEOUS TENDER

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|---|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authority to choose the next most advantageous tender to accept, if the chosen tenderer is unable or unwilling to form a contract to supply the varied requirement OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)].  |
| <b>Statutory Power being Delegated:</b>   | <i>Local Government Act 1995:</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Functions and General) Regulations 1996</i><br>r.20(2) Variation of requirements before entry into contract  |
| <b>Power is originally assigned to:</b>   | Local Government   |
| <b>Statutory Power of Delegation:</b>   | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>  | Subject to:-<br>A provision in the adopted Annual Budget and / or the Long Term Financial Plan and limited to: <ul style="list-style-type: none"> <li>○ Tenders resulting from the expiry of a recurring contract - \$5 million (life of contract).</li> <li>○ Supply of plant and equipment - to a maximum amount of \$2,000,000.</li> <li>○ All other tenders – to a maximum amount of \$1,000,000.</li> </ul> |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Where the CEO has a conflict of interest that precludes the CEO from exercising this delegation of authority, the CEO delegates to a Director the authority to exercise this function.   |
| <b>CEO's Conditions on Sub-delegation:</b>  | The approving Director is not to be the same Director making the recommendation.<br><br>Once the tender has been accepted, the CEO or any Director may execute the contractual documents relating to the acceptance of the tender.   |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Acceptance must be recorded in the appropriate record and in the Tender Register as required by regulation 17 of the <i>Local Government (Functions and General) Regulations 1996</i> .  |
| <b>Compliance Links</b>   | <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures<br><br><i>City of Wanneroo Execution of Documents Policy and Management Procedure</i><br><i>City of Wanneroo Purchasing Policy</i><br><i>City of Wanneroo Procurement Corporate Guideline</i>   |

|   |                           |                           |
|---|---------------------------|---------------------------|
| <i>Financial Interest Return required - Yes</i> |                           |                           |
| <b>Delegation Administration:</b>               |                           |                           |
| <b>Decision Reference</b>                       | <b>Decision Reference</b> | <b>Decision Reference</b> |
| 1. CE06-05/17                                   | 6.                        | 11.                       |
| 2. CE01-06/18                                   | 7.                        | 12.                       |
| 3.  | 8.                        | 13.                       |
| 4.  | 9.                        | 14.                       |

## 1.1.16 EXPRESSIONS OF INTEREST FOR GOODS AND SERVICES

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|--|--|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol> |                           |
| <b>Statutory Power being Delegated:</b>  | <p><i>Local Government Act 1995</i><br/>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996</i><br/>r.21 Limiting who can tender, procedure for<br/>r.23 Rejecting and accepting expressions of interest to be acceptable tenderer</p>  |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <p><i>Local Government Act 1995</i><br/>s.5.42 Delegation of some powers or duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</p>   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | Nil  |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <p><i>Local Government Act 1995</i><br/>s.5.44 CEO may delegate some powers and duties to other employees</p>  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | <u>Function 1 only:</u><br>All Directors   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   |  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of the expression of interest sought, received and accepted must be recorded in the appropriate record and in the Tender Register as required by Regulation 17 of the <i>Local Government (Functions and General) Regulations 1996</i> .   |                           |
| <b>Compliance Links</b>  | <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><i>City of Wanneroo Purchasing Policy</i><br/><i>City of Wanneroo Procurement Corporate Guideline</i></p> <p><i>Financial Interest Return required - Yes</i></p>   |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18  | 6.   | 11.                       |
| 2. 18/203840   | 7.   | 12.                       |
| 3. 18/313146   | 8.   | 13.                       |
| 4. 19/394864   | 9.   | 14.                       |

## 1.1.17 VARIATION TO CONTRACT FOR THE SUPPLY OF GOODS AND SERVICES

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to vary a tendered contract, <u>after</u> it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract.   |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.57 Tenders for providing goods or services<br><i>Local Government (Function and General) Regulations 1996</i><br>r .21A Varying a contract for the supply of goods or services  |
| <b>Power is originally assigned to:</b>  | Local Government  |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |
| <b>Council's Conditions on Delegation:</b>   | Nil   |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 - CEO may delegate powers or duties to other employees   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | All Directors<br>Manager Asset Maintenance<br>Manager Infrastructure Capital Works<br>Manager Parks & Conservation Management<br>Manager Waste Services   |
| <b>CEO's Conditions on Sub-delegation:</b>   | The amount of the variation limited to the sub-delegates purchasing approval limit; and<br><br>The amount of the variation must be within the approved budget.  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of the variation must be recorded in the appropriate record.  |
| <b>Compliance Links</b>  | <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures<br><br><i>City of Wanneroo Purchasing Policy</i><br><i>City of Wanneroo Procurement Corporate Guideline</i><br><i>City of Wanneroo Contracts Management Corporate Guideline</i><br><br><i>Financial Interest Return Required – Yes</i> |
| <b>Delegation Administration:</b>  |   |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   |
| 1. 17/102900<br>2. CE01-06/18<br>3. 19/394864<br>4.  | 6.<br>7.<br>8.<br>9.  |
|  | <b>Decision Reference</b>   |
|  | 11.<br>12.<br>13.<br>14.  |

## 1.1.18 PANELS OF PRE-QUALIFIED SUPPLIERS FOR GOODS AND SERVICES

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to establish a panel of pre-qualified suppliers to supply particular goods or services [F&amp;G r.24AB].</li> <li>2. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>3. Authority to determine, before inviting submissions, the written criteria for deciding which application should be accepted for inclusion in a panel of pre-qualified suppliers [F&amp;G r.24AD(3)].</li> <li>4. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to ensure that each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</li> <li>5. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</li> <li>6. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</li> <li>7. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>8. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>9. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)]</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.3.57 Tenders for providing goods or services<br/><i>Local Government (Functions and General) Regulation 1996</i><br/>r.24AB Local government may establish panels of pre-qualified suppliers<br/>r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers<br/>r.24AD(3) &amp; (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers<br/>r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers<br/>r.24AJ(1) Contracts with pre-qualified suppliers</p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |

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| <b>Statutory Power of Delegation</b>   | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limits on delegations to CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is included in the adopted Annual Budget.   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers or duties to other employees  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | All Directors<br>Executive Manager Governance & Legal<br>Manager Contracts & Procurement   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to:-<br><br>a) The conditions on delegation to the CEO; and<br><br>b) Individual contracts entered into with prequalified suppliers in accordance with Function 9 not exceeding \$500,000 for Directors and \$250,000 for the Executive Manager Governance & Legal; and<br><br>c) Manager Contracts & Procurement is only delegated the authority to undertake Functions 4 and 7 to vary a panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to provide each person who has enquired or submitted an application notice of the variation. |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Details of the panel and any actions taken by the panel are to be recorded in the appropriate record.  |                           |
| <b>Compliance Links</b>  | <a href="#"><u>Local Government (Functions and General) Regulations 1996</u></a> – prescribe applicable statutory procedures<br><br><i>City of Wanneroo Purchasing Policy</i><br><i>City of Wanneroo Procurement Corporate Guideline</i><br><i>City of Wanneroo Contract Management Corporate Guideline</i><br><br><i>Financial Interest Return Required – Yes</i>   |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CS05-05/17  | 6. 18/306398   | 11.                       |
| 2. CE01-06/18  | 7.   | 12.                       |
| 3. 18/203840   | 8.   | 13.                       |
| 4. CE01-08/18  | 9.   | 14.                       |

### 1.1.19 DISPOSING OF PROPERTY (PUBLIC AUCTION, PUBLIC TENDER OR PRIVATE TREATY)

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to dispose of property to:               <ol style="list-style-type: none"> <li>(a) to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.3.58(2) &amp; (3) Disposing of Property</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.5.42 Delegation of some powers or duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Subject to:</p> <ol style="list-style-type: none"> <li>1. The disposal of property being less than \$250,000, except for land.</li> <li>2. The disposal of land by sale being:           <ol style="list-style-type: none"> <li>(a) identified in the City's Annual Budget and valued up to \$600 000 excluding GST; or</li> <li>(b) based on two independent market valuations engaged by the City, for an amount not exceeding \$250 000.</li> </ol> </li> </ol>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.5.44 CEO may delegate powers and duties to other employees</p>  |
| <p><b>CEO's Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>Director Assets - \$150,000<br/>Director Corporate Strategy &amp; Performance - \$150,000<br/>Manager Asset Maintenance - \$50,000<br/>Manager Contracts &amp; Procurement \$50,000<br/>Manager Property Services \$150,000</p>  |

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| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.<br>The delegation to the Manager Property Services is for the disposal of land only.  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | The full details of the transaction including copies of the advertisements to be recorded on the appropriate record and or register.  |                           |
| <b>Compliance Links</b>  | <i>Local Government Act 1995<br/>s.3.58 Disposing of Property</i><br><br><i>City of Wanneroo Strategic Land Policy and Management Procedure</i><br><i>City of Wanneroo Disposal of Property other than Land and Buildings Management Procedure</i><br><br><i>Financial Interest Return required - Yes</i> |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE06-05/17  | 6.  | 11.                       |
| 2. CE01-06/18  | 7.  | 12.                       |
| 3. 19/394864   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

## 1.1.20 DISPOSING OF PROPERTY (LAND) BY LEASE OR LICENCE

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Authority for the disposal of property (Land) by lease or licence.   |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.3.58 Disposing of Property   |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | <p>The grant of a lease or licence in relation to:</p> <ol style="list-style-type: none"> <li>1. freehold land owned by the City; or</li> <li>2. crown land managed/leased by the City; is further subject to:             <ul style="list-style-type: none"> <li>• Disposal by Lease:                 <ol style="list-style-type: none"> <li>a) The disposal of property by lease being subject to:                     <ol style="list-style-type: none"> <li>i. The lease being in accordance with the City's Leasing Policy (as then applicable);</li> <li>ii. The term of the lease being no greater than ten (10) years (including option periods);</li> <li>iii. The rental fee payable being no greater than \$75,000 (plus GST) per annum during the initial year of the lease term (exclusion of any rental incentives or abatements); and</li> <li>iv. The area leased being no greater than 1500m<sup>2</sup>.</li> </ol> </li> <li>b) An agreement to vary, or an agreement arising from the terms of a lease including but not limited to novations, terminations, surrenders, renewal options, assignments (including consent to a deemed assignment), subletting, special conditions or payment schedules of a lease subject to:                     <ol style="list-style-type: none"> <li>i. In the case of a variation, the variation being minor in nature in accordance with the City's Leasing Policy (as then applicable); and</li> <li>ii. In the case of an extension:                         <ol style="list-style-type: none"> <li>A. the lease providing for an option for extension and specifying the applicable terms of that option term;</li> <li>B. the exercise of the option for extension being in accordance with the terms of the option provisions of the original lease, and in</li> </ol> </li> </ol> </li> </ol> </li> </ul></li></ol> |

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|   | <p>particular that the lessee is not in a material and unremedied breach of that lease; and</p> <p>C. the extension being in accordance with the option provisions of the original lease.</p> <ul style="list-style-type: none"> <li>• Disposal by Licence: <ul style="list-style-type: none"> <li>a) The disposal of property by licence being subject to: <ul style="list-style-type: none"> <li>i. The licence being in accordance with the City's Leasing Policy (as then applicable);</li> <li>ii. The granting of a licence being permitted under the City's management order or lease;</li> <li>iii. The term of the licence being no greater than ten (10) years);</li> <li>iv. The fee payable being no greater than \$20,000 (plus GST) per annum during the initial year of the licence term; and</li> <li>v. The area licenced being no greater than 2000m<sup>2</sup>.</li> </ul> </li> <li>b) An agreement to vary, or an agreement arising from the terms of a licence including but not limited to novations, terminations, surrenders, renewal options, assignments (including consent to a deemed assignment), sublicensing, special conditions or payment schedules of a licence subject to: <ul style="list-style-type: none"> <li>i. In the case of a variation, the variation being minor in nature in accordance with the City's Leasing Policy (as then applicable); and</li> <li>ii. In the case of an extension: <ul style="list-style-type: none"> <li>A. the licence providing for an option for extension and specifying the applicable terms of that option term;</li> <li>B. the exercise of the licence being in accordance with the terms of the option provisions of the original licence, and in particular that the licensee is not in a material and unremedied breach of that licence; and</li> <li>C. the extension being in accordance with the option provisions of the original licence</li> </ul> </li> </ul> </li> </ul> </li> </ul> |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br><i>s.5.44 CEO may delegate powers and duties to other employees</i>  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i> | Director Corporate Strategy & Performance<br>Manager Property Services   |
| <b>CEO's Conditions on Sub-delegation:</b>  | Subject to the conditions on delegation to the CEO.  |

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| <p><b>Record Keeping Statement (LGA 1995)</b><br/> s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p>The full details of the transaction including copies of the advertisements to be recorded on the appropriate record and or register.</p>   |                                       |
| <p><b>Compliance Links</b></p>  | <p><i>Local Government Act 1995</i><br/> <i>s. 3.58 Disposing of Property</i></p> <p>NOTE: Section 3.58(1) defines:<br/> '<b>dispose</b>' as includes to sell, lease, or otherwise dispose of, whether absolutely or not; and<br/> '<b>property</b>' as includes the whole or any part of the interest of a local government in property, but does not include money.</p> <p><i>City of Wanneroo Leasing Policy and Management Procedure</i></p> <p><i>Financial Interest Return required - Yes</i></p> |                                       |
| <p><b>Delegation Administration:</b></p>  |   |                                       |
| <p><b>Decision Reference</b></p>  | <p><b>Decision Reference</b></p>  | <p><b>Decision Reference</b></p>      |
| <p>1. CE03-10/17<br/> 2. 17/347558<br/> 3. CE01-06/18<br/> 4.</p>   | <p>6.<br/> 7.<br/> 8.<br/> 9.</p>   | <p>11.<br/> 12.<br/> 13.<br/> 14.</p> |

## 1.1.21 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to make appointments to the position of acting Chief Executive Officer for a period not exceeding three months.                                  |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.5.39C Policy for temporary employment or appointment of CEO  |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO                 |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer<br>Executive Manager Governance and Legal (Conditional)  |                           |
| <b>Council's Conditions on Delegation:</b>   | The appointment is subject to the Appointment of Acting Chief Executive Officer Policy (CE04-04/21)  |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Nil  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of appointments made under this delegation are to be retained on the appropriate file or record.   |                           |
| <b>Compliance Links</b>  | The appointment is subject to the Appointment of Acting Chief Executive Officer Policy (CE04-04/21)<br><br><i>Financial Interest Return required - Yes</i> |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18  | 6.   | 11.                       |
| 2. 20/34041  | 7.   | 12.                       |
| 3. CE04-04/21  | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

## 1.1.22 PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Authority to make payments from the municipal fund or the trust fund.  |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s. 6.10 Financial Management Regulations<br><i>Local Government (Financial Management) Regulations 1996</i><br>r.12(1)(a). Payments from municipal fund or trust fund, restrictions on making.   |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995:</i><br>s.5.42 – Delegation of some power or duties to the CEO<br>s.5.43 – Limitations on delegation to the CEO   |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | Each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented at the next ordinary meeting of Council.  |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | <b>Group A:</b><br>Director Corporate Strategy & Performance<br>Director Community & Place<br>Director Assets<br>Director Planning & Sustainability<br>Manager Finance<br>Coordinator Financial & Strategic Accounting<br><br><b>Group B:</b><br>Team Leader Financial Accounting<br>Coordinator Rates & Accounts<br>Financial Accountant<br>Strategic Finance Business Partner<br>Capital Analyst   |
| <b>CEO's Conditions on Sub-delegation:</b>   | <ul style="list-style-type: none"> <li>• Each invoice is required to be approved for payment by instigating officer and approving officer in accordance to the requirements of the Procurement Corporate Guideline.</li> <li>• When authorising payments each payment voucher is to be authorised as follows before payment is processed: <ul style="list-style-type: none"> <li>○ Up to \$50,000 – One signature is required (either group A or B)</li> <li>○ \$50,001- and over – Two signatures required (either 2 from group A, or 1 from group A and 1 from group B)</li> </ul> </li> <li>• The actual transmission of the funds by EFT is authorised using password protected banking software by any 2 officers (either group A or B).</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>• Internal Fund Transfers* – One signature is required (either group A or B)</li> <li>• Payroll Transfers** – One signature is required (either group A or B)</li> </ul> <p>* Internal fund transfers are transfers between the City's trading accounts (excludes the City's Trust Account and the daily cash management account).</p> <p>** Subject to certification by officer preparing payroll and any 2 officers (either group A or B).</p>   |   |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p>As per the requirements of Regulation 13 of the <i>Local Government (Financial Management) Regulations 1996</i>.</p>   |   |
| <p><b>Compliance Links</b></p>   | <p><a href="#">Local Government Act 1995</a><br/> <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.<br/> <a href="#">Local Government (Audit) Regulations 1996</a><br/> Department of Local Government, Sport and Cultural Industries<br/> <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a><br/> Department of Local Government, Sport and Cultural Industries:<br/> <a href="#">Accounting Manual</a><br/> City of Wanneroo Purchasing Policy<br/> City of Wanneroo Procurement Corporate Guidelines</p> <p><i>Financial Interest Return required - Yes</i></p> |   |
| <b>Delegation Administration:</b>  |   |   |
| <p><b>Decision Reference</b></p> <ol style="list-style-type: none"> <li>1. CS05-11/14</li> <li>2. CE06-05/17</li> <li>3. CE01-06/18</li> <li>4. 18/203840</li> </ol>   | <p><b>Decision Reference</b></p> <ol style="list-style-type: none"> <li>6. 18/313146</li> <li>7. 19/376416</li> <li>8. 19/394864</li> <li>9.</li> </ol>   | <p><b>Decision Reference</b></p> <ol style="list-style-type: none"> <li>11.</li> <li>12.</li> <li>13.</li> <li>14.</li> </ol> |

### 1.1.23 DEFER, GRANT DISCOUNTS, WAIVE OR WRITE OFF DEBTS

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>                 | <ol style="list-style-type: none"> <li>1. The waiver or Grant of concession in relation to any amount of money that is owed to the City (but specifically excludes rates and service charges) [s.6.12(1)(b)].</li> <li>2. The write off of any amount of money that it is owed to the City.</li> </ol> <p>Note that:</p> <ul style="list-style-type: none"> <li>• Function 1 applies to fees and charges as they are incurred; and</li> <li>• Function 2 applies to debts owed to the City.</li> </ul> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.6.12) Power to defer, grant discounts, waive or write off debts</p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995:</i><br/>s.5.42 – Delegation of some power or duties to the CEO<br/>s.5.43 – Limitations on delegation to the CEO</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>   |
| <p><b>Council’s Conditions on Delegation:</b></p>   | <p>Subject to:</p> <ol style="list-style-type: none"> <li>a) Section 6.12(2) of the Act which states that Section 6.12 (1) (b) “waive or grant concessions” does not apply to an amount of money owing in respect of rates and service charges;</li> <li>b) the waiver, concession or write off of money owing not exceeding \$10,000. All waivers, concessions or write offs of money owing greater than \$5001 to be reported to the Audit and Risk Committee.</li> <li>c)</li> </ol>                |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.5.44 CEO may delegate powers and duties to other employees</p>   |
| <p><b>CEO’s Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>Director Corporate Strategy &amp; Performance<br/>Director Community &amp; Place<br/>Director Assets<br/>Director Planning &amp; Sustainability<br/>Manager Finance</p>   |
| <p><b>CEO’s Conditions on Sub-delegation:</b></p>   | <ol style="list-style-type: none"> <li>1. Subject to the conditions on delegation to the CEO.</li> <li>2. Manager Finance is delegated Function 2 only to a maximum value of \$50.00.</li> <li>3. All waivers, concessions or write offs of money owing \$5,000 or less to be reported to the Chief Executive Officer biannually.</li> </ol>   |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/><i>s5.46(3) “ A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the</i></p> | <p>The full details of the waiver, concession or write off to be recorded on the appropriate financial record.</p>   |

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| <i>power or the discharge of the duty."</i> |  |                           |
| <b>Compliance Links</b>                     | <i>City of Wanneroo Accounting Policy<br/> City of Wanneroo Fee Waivers, Concessions and Debt Write Off Policy and Management Procedure<br/><br/> Financial Interest Return required - Yes</i> |                           |
| <b>Delegation Administration:</b>           |  |                           |
| <b>Decision Reference</b>                   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. 17/46347                                 | 6. CE02-06/20  | 11.                       |
| 2. CE01-06/18                               | 7. CE04-08/20  | 12.                       |
| 3. 19/470186                                | 8. 21/223785   | 13.                       |
| 4. CE01-04/20                               | 9. CE03-06/21  | 14.                       |

## 1.1.24 AMENDING THE RATE RECORD

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|---|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].      |                           |
| <b>Statutory Power being Delegated:</b>   | <i>Local Government Act 1995</i><br>s.6.39(2)(b) Rate record  |                           |
| <b>Power is originally assigned to:</b>   | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>   | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO |                           |
| <b>Power Delegated to:</b>  | Chief Executive Officer   |                           |
| <b>Council's Conditions on Delegation:</b>  | Nil   |                           |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Director Corporate Strategy & Performance<br>Manager Finance  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The full details of the determination to be recorded in the appropriate rate record.  |                           |
| <b>Compliance Links</b>   | <i>Local Government Act 1995</i><br>s.6.40 Effect of amendment of rate record<br><br><i>Financial Interest Return required - Yes</i>      |                           |
| <b>Delegation Administration:</b>   |   |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE01-06/18   | 6.  | 11.                       |
| 2. 19/376416  | 7.  | 12.                       |
| 3. 19/394864  | 8.  | 13.                       |
| 4.  | 9.  | 14.                       |

## 1.1.25 AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].   |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.6.49 - Agreement as to payment of rates and service charges  |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | Subject to the arrangements agreed on the basis that the total debt outstanding will be extinguished 12 months from the date of the arrangement.   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate powers and duties to other employees  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Corporate Strategy & Performance<br>Chief Operating Officer<br>Manager Finance<br>Coordinator Rates and Accounts  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | a) Subject to Council's conditions on delegation; and<br>b) the criteria determined by the Director Corporate Strategy and Performance detailed in the 'Collection of Rates and Service Charges' Management Procedure. |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The full details of the determination to be recorded in the appropriate rate record.   |                           |
| <b>Compliance Links</b>  | <i>City of Wanneroo Financial Hardship – Collection of Rates and Service Charges Policy and Management Procedure</i><br><br><i>Financial Interest Return required - Yes</i>  |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE06-05/17  | 6. 19/394864   | 11.                       |
| 2. CE01-06/18  | 7. 20/418596   | 12.                       |
| 3. CS03-06/19 Insertion of (b) under conditions.   | 8. 21/86894  | 13.                       |
| 4. 19/376416   | 9. CE03-06/21  | 14.                       |

## 1.1.26 RECOVERY OF RATES OR SERVICE CHARGES

|  |  |                           |
|--|--|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].   |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.6.56 Rates or service charges recoverable in court   |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | Nil  |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Corporate Strategy & Performance<br>Manager Finance<br>Chief Operating Officer  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The full details of the determination to be recorded in the appropriate rate record.   |                           |
| <b>Compliance Links</b>  | <i>City of Wanneroo Collection of Rates and Service Charges Management Procedure</i><br><i>City of Wanneroo Financial Hardship – Collection of Rates and Services Charges Policy and Management Procedure</i><br><br><i>Financial Interest Return required - Yes</i> |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18  | 6.   | 11.                       |
| 2. 19/376416   | 7.   | 12.                       |
| 3. 19/394864   | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

## 1.1.27 RECOVERY OF RATES DEBTS - REQUIRE LESSEE TO PAY RENT

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the City of Wanneroo [s.6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> </ol> |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.6.60 Local Government may require lessee to pay rent  |
| <b>Power is originally assigned to:</b>  | Local Government  |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |
| <b>Council's Conditions on Delegation:</b>   | Nil   |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Corporate Strategy & Performance   |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.   |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The full details of the determination to be recorded in the appropriate rate record.  |
| <b>Compliance Links</b>  | <i>Local Government Act 1995</i><br>s.6.60(3) Local government may require lessee to pay rent<br><br><i>City of Wanneroo Collection of Rates and Services Charges Management Procedure</i><br><br><i>Financial Interest Return required - Yes</i>   |
| <b>Delegation Administration:</b>  |   |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   |
| 1. CE01-06/18  | 6.  |
| 2.   | 7.  |
| 3.   | 8.  |
| 4.   | 9.  |
|  | 11.   |
|  | 12.   |
|  | 13.   |
|  | 14.   |

## 1.1.28 FINANCIAL HARDSHIP – AGREEMENT AS TO PAYMENT AND GRANT OF A CONCESSION ON COUNCIL RATES AND SERVICE CHARGES

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | The authority to:-<br>(1) Determine an alternative payment agreement with a person for the payment of rates or service charges (s.6.49); and/or<br>(2) grant a concession on Council rates (s.6.47)<br>in respect of a financial hardship application.   |
| <b>Statutory Power being Delegated:</b>  | Local Government Act 1995<br>s.6.49 Agreement as to payment of rates and service charges<br>s.6.47 Concession  |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | Subject to the Financial Hardship – Collection of Rates and Service Charges Policy:-<br>(1) The CEO being satisfied that the applicant(s) meet the criteria of experiencing Financial Hardship;<br>(2) Concessions to all or part of the late payment interest incurred (excluding the late payment interest applicable to the Emergency Services Levy), not to exceed \$400;<br>(3) In circumstances where the CEO is satisfied that the applicant(s) meet the criteria of experiencing severe financial hardship due to the COVID-19 pandemic then the following additional assistance applies;<br>(a) A waiver of the \$30 administration fee associated with a payment arrangement; and/or<br>(b) A moratorium on the late payment interest on Council rates and charges.<br>(4) The payment arrangement agreed to being on the basis that the total debt outstanding will be extinguished within three years from the date of the arrangement.<br>(5) The status of each approved application to be reviewed every 3 (three) months to monitor the arrangement. |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Corporate Strategy & Performance<br>Chief Operations Officer  |

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| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | The full details of the determination to be recorded in the appropriate financial record and rate record.  |                           |
| <b>Compliance Links</b>  | <i>City of Wanneroo Financial Hardship – Collection of Rates and Services Charges Policy and Management Procedure</i><br><br><i>Financial Interest Return required - Yes</i> |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. SCS04-07/20   | 6.   | 11.                       |
| 2. CE03-06/21  | 7.   | 12.                       |
| 3.   | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

## 1.1.29 RATE RECORD - OBJECTIONS

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li> </ol> |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.6.76 Grounds of objection   |                           |
| <b>Power is originally assigned to:</b>  | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                           |
| <b>Council's Conditions on Delegation:</b>   | An extension is not to be granted for a period exceeding six weeks.<br><br>A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this delegation.   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers and duties to other employees  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Corporate Strategy & Performance<br>Manager Finance  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | The full details of the determination to be recorded in the appropriate rate record.  |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Return required - Yes</i>   |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE01-06/18  | 6.  | 11.                       |
| 2. 19/376416   | 7.  | 12.                       |
| 3. 19/394864   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

### 1.1.30 PUBLIC THOROUGHFARE – DANGEROUS EXCAVATIONS

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>                            |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995<br/>Sch 9.1, cl.6 - Dangerous excavation in or near public thoroughfare<br/>Local Government (Uniform Local Provisions) Regulations 1996:<br/>r.11(1), (4), (6) &amp; (8) Dangerous excavation in or near public thoroughfare</i></p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995<br/>s.5.42 Delegation of some powers or duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</i></p>   |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>   | <ol style="list-style-type: none"> <li>1. Permission may only be granted where, the proponent has:             <ol style="list-style-type: none"> <li>a) Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>b) Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>c) Provided evidence of sufficient Public Liability Insurance.</li> <li>d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol> |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995<br/>s.5.44 CEO may delegate powers and duties to other employees</i></p>   |
| <p><b>CEO's Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>Director Assets<br/>Director Planning &amp; Sustainability</p>  |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>Subject to the conditions on delegation to the CEO.</p>   |

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| <p><b>Record Keeping Statement (LGA 1995)</b><br/> s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p>The permission and notice issued to be in writing and recorded on the appropriate record.</p>  |                                       |
| <p><b>Compliance Links</b></p>   | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i><br/> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p><i>Financial Interest Return required - Yes</i></p> |                                       |
| <p><b>Delegation Administration:</b></p>   |   |                                       |
| <p><b>Decision Reference</b></p>   | <p><b>Decision Reference</b></p>  | <p><b>Decision Reference</b></p>      |
| <p>1. CE06-05/17<br/> 2. CE01-06/18<br/> 3. 18/313146<br/> 4. 18/306398</p>  | <p>6.<br/> 7.<br/> 8.<br/> 9.</p>   | <p>11.<br/> 12.<br/> 13.<br/> 14.</p> |

### 1.1.31 CROSSING – CONSTRUCTION, REPAIR AND REMOVAL

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>3. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br/> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2)<br/> r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)</p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.5.42 Delegation of some powers or duties to the CEO<br/> s.5.43 Limitations on delegations to the CEO</p>   |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Nil</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.5.44 CEO may delegate powers and duties to other employees</p>  |
| <p><b>CEO's Sub-Delegation:</b><br/> <i>The exercise of the delegated power does not include the power of delegation</i></p>  | <p>Function 1 only:<br/> Director Planning &amp; Sustainability<br/> Manager Approval Services<br/> Manager Land Development<br/> Coordinator Building Services<br/> Senior Building Surveyors</p> <p>Function 2 only:<br/> Manager Health &amp; Compliance<br/> Coordinator Compliance</p> <p>Functions 2 &amp; 3 to be undertaken by the following delegates:<br/> Director Assets<br/> Manager Asset Maintenance</p>  |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>Subject to the conditions on delegation to the CEO.</p>   |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/> s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records</p>  | <p>The approval is to be in writing and recorded on the appropriate record.</p>  |

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| <p><i>in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i></p> |   |                                       |
| <p><b>Compliance Links</b></p>   | <p>Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a><br/> <i>Local Government Act 1995: Schedule 9.1, cl 7.</i></p> <p><i>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</i></p> <p><i>City of Wanneroo Crossovers Subsidy Policy</i></p> <p><i>Financial Interest Return required - Yes</i></p> |                                       |
| <p><b>Delegation Administration:</b></p>   |   |                                       |
| <p><b>Decision Reference</b></p>   | <p><b>Decision Reference</b></p>  | <p><b>Decision Reference</b></p>      |
| <p>1. 16/329065 &amp; 17/47779<br/> 2. CE01-06/18<br/> 3. 18/313146<br/> 4. 18/306398</p>                            | <p>6. 19/241380<br/> 7. 19/2895800<br/> 8.<br/> 9.</p>  | <p>11.<br/> 12.<br/> 13.<br/> 14.</p> |

### 1.1.32 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>   | <ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>   |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995, Sch. 9.1 cl. 8<br/>Local Government (Uniform Local Provisions) Regulations 1996<br/>r.17 Private works on, over, or under public places</i></p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995<br/>s.5.42 Delegation of some powers or duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</i></p>   |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Permission may only be granted where, the proponent has:</p> <ol style="list-style-type: none"> <li>a) Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>b) Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>c) Provided evidence of sufficient Public Liability Insurance.</li> <li>d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995<br/>s.5.44 CEO may delegate some powers and duties to other employees</i></p>  |
| <p><b>CEO's Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>Director Assets<br/>Director Planning &amp; Sustainability</p>  |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>Subject to the conditions on delegation to the CEO.</p>   |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/><i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i></p> | <p>The approval is to be in writing and recorded on the appropriate record.</p>  |
| <p><b>Compliance Links</b></p>  | <p><i>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</i></p>  |

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|                                   | <p>Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</p> <p>This delegated authority is effective in alignment with Delegated Authority 1.2.9 Determine and Manage Conditions on Permission for Private Works on, Over or Under Public Places</p> <p><i>Public Places and Local Government Property Local Law 2015</i></p> <p><i>Financial Interest Return required - Yes</i></p> |                           |
| <b>Delegation Administration:</b> |  |                           |
| <b>Decision Reference</b>         | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18                     | 6.   | 11.                       |
| 2.                                | 7.   | 12.                       |
| 3.                                | 8.   | 13.                       |
| 4.                                | 9.   | 14.                       |

### 1.1.33 OBSTRUCTION OF FOOTPATHS AND THOROUGHFARES

|  |  |
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| <p><b>Function Delegated:</b><br/> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:             <ol style="list-style-type: none"> <li>a) prevent damage to the footpath; or</li> <li>b) prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner/occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>   | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i><br/> <i>r.5 (2) Interfering with, or taking from, local government land</i><br/> <i>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</i><br/> <i>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</i><br/> <i>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</i></p>  |
| <p><b>Power is originally assigned to:</b></p>   | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation</b></p>  | <p><i>Local Government Act 1995:</i><br/> <i>s.5.42 Delegation of some powers or duties to the CEO</i><br/> <i>s.5.43 Limitations on delegations to the CEO</i></p>  |
| <p><b>Power Delegated to:</b></p>  | <p>Chief Executive Officer</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>  | <p>Nil</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>   | <p><i>Local Government Act 1995</i><br/> <i>s5.44 CEO may delegate powers or duties to other employees</i></p>   |

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| <p><b>CEO's Sub-Delegation:</b> <i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p><u>Functions 1, 4 and 5 only</u><br/> Director Community &amp; Place<br/> Manager Community Safety &amp; Emergency Management<br/> Coordinator Community Safety<br/> Senior Rangers</p> <p><u>Functions 2 and 3 only</u><br/> Director Planning &amp; Sustainability<br/> Manager Approval Services<br/> Coordinator Building Services<br/> Senior Building Surveyors</p>   |  |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> <li>i) Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii) Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii) Provided evidence of sufficient Public Liability Insurance.</li> <li>iv) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> |  |
| <p><b>Record Keeping Statement (LGA 1995)</b> s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p>The permission and notice issued to be in writing and recorded on the appropriate record.</p>   |  |
| <p><b>Compliance Links:</b></p>   | <p><i>Local Government (Uniform Local Provisions) Regulations 1996 - statutory compliance requirements apply.</i><br/> <i>Local Government Act 1995</i><br/> <i>Schedule 9.1, cl.3</i></p> <p><i>Financial Interest Return Required – Yes</i></p>  |  |
| <p><b>Delegation Administration:</b></p>  |  |  |
| <p><b>Decision Reference</b></p> <p>1. CE02-03/21<br/> 2.<br/> 3.<br/> 4.</p>   | <p><b>Decision Reference</b></p> <p>6.<br/> 7.<br/> 8.<br/> 9.</p>   | <p><b>Decision Reference</b></p> <p>11.<br/> 12.<br/> 13.<br/> 14.</p> |

## 1.1.34 COUNCIL MEMBER, COMMITTEE MEMBER & CANDIDATE CODE OF CONDUCT COMPLAINTS

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to dismiss a Council Member, Committee Member and Candidate Code of Conduct Division 3 Complaint if satisfied that -<br><br>(a) The behaviour to which the complaint relates occurred at a council meeting; and<br><br>(b) Either –<br>(i) the behaviour was dealt with by the person presiding at the meeting; or<br>(ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures. |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995<br/>s.5.103 Model code of conduct for council members, committee members and candidates<br/>Local Government (Model Code of Conduct) Regulations 2021<br/>r.13 Dismissal of complaint</i>   |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995<br/>s.5.42 Delegation of some powers or duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</i>  |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | Nil  |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995<br/>s.5.44 CEO may delegate powers or duties to other employees</i>   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Corporate Strategy and Performance<br>Executive Manager Governance and Legal  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Details of actions taken under this delegation are to be retained on the appropriate file or record.   |                           |
| <b>Compliance</b>  | <i>Local Government (Model Code of Conduct) 2021<br/>Reg. 13 (2) - If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.</i><br><br><i>City of Wanneroo Council Member, Committee Member and Candidate Code of Conduct Complaint Handling Policy (clause 5.7)</i><br><br><i>Financial Interest Return Required – Yes</i>                   |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1.<br>2.<br>3.<br>4.   | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

## 1.2 CEO TO EMPLOYEES

### 1.2.1 DETERMINATION OF THE WARD OF RATEABLE PROPERTY

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to determine the ward for an enrolment eligibility claim in respect of rateable property situated in one ward and partly in another ward, where the ward was not nominated by the owner or occupier making the claim. |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.4.31(1B)(b) Rateable property: ownership and occupation   |
| <b>Power is originally assigned to:</b>  | Chief Executive Officer   |
| <b>Statutory Power of Delegation</b>   | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |
| <b>Power Delegated to:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Corporate Strategy & Performance<br>Manager Council & Corporate Support  |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil   |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | All documentation relative to the claim is to be retained as required by legislation.   |
| <b>Compliance Links</b>  | <i>Local Government Act 1995</i><br>s.4.31 Rateable property: ownership and occupation<br><br><i>Financial Interest Return required - Yes</i>   |
| <b>Delegation Administration:</b>  |   |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   |
| 1. CE06-05/17  | 6.  |
| 2.   | 7.  |
| 3.   | 8.  |
| 4.   | 9.  |
|  | 11.   |
|  | 12.   |
|  | 13.   |
|  | 14.   |

## 1.2.2 ELECTORAL ENROLMENT ELIGIBILITY CLAIMS AND ELECTORAL ROLL

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their family's safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.4.32(4), (5A) &amp; (5) Eligibility to enrol under s.4.30, how to claim<br/> s.4.34 Accuracy of enrolment details to be maintained<br/> s.4.35 Decision that eligibility to enrol under s.4.30 has ended<br/> s.4.37 New roll for each election</p> <p><i>Local Government (Elections) Regulations 1997</i><br/> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31<br/> r.13(2) &amp; (4) Register - s.4.32(6)</p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>CEO</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.5.44 CEO may delegate some powers and duties to other employees</p>   |

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| <b>Power Delegated to:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Director Corporate Strategy & Performance<br>Manager Council & Corporate Support   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | Subject to the requirements of the relevant legislation  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | All documentation relative to the claim is to be retained as required by legislation.<br><br>Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7). |                           |
| <b>Compliance Links</b>   | <i>Local Government (Elections) Regulations 1997</i><br><br><i>Financial Interest Return required - Yes</i>  |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE06-05/17<br>2. 18/203840<br>3.<br>4.   | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

### 1.2.3 DESTRUCTION OF ELECTION MATERIAL

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].  |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.4.84 Retention and availability of electoral papers, regulations about<br><i>Local Government (Elections) Regulations 1997</i><br>r.82(4) Keeping election papers – s4.84(a) |                           |
| <b>Power is originally assigned to:</b>  | CEO  |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |                           |
| <b>Power Delegated to:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Corporate Strategy & Performance<br>Manager Council & Corporate Support   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | The authorisation is subject to the requirements of the <i>State Records Act 2000</i> and its subsidiary legislation and with Regulation 82 of the <i>Local Government (Elections) Regulations 1997</i> .          |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Disposal Authority Approval to be recorded by the City's Archivist as appropriate  |                           |
| <b>Compliance Links</b>  | <i>State Records Act 2000</i><br><i>Local Government (Elections) Regulations 1997</i><br><br><i>Financial Interest Return required - Yes</i>   |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE06-05/17  | 6.   | 11.                       |
| 2. 18/203840   | 7.   | 12.                       |
| 3.   | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

## 1.2.4 INFORMATION TO BE AVAILABLE TO THE PUBLIC

|   |  |                           |
|---|--|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. |                           |
| <b>Statutory Power being Delegated:</b>   | <i>Local Government Act 1995:</i><br>s.5.95(1)(b) Limits on right to inspect local government information  |                           |
| <b>Power is originally assigned to:</b>   | CEO  |                           |
| <b>Statutory Power of Delegation:</b>   | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate some powers and duties to other employees  |                           |
| <b>Power Delegated to:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Director Corporate Strategy & Performance<br>Manager Council & Corporate Support   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | All documentation relative to the decision to deny the person the right to inspect information is to be retained on the appropriate file and the CEO informed.   |                           |
| <b>Compliance Links</b>   | <i>Local Government Act 1995</i><br>s.5.95 Limits on right to inspect local government information<br><i>Freedom of Information Act 1995</i><br><br><i>Financial Interest Return required – Yes</i>  |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE06-05/17   | 6.   | 11.                       |
| 2. 18/203840  | 7.   | 12.                       |
| 3. 18/313146  | 8.   | 13.                       |
| 4.  | 9.   | 14.                       |

## 1.2.5 INFRINGEMENT NOTICES

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|---|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>   | <ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is the subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28 day period within which payment of a modified penalty may be paid, whether or not the period of 28 days has elapsed. [s.9.19]</li> <li>3. Authority to withdraw an infringement notice (within one year after the date of the notice was given) whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol> |   |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted<br/> s.9.19 Extension of time<br/> s.9.20 Withdrawal of notice</p>   |   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Chief Executive Officer</p>  |   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.5.44 CEO may delegate powers and duties to other employees</p>   |   |
| <p><b>Power Delegated to:</b><br/> <i>The exercise of the delegated power does not include the power of delegation</i></p>  | <p>Director Community &amp; Place<br/> Director Planning &amp; Sustainability<br/> Manager Community Safety &amp; Emergency Management<br/> Manager Health &amp; Compliance</p>   |   |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>A delegate, who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</p>   |   |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/> s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p>Details of any reviews of infringement notices need to be recorded in the appropriate file.</p>  |   |
| <p><b>Compliance Links</b></p>  | <p><i>Local Government Act 1995</i><br/> s.9.20 Withdrawal of notice<br/> <i>Infringement Notice Review and Withdrawal Management Procedures</i></p> <p><i>Financial Interest Return required – Yes</i></p>   |   |
| <p><b>Delegation Administration:</b></p>  |   |   |
| <p><b>Decision Reference</b></p> <ol style="list-style-type: none"> <li>1. 16/396766</li> <li>2. 18/274278</li> <li>3.</li> <li>4.</li> </ol>   | <p><b>Decision Reference</b></p> <ol style="list-style-type: none"> <li>6.</li> <li>7.</li> <li>8.</li> <li>9.</li> </ol>   | <p><b>Decision Reference</b></p> <ol style="list-style-type: none"> <li>11.</li> <li>12.</li> <li>13.</li> <li>14.</li> </ol> |

## 1.2.6 PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW

|   |   |
|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>   | <ul style="list-style-type: none"> <li>a) Authority to determine the form of an ‘Application for a licence’”. (LL cl.8.1(2)(a).</li> <li>b) Authority to determine the form of a ‘Renewal of a licence’. (LL cl.8.9).</li> <li>c) Authority to suspend a licence. (LL cl.8.11).</li> <li>d) Authority to revoke a suspension of a licence. (LL cl.8.13).</li> <li>e) Authority to cancel a licence. (LL cl.8.15).</li> </ul>  |
| <p><b>Statutory Power being Delegated:</b></p>  | <p>Clauses .8.1, 8.9, 8.11, 8.13, and 8.15 of the <i>Public Places and Local Government Property Local Law 2015</i></p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Chief Executive Officer</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995</i><br/>s5.44 CEO may delegate some powers and duties to other employees</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Director Assets<br/>Director Community and Place<br/>Manager Community Facilities<br/>Manager Place Management</p>   |
| <p><b>CEO’s Conditions on Delegation:</b></p>   | <ul style="list-style-type: none"> <li>a) The licence must be signed by the applicant, provide the information required by the form and be forwarded to the CEO (or his delegate) together with any fee imposed by the Council under sections 6.16 to 6.19 of the Local Government Act 1995.</li> <li>b) The application for renewal must be signed by the licensee, provide the information required by the form; and be forwarded to the CEO (or his delegate) no later than 28 days before the expiry of the licence, or within a shorter period that the CEO (or his delegate) in a particular case, permits; and be accompanied by any fee imposed by the Council under section 6.16 to 6.19 of the Local Government Act 1995.</li> <li>c) The suspension notice must conform to the provisions of Clauses 8.11 (2) and 8.12 of the Public Places and Local Government Property Local Law.</li> <li>d) The revocation of the suspension is subject to the provisions of cl.8.13.</li> <li>e) The cancellation of a licence is subject to the provisions of cl.8.15.</li> </ul> |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p><i>Any decision made under this delegation is to be recorded in the appropriate file or register</i></p>   |

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| <b>Compliance Links:</b>                                       | <i>Public Places and Local Government Property Local Law 2015</i> |                           |
| <i>Financial Interest Return required – Yes</i>                |   |                           |
| <b>Delegation Administration:</b>                              |   |                           |
| <b>Decision Reference</b>                                      | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. 19/217438<br>2. 19/362166<br>3. 20/13521 and 20/25373<br>4. | 6.<br>7.<br>8.<br>9.  | 11.<br>12.<br>13.<br>14.  |

## 1.2.7 APPOINTMENT OF AUTHORISED PERSONS

|   |   |
|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <p>Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ul style="list-style-type: none"> <li>(a) <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act.</li> <li>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>(c) <i>Cat Act 2011</i>;</li> <li>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>(f) <i>Dog Act 1976</i>; and</li> <li>(g) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ul> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]<br/> s.9.10 Appointment of authorised persons</p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>Chief Executive Officer</p>  |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995</i><br/> s.5.44 CEO may delegate powers and duties to other employees</p>   |
| <p><b>CEO's Sub-Delegation:</b><br/> <i>The exercise of the delegated power does not include the power of delegation</i></p>  | <p>All Directors<br/> Executive Manager Governance &amp; Legal<br/> Manager Approval Services<br/> Manager Community Safety &amp; Emergency Management<br/> Manager Health &amp; Compliance</p>   |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <ol style="list-style-type: none"> <li>1. The CEO (in consultation with the Executive Manager Governance &amp; Legal) is to appoint authorised officers for the purposes of s.9.29(2) Representing Local Government in Court;</li> <li>2. Executive Manager Governance &amp; Legal is limited to the appointment of Authorised Officers for the purposes of: <ul style="list-style-type: none"> <li>o s.9.31 Certifying documents as evidence in legal proceedings; and</li> <li>o s.9.38 Evidence of documents coming from the City</li> </ul> </li> <li>3. Manager Approval Services is limited to the appointment of members of the Approval Services team as Authorised Officers. The appointment of Authorised Officers for the purposes of s 9.29(2) Representing local government in court and s.9.31 Certifying documents as evidence in legal proceedings is specifically excluded.</li> </ol>   |

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|  | <p>4. Manager Community Safety &amp; Emergency Management is limited to the appointment of members of the Community Safety &amp; Emergency Management team as Authorised Officers. The appointment of Authorised Officers for the purposes of s 9.29(2) Representing local government in court and s.9.31 Certifying documents as evidence in legal proceedings is specifically excluded.</p> <p>5. Manager Health &amp; Compliance is limited to the Appointment of members of the Health &amp; Compliance team as Authorised Officers. The appointment of Authorised Officers for the purposes of s 9.29(2) Representing local government in court and s.9.31 Certifying documents as evidence in legal proceedings is specifically excluded.</p> <p>6. Each person authorised is to be issued a certificate stating that the person is so authorised.</p> |                                       |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/> s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p>The appointment of authorised officers is to be facilitated through Governance.</p>   |                                       |
| <p><b>Compliance Links</b></p>   | <p><i>Financial Interest Return required - Yes</i></p>   |                                       |
| <p><b>Delegation Administration:</b></p>   |  |                                       |
| <p><b>Decision Reference</b></p>   | <p><b>Decision Reference</b></p>   | <p><b>Decision Reference</b></p>      |
| <p>1. 17/17699<br/> 2. CE06-05/17<br/> 3. CE01-06/18<br/> 4. 18/203840</p>   | <p>6. 18/274278<br/> 7. 20/533822 / 20/559662<br/> 8.<br/> 9.</p>  | <p>11.<br/> 12.<br/> 13.<br/> 14.</p> |

## 2 OTHER LEGISLATION

### 2.1 BUILDING ACT 2011

#### 2.1.1 BUILDING PERMIT

|   |   |
|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20 and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23].             <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Building Act 2011</i><br/> s.18 Further Information<br/> s.20 Grant of building permit<br/> s.22 Further grounds for not granting an application<br/> s.27(1) and (3) Conditions imposed by permit authority</p> <p><i>Building Regulations 2012</i><br/> r.23 Application to extend time during which permit has effect (s.32)<br/> r.24 Extension of time during which permit has effect (s.32(3))<br/> r.26 Approval of new responsible person (s.35(c))</p>   |
| <p><b>Power is originally assigned to</b></p>   | <p>Permit Authority (Local Government)</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p>Building Act 2011<br/> s.127 (1) &amp; (3) Delegation: special permit authorities and local governments</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Conditions on Delegation:</b></p>   | <p>Nil</p>  |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p>Building Act 2011<br/> s.127(6A) Delegation: special permit authorities and local governments</p>  |

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| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Director Planning & Sustainability<br>Manager Approval Services<br>Coordinator Building Services<br>Senior Building Surveyors<br>Building Surveyors  |   |
| <b>CEO's Conditions on Sub-delegation:</b>  | <u>Business Practice Condition:</u><br><br>The ability for Building Surveyors to exercise the functions of this delegation is limited to:<br>1) Certified Swimming pool barriers;<br>2) Certified Applications where a Development Approval has been granted.<br><br>In all other circumstances is dependent on a satisfactory peer review of the application being conducted by the Senior Building Surveyor or Coordinator Building Services |   |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Details of actions taken under this delegation are to be retained on the appropriate file or record.   |   |
| <b>Compliance Links</b>   | <i>Building Act 2011<br/> Building Regulations 2012<br/> Local Government Act 1995<br/> s.5.36 Local government employees<br/><br/> Financial Interest Return required - No</i>  |   |
| <b>Delegation Administration:</b>   |  |   |
| <b>Decision Reference</b><br>1. CB02-09/11<br>2. 16/436067<br>3. CE06-05/17<br>4. CE01-06/18  | <b>Decision Reference</b><br>6.<br>7.<br>8.<br>9.  | <b>Decision Reference</b><br>11.<br>12.<br>13.<br>14. |

## 2.1.2 DEMOLITION PERMIT

|   |   |
|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20 and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].             <ol style="list-style-type: none"> <li>a. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)].</li> <li>b. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Building Act 2011:</i><br/> s.18 Further Information<br/> s.21 Grant of demolition permit<br/> s.22 Further grounds for not granting an application<br/> s.27(1) and (3) Conditions imposed by permit authority</p> <p><i>Building Regulations 2012</i><br/> r.23 Application to extend time during which permit has effect (s.32)<br/> r.24 Extension of time during which permit has effect (s.32(3))<br/> r.26 Approval of new responsible person (s.35(c))</p>  |
| <p><b>Power is originally assigned to</b></p>   | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p>Building Act 2011<br/> s.127 Delegation: special permit authorities and local governments</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Conditions on Delegation:</b></p>   | <p>Delegation does not apply to places listed on the State's Register of Heritage Places or Council's Heritage Register, or to places classified by the National Trust.</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Building Act 2011</i><br/> s.127(6A) Delegation: special permit authorities and local governments</p>   |

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|--|---|---------------------------|
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Planning & Sustainability<br>Manager Approval Services<br>Coordinator Building Services<br>Senior Building Surveyors   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Details of actions taken under this delegation are to be retained on the appropriate file or record.  |                           |
| <b>Compliance Links</b>  | <i>Local Government Act 1995<br/> s.5.36 Local government employees<br/> Building Act 2011<br/> Building Regulations 2012</i><br><br><i>Financial Interest Return required - No</i> |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. 16/436067<br>2. CE06-05/17<br>3. CE01-06/18<br>4.   | 6.<br>7.<br>8.<br>9.  | 11.<br>12.<br>13.<br>14.  |

## 2.1.3 OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application. [s.55].</li> <li>2. Authority to grant or refuse to grant or modify the occupancy permit or building approval certificate. [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit or building approval certificate. [s. 62].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Building Act 2011</i><br/> s.55 Further Information<br/> s.58 Grant of Occupancy Permit, Building Approval Certificate<br/> s.62(1) and (3) Conditions imposed by permit authorities<br/> s.65(4) Extension of period of duration</p> <p><i>Building Regulations 2012</i><br/> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Building Act 2011</i><br/> s.127 Delegation: special permit authorities and local governments</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>   |
| <p><b>Conditions on Delegation:</b></p>   | <p>Nil</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p>Building Act 2011<br/> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>   |
| <p><b>CEO's Sub-Delegation:</b><br/> <i>The exercise of the delegated power does not include the power of delegation</i></p>  | <p>Director Planning &amp; Sustainability<br/> Manager Approval Services<br/> Coordinator Building Services<br/> Senior Building Surveyors</p>   |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>Nil</p>   |

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| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Details of actions taken under this delegation are to be retained on the appropriate file or record.   |                           |
| <b>Compliance Links</b>  | <i>Local Government Act 1995<br/>         s.5.36 Local government employees<br/><br/>         Building Act 2011<br/>         Building Regulations 2012<br/><br/>         Financial Interest Return required - No</i> |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. 16/436067<br>2. CE06-05/17<br>3. CE01-06/18<br>4.   | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

## 2.1.4 BUILDING ORDERS

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to:             <ol style="list-style-type: none"> <li>a) Building work</li> <li>b) Demolition work</li> <li>c) An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to:             <ol style="list-style-type: none"> <li>a) take any action specified in the order; or</li> <li>b) commence or complete any work specified in the order; or</li> <li>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)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to s.133(1) for non-compliance with a building order made pursuant to s.110 of the <i>Building Act 2011</i>.</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Building Act 2011</i><br/> s.110(1) A permit authority may make a building order<br/> s.111(1) Notice of proposed building order other than building order (emergency)<br/> s.117 Revocation of building order<br/> s.118(2) and (3) Permit authority may give effect to building order if non-compliance<br/> s.133(1) Prosecutions</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p>Building Act 2011<br/> s.127 Delegation: special permit authorities and local governments</p>   |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>   |
| <p><b>Conditions on Delegation:</b></p>   | <p>In undertaking the functions of this delegation, the delegate may:</p> <ul style="list-style-type: none"> <li>• Refer notices to the City Lawyer or Executive Manager Governance &amp; Legal where it is considered appropriate; and</li> <li>• Determine that an order is to remain in effect in accordance with section 117(2) of the Building Act 2011 where it is considered appropriate.</li> </ul>  |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Building Act 2011</i><br/> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>  |

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| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Director Planning & Sustainability<br>Manager Approval Services<br>Manager Health & Compliance<br>Coordinator Building Services<br>Coordinator Compliance Services |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | Subject to the conditions on delegation to the CEO.  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of actions taken under this delegation are to be retained on the appropriate file or record.   |                           |
| <b>Compliance Links</b>   | <i>Building Act 2011</i><br><br><i>Financial Interest Return required - No</i>   |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. 16/436067<br>2. CE06-05/17<br>3. CE01-08/17<br>4. CE01-06/18   | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

## 2.1.5 REFERRALS AND ISSUING CERTIFICATES

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | <ol style="list-style-type: none"> <li>1. Authority to refer uncertified building applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the City of Wanneroo's District [s.145A(2)].</li> </ol> |  |
| <b>Statutory Power being Delegated:</b>   | <i>Building Act 2011</i><br>s.145A Local Government functions  |  |
| <b>Power is originally assigned to:</b>   | Permit Authority (Local Government)  |  |
| <b>Statutory Power of Delegation:</b>   | <i>Building Act 2011</i><br>s.127(1) & (3) Delegation: special permit authorities and local government   |  |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |  |
| <b>Council's Conditions on Delegation:</b>  | Nil  |  |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Building Act 2011</i><br>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)   |  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Director Planning and Sustainability<br>Manager Approval Services<br>Coordinator Building Services   |  |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil  |  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Copies of action under this appointment are to be retained on the appropriate file or record.  |  |
| <b>Compliance Link</b>  | <i>Financial Interest Return Required – No</i>   |  |
| <b>Delegation Administration:</b>   |  |  |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| <ol style="list-style-type: none"> <li>1. CE06-05/17</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>   | <ol style="list-style-type: none"> <li>6.</li> <li>7.</li> <li>8.</li> <li>9.</li> </ol>   | <ol style="list-style-type: none"> <li>11.</li> <li>12.</li> <li>13.</li> <li>14.</li> </ol> |

## 2.1.6 DESIGNATE EMPLOYEES AS AUTHORISED PERSONS

|  |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol> |
| <b>Statutory Power being Delegated:</b>  | <i>Building Act 2011</i><br>s.96(3) Authorised persons<br>s.99(3) Limitation on powers of authorised person  |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | <i>Building Act 2011</i><br>s.127 Delegation: special permit authorities and local governments   |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | Nil  |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Building Act 2011</i><br>s.127(6A) Delegation: special permit authorities and local governments   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Planning & Sustainability<br>Manager Health & Compliance<br>Manager Approval Services   |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Appointment of Authorised Officers is to be facilitated through Governance.<br><br>Copies of action under this appointment are to be retained on the appropriate file or record.   |
| <b>Compliance Links</b>  | <i>Building Act 2011</i><br>Note: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.<br><br><i>Financial Interest Return required - No</i>   |
| <b>Delegation Administration:</b>  |  |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| <ol style="list-style-type: none"> <li>1. CE06-05/17</li> <li>2. CE01-06/18</li> <li>3. 18/203840</li> <li>4.</li> </ol>   | <ol style="list-style-type: none"> <li>6.</li> <li>7.</li> <li>8.</li> <li>9.</li> </ol>   |
|  | <b>Decision Reference</b>  |
|  | <ol style="list-style-type: none"> <li>11.</li> <li>12.</li> <li>13.</li> <li>14.</li> </ol>   |

## 2.1.7 PRIVATE SWIMMING POOL BARRIERS

|   |   |
|---|---|
| <p><b>Function Delegated:</b><br/><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)].</li> <li>2. Authority to approve a door for the purposes of complying with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)].</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>    |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Building Regulations 2012:</i><br/>r.51 Approvals by permit authority</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government (Permit Authority)</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Building Act 2011</i><br/>s.127(1) &amp; (3) Delegation: special permit authorities and local government</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Nil</p>  |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Building Act 2011</i><br/>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>  |
| <p><b>CEO's Sub-Delegation:</b> <i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>Manager Approval Services<br/>Coordinator Building Services<br/>Senior Building Surveyors</p>  |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p><u>Business Practice Condition:</u></p> <p>In undertaking the functions of this delegation, all delegates must be employed by the City of Wanneroo in accordance with section 5.36 of the <i>Local Government Act 1995</i>.</p> <p>The ability to exercise the functions of this delegation is limited to:</p> <ol style="list-style-type: none"> <li>1) The property being located on the high side of a 3m high retaining wall with a minimum 1.2m boundary barrier in lieu of a 1.8m high complaint boundary barrier;</li> <li>2) A performance solution to the pool barrier gate is permitted only if a person with a disability as defined by the <i>Building Regulations 2012</i> r.51(1) resides at the dwelling and no children under the age of 5 reside in the property.</li> </ol> <p>In all circumstances, a review will be made of the performance solution every 4 years with the swimming pool inspection and may be subject to change.</p> |

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| <b>Record Keeping Statement (LGA 1995)</b> s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Details of actions taken under this delegation are to be retained on the appropriate file or record.               |                           |
| <b>Compliance</b>  | <i>Building Act 2011</i><br><i>Building Regulations 2012</i><br><br><i>Financial Interest Return Required – No</i> |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1.<br>2.<br>3.<br>4.   | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

## 2.1.8 APPOINTMENT OF AUTHORISED OFFICERS – INFRINGEMENT NOTICES

|   |   |
|---|---|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authority to appoint an authorised officer for the purposes of the Criminal Procedures Act 2004, Part 2, section 6(b).  |
| <b>Statutory Power being Delegated:</b>   | <i>Building Regulations 2012</i><br>s.70(2) - Approved officers and authorised officers<br><i>Criminal Procedures Act 2004</i><br>s.6 Other matters to be prescribed by prescribed acts<br>s.8 Issuing infringement notices   |
| <b>Power is originally assigned to:</b>   | Local Government  |
| <b>Statutory Power of Delegation:</b>   | <i>Building Act 2011</i><br>s.127(1) Delegation: special permit authorities and local governments   |
| <b>Power Delegated to:</b>  | Chief Executive Officer   |
| <b>Council's Conditions on Delegation:</b>  | Nil   |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Building Act 2011</i><br>s.127(6A) Delegation: special permit authorities and local governments  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Director Planning and Sustainability<br>Manager Health & Compliance   |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil   |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Appointment of Authorised Officers is to be facilitated through Governance.<br>Copies of all notices issued are to be retained on the appropriate file or record.   |
| <b>Compliance Links</b>   | <i>Building Regulations 2012</i><br>r.70(3) Approved officers and authorised officers (Each authorised officer is to be issued a certificate of their appointment)<br><i>Schedule 7, Form 1 (format for an Infringement Notice)</i><br><br><i>Financial Interest Return required – No</i> |
| <b>Delegation Administration:</b>   |   |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   |
| 1. CE01-05/17   | 6.  |
| 2. 20/533822  | 7.  |
| 3. CE03-06/21   | 8.  |
| 4.  | 9.  |
|   | 11.   |
|   | 12.   |
|   | 13.   |
|   | 14.   |

## 2.1.9 APPOINTMENT OF APPROVED OFFICER – INFRINGEMENT NOTICES

|   |   |
|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>   | <p>Authority to appoint an approved officer for the purposes of the Criminal Procedures Act 2004, Part 2, s.6(a) (a specified employee of the local government) in accordance with the Building Regulations 70(1) and (1A).</p> <p>“As defined in the <i>Local Government Act 1995</i> s. 9.19. Extension of time<br/>The CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.”</p> <p>s. 9.20. Withdrawal of notice<br/>(1) Within one year after the notice was given the CEO of the local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.<br/>(2) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.</p> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Building Regulations 2012</i><br/>s.70(1) <i>Approved Officers and Authorised Officers</i><br/><i>Criminal Procedures Act 2004</i><br/>s.6 Other matters to be prescribed by prescribed Acts<br/>s.8 Issuing infringement notices</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Building Act 2011</i><br/>s.127(1) Delegation: special permit authorities and local governments</p>   |
| <p><b>Position Delegated:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Council’s Conditions on Appointment:</b></p>  | <p>This delegation is not to be sub-delegated</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p>N/A</p>  |
| <p><b>CEO’s Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>N/A</p>  |
| <p><b>CEO’s Conditions on Sub-delegation:</b></p>   | <p>N/A</p>  |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p>Copies of all notices issued are to be retained on the appropriate file or record.</p>   |

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|---|--|---|
| <b>Compliance Links</b>   | <i>Local Government Act 1995</i><br><i>s.9.19 Extension of time</i><br><i>s.9.20 Withdrawal of notice</i><br><i>Criminal Procedure Act 2004</i><br><i>s.6(a) and (b) Other matters to be prescribed by acts</i><br><i>s7(1) Authorised and approved officers</i><br><br><i>Financial Interest Return required – No</i> |   |
| <b>Delegation Administration:</b>                                       |  |   |
| <b>Decision Reference</b><br>1. CE01-05/17<br>2. CE03-06/21<br>3.<br>4. | <b>Decision Reference</b><br>6.<br>7.<br>8.<br>9.  | <b>Decision Reference</b><br>11.<br>12.<br>13.<br>14. |

## 2.2 BUSH FIRES ACT 1954

### 2.2.1 POWERS, DUTIES AND FUNCTIONS OF A LOCAL GOVERNMENT

|   |  |                           |
|---|--|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authority to perform all of the powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i> and <i>Bush Fires Regulations 1954</i>   |                           |
| <b>Statutory Power being Delegated:</b>   | <i>Bush Fires Act 1954</i><br><i>Bush Fire Regulations 1954</i>  |                           |
| <b>Power is originally assigned to:</b>   | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>   | <i>Bush Fires Act 1954</i><br>s.48 Delegation by local government  |                           |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>  | <p>Excludes powers and duties that;</p> <ul style="list-style-type: none"> <li>• are subject to separate delegated authority within this Register as set out below; <ul style="list-style-type: none"> <li>○ Delegation 2.2.3 – Appointment of Bush Fire Control Officers;</li> <li>○ Delegation 2.2.2 – Variation of Prohibited Burning Times; and</li> <li>○ Delegation 2.2.4 - Prosecutions;</li> </ul> </li> <li>• are prescribed in the Act with a requirement for a resolution of the local government; and</li> <li>• are prescribed by the Act for performance by appointed officers.</li> </ul> |                           |
| <b>Statutory Power to Sub-Delegate:</b>   | Nil  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | N/A  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | N/A  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | All actions taken must be recorded in writing in the appropriate file or record.   |                           |
| <b>Compliance Links</b>   | <i>Bush Fires Act 1954</i><br><br><i>Financial Interest Return required - No</i>   |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE03-10/17   | 6.   | 11.                       |
| 2.  | 7.   | 12.                       |
| 3.  | 8.   | 13.                       |
| 4.  | 9.   | 14.                       |

## 2.2.2 VARIATION OF RESTRICTED AND PROHIBITED BURNING TIMES

|  |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | 1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].<br><br>2. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. |
| <b>Statutory Power being Delegated:</b>  | <i>Bush Fires Act 1954</i><br>s.17(7) and (8) vary prohibited burning times<br>s.18(5), (5B) and (5C) vary restricted burning times  |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | <i>Bush Fires Act 1954</i><br>s.48 Delegation by local government<br>s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer ONLY for powers under s.17(7) and (8))   |
| <b>Power Delegated to:</b>   | Mayor and Chief Bush Fire Control Officer jointly  |
| <b>Council's Conditions on Delegation:</b>   | Nil  |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A  |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Copies of all notices issued are to be retained on the appropriate file or record.   |
| <b>Compliance Links</b>  | <i>Bush Fires Act 1954</i><br>s.17(7B) and (8) Prohibited burning times may be declared by Minister<br>s.18(5B) and (5C) Restricted burning times may be declared by FES Commissioner<br><i>City of Wanneroo Variation to Prohibited Burning Times Management Procedure</i><br><br><i>Financial Interest Return required - No</i>  |
| <b>Delegation Administration:</b>  |  |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| 1. CD04-10/15  | 6.   |
| 2. CE01-06/18  | 7.   |
| 3. CE05-06/19 inserted provisions for restricted burning times (Annual Review)   | 8.   |
| 4.   | 9.   |
|  | 11.  |
|  | 12.  |
|  | 13.  |
|  | 14.  |

## 2.2.3 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

|   |  |
|---|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | <ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> <li>a. Of those Officers, appoint a Chief Bush Fire Control Officer (in the absence of an agreement with the FES Commissioner) and a Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the City of Wanneroo [s.38(5A)]</li> </ol> |
| <b>Statutory Power being Delegated:</b>   | <i>Bush Fires Act 1954</i><br>s.38 Local government may appoint bush fire control officer  |
| <b>Power is originally assigned to:</b>   | Local Government   |
| <b>Statutory Power of Delegation:</b>   | <i>Bush Fires Act 1954</i><br>s.48 Delegation by local governments   |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>  | Excludes powers and duties that: <ul style="list-style-type: none"> <li>• are prescribed in the Act with the requirement for a resolution by the local government</li> <li>• are prescribed in the Act for performance by prescribed offices; or</li> <li>• are subject to separate delegated authority within this register.</li> </ul>   |
| <b>Statutory Power to Sub-Delegate:</b>   | Nil  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | N/A  |
| <b>CEO's Conditions on Sub-delegation:</b>  | N/A  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Appointment of Authorised Officers is to be facilitated through Governance.<br><br>All actions taken must be recorded in writing in the appropriate file or record.  |
| <b>Compliance Links</b>   | <i>Bush Fire Brigades Local Law 2001</i><br><i>Memorandum of Understanding for the Provision of a DFES Employed Community Emergency Services Manager (Clause 4.2 of the Memorandum of Understanding requests the FES Commissioner to designate a Chief Bush Fire Control Officer for the City of Wanneroo in accordance s.38A(1) of the Bush Fires Act 1954).</i><br><i>Financial Interest Return required - No</i>  |
| <b>Delegation Administration:</b>   |  |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  |
| <ol style="list-style-type: none"> <li>1. 15/428120</li> <li>2. CE01-06/18</li> <li>3. 22/243939</li> <li>4.</li> </ol>   | <ol style="list-style-type: none"> <li>6.</li> <li>7.</li> <li>8.</li> <li>9.</li> </ol>   |
|   | <b>Decision Reference</b>  |
|   | <ol style="list-style-type: none"> <li>11.</li> <li>12.</li> <li>13.</li> <li>14.</li> </ol>   |



## 2.2.4 PROSECUTION OF OFFENCES

|  |  |  |
|--|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act. [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>   |  |
| <b>Statutory Power being Delegated:</b>  | <i>Bush Fires Act 1954</i><br>s.59 Prosecution of offences<br>s.59A(2), Alternative procedure – infringement notices   |  |
| <b>Power is originally assigned to:</b>  | Local Government   |  |
| <b>Statutory Power of Delegation:</b>  | <i>Bush Fires Act 1954</i><br>s.48 Delegation by Local Government  |  |
| <b>Power Delegated to:</b>   | Chief Executive Officer<br>Director Community & Place<br>Manager Community Safety and Emergency Management<br>Senior Rangers<br>Rangers  |  |
| <b>Conditions on Delegation:</b>   | <ol style="list-style-type: none"> <li>a) Rangers and Senior Rangers are appointed as for the purposes of (2) only.</li> <li>b) The determination to institute and carry on proceedings is only to be exercised on the recommendation of the Coordinator Community Safety and with agreement of the Manager Community Safety and Emergency Management and the Director Community &amp; Place or CEO in consultation with the Executive Manager Governance &amp; Legal or City Lawyer.</li> </ol> |  |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil  |  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A  |  |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A  |  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Copies of all notices issued are to be retained on the appropriate file or record.   |  |
| <b>Compliance Links</b>  | <i>Bush Fires (Infringements) Regulations 1978</i><br><i>r.4(a) Prescribed officers</i><br><i>City of Wanneroo Infringement Notice Review and Withdrawal Management Procedure</i><br><br><i>Financial Interest Return required - No</i>  |  |
| <b>Delegation Administration:</b>  |  |  |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| <ol style="list-style-type: none"> <li>1. 14/196797</li> <li>2. 15/428120</li> <li>3. 17/46341</li> <li>4. CE06-05/17</li> </ol>   | <ol style="list-style-type: none"> <li>6. CE02-02/18</li> <li>7. 07/07/18 Administrative</li> <li>8. CE01-06/18</li> <li>9.</li> </ol>   | <ol style="list-style-type: none"> <li>11.</li> <li>12.</li> <li>13.</li> <li>14.</li> </ol> |

## 2.3 CAT ACT 2011

### 2.3.1 LOCAL GOVERNMENT FUNCTIONS

|  |   |
|--|---|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | All the powers and duties of the local government under the <i>Cat Act 2011, Cat Regulations 2012 and Cat (Uniform Local Provisions) Regulations 2013.</i>  |
| <b>Statutory Power being Delegated:</b>  | <i>Cat Act 2011<br/>Cat Regulations 2012<br/>Cat (Uniform Local Provisions) Regulations 2013</i>  |
| <b>Power is originally assigned to:</b>  | Local Government  |
| <b>Statutory Power of Delegation:</b>  | <i>Cat Act 2011<br/>s.44 Delegation by local government</i>   |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |
| <b>Conditions on Delegation:</b>   | Notices of decisions must include advice as to objection and review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> and r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> as applicable. |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Cat Act 2011<br/>s.45 Delegation by CEO of local government</i>  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Community & Place<br>Manager Community Safety and Emergency Management<br>Coordinator Community Safety   |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.   |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Decisions made under this delegation are to be recorded in the appropriate file or register<br><br><i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>                        |
| <b>Compliance Links</b>  | <i>City of Wanneroo Cats Local Law 2016</i><br><br><i>Financial Interest Return required - No</i>   |
| <b>Delegation Administration:</b>  |   |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   |
| 1. 14/196797   | 6.  |
| 2. CE01-09/16  | 7.  |
| 3. CE01-06/18  | 8.  |
| 4. 18/274278   | 9.  |
|  | 11.   |
|  | 12.   |
|  | 13.   |
|  | 14.   |

## 2.4 DOG ACT 1976

### 2.4.1 LOCAL GOVERNMENT FUNCTIONS

|  |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | All the powers and duties of the local government under the <i>Dog Act 1976</i> and <i>Dog Regulations 2013</i> .  |
| <b>Statutory Power being Delegated:</b>  | <i>Dog Act 1976</i><br><i>Dog Regulations 2013</i>   |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | <i>Dog Act 1976</i><br>s.10AA Delegation of local government powers and duties   |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | <ol style="list-style-type: none"> <li>1. The grant of an exemption to particular premises for the keeping of more dogs than is allowed under the City's local laws pursuant to s.26(3) of the Dog Act 1976 is subject to: <ol style="list-style-type: none"> <li>a) s.2.2(2) of the City of Wanneroo <i>Dogs Local Law 2016</i>. All applications are assessed against the City's Guidelines and Score sheet for keeping more than two dogs;</li> <li>b) Rangers inspecting the premises to ensure means exist to effectively confine the dogs within the premises.</li> </ol> </li> <li>2. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> <li>3. Notices of decisions must include advice as to Objection and Review rights in accordance with the relevant section of the Dog Act 1976.</li> </ol> |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Dog Act 1976</i><br>s.10AA (3) Delegation of local government powers and duties   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Community & Place<br>Manager Community Safety & Emergency Management<br>Coordinator Community Safety  |
| <b>CEO's Conditions on Sub-delegation:</b>   | <p>Subject to the conditions on delegation to the CEO; and</p> <ul style="list-style-type: none"> <li>• Manager Community Safety &amp; Emergency Management to review decisions of Coordinator Community Safety.</li> <li>• Director Community &amp; Place to review and determine appeals of decisions made by Manager Community Safety &amp; Emergency Management.</li> <li>• CEO to review and determine appeals of decisions made by Director Community &amp; Place.</li> </ul>  |

|  |  |                           |
|--|--|---------------------------|
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Decisions made under this delegation are to be recorded in the appropriate file or register<br><br><i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i> |                           |
| <b>Compliance Links</b>  | <i>Dogs Local Law 2016</i><br><br><i>Financial Interest Return required - No</i>   |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CD01-08/15<br>2. CE01-09/16<br>3. 07/02/18 Administrative amendment<br>4. CE01-06/18  | 6. 18/274278<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

## 2.5 FOOD ACT 2008

### 2.5.1 PROHIBITION ORDERS

|  |   |                           |
|--|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol> |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Food Act 2008</i><br>s.65(1) Prohibition order<br>s.66 Certificate of clearance to be given in certain circumstances<br>s.67(4) Request for re-inspection  |                           |
| <b>Power is originally assigned to:</b>  | Local Government (Enforcement Agency)   |                           |
| <b>Statutory Power of Delegation:</b>  | Food Act 2008<br>s.118 Functions of enforcement agencies and delegation   |                           |
| <b>Power Delegated to:</b>   | Manager Health & Compliance   |                           |
| <b>Conditions on Delegation:</b>   | <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> <p><u>Business Practice Condition</u><br/> The power to prosecute any person is only exercised by agreement of the Manager Health &amp; Compliance and Director Planning &amp; Sustainability in consultation with advice from the Executive Manager Governance &amp; Legal.</p>   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | All actions taken must be recorded in writing in the appropriate file or record.  |                           |
| <b>Compliance Links</b>  | <i>Food Act 2008</i><br><br><i>Financial Interest Return required – No</i>  |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE06-05/17  | 6.  | 11.                       |
| 2. CE01-06/18  | 7.  | 12.                       |
| 3.   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

## 2.5.2 FOOD BUSINESS REGISTRATIONS

|  |   |
|--|---|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>   |
| <b>Statutory Power being Delegated:</b>  | <i>Food Act 2008</i><br>s.110 Registration of food businesses<br>s.112 Variation of conditions or cancellation of registration of food businesses   |
| <b>Power is originally assigned to:</b>  | Local Government (Enforcement Agency)   |
| <b>Statutory Power of Delegation:</b>  | <i>Food Act 2008</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations  |
| <b>Power Delegated to:</b>   | Manager Health & Compliance<br>Coordinator Health Services<br>Senior Environmental Health Officers  |
| <b>Council's Conditions on Delegation:</b>   | Nil   |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A   |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A   |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | All actions taken must be recorded in writing in the appropriate file or record.  |
| <b>Compliance Links</b>  | <i>Food Act 2008</i><br>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time; including but not limited to:- <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul><br><i>Financial Interest Return required - No</i> |
| <b>Delegation Administration:</b>  |   |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   |
| <ol style="list-style-type: none"> <li>1. CE06-05/17</li> <li>2. CE01-06/18</li> <li>3.</li> <li>4.</li> </ol>   | <ol style="list-style-type: none"> <li>6.</li> <li>7.</li> <li>8.</li> <li>9.</li> <li>11.</li> <li>12.</li> <li>13.</li> <li>14.</li> </ol>  |

## 2.5.3 APPOINTMENT OF AUTHORISED AND DESIGNATED OFFICERS

|  |  |
|--|--|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>  | <ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s.122(1)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the F 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>   | <p><i>Food Act 2008</i><br/>s122 Appointment of authorised officers<br/>s126 Infringement notices</p>  |
| <p><b>Power is originally assigned to:</b></p>   | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>   | <p><i>Food Act 2008</i><br/>s.118 Functions of enforcement agencies and delegation<br/>(2)(b) Enforcement agency may delegate a function conferred on it<br/>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br/>(4) Sub-delegation permissible only if expressly provided in regulations</p>  |
| <p><b>Power Delegated to:</b></p>  | <p>Chief Executive Officer<br/>Director Planning &amp; Sustainability<br/>Manager Health &amp; Compliance</p>  |
| <p><b>Council's Conditions on Delegation:</b></p>  | <p><u>Business Practice Condition</u><br/>The power to prosecute any person is only exercised by agreement of the Manager Health &amp; Compliance and Director Planning &amp; Sustainability in consultation with the City Lawyer or Executive Manager Governance &amp; Legal.</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>   | <p>Nil</p>   |
| <p><b>CEO's Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>  | <p>N/A</p>   |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>  | <p>N/A</p>   |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p><i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i></p> <p>All actions taken must be recorded in writing in the appropriate file or record.</p>   |

| <b>Compliance Links</b>   | <p><i>Food Act 2008</i></p> <p>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> <p><i>Financial Interest Return required – No</i></p> |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
|---|--|--|----|------------|----|------------|----|------------|----|--|---|--------------------|--|----|--|----|--|----|--|----|--|---|--------------------|--|-----|--|-----|--|-----|--|-----|--|
|   | <b>Delegation Administration:</b>  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2" style="text-align: left;">Decision Reference</th> </tr> </thead> <tbody> <tr><td>1.</td><td>CE06-05/17</td></tr> <tr><td>2.</td><td>CE01-06/18</td></tr> <tr><td>3.</td><td>CE01-07/18</td></tr> <tr><td>4.</td><td></td></tr> </tbody> </table> | Decision Reference   |  | 1. | CE06-05/17 | 2. | CE01-06/18 | 3. | CE01-07/18 | 4. |  | <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2" style="text-align: left;">Decision Reference</th> </tr> </thead> <tbody> <tr><td>6.</td><td></td></tr> <tr><td>7.</td><td></td></tr> <tr><td>8.</td><td></td></tr> <tr><td>9.</td><td></td></tr> </tbody> </table> | Decision Reference |  | 6. |  | 7. |  | 8. |  | 9. |  | <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2" style="text-align: left;">Decision Reference</th> </tr> </thead> <tbody> <tr><td>11.</td><td></td></tr> <tr><td>12.</td><td></td></tr> <tr><td>13.</td><td></td></tr> <tr><td>14.</td><td></td></tr> </tbody> </table> | Decision Reference |  | 11. |  | 12. |  | 13. |  | 14. |  |
| Decision Reference  |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 1.  | CE06-05/17   |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 2.  | CE01-06/18   |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 3.  | CE01-07/18   |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 4.  |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| Decision Reference  |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 6.  |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 7.  |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 8.  |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 9.  |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| Decision Reference  |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 11.   |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 12.   |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 13.   |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |
| 14.   |  |  |    |            |    |            |    |            |    |  |   |                    |  |    |  |    |  |    |  |    |  |   |                    |  |     |  |     |  |     |  |     |  |

## 2.5.4 DETERMINE COMPENSATION

|  |   |                           |
|--|---|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)].</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].</li> </ol> |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Food Act 2008</i><br>s.56(2) Compensation to be paid in certain circumstances<br>s.70(2) and (3) Compensation  |                           |
| <b>Power is originally assigned to:</b>  | Local Government  |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Food Act 2008</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations  |                           |
| <b>Power Delegated to:</b>   | Director Planning & Sustainability  |                           |
| <b>Council's Conditions on Delegation:</b>   | <ol style="list-style-type: none"> <li>a) Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5000. Compensation requests above this value are to be presented to Council for determination.</li> </ol>   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | All actions taken must be recorded in writing in the appropriate file or record.  |                           |
| <b>Compliance Links</b>  | <i>Food Act 2008</i><br>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time,<br><br><i>Financial Interest Return required - No</i>   |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE01-08/18  | 6.  | 11.                       |
| 2.   | 7.  | 12.                       |
| 3.   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

## 2.5.5 DEBT RECOVERY AND PROSECUTIONS

|  |   |                    |
|--|---|--------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | <ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].</li> <li>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</li> </ol> |                    |
| <b>Statutory Power being Delegated:</b>  | <i>Food Act 2008</i><br>s.54 Cost of destruction or disposal of forfeited item<br>s.125 Institution of proceedings  |                    |
| <b>Power is originally assigned to:</b>  | Local Government  |                    |
| <b>Statutory Power of Delegation:</b>  | <i>Food Act 2008</i><br>s.118 Functions of enforcement agencies and delegation<br>(2)(b) Enforcement agency may delegate a function conferred on it<br>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]<br>(4) Sub-delegation permissible only if expressly provided in regulations  |                    |
| <b>Power Delegated to:</b>   | Chief Executive Officer<br>Director Planning and Sustainability<br>Manager Health and Compliance  |                    |
| <b>Council's Conditions on Delegation:</b>   | Nil   |                    |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil   |                    |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A   |                    |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A   |                    |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | All actions taken must be recorded in writing in the appropriate file or record.  |                    |
| <b>Compliance Links</b>  | <i>Food Act 2008</i><br>In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.<br><i>Food Regulations 2009</i><br><br><i>Financial Interest Return required - No</i>   |                    |
| <b>Delegation Administration:</b>  |   |                    |
| Decision Reference   | Decision Reference  | Decision Reference |
| 1.   | 6.  | 11.                |
| 2.   | 7.  | 12.                |
| 3.   | 8.  | 13.                |
| 4.   | 9.  | 14.                |

## 2.6 GRAFFITI VANDALISM ACT 2016

### 2.6.1 LOCAL GOVERNMENT FUNCTIONS

|  |  |                           |
|--|--|---------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | All the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i> .   |                           |
| <b>Statutory Power being Delegated:</b>  | <i>Graffiti Vandalism Act 2016</i><br>Part 3 Local government powers   |                           |
| <b>Power is originally assigned to:</b>  | Local Government   |                           |
| <b>Statutory Power of Delegation:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s.16 Delegation by local government  |                           |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |
| <b>Council's Conditions on Delegation:</b>   | Hearing or determining of an objection of a kind referred to under s.22 is excepted.   |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s.17 Delegation by CEO of local government   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Assets<br>Manager Asset Maintenance   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Copies of all notices issued are to be retained on the appropriate file or record.   |                           |
| <b>Compliance Links</b>  | <p><i>Graffiti Vandalism Act 2016</i><br/>Objections to be dealt with under the <i>Local Government Act 1995</i>, Part 9, section 9.6</p> <p>This delegated authority is effective in alignment with Delegated Authority 2.6.2 Notices – Deal with Objections and Give Effect to Notices</p> <p><i>Financial Interest Return required – No</i></p> |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. CE01-06/18  | 6.   | 11.                       |
| 2.   | 7.   | 12.                       |
| 3.   | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

## 2.7 PUBLIC HEALTH ACT 2016 DELEGATIONS

### 2.7.1 APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS (HEALTH (ASBESTOS) REGULATIONS 1992)

|   |  |
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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authority to appoint a person or classes of persons as an authorised officer or an approved officer for the purposes of the <i>Criminal Procedure Act 2004 Part 2</i> [r.15D(5)].  |
| <b>Statutory Power being Delegated:</b>   | <i>Health (Asbestos) Regulations 1992</i><br>r.15D(5) Appointment of authorised and approved officers for the purposes of the <i>Criminal Procedures Act 2004 Part 2</i> .   |
| <b>Power is originally assigned to:</b>   | Local Government   |
| <b>Statutory Power of Delegation:</b>   | <i>Health (Asbestos) Regulations 1992</i><br>r.15D. Infringement notices.<br>(7) 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.   |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>  | Nil  |
| <b>Statutory Power to Sub-Delegate:</b>   | Nil  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | N/A  |
| <b>CEO's Conditions on Sub-delegation:</b>  | N/A  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | <i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance.</i>   |
| <b>Compliance Links</b>   | <i>Health (Asbestos) Regulations 1992</i><br>Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].<br><br><i>Criminal Procedures Act 2004</i><br><br><i>Financial Interest Return required – No</i> |
| <b>Delegation Administration:</b>   |  |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  |
| 1. CE03-10/17   | 6.   |
| 2.  | 7.   |
| 3.  | 8.   |
| 4.  | 9.   |
|   | 11.  |
|   | 12.  |
|   | 13.  |
|   | 14.  |

## 2.7.2 DESIGNATE AUTHORISED OFFICERS

|   |  |
|---|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authority to designate a person or class of persons as authorised officers for the purposes of <i>Public Health Act 2016</i> [s.24(1) and (3)].  |
| <b>Statutory Power being Delegated:</b>   | <i>Public Health Act 2016</i><br>s.24 Designation of authorised officers   |
| <b>Power is originally assigned to:</b>   | Local Government (Enforcement Agency)  |
| <b>Statutory Power of Delegation:</b>   | <i>Public Health Act 2016</i><br>s.21 Enforcement agency may delegate  |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>  | Nil  |
| <b>Statutory Power to Sub-Delegate:</b>   | Nil  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | N/A  |
| <b>CEO's Conditions on Sub-delegation:</b>  | N/A  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | <i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i><br><br>A Register (list) of authorised officers is to be maintained in accordance with s.27.   |
| <b>Compliance Links</b>   | <i>Public Health Act 2016</i><br>s.20 Conditions on performance of functions by enforcement agencies.<br>s.25 Certain authorised officers required to have qualifications and experience.<br>s.26 Further provisions relating to designations<br>s.27 Lists of authorised officers to be maintained<br>s.28 When designation as authorised officer ceases<br>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers<br>s.30 Certificates of authority<br>s.31 Issuing and production of certificate of authority for purposes of other written laws<br>s.32 Certificate of authority to be returned.<br>s.136 Authorised officer to produce evidence of authority<br><br><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i><br><br><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i><br><br><i>Financial Interest Return required – No</i> |
| <b>Delegation Administration:</b>   |  |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  |
| 1. CE02-03/17<br>2. CE06-05/17<br>3. 17/313208<br>4.  | 6.<br>7.<br>8.<br>9.   |
|   | <b>Decision Reference</b>  |
|   | 11.<br>12.<br>13.<br>14.   |

## 2.8 HEALTH (MISCELLANEOUS PROVISION) ACT 1911

### 2.8.1 APPOINTMENT AND AUTHORISATION OF DEPUTY

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Appoints and authorises any person to be its <i>Health (Miscellaneous Provisions) Act 1911</i> deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe. Such appointment shall not affect the exercise or discharge by the local government itself of any power or function.  |
| <b>Statutory Power being Delegated:</b>  | <i>Health (Miscellaneous Provisions) Act 1911</i><br>Section 26 Powers of local government   |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Appointment</b>  | <i>Health (Miscellaneous Provisions) Act 1911</i><br>Section 26 Powers of local government   |
| <b>Positions Appointed:</b>  | Director Planning & Sustainability<br>Manager Health & Compliance<br>Coordinator Health Services<br>Senior Environmental Health Officers<br>Environmental Health Officers<br>Health Technical Officers   |
| <b>Council's Conditions on Delegation:</b>   | <ol style="list-style-type: none"> <li>1. The giving of notices and certificates of approval under the <i>Health (Miscellaneous Provisions) Act 1911</i> and its subsidiary legislation is only to be exercised by the Manager Health &amp; Compliance, Coordinator Health Services and Senior Environmental Health Officers.</li> <li>2. The power to prosecute is only to be exercised on recommendation from the Manager Health &amp; Compliance and with the written approval of the Director Planning &amp; Sustainability in consultation with the Executive Manager Governance &amp; Legal or the City Lawyer.</li> <li>3. The granting of approvals and permits under the <i>Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> is to be exercised by the Manager Health &amp; Compliance, Coordinator Health Services, Senior Environmental Health Officers and Environmental Health Officers</li> <li>4. Health Technical Officers are only appointed as a deputy for the purposes of administration of the Fly Eradication Regulations. The power to serve notice is to be undertaken by an authorised officer under the <i>Public Health Act 2016</i>.</li> </ol> |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A  |

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| <b>CEO's Conditions on Sub-delegation:</b>  | N/A   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."<br><br><i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i> |                           |
| <b>Compliance Links</b>   | <i>Health (Miscellaneous Provisions) Act 1911</i><br><br><i>Financial Interest Returns Required – No</i>  |                           |
| <b>Delegation Administration:</b>   |   |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. CE04-03/17<br>2. 18/203840<br>3. 20/311419<br>4.   | 6.<br>7.<br>8.<br>9.  | 11.<br>12.<br>13.<br>14.  |

## 2.9 STRATA TITLES ACT 1985

### 2.9.1 APPROVALS SUBDIVISION APPROVAL OF STRATA SCHEME

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|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <p>1) Power to determine applications under section 15 of the <i>Strata Titles Act 1985</i>, except those applications that:-</p> <ul style="list-style-type: none"> <li>(a) propose the creation of a vacant lot;</li> <li>(b) propose vacant air stratas in multi-tiered strata scheme developments;</li> <li>(c) propose the creation or postponement of a leasehold scheme;</li> <li>(d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to:- <ul style="list-style-type: none"> <li>i. a type of development; and/or</li> <li>ii. land within an area,</li> </ul> <p>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.</p> </li> </ul> <p>2) Power to determine applications under section 21 of the <i>Strata Titles Act 1985</i>;</p> <p>3) Power to determine applications under section 22 of the <i>Strata Titles Act 1985</i>.</p> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Strata Titles Act 1985</i>;<br/> s.15 Subdivision approval of strata scheme<br/> s.21 Approval for modification of restricted use condition<br/> s.22 Approval under planning (scheme by-laws) condition</p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p>Planning and Development Act 2005 Section 16<br/> *DEL 2020/01:</p> <p>On 20 January 2021, pursuant to section 16 of the Act, the WAPC resolved to delegate to local governments, and to members and officers of those local governments its powers and functions under:</p> <ul style="list-style-type: none"> <li>1) section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</li> <li>2) sections 21 and 22 of the <i>Strata Titles Act 1985</i> as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1; Planning and</li> </ul>   |

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| <b>Power Delegated to:</b>   | Director Planning & Sustainability<br>Manager Approval Services<br>Coordinator Building Services<br>Senior Building Surveyors<br>Coordinator Planning Services<br>Senior Planners                               |                           |
| <b>Conditions on Delegation:</b>   | At the conclusion of each financial year in accordance with and in the format prescribed by the WAPC, data on all applications determined under Instrument of Delegation 2020/01 is to be provided to the WAPC. |                           |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Copies of all notices issued are to be retained on the appropriate file or record.  |                           |
| <b>Compliance Links</b>  | <i>Strata Titles Act 1985;<br/>Planning and Development Act 2005 Section 16<br/><br/>Financial Interest Return required - No</i>  |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. 16/436067   | 6.  | 11.                       |
| 2. CE01-06/18  | 7.  | 12.                       |
| 3. 20/310315   | 8.  | 13.                       |
| 4. CE03-06/21  | 9.  | 14.                       |

## 2.10 PLANNING & DEVELOPMENT ACT 2005

### 2.10.1 STRUCTURE PLANNING (STRUCTURE PLANS, LOCAL DEVELOPMENT PLANS AND JINDEE DESIGN CODES)

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Authorised to make decisions to amend structure plans and local development plans pursuant to Parts 4 (Structure Plans), and 6 (Local Development Plans) of the deemed provisions.   |
| <b>Statutory Power being Delegated:</b>  | Decisions relating to structure plans and local development plans under Parts 4 and 6 of Schedule 2 of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions).  |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation:</b>  | Clause 82 of the <i>Planning &amp; Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions).  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | <p>The exercise of this delegated authority is conditional on the following:</p> <p>Structure Plans</p> <p>a) All new structure plans shall be referred to Council for consideration after being advertised for public comment;</p> <p>b) Prior to commencement of advertising of any new structure plan, or amendment thereto, Council Members must be notified of the proposal in writing advising the dates when the public comment period will start and finish; the means by which the proposal will be advertised, and each Council Member provided with copies of relevant plans and information relating to the proposal.;</p> <p>c) Advertising of an amendment to a structure plan may be waived under Part 4 of the deemed provisions where, in the opinion of the delegate, it is of a minor nature in which the change or departure does not:</p> <ul style="list-style-type: none"> <li>• materially alter the purpose and intent of the structure plan;</li> <li>• change the intended lot/ dwelling yield by more than 10 per cent or adversely impact upon the amenity of adjoining landowners and occupiers;</li> <li>• restrict the use and development of adjoining land; or</li> <li>• significantly impact on infrastructure provision or impact upon the environment.</li> </ul> <p><i>NOTE: Under Clause 29(3) of the deemed provisions, the WAPC is also required to be of an opinion that an amendment to a structure plan is of a minor nature prior to advertising being waived.</i></p> <p>d) The delegate may approve an amendment to a structure plan under Part 4 of the deemed provisions after being advertised for public comment provided that:-</p> |

- If objections are raised on valid planning grounds that cannot be addressed through modification to the structure plan, the amendment application will be referred to Council for determination;
- Council Members are notified in writing of the delegate's intention to do so and provided with a summary of submissions and Administration's recommendations in respect of those submissions; and
- Council Members are provided with at least five working days in which to request that the proposal be referred to Council for consideration and recommendation.

- e) The delegate may approve an amendment to a structure plan under Part 4 of the deemed provisions where advertising has been waived
- f) An application to amend a structure plan shall be referred to Council for consideration and recommendation or determination (whichever appropriate), where requested by the applicant in writing.

#### Local Development Plans

- a) Prior to commencement of advertising of any new local development plan, or amendment thereto, Council Members must be notified of the proposal in writing advising the dates when the public comment period will start and finish; the means by which the proposal will be advertised, and each Council Member provided with copies of relevant plans and information relating to the proposal.
- b) The delegate may approve a Local Development Plan or amendment to a Local Development Plan under Part 6 of the deemed provisions after being advertised for public comment provided that:
- Council Members have been notified in writing of the delegate's intention to do so and provided with a summary of the submissions and Administration's recommendations in respect of those submissions; and
  - Council Members are provided with at least five working days in which to request that the proposal be referred to Council for determination.

#### Jindee Design Codes

The delegate may determine an amendment to the Jindee Design Code where in the opinion of the delegate, the amendment is minor in nature and does not:

- i) Materially alter the purpose and intent of the structure plan;
- ii) Change the intended lot / dwelling yield by more than 10 per cent or adversely impact upon the amenity of adjoining landowners and occupiers;
- iii) Restrict the use and development of adjoining land; or
- iv) Significantly impact on infrastructure provision or impact upon the environment.

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| <b>Statutory Power to Sub-Delegate:</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions)<br>Clause 83  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | <b><u>Director Planning &amp; Sustainability and Manager Approval Services</u></b><br>All decisions under Part 4 (Structure Planning) Clauses 17, 18, 19, 20, 22 and 29(3) and Part 6 (Local Development Plans) Clauses 49, 50 and 52.<br><br>Jindee Design Codes in accordance with Councils conditions and Clause 3.25 DPS2.<br><br><b>Coordinator Planning Services</b><br>All decisions under Part 4 (Structure Planning) Clause 17 and Part 6 (Local Development Plans) Clause 49. |                           |
| <b>CEO's Conditions on Sub-delegation:</b>   | As per Council's conditions on delegation to the CEO.   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Copies of all decisions made are to be retained on the appropriate file or record.  |                           |
| <b>Compliance Links</b>  | <i>Planning &amp; Development (Local Planning Schemes) Regulations 2015</i><br><i>Local Planning Policies</i><br><br><i>Financial Interest Return required - No</i>   |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. PS11-10/15  | 6.  | 11.                       |
| 2. CE06-05/17  | 7.  | 12.                       |
| 3. CE03-10/17  | 8.  | 13.                       |
| 4. CE03-06/21  | 9.  | 14.                       |

## 2.10.2 DIRECTION NOTICES

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|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. The authority, under section 214(2) of the <i>Planning and Development Act 2005</i>, to issue a written direction to stop and not recommence a development, or any part of a development that is undertaken in contravention of the District Planning Scheme No. 2 or an interim development order or in contravention of planning control area requirements.</li> <li>2. The authority, under section 214(3) of the <i>Planning and Development Act 2005</i>, to issue a written direction to remove, pull down, take up or alter the development and to restore the land as nearly practicable to its condition immediately before the development started for a development that has been undertaken in contravention of the District Planning Scheme No. 2 or an interim development order or in contravention of planning control area requirements.</li> <li>3. The authority, under section 214(5) of the <i>Planning and Development Act 2005</i>, to issue a written direction to execute work for a delay in the execution of any work to be executed under the District Planning Scheme No. 2 or an interim development order which would prejudice the effective operation of District Planning Scheme No. 2 or interim development order.</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Planning and Development Act 2005</i><br/>s.214(2), (3) and (5) Illegal development, responsible authority's powers as to</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995</i><br/>s.5.42(1)(b) Delegation of some powers or duties to the CEO<br/>s.5.43 Limitations on delegations to the CEO</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>A written direction under Section 214 of the <i>Planning and Development Act 2005</i> may be issued by the delegate.</p> <p><u>Business Practice Conditions</u></p> <ol style="list-style-type: none"> <li>a) The authority to prosecute under Part 13 of the <i>Planning and Development Act 2005</i> is only exercised on recommendation from the Manager Approval Services, Manager Health &amp; Compliance or Director Planning &amp; Sustainability and with the written approval of the Chief Executive Officer or his delegate in consultation with the Executive Manager Governance &amp; Legal or City Lawyer.</li> <li>b) The authority to determine a position with respect to any prosecution action commenced in accordance with a) above may be exercised by the Chief Executive Officer or his delegate, having regard to the advice of the Director Planning &amp; Sustainability, Manager Approval Service or Manager Health &amp; Compliance.</li> <li>c) The authority to apply for an injunction to the Supreme Court under Section 216 of the <i>Planning and Development Act 2005</i></li> </ol>   |

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|  | <p>may only be exercised by the Chief Executive Officer on recommendation from the Director Planning &amp; Sustainability.</p> <p>d) The authority to determine a position with respect to any mediation process resulting from an appeal against a decision made under delegated authority is granted to the Chief Executive Officer or his delegate.</p>   |
| <b>Statutory Power to Sub-Delegate:</b>  | <p><i>Local Government Act 1995</i><br/> <i>s.5.44 CEO may delegate powers and duties to other employees</i></p>   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | <p>Director Planning &amp; Sustainability<br/> Manager Approval Services<br/> Manager Health &amp; Compliance</p>  |
| <b>CEO's Conditions on Sub-delegation:</b>   | <p>A written direction under Section 214 of the Planning and Development Act 2005 may be issued Director Planning &amp; Sustainability, Manager Approval Services or Manager Health &amp; Compliance.</p> <p><u>Business Practice Conditions</u></p> <p>a) The authority to prosecute under Part 13 of the Planning and Development Act 2005 is only exercised on recommendation from the Manager Health &amp; Compliance or Manager Approval Services and with the written approval of the Director Planning &amp; Sustainability in consultation with the Executive Manager Governance &amp; Legal or City Lawyer.</p> <p>b) The authority to determine a position with respect to any prosecution action commenced in accordance with a) above may be exercised by the Director Planning &amp; Sustainability, having regard to the advice of the Manager Approval Services or Manager Health &amp; Compliance.</p> <p>c) The authority to apply for an injunction to the Supreme Court under Section 216 of the Planning and Development Act 2005 may only be exercised by the Chief Executive Officer on recommendation from the Director Planning &amp; Sustainability.</p> <p>d) The authority to determine a position with respect to any mediation process resulting from an appeal against a decision made under delegated authority is granted to the Director Planning &amp; Sustainability.</p> |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | <p>Copies of all comments or recommendations made are to be retained on the appropriate file or record.</p>  |
| <b>Compliance Links</b>  | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><i>Financial Interest Return required - Yes</i></p>  |
| <b>Delegation Administration:</b>  |  |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| <p>1. PS11-10/15</p> <p>2. CE06-05/17</p> <p>3. CE01-06/18</p> <p>4. 18/203840</p>   | <p>6.</p> <p>7.</p> <p>8.</p> <p>9.</p>  |
|  | <b>Decision Reference</b>  |
|  | <p>11.</p> <p>12.</p> <p>13.</p> <p>14.</p>  |

## 2.10.3 DEVELOPMENT CONTROL PLANNING APPROVALS

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Determination of applications for planning approval (including the exercise of discretion under District Planning Scheme No. 2 and the Residential Design Codes); and</li> <li>2. All matters which arise out of the imposition of conditions on planning approvals under the District Planning Scheme No. 2</li> </ol>  |
| <p><b>Statutory Power being Delegated:</b></p>  | <p>The power to determine applications for planning approvals lodged pursuant to Part 7 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions) and Clause 28 of the Metropolitan Region Scheme including all applicable decisions under the District Planning Scheme No. 2 and the Metropolitan Region Scheme.</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions)<br/>Clause 82 Delegations by local government</p>   |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>   | <ol style="list-style-type: none"> <li>a) An application will be referred to Council for determination where a Council Member makes a written request to the CEO, Director Planning and Sustainability or Manager Approval Services;</li> <li>b) An application will be referred to Council for determination where the Director considers that:             <ol style="list-style-type: none"> <li>i) Key planning aspects of the proposal are not addressed by the planning framework where there is no planning scheme provision, policy, or strategy at a local or state level to effectively guide decision making;</li> <li>ii) Where the planning matters raised in the proposal and submissions received demonstrate that it will be in the interest of the proponent and community for a decision to be made by Council.</li> </ol> </li> <li>c) Determination of a development application subject of an order by the SAT under s.31(1) of the State Administrative Tribunal Act 2004 where the development application was originally determined by Council will be reconsidered by Council.</li> </ol> |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br/><i>cl.83 Local government CEO may delegate powers</i></p>   |
| <p><b>CEO's Sub-Delegation:</b><br/><i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>Director Planning &amp; Sustainability<br/>Manager Approval Services<br/>Coordinator Planning Services<br/>Coordinator Building Services<br/>Specialist Planner – Approval Services<br/>Specialist Project Planner<br/>Senior Planners<br/>Senior Building Surveyors</p>  |

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| <p><b>CEO's Conditions on Sub-delegation:</b></p> | <p>The exercise of this delegated authority is conditional on the following:</p> <ul style="list-style-type: none"> <li>a) As per Council's conditions on delegation to the CEO;</li> <li>b) Any application for determination by the City that has been advertised for public comment shall be referred to the Director Planning and Sustainability for determination if more than 10 objections have been received.</li> <li>c) Any application for determination by the City that has been advertised for public comment shall be referred to the Manager Approval Services for determination if 6-10 objections have been received.</li> <li>d) Any application for determination by the City for more than 10 grouped or multiple dwellings shall be referred to the Manager Approval Services or Director Planning and Sustainability.</li> <li>e) Any application for the establishment of the following land uses (excluding additions and alterations): <ul style="list-style-type: none"> <li>i. Industry – hazardous;</li> <li>ii. concrete batching plant;</li> <li>iii. service station;</li> <li>iv. tavern;</li> <li>v. liquor store;</li> <li>vi. drive-through food outlet; and</li> <li>vii. childcare centre.</li> </ul> as per the land use definitions in DPS2 may be determined by the Manager Approval Services or the Director Planning and Sustainability.</li> <li>f) Determination of a development application subject of an order by the SAT under s.31(1) of the State Administrative Tribunal Act 2004 where the development application was determined under delegated authority will be reconsidered by the Director Planning and Sustainability or the Manager Approval Services.</li> </ul> <p>This delegated authority is limited for the Coordinator Building Services and Senior Building Surveyors as follows:</p> <ul style="list-style-type: none"> <li>a) to only make decisions related to applications seeking variation/s to the deemed-to-comply requirements of the R-Codes or provisions of a relevant structure plan or local development plan for a Single House located in a Residential Zone or any of the following on the same lot as a Single House: <ul style="list-style-type: none"> <li>i) outbuildings, garages or carports;</li> <li>ii) patios or verandas;</li> <li>iii) street walls or fences; and</li> <li>iv) retaining walls, and</li> </ul> </li> <li>b) Providing that the application for development (outlined in point b) above) is <b>not</b> located in a place that is:- <ul style="list-style-type: none"> <li>• Entered in the Register of Heritage Places under the <i>Heritage of Western Australia Act 1990</i>; or</li> </ul> </li> </ul> |
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|  | <ul style="list-style-type: none"> <li>• Included on a heritage list prepared in accordance with DPS 2;</li> <li>• Within an area designated under DPS 2 as a heritage area; or</li> <li>• The subject of a heritage agreement entered into under the <i>Heritage of Western Australia Act</i> section 29.</li> </ul> |   |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Copies of approvals given and reports of actions taken are to be retained on the appropriate file or record.  |   |
| <b>Compliance Links</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br><i>State Administrative Tribunal Act 2004</i><br><br><i>Financial Interest Return required - No</i>  |   |
| <b>Delegation Administration:</b>  |   |   |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b>   |
| 1. CB01-11/14 and OC01-11/14<br>2. PS11-10/15<br>3. 16/436067<br>4. CE03-03/17 & 17/73467  | 6. CE06-05/17<br>7. CE01-06/18<br>8. 18/203840<br>9. 18/455559  | 11. 19/104903<br>12. CE01-04/20<br>13. CE02-06/20<br>14. CE03-06/21 |

## 2.10.4 LANDSCAPE ENHANCEMENT ZONE BUILDING ENVELOPES

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>1. The power to adopt a plan defining a building envelope.</li> <li>2. The power to approve development outside of the building envelope defined on the plan adopted under 3.26.4 of DPS 2.</li> </ol>   |
| <b>Statutory Power being Delegated:</b>  | City of Wanneroo District Planning Scheme No. 2<br>cl.3.26.4, 3.26.5 Landscape Enhancement Zone   |
| <b>Power is originally assigned to:</b>  | Local Government  |
| <b>Statutory Power of Delegation:</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2 – Deemed provisions for local planning schemes<br>Clause 82 Delegations by local government   |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |
| <b>Council's Conditions on Delegation:</b>   | <ol style="list-style-type: none"> <li>1. Compliance with all applicable Local Planning Policies adopted by Council.</li> <li>2. A proposed building envelope plan shall be referred to Council for determination: <ol style="list-style-type: none"> <li>(i) where requested by a Council Member or by the applicant in writing, or</li> <li>(ii) if an objection to a proposed building envelope is received by the City as part of a submission made in response to advertising of an application for planning approval, and the objection involves a relevant planning issue that cannot be specifically overcome by modification to the proposal, as determined by the Director Planning and Sustainability.</li> </ol> </li> <li>3. A proposed development which is outside of an approved building envelope shall be referred to Council under the same conditions as b) above.</li> </ol> |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (the deemed provisions)<br>Clause 83 Local government CEO may delegate powers   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | Director Planning & Sustainability<br>Manager Approval Services<br>Coordinator Planning Approvals<br>Senior Planners  |
| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO.   |

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| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Any decision made under this delegation is to be recorded in the appropriate file or register   |                           |
| <b>Compliance Links</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br><i>City of Wanneroo District Planning Scheme No. 2</i><br><i>Local Planning Policies</i><br><br><i>Financial Interest Return required – No</i> |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. PS06-08/16<br>2. 16/292302<br>3. CE06-05/17<br>4.   | 6.<br>7.<br>8.<br>9.  | 11.<br>12.<br>13.<br>14.  |

## 2.10.5 DISTRICT PLANNING SCHEME NO 2 – APPOINTMENT OF AUTHORISED OFFICERS

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | The appointment of officers as an authorised officer for the purposes of the Clause 79 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> within the City of Wanneroo. |                           |
| <b>Statutory Power being Delegated:</b>   | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Sch.2, cl 79 Entry and inspection powers  |                           |
| <b>Power is originally assigned to:</b>   | CEO  |                           |
| <b>Statutory Power of Delegation</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Sch. 2, cl 83 Local government CEO may delegate powers  |                           |
| <b>Power Delegated to:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | Director Planning & Sustainability<br>Manager Health & Compliance<br>Manager Approval Services   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | All authorisations are to be in writing and recorded on the Governance Register of Authorised Officers and the person's personnel file.  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | <i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i>  |                           |
| <b>Compliance Links</b>   | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br><i>Financial Interest Return required – No</i>  |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. 16/335215  | 6.   | 11.                       |
| 2.  | 7.   | 12.                       |
| 3.  | 8.   | 13.                       |
| 4.  | 9.   | 14.                       |

## 2.10.6 MANAGEMENT OF DEVELOPER CONTRIBUTION PLANS (DCP'S)

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Prepare estimates and quotations on Infrastructure Costs and contributions payable to the City in accordance with the requirements of DPS2 (clause 9.10 and clause 14 of Schedule 14);</li> <li>2. Determination of prefunding requests and payments for Cell Works and DCP Infrastructure in accordance with the requirements of DPS2 (clause 9.12 and clause 14 of Schedule 14);</li> <li>3. The acquisition of land where the value of such land is calculated using the Council approved valuation for the relevant DCP, excluding the compulsory taking of land in accordance with the requirements of DPS2 (clause 9.14(e) and clause 14 of Schedule 14); and</li> <li>4. Deferral of Infrastructure Costs in accordance with DPS2 (clause 9.10 of DPS2).</li> </ol>  |
| <p><b>Statutory Power being Delegated:</b></p>  | <p>Clauses 9.10, 9.12, subclauses 9.14.3(e) and clause 14 of schedule 14 of DPS2.</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation</b></p>   | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> cl.82 Delegations by Local Government</p>  |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Council and Business Practice Conditions</p> <ol style="list-style-type: none"> <li>a) Estimates and quotations for contribution costs calculated in accordance with DPS2 based on the contribution rates approved by Council for the relevant contribution scheme or DCP area.</li> <li>b) Compensation or credits for Cell Works by a landowner shall not exceed the estimated cost of the works defined in the applicable DCP or contribution scheme area approved by Council and in accordance with the relevant clauses of DPS2;</li> <li>c) Compensation or credits for Cell Works shall be in accordance with the assessed or approved valuation for the DCP area approved by Council and in accordance with the relevant clauses of DPS2;</li> <li>d) Deferral of Infrastructure contributions shall be subject to the payment of interest in accordance with the relevant clauses of DPS2.</li> </ol> |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Div. 2 (83) Local government CEO may delegate powers.</p>  |
| <p><b>CEO's Sub-Delegation:</b> <i>The exercise of the delegated power does not include the power of delegation</i></p>   | <p>Director Planning &amp; Sustainability</p>   |

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| <b>CEO's Conditions on Sub-delegation:</b>   | Subject to the conditions on delegation to the CEO and<br><br>Payment for Cell Works shall not exceed the estimated costs last reported to and approved by Council as part of the annual review of costs. Payments to a landowner (after off-setting any landowner contributions) shall not exceed \$500,000. Payments greater than \$500,000 shall be referred to the CEO for approval. |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Any decision made under this delegation is to be recorded in the appropriate file or register.   |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Return Required – Yes</i>  |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. PS03-12/21<br>2.<br>3.<br>4.  | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

### 3 CITY OF WANNEROO LOCAL LAWS

#### 3.1.1 APPOINTMENT OF AUTHORISED PERSONS

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>   | Authority to appoint persons or classes of persons to be authorised persons for the purpose of performing particular functions under the City's local laws [s.9.10]   |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s.9.10 Appointment of authorised persons.   |
| <b>Power is originally assigned to:</b>  | Chief Executive Officer   |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s.5.44 CEO may delegate powers or duties to other employees   |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | All Directors<br>Manager Approval Services<br>Manager Asset Maintenance<br>Manager Community Facilities<br>Manager Community Safety & Emergency Management<br>Manager Health & Compliance<br>Manager Property<br>Manager Waste Services   |
| <b>CEO's Conditions on Sub-delegation:</b>   | a) The appointment of persons is to relate to those functions of an "authorised person" under the City of Wanneroo Local Laws; and<br>b) The delegation to the Manager Community Facilities applies only to the appointment of members of surf lifesaving clubs recommended by Surf Life Saving WA as sufficiently qualified and experienced, as Authorised Persons under the Public Places and Local Government Property Local Law 2015 to undertake the powers set out in section 5.6(1) in relations to beaches.<br>c) The delegation to the Manager Property applies only to the appointment of Golf Course Controllers and subsidiary staff at the Carramar and Marangaroo golf courses under the Local Government & Public Property Local Law 2015. |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Appointment of Authorised Officers under all legislation is to be facilitated through Governance.<br><br>Authorised Officers to be issued with an identity card setting out specific provisions as detailed in s.9.10 (4).  |
| <b>Compliance Links</b>  | <i>City of Wanneroo Local Laws</i><br><br><i>Financial Interest Return required - Yes</i>   |
| <b>Delegation Administration:</b>  |   |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   |
| 1. 14/196797   | 6. 18/274278  |
| 2. 16/422068   | 7. 20/533822  |
| 3. CE01-06/18  | 8.  |
| 4. 18/203840   | 9.  |
|  | 11.   |
|  | 12.   |
|  | 13.   |
|  | 14.   |

### 3.1.2 ADMINISTRATION

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| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <p>Authority to administer the City's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the City's Local Laws.</p>  |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>City of Wanneroo Animals Local Law 2021<br/> City of Wanneroo Bee Keeping Local Law 2016<br/> City of Wanneroo Bush Fire Brigades Local Law 2001<br/> City of Wanneroo Cats Local Law 2016<br/> City of Wanneroo Dogs Local Law 2016<br/> City of Wanneroo Extractive Industries Local Law 1998<br/> City of Wanneroo Fencing Local Law 2021<br/> City of Wanneroo Health Local Law 1999<br/> City of Wanneroo Parking Local Law 2015<br/> City of Wanneroo Penalty Units Local Law 2015<br/> City of Wanneroo Private Property Local Law 2001<br/> City of Wanneroo Public Places and Local Government Property Local Law 2015<br/> City of Wanneroo Signs Local Law 1999<br/> City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016<br/> City of Wanneroo Standing Orders Local Law 2021<br/> City of Wanneroo Waste Local Law 2016</i></p> |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Local Government Act 1995<br/> s.5.42 Delegation of some powers or duties to the CEO</i></p>   |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Determinations and decisions under the City of Wanneroo Local Laws having regard to the relevant Council policies in force at the time.</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995<br/> s.5.44 CEO may delegate powers or duties to other employees</i></p>   |

**CEO's Sub-Delegation:**

*The exercise of the delegated power does not include the power of delegation*

*City of Wanneroo Animals Local Law 2021*

Director Community & Place  
Director Planning & Sustainability  
Manager Community Safety and Emergency Management  
Manager Health & Compliance  
Coordinator Community Safety  
Coordinator Health Services  
Senior Environmental Health Officers

*City of Wanneroo Bee Keeping Local Law 2016*

Manager Health & Compliance  
Coordinator Health Services

*City of Wanneroo Bush Fire Brigades Local Law 2001*

Manager Community Safety and Emergency Management

*City of Wanneroo Cats Local Law 2016*

Director Community & Place  
Manager Community Safety and Emergency Management  
Coordinator Community Safety

*City of Wanneroo Dogs Local Law 2016*

Director Community & Place  
Director Planning & Sustainability  
Manager Community Safety and Emergency Management  
Manager Health & Compliance  
Coordinator Community Safety

*City of Wanneroo Extractive Industries Local Law 1998*

Director Planning & Sustainability  
Manager Approval Services  
Coordinator Planning Approvals  
Specialist Planner – Approval Services

*City of Wanneroo Fencing Local Law 2021*

Director Planning & Sustainability  
Manager Health & Compliance

*City of Wanneroo Health Local Law 1999*

Director Planning & Sustainability  
Manager Health & Compliance  
Coordinator Health Services

*City of Wanneroo Parking Local Law 2015*

Director Assets  
Director Community & Place  
Director Planning & Sustainability  
Manager Community Safety & Emergency Management

*City of Wanneroo Penalty Units Local Law 2015*

Nil

*City of Wanneroo Private Property Local Law 2001*

Director Planning & Sustainability  
Director Corporate Strategy & Performance  
Director Assets  
Manager Health & Compliance

*City of Wanneroo Public Places and Local Government Property Local Law 2015*

Director Assets  
Director Community & Place  
Director Planning & Sustainability  
Manager Asset Maintenance  
Manager Parks & Conservation Maintenance  
Manager Community Safety & Emergency Management

*City of Wanneroo Signs Local Law 1999*

Director Planning & Development

|   |  |
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|   | <p>Manager Approval Services<br/> Coordinator Building Services<br/> Senior Building Surveyors<br/> <u>City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016</u><br/> Director Planning &amp; Sustainability<br/> Manager Health &amp; Compliance<br/> <u>City of Wanneroo Standing Orders Local Law 2021</u><br/> Executive Manager Governance and Legal<br/> <u>City of Wanneroo Waste Local Law 2016</u><br/> Director Assets<br/> Manager Waste Services</p>  |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>Subject to the conditions on delegation to the CEO; and<br/> <u>City of Wanneroo Animals Local Law 2021</u></p> <ul style="list-style-type: none"> <li>• The setting aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive a horse or into which a person may bring a horse under Section 26(1); and</li> <li>• The setting of fees and charges under section 6.16 and 6.19 of the Local Government Act 1995; are excluded.</li> </ul> <p><u>City of Wanneroo Extractive Industries Local Law 1998</u></p> <ul style="list-style-type: none"> <li>• Subject to the City's District Planning Scheme No. 2; and</li> <li>• The setting of annual fees under sections 6.16 and 6.19 of the Local Government Act 1995 is excluded.</li> </ul> <p><u>City of Wanneroo Health Local Law 1999</u></p> <ul style="list-style-type: none"> <li>• Approvals must meet all the requirements of the Health Local Law, District Planning Scheme No. 2 and Building Code.</li> <li>• The setting of annual fees under sections 6.16 and 6.19 of the Local Government Act 1995 is excluded.</li> </ul> <p><u>City of Wanneroo Parking Local Law 2015</u><br/> Setting of fees for the amount payable for parking under Section 6.16 and 6.19 of the Local Government Act 1995 is excluded.</p> <p><u>City of Wanneroo Private Property Local Law 2001</u><br/> Subject to:</p> <ul style="list-style-type: none"> <li>• City's District Planning Scheme No. 2</li> <li>• Dividing Fences Act 1961</li> <li>• Schedule 3.1 of the Local Government Act 1995</li> </ul> <p><u>City of Wanneroo Public Places and Local Government Property Local Law 2015</u><br/> Subject to Council's –</p> <ul style="list-style-type: none"> <li>• Facility Hire and Use Policy</li> <li>• Circuses and Performing Animals Policy</li> <li>• Local Planning Policy 4.3 Public Open Space</li> <li>• Sports Floodlighting Policy</li> </ul> <p><u>City of Wanneroo Standing Orders Local Law 2021</u></p> <ul style="list-style-type: none"> <li>• For the purposes of commencing a prosecution</li> </ul> |
| <p><b>Record Keeping Statement (LGA 1995)</b><br/> s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</p> | <p><i>Appointment of Authorised Officers under all legislation is to be facilitated through Governance</i></p>   |

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| <b>Compliance Links</b>  | <i>City of Wanneroo Local Laws</i>                            |   |
| <i>Financial Interest Return required – Yes</i>                |   |   |
| <b>Delegation Administration:</b>                              |   |   |
| <b>Decision Reference</b>                                      | <b>Decision Reference</b>                                     | <b>Decision Reference</b>                   |
| 1. 14/196797<br>2. 16/254349<br>3. CE01-08/17<br>4. CE01-06/18 | 6. 18/203840<br>7. 18/274278<br>8. 18/313146<br>9. CO01-08/18 | 11. 18/389558<br>12. 19/85822<br>13.<br>14. |

## 4 APPOINTMENTS AND AUTHORISATIONS

### 4.1 LITTER ACT 1979 - APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENT NOTICES

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| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authority to determine if an infringement is to be withdrawn and to sign withdrawal notice sent under subsection 4 of the Litter Act 1979      |
| <b>Statutory Power being Delegated:</b>   | <i>Litter Act 1979.</i><br>s.30(4) and 30(4a) Infringement notices   |
| <b>Power is originally assigned to:</b>   | Local Government   |
| <b>Statutory Power of Appointment</b>   | <i>Litter Act 1979.</i><br>s.30(4a) Infringement notices   |
| <b>Appointment:</b>   | Director Community & Place<br>Manager Community Safety and Emergency Management  |
| <b>Council's Conditions on Delegation:</b>  | All requests for the withdrawal of an infringement are to be processed in accordance with the Infringement Notice Review Management Procedure. |
| <b>Statutory Power to Sub-Delegate:</b>   | N/A  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | N/A  |
| <b>CEO's Conditions on Sub-delegation:</b>  | N/A  |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Withdrawal notices are to be retained on the appropriate file or record.   |
| <b>Compliance Links</b>   | <i>Litter Act 1979</i><br><br><i>Financial Interest Returns Required - No</i>  |
| <b>Delegation Administration:</b>   |  |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  |
| 1. 14/196797<br>2. 17/46341<br>3.<br>4.   | 6.<br>7.<br>8.<br>9.   |
|   | <b>Decision Reference</b>  |
|   | 11.<br>12.<br>13.<br>14.   |

## 4.2 LOCAL GOVERNMENT ACT 1995

### 4.2.1 AUTHORISATION TO ACKNOWLEDGE RECEIPT OF PRIMARY AND ANNUAL RETURNS

|  |  |                           |
|--|--|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>                                       | Authorised to provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with section 5.77 of the Local Government Act 1995. |                           |
| <b>Statutory Power being Authorised:</b>   | Local Government Act 1995<br>S 5.77 Acknowledging receipt of returns   |                           |
| <b>Power is originally assigned to:</b>  | CEO  |                           |
| <b>Statutory Power of Authorisation</b>  | Local Government Act 1995<br>s5.45(2)(b) Other matters relevant to delegations under this Division   |                           |
| <b>Positions Authorised:</b>   | Director Corporate Strategy & Performance<br>Manager Council & Corporate Support   |                           |
| <b>CEO's Conditions on Authorisation:</b>  | Nil  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Signed acknowledgement of receipt of Returns to be saved in the appropriate container in the City's Electronic Document Management System.                   |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Returns Required – N/A</i>   |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. 14/185803   | 6.   | 11.                       |
| 2. CE06-05/17  | 7.   | 12.                       |
| 3. 18/203840   | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

## 4.2.2 AUTHORISATION FOR RECEIPT OF GIFT, BENEFIT AND TRAVEL DISCLOSURE

|  |   |                           |
|--|---|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>                                       | Authority to receive written Gift Disclosures from Council Members [s.5.87A]  |                           |
| <b>Statutory Power being Authorised:</b>   | <i>Local Government Act 1995</i><br>s.5.87A – Council Members to Disclose Gifts   |                           |
| <b>Power is originally assigned to:</b>  | CEO   |                           |
| <b>Statutory Power of Authorisation</b>  | <i>Local Government Act 1995:</i><br>s5.45(2)(b) Other matters relevant to delegations under this Division  |                           |
| <b>Positions Authorised:</b>   | Director Corporate Strategy & Performance<br>Manager Council & Corporate Support<br>Coordinator Corporate Support   |                           |
| <b>CEO's Conditions on Authorisation:</b>  | Nil   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | All declarations are to be recorded in the appropriate statutory register.  |                           |
| <b>Compliance Links</b>  | <i>Local Government Act 1995 Section 5.87C, 5.89A provides for statutory compliance provisions.</i><br><br><i>Financial Interest Returns Required – N/A</i> |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. 18/203840   | 6.  | 11.                       |
| 2.   | 7.  | 12.                       |
| 3.   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

#### 4.2.3 AUTHORISATION FOR ATTESTING TO THE AFFIXING OF THE COMMON SEAL

|  |   |                           |
|--|---|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>                                       | Authority to attest to the affixing of the Common Seal to City documents in conjunction with the Mayor [s.9.49A]. |                           |
| <b>Statutory Power being Authorised:</b>   | Local Government Act 1995<br>Section 9.49A (1), (2) and (3)   |                           |
| <b>Power is originally assigned to:</b>  | CEO   |                           |
| <b>Statutory Power of Authorisation</b>  | <i>Local Government Act 1995:</i><br>s5.45(2)(b) Other matters relevant to delegations under this Division        |                           |
| <b>Positions Authorised:</b>   | All Directors   |                           |
| <b>CEO's Conditions on Authorisation:</b>  | As per the City's Execution of Document Policy.   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | All documentation relative to the decision is to be retained as required by legislation.                          |                           |
| <b>Compliance Links</b>  | <i>Execution of Documents Policy and Procedure</i><br><br><i>Financial Interest Returns Required – No</i>         |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. 14/185803   | 6.  | 11.                       |
| 2. 18/203840   | 7.  | 12.                       |
| 3.   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

#### 4.2.4 AUTHORISATION FOR EXECUTION OF DOCUMENTS

|   |   |                           |
|---|---|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Authorised Persons shall only act in full understanding of the statutory power, inclusive of conditions [see below].</i>   | The authority to execute various classes of documents on behalf of the local government. [s.9.49A]              |                           |
| <b>Statutory Power being Authorised:</b>  | <i>Local Government Act 1995</i><br>s.9.49A Execution of documents  |                           |
| <b>Power is originally assigned to:</b>   | Local Government  |                           |
| <b>Statutory Power of Authorisation</b>   | <i>Local Government Act 1995</i><br>s.9.49A(4) Execution of documents   |                           |
| <b>Authorisation:</b>   | Execution to be in accordance with the City of Wanneroo Execution of Documents Policy and Management Procedure. |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | <i>All uses of the City's common seal are to be recorded in a register maintained for this purpose.</i>         |                           |
| <b>Compliance Links</b>   | <i>Execution of Documents Policy and Procedure</i><br><br><i>Financial Interest Return Required – No</i>        |                           |
| <b>Administration:</b>  |   |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1.  | 6.  | 11.                       |
| 2.  | 7.  | 12.                       |
| 3.  | 8.  | 13.                       |
| 4.  | 9.  | 14.                       |

#### 4.2.5 AUTHORISATION FOR PRESIDING AT A COMMITTEE MEETING TO ELECT A PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

|   |   |                           |
|---|---|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>                                      | Authority to preside at a committee meeting until the office of presiding member and deputy presiding member (if applicable) is filled in accordance with Section 5.12 and Schedule 2.3 of the Local Government Act 1995 [sch. 2.3(3)].   |                           |
| <b>Statutory Power being Authorised:</b>  | Local Government Act 1995<br>Sch.2.3 (3) CEO to preside   |                           |
| <b>Power is originally assigned to:</b>   | CEO   |                           |
| <b>Statutory Power of Authorisation</b>   | <i>Local Government Act 1995:</i><br>s5.45(2)(b) Other matters relevant to delegations under this Division  |                           |
| <b>Positions Authorised:</b>  | All Directors   |                           |
| <b>CEO's Conditions on Authorisation:</b>   | The person presiding should be the Director directly involved with the Administration of the Committee  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | Record of person presiding to be retained in meeting minutes.<br><br><i>Financial Interest Return Required – N/A</i>  |                           |
| <b>Compliance Links</b>   | <i>Local Government Act 1995</i><br><i>Section 5.12 Presiding Members and deputies, election of</i><br><i>Schedule 2.3 When and how mayors, presidents, deputy mayors and deputy presidents are elected by the Council</i><br><br><i>Financial Interest Returns Required – No</i> |                           |
| <b>Delegation Administration:</b>   |   |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1.  | 6.  | 11.                       |
| 2.  | 7.  | 12.                       |
| 3.  | 8.  | 13.                       |
| 4.  | 9.  | 14.                       |

#### 4.2.6 AUTHORISATION FOR ADMINISTRATIVE CHANGES TO THE DELEGATED AUTHORITY REGISTER

|  |  |                           |
|--|--|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>                                       | Authority to effect administrative, non-substantive changes to the Delegated Authority Register.                 |                           |
| <b>Statutory Power being Authorised:</b>   | <i>Local Government Act 1995</i><br>s5.46 Register of, and records relevant to, delegations to CEO and employees |                           |
| <b>Power is originally assigned to:</b>  | CEO  |                           |
| <b>Statutory Power of Authorisation</b>  | <i>Local Government Act 1995:</i><br>s5.46(2)(b) Other matters relevant to delegations under this Division       |                           |
| <b>Positions Authorised:</b>   | Executive Manager Governance & Legal   |                           |
| <b>CEO's Conditions on Authorisation:</b>  | N/A  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | A record is to be maintained of all changes authorised   |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Return Required – No</i>   |                           |
| <b>Delegation Administration:</b>  |  |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. 18/333025   | 6.   | 11.                       |
| 2.   | 7.   | 12.                       |
| 3.   | 8.   | 13.                       |
| 4.   | 9.   | 14.                       |

#### 4.2.7 AUTHORISATION FOR ADMINISTRATIVE CHANGES TO THE CODE OF CONDUCT

|  |   |                           |
|--|---|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Authorised Officers shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>                                       | Authority to effect administrative, non-substantive changes to the Code of Conduct.                 |                           |
| <b>Statutory Power being Authorised:</b>   | Local Government Act 1995<br>s.5.51A Code of conduct for employees                                  |                           |
| <b>Power is originally assigned to:</b>  | CEO   |                           |
| <b>Statutory Power of Authorisation</b>  | Local Government Act 1995:<br>s5.46(2)(b) Other matters relevant to delegations under this Division |                           |
| <b>Positions Authorised:</b>   | Executive Manager Governance & Legal  |                           |
| <b>CEO's Conditions on Authorisation:</b>  | N/A   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | A record is to be maintained of all changes authorised  |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Return Required – No</i>  |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1.   | 6.  | 11.                       |
| 2.   | 7.  | 12.                       |
| 3.   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

#### 4.3 CORRUPTION CRIME AND MISCONDUCT ACT 2003 – AUTHORISATION TO SUBMIT NOTIFICATIONS

|  |   |                           |
|--|---|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Authorised persons shall only act in full understanding of the statutory power, inclusive of conditions [see below].</i>  | 1. Authority to notify the Corruption and Crime Commissioner, on behalf of the principal officer, in writing of any matter which is suspected on reasonable grounds concerns or may concern serious misconduct; and<br><br>2. Authority to notify the Public Sector Commissioner, on behalf of the principal officer, in writing of any matter which is suspected on reasonable grounds concerns or may concern minor misconduct. |                           |
| <b>Statutory Power being Authorised:</b>   | <i>Corruption Crime and Misconduct Act 2003.</i><br>Section 28 Certain officers obliged to notify serious misconduct<br>Section 45H Certain officers obliged to notify minor misconduct   |                           |
| <b>Power is originally assigned to:</b>  | Principal Officer (Chief Executive Officer)   |                           |
| <b>Statutory Power of Appointment</b>  |   |                           |
| <b>Appointment:</b>  | Executive Manager Governance & Legal  |                           |
| <b>Conditions on Appointment:</b>  | Notifications to be made in consultation with the CEO   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) "A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | All notifications are to be recorded in the appropriate file or register  |                           |
| <b>Compliance Links</b>  | <i>Financial Interest Returns Required - No</i>   |                           |
| <b>Delegation Administration:</b>  |   |                           |
| <b>Decision Reference</b>  | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. 18/333025   | 6.  | 11.                       |
| 2.   | 7.  | 12.                       |
| 3.   | 8.  | 13.                       |
| 4.   | 9.  | 14.                       |

## 5 DELEGATIONS TO CHIEF EXECUTIVE OFFICER AND OTHER OFFICERS FROM STATUTORY AUTHORITIES

### 5.1 DEPARTMENT OF LANDS – DEVELOPMENT APPLICATIONS MADE UNDER THE AUSPICES OF THE PLANNING & DEVELOPMENT ACT 2005

DoL FILE 1738/2002v8; 858/2001v9

#### *PLANNING AND DEVELOPMENT ACT 2005*

#### INSTRUMENT OF AUTHORISATION

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

Dated the *2<sup>nd</sup>* day of *June* 2016



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

## SCHEDULE

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

| Column 1   | Column 2  | Column 3   |
|--|---|--|
| <p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>• a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>• the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <ul style="list-style-type: none"> <li>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</li> <li>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</li> <li>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</li> <li>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</li> <li>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</li> </ul> | <p>City of Albany<br/>           City of Armadale<br/>           Shire of Ashburton<br/>           Shire of Augusta-Margaret River<br/>           Town of Bassendean<br/>           City of Bayswater<br/>           City of Belmont<br/>           Shire of Beverley<br/>           Shire of Boddington<br/>           Shire of Boyup Brook<br/>           Shire of Bridgetown-Greenbushes<br/>           Shire of Brookton<br/>           Shire of Broome<br/>           Shire of Broomehill-Tambellup<br/>           Shire of Bruce Rock<br/>           City of Bunbury<br/>           Shire of Busselton<br/>           Town of Cambridge<br/>           City of Canning<br/>           Shire of Capel<br/>           Shire of Carnamah<br/>           Shire of Carnarvon<br/>           Shire of Chapman Valley<br/>           Shire of Chittering<br/>           Shire of Christmas Island<br/>           Town of Claremont<br/>           City of Cockburn<br/>           Shire of Cocos (Keeling) Islands<br/>           Shire of Collie<br/>           Shire of Coolgardie<br/>           Shire of Coorow<br/>           Shire of Corrigin<br/>           Town of Cottesloe<br/>           Shire of Cranbrook<br/>           Shire of Cuballing<br/>           Shire of Cue<br/>           Shire of Cunderdin<br/>           Shire of Dalwallinu<br/>           Shire of Dandaragan<br/>           Shire of Dardanup<br/>           Shire of Denmark<br/>           Shire of Derby/West Kimberley<br/>           Shire of Donnybrook-Balingup<br/>           Shire of Dowerin<br/>           Shire of Dumbleyung<br/>           Shire of Dundas<br/>           Town of East Fremantle<br/>           Shire of East Pilbara<br/>           Shire of Esperance<br/>           Shire of Exmouth<br/>           City of Fremantle<br/>           City of Greater Geraldton</p> | <p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement:<br/>           Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme).<br/>           The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p> |

- |       |   |  |
|-------|---|--|
| (vi)  | section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i> , or of which such a place forms part; | Shire of Gingin<br>Shire of Gnowangerup<br>Shire of Goomalling<br>City of Gosnells<br>Shire of Halls Creek<br>Shire of Harvey<br>Shire of Irwin<br>Shire of Jarramungup<br>City of Joondalup<br>Shire of Kalamunda<br>City of Kalgoorlie-Boulder<br>Shire of Katanning<br>Shire of Kellerberrin<br>Shire of Kent<br>Shire of Kojonup<br>Shire of Kondinin<br>Shire of Koorda<br>Shire of Kulin<br>City of Kwinana<br>Shire of Lake Grace<br>Shire of Laverton<br>Shire of Leonora<br>City of Mandurah<br>Shire of Manjimup<br>Shire of Meekatharra<br>City of Melville<br>Shire of Menzies<br>Shire of Merredin<br>Shire of Mingenerew<br>Shire of Moora<br>Shire of Morawa<br>Town of Mosman Park<br>Shire of Mount Magnet<br>Shire of Mt Marshall<br>Shire of Mukinbudin<br>Shire of Mundaring<br>Shire of Murchison<br>Shire of Murray<br>Shire of Nannup<br>Shire of Narembeen<br>Shire of Narrogin<br>Town of Narrogin<br>City of Nedlands<br>Shire of Ngaanyatjaraku<br>Shire of Northam<br>Shire of Northampton<br>Shire of Nungarin<br>Shire of Peppermint Grove<br>Shire of Perenjori<br>City of Perth<br>Shire of Pingelly<br>Shire of Plantagenet<br>Town of Port Hedland<br>Shire of Quairading<br>Shire of Ravensthorpe<br>City of Rockingham<br>Shire of Roebourne<br>Shire of Sandstone<br>Shire of Serpentine Jarrahdale<br>Shire of Shark Bay<br>City of South Perth<br>City of Stirling<br>City of Subiaco<br>City of Swan |
| (vii) | section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).  |  |

Refer to TRIM 16/226784 for full details

## 5.2 DEPARTMENT OF ENVIRONMENTAL REGULATIONS – APPROVAL OF NOISE MANAGEMENT PLANS FOR OUT OF HOURS CONSTRUCTION WORK

|  |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Authority to approve noise management plans in respect to a construction site for construction work outside the hours of 7am to 7pm Monday to Saturday in accordance with Regulation 13 of the Environmental Protection (Noise) Regulations 1997   |
| <b>Statutory Power being Delegated:</b>  | <i>Environmental Protection (Noise) Regulations 1997</i><br>s.13(3)(c) Construction sites  |
| <b>Power is originally assigned to:</b>  | Chief Executive Officer of the Department of Environmental Regulation  |
| <b>Statutory Power of Delegation:</b>  | <p><i>Environmental Protection Act 1986</i><br/>20. Delegation by CEO<br/><i>Government Gazette No. 71, 16 May 2014</i><br/>Part 2 Environment<br/>Delegation No. 119</p> <p><b>EV405*</b></p> <p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ACT 1986</b><br/><b>DELEGATION NO. 119</b></p> <p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of—</p> <p>(a) Chief Executive Officer under the <i>Local Government Act 1995</i>; and</p> <p>(b) to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.</p> <p>Dated the 1st day of May 2014.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by—<br/>_____</p> <p style="text-align: right;">Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage.</p> |
| <b>Power Delegated to:</b>   | The holder for the time being of the officer of Chief Executive Officer under the <i>Local Government Act 1995</i> and; any employee of a local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act.  |
| <b>Conditions on Delegation:</b>   | Business Practice Condition<br>Noise Management Plans are to be approved by Coordinator Health Services and authorised by Manager Health and Compliance. A copy of the approved plan is to be forwarded to the Manager Land Development when related to subdivision works.   |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil  |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A  |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A  |

|   |  |                           |
|---|--|---------------------------|
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Any noise management plan determinations will be recorded in the appropriate register or file. |                           |
| <b>Compliance Links</b>   | Financial Interest Return required – No  |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. 16/238647<br>2.<br>3.<br>4.  | 6.<br>7.<br>8.<br>9.   | 11.<br>12.<br>13.<br>14.  |

### 5.3 ENVIRONMENTAL PROTECTION ACT 1986 – ENVIRONMENTAL PROTECTION NOTICE

|   |  |
|---|--|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <p>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 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.</p>  |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Environmental Protection (Noise) Regulations 1997</i><br/>13. Construction sites (3)(c)</p>  |
| <p><b>Power is originally assigned to:</b></p>  | <p>Chief Executive Officer of the Department of Environmental Regulation</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Environmental Protection Act 1986</i><br/><i>Section 20</i><br/><i>Delegation No. 52</i><br/><i>Government Gazette No. 47 19 March 2004</i></p> <p style="text-align: center;"><b>EV401</b><br/><b>ENVIRONMENTAL PROTECTION ACT 1986</b><br/><b>Section 20</b><br/>Delegation No. 52</p> <p>Pursuant to section 20 of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer hereby delegates as follows—</p> <p>Powers and duties delegated—</p> <p>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.</p> <p>Persons to whom delegation made—</p> <p>This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p> <p>Pursuant to section 59(1)(e) of the <i>Interpretations Act 1984</i>, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9<sup>th</sup> day of January 2004.</p> <p>Approved—</p> <p>FERDINAND TROMP, A/Chief Executive Officer.</p> <p>Dr JUDY EDWARDS MLA, Minister for the Environment.</p> |
| <p><b>Power Delegated to:</b></p>   | <p>The holder for the time being of the officer of Chief Executive Officer under the Local Government Act 1995</p>   |
| <p><b>Conditions on Delegation:</b></p>   |  |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p>Nil</p>   |

|  |  |
|--|--|
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>  | N/A  |
| <b>CEO's Conditions on Sub-delegation:</b>   | N/A  |
| <b>Record Keeping Statement (LGA 1995)</b><br><i>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty."</i> | <i>Any notices issued under this delegation are to be recorded in the appropriate container or register.</i> |
| <b>Compliance Links</b>  | <i>Financial Interest Return required – No</i>   |
| <b>Delegation Administration:</b>  |  |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| 1.   | 6.   |
| 2.   | 7.   |
| 3.   | 8.   |
| 4.   | 9.   |
|  | 11.  |
|  | 12.  |
|  | 13.  |
|  | 14.  |

## 5.4 ENVIRONMENTAL PROTECTION ACT 1986 – NOISE MANAGEMENT PLANS – KEEPING LOG BOOKS, NOISE CONTROL NOTICES, CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS

|   |  |
|---|--|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <p>The powers and duties of the Chief Executive Officer of the Department of Environment Regulation under the <i>Environmental Protection (Noise) Regulations 1997</i> in relation to:</p> <ol style="list-style-type: none"> <li>a) Waste collection and other works – noise management plans relating to specified works under regulation 14A or 14B;</li> <li>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);</li> <li>c) Community activities – noise control notices in respect of community noise under regulation 16;</li> <li>d) Motor sport venue – noise management plans in relation to motor sport venues under Part 2 Division 3;</li> <li>e) Shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4;</li> <li>f) Calibration results – requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</li> <li>g) Sporting, cultural and entertainment venues – approval of event or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation:             <ol style="list-style-type: none"> <li>i. Sub regulation 18(13)(b) is not delegated.</li> </ol> </li> </ol>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Chief Executive Officer of the Department of Environmental Regulation</p>   |
| <p><b>Statutory Power of Delegation:</b></p>  | <p><i>Environmental Protection Act 1986</i><br/> <i>Delegation No. 112</i><br/> <i>Government Gazette No. 232 20 December 2013</i></p> <p>EV402*</p> <p style="text-align: center;"><b>ENVIRONMENTAL PROTECTION ACT 1986</b><br/>         DELEGATION NO. 112</p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("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 <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to—</p> <ol style="list-style-type: none"> <li>(a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;</li> <li>(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);</li> <li>(c) community activities—noise control notices in respect of community noise under regulation 16;</li> <li>(d) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;</li> <li>(e) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;</li> <li>(f) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</li> <li>(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—             <ol style="list-style-type: none"> <li>(i) Subregulation 18(13)(b) is not delegated.</li> </ol> </li> </ol> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by—<br/>         JOHN DAY, Acting Minister for Environment; Heritage.</p> |

|   |   |                           |
|---|---|---------------------------|
| <b>Power Delegated to:</b>  | The holder for the time being of the officer of Chief Executive Officer under the Local Government Act 1995             |                           |
| <b>Conditions on Delegation:</b>  |   |                           |
| <b>Statutory Power to Sub-Delegate:</b>   | Nil   |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | N/A   |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | N/A   |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | Any notices issued or determinations made under this delegation are to be recorded in the appropriate register or file. |                           |
| <b>Compliance Links</b>   | Financial Interest Return required – No   |                           |
| <b>Delegation Administration:</b>   |   |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1.  | 6.  | 11.                       |
| 2.  | 7.  | 12.                       |
| 3.  | 8.  | 13.                       |
| 4.  | 9.  | 14.                       |

## 5.5 DEPARTMENT OF ENVIRONMENTAL PROTECTION – APPOINTMENT OF DESIGNATED PERSON - INFRINGEMENT NOTICE REVIEW

|   |  |                           |
|---|--|---------------------------|
| <b>Function Authorised:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>  | Authorised to accept payments and exercise those powers in relation to modified penalties relating to infringement notices served under Section 99J of the Act by an Inspector authorised under section 88 of the Act and employed by the relevant local government.   |                           |
| <b>Statutory Power being Delegated:</b>   | <i>Environmental Protection Act 1986</i><br>99K Content of infringement notice<br>99M Extending time to pay modified penalty<br>99N Withdrawing infringement notice  |                           |
| <b>Power is originally assigned to:</b>   | Chief Executive Officer of the Department of Environmental Regulation  |                           |
| <b>Statutory Power of Delegation:</b>   | <i>Environmental Protection Act 1986</i><br>20. Delegation by CEO<br><i>Government Gazette No. 28 11 February 2000</i><br>Part 2 Environmental Protection<br>Designation No. 01<br><b>EP401*</b><br><b>ENVIRONMENTAL PROTECTION ACT 1986</b><br>Section 99I<br>Designation No. 01<br><br>This appointment is made pursuant to section 99I of the Environmental Protection Act 1986 ("the Act")<br>1. Pursuant to section 99I of the Act, I (Dr) Bryan Jenkins, as Chief Executive Officer hereby appoint any person for the time being holding or acting in the Office of Chief Executive Officer of a Local Government under the Local Government Act 1995 as a "designated person" for the purpose of sections 99K, 99M and 99N of the Act.<br>2. The "designated person" is authorised to accept payments and exercise those powers in relation to modified penalties relating to infringement notices served under section 99J of the Act by an Inspector authorised under section 88 of the Act and employed by the relevant Local Government.<br>Dated this 21st day of January 2000.<br><br>(Dr) BRYAN JENKINS, Chief Executive Officer,<br>Department of Environmental Protection. |                           |
| <b>Power Delegated to:</b>  | Any person for the time being holding or acting in the Office of the Chief Executive Officer of a local government   |                           |
| <b>Conditions on Delegation:</b>  | Nil  |                           |
| <b>Statutory Power to Sub-Delegate:</b>   | Nil  |                           |
| <b>CEO's Sub-Delegation:</b><br><i>The exercise of the delegated power does not include the power of delegation</i>   | N/A  |                           |
| <b>CEO's Conditions on Sub-delegation:</b>  | N/A  |                           |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) " A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty." | <i>Any infringements reviewed under this delegation are to be recorded in the appropriate register or file.</i>  |                           |
| <b>Compliance Links</b>   | <i>Financial Interest Return required – No</i>   |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. 16/427246  | 6.   | 11.                       |
| 2.  | 7.   | 12.                       |
| 3.  | 8.   | 13.                       |
| 4.  | 9.   | 14.                       |

## 5.6 WESTERN AUSTRALIAN PLANNING COMMISSION – DELEGATION OF CERTAIN POWERS AND FUNCTIONS OF THE WESTERN AUSTRALIAN PLANNING COMMISSION RELATING TO THE METROPOLITAN REGION SCHEME

PL405

### PLANNING AND DEVELOPMENT ACT 2005

#### INSTRUMENT OF DELEGATION

Del 2022/03 Powers of Local Governments Metropolitan Region Scheme

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

#### Preamble

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

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

#### Resolution under section 16 of the Act (delegation)

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

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

SAM FAGAN, Secretary, Western Australian Planning Commission.

### PLANNING AND DEVELOPMENT ACT 2005

#### INSTRUMENT OF DELEGATION

#### SECTION A—Types of Development

##### 1. Development on zoned land

Applications for development on land zoned under the MRS except—

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

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

## 2. Development on regional road reservations

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

### SECTION B—Conditions

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

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

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

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

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

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

“**Category 1 road**” applies where regional roads—

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

“**Category 2 road**” applies where regional roads—

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

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

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

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

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

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

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

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

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

Notes—

(1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.DPLH.wa.gov.au/1212.asp>).

(2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.

(<http://www.DPLH.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)

(3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. <http://www.DPLH.wa.gov.au/publications/1197.asp>

(4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.DPLH.wa.gov.au/publications/1182.asp>)

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

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

**3. Referral requirements for development on land abutting other reservations**

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

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

**4. For the purpose of this Instrument of Delegation**

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

**Interpretation**

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

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

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

*Extract from Government Gazette #8 18 January 2022*

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## PLANNING

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PL101

*CORRECTION*

**PLANNING AND DEVELOPMENT ACT 2005**

INSTRUMENT OF DELEGATION

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

Metropolitan Region Scheme

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

The errors are corrected as follows—

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

*Extract from Government Gazette #105 2 June 2017 page 2761 18/187738*

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## PLANNING

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PL402

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

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

**Preamble**

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

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

**Resolution under section 16 of the Act (delegation)**

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

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

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

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

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

**2. Amendment to Section A**

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.

2. Clause 3 is deleted.

**3. Amendments to Section B**

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.

2. Clause 5 is deleted.

3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

PL403

**PLANNING AND DEVELOPMENT ACT 2005****AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF OFFICERS**

Notice of amendment to the Instrument of Delegation to committees of certain functions of the Western Australian Planning Commission, as gazetted on 16 October 2015 and as amended.

**Preamble**

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

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

**Resolution under section 16 of the Act (delegation)**

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

- A. To amend the Instrument of Delegation 2018/01 Delegation to officers of certain powers and functions of the Western Australian Planning Commission as gazetted on 3 October 2018, as set out in Schedule 1 below.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

**Schedule 1**

**1. Instrument of delegation amended**

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2018/01—Delegation to officers of certain powers and functions of the Western Australian Planning Commission as gazetted on 3 October 2018.

**2. Amendment to Schedule 9**

Any reference to the title “Manager, Strategic Property Unit” is deleted and replaced with the title “Chief Property Officer.”

Any reference to the “Property Operations Manager” is deleted and replaced with the title “Manager; Acquisitions, Management, Disposals.”

**3. Amendment to Schedule 9**

The following row is inserted into to Schedule 9 after item 9.25 on page 3843 of the *Gazette*—

|  |   |  |
|--|---|--|
| 9.26. All powers and functions of the WAPC, pursuant to regulation 1 of the <i>Power of Entry and Inspection Regulations</i> . | <ul style="list-style-type: none"> <li>• Any Compliance Officer</li> <li>• Any other Officer of the Department</li> </ul> | Subject to the statutory limitations prescribed under regulation 1. With respect to any other Officer of the Department, only if accompanying a Compliance Officer |
|--|---|--|

*Extract from Government Gazette #193 18 December 2018 page 4825 20/190775*

|  |   |
|--|---|
| <b>Power Delegated to:</b>   | Director Planning & Sustainability<br>Manager Approval Services<br>Coordinator Planning Services<br>Specialist Planner – Approval Services<br>Specialist Project Planner<br>Senior Planners |
| <b>Conditions on Delegation:</b>   | Nil   |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil   |
| <b>Record Keeping Statement (LGA 1995)</b><br>s5.46(3) “A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.” | <i>Any determinations made under this delegation are to be recorded in the appropriate register or file.</i>  |
| <b>Compliance Links</b>  | <i>Financial Interest Return required – No</i>  |
| <b>Delegation Administration:</b>  |   |
| Decision Reference   | Decision Reference  |
| 1.   | 6.  |
| 2.   | 7.  |
| 3.   | 8.  |
| 4.   | 9.  |
|  | 11.   |
|  | 12.   |
|  | 13.   |
|  | 14.   |

## REVISIONS

| Review     | Council Item   | Trim Ref      | Details  |
|------------|----------------|---------------|--|
| 15.12.09   | CE01-12/09     | 10/4539       |  |
| 14.12.10   | CS04-12/10     | 10/70284      |  |
| 13.12.11   | CS04-12/11     | 11/141585v1-2 |  |
| 11.12.12   | CS04-12/12     | 11/141585v3   |  |
| 30.04.13   | CS08-04/13     | 11/141585v4   |  |
| 28.05.13   | CS03-05/13     | 11/141585v4   |  |
| 24.06.14   | CS04-06/14     | 14/141221     |  |
| 23.06.15   | CS06-06/15     | 14/141221     |  |
| 08.12.15   | CS08-12/15     | 14/180898     |  |
| 08.12.15   | CS07-12/15     | 14/180898     |  |
| 28.06.16   | CE02-06/16     | 14/180898     |  |
| 06.12.16   | CE04-12/16     | 14/180898     |  |
| 07.02.17   | CE01-02/17     | 14/180898     |  |
| 07.02.17   | CE02-02/17     | 14/180898     |  |
| 07.03.17   | CE03-03/17     | 14/180898     | Amendment to Delegation 8.3 - District Planning Scheme No. 2 - Development Control   |
| 07.03.17   | CE02-03/17     | 14/180898     | New Delegation of Authority - Public Health Act 2016 – Appointment of Authorised Officers  |
| 09.05.17   | CE01-05/17     | 14/180898     | New Delegation – Criminal Procedure Act 2004 – Appointment of Authorised and Approved Officers – Building Regulations 2012                         |
| 09.05.17   | CE04-05/17     | 14/180898     | New Delegation – Health (Miscellaneous Provisions ) Act 1911 – Appointment and Authorisation of Deputy   |
| 09.05.17   | CS05-05/17     | 14/180898     | New Delegations – Pre-Qualified Supplier Panels (Delegations 6.11 – 6.14)  |
| 30.05.17   | CE06-05/17     | 14/180898     | Annual Review see 17/134814 for details  |
| 15.09.17   | Administrative | 14/180898     | Administrative amendment to Delegation 7.29 – Public Health Act 2016 – Appointment of Authorised Officers  |
| 19.09.17   | CE02-09/17     | 14/180898     | Amendment to Delegation 7.30 – Health (Miscellaneous Provisions) Act 1911  |
| 09.10.17   | Administrative | 14/180898     | Review of sub-delegations for Delegation 5.2 – Crossing from Public Thoroughfare to private land or private thoroughfare see 16/329065 for details |
| 10.10.17   | CE03-10/17     | 14/180898     | Changes and Amendments to Delegations  |
| 13.10.17   | Administrative | 14/180898     | Minor Amendment to Delegation 6.4 - Choice of Most Advantageous Tender   |
| 07.02.18   | CE02-02/18     | 14/180898     | Amendment to Delegation 7.10 – Bush Fires Act 1954 – Prosecutions  |
|            | Administrative | 14/180898     | Changes to position titles see 18/48479 for details  |
| 25.06.18   | CE01-06/18     | 14/180898     | Council Approval of Annual Review  |
| 20.07.18   | 18/203840      | 14/180898v2   | CEO approval of annual review and renumbering of sub-delegations   |
| 20.02.18   | 18/274278      | 14/180898v2   | Extension of sub-delegations to Operations Manager Community Service Delivery and Coordinator Community Safety                                     |
| 24.07.18   | CE01-07/18     | 14/180898v2   | Amendment to delegation Food Act 2008 – appointment of Authorised and Designated Officers  |
| 03.08.18   | Administrative | 14/180898v2   | Administrative amendments. See 18/313146 for details   |
| 16.08.18   | Administrative | 14/180898v2   | Administrative amendments. See 18//33025 for details   |
| 21.08.18   | CE01-08/18     | 14/180898v2   | Amendments to delegations  |
| 28.08.18   | 18/333701      | 14/180898v2   | Removal of sub-delegations to Operations Manager Community Service Delivery  |
| 21.09.2018 | 18/389558      | 14/180898v2   | Extension of sub-delegations for administration of the City of Wanneroo Bee Keeping Local Law 2016   |

| Review     | Council Item   | Trim Ref                   | Details  |
|------------|----------------|----------------------------|--|
| 18.10.2018 | 18/306398      | 14/180898v2                | Amendments to delegations  |
| 24.10.2018 | 18/455559      | 14/180898v2                | Administrative amendment to Delegation 2.10.3 Development Control  |
| 04/06/2019 | 19/197120      | 14/180898V2<br>14/180898V3 | Annual Review<br>Amended Version (Current)   |
| 12/07/2019 | CEO            | 19/217438                  | Addition of Delegation 1.2.6 Public Places and Local Government Property Local Law   |
| 26/09/2019 | Administrative | 19/376416                  | Changes to position titles   |
| 11/10/2019 | Administrative | 19/394864                  | Removal of Operations Manager Business and Finance and removal of Operations Manager Asset Operations and Services   |
| 25/10/2019 | CEO            | 19/362166                  | Additional sub-delegation to Delegation 1.2.6 Public Places and Local Government Property Local Law  |
| 2/12/2019  | CEO            | 19/470186                  | Additional sub-delegation to Delegation 1.1.24 Waiver, Grant of Concession or Write Off of Monies Owing  |
| 22/01/2020 | CEO            | 20/13521                   | Change of Delegation 1.2.6 from Manager Communications and Brand to Manager Place Management following restructure of respective service units.  |
| 29/01/2020 | Administrative | 20/34041                   | Clarification of how 35 days is calculated.  |
| 30/06/2020 | CE01-06/20     | 14/180898v4                | Annual Review  |
| 20/07/2020 | SCS01-07/20    | 20/291734                  | Addition of Delegation 1.1.33 – Grant of Concession on Council Rates   |
| 22/07/2020 | Administrative | 20/310315                  | Change to delegation 2.9.1 – Strata Titles Act in line with change to legislation  |
| 23/07/2020 | Administrative | 20/311419                  | Change to delegation 4.5 – Health (Miscellaneous Provision) Act 1911 – Appointment and Authorisation of Deputy to provide clarity to the function and the positions appointed.   |
| 4/11/2020  | CEO            | 20/418596                  | Change to delegation 1.1.26 – Removal of sub-delegation from Manager Finance and Coordinator Rates & Accounts and ability for Director Corporate Strategy & Performance to exercise delegation of condition b) from Council. |
| 7/12/2020  | Administrative | 20/533822                  | Changes made due to changes in legislation.  |
| 16/12/2020 | Administrative | 20/559662                  | Additional changes made due to legislative amendments relating to authorisations (SL 2020/213 and 2020/212)  |
| 16/03/2021 | CE02-03/21     | 21/60182                   | Addition of Delegation 1.1.34 – Obstruction of Footpaths and Thoroughfares   |
| 19/03/2021 | CEO            | 21/86894                   | Change to Delegation 1.1.26 – Removal of condition to limit decisions under condition b) of the delegation to be limited to CEO and DCSP.  |
| 31/05/2021 | CEO            | 21/223785                  | Addition of Manager Finance as a sub delegate with conditions  |
| 15/06/2021 | CE03-06/21     | 14/180898v5                | Annual Review  |
| 7/12/2021  | PS03-12/21     | 21/458668                  | Addition of delegation 2.10.6 – Management of Development Contribution Plans   |
| 17/02/2022 | Administrative | CE01-10/21                 | Amendment to reference to the Animals Local Law from 1999 to 2021  |
| 18/03/2022 | Administrative | PS02-02/22                 | Amendment to reference to the Fencing Local Law from 2016 to 2021  |
| 14/06/2022 | CE03-06/22     | 14/180898v6                | Annual Review  |
| 29/06/2022 | Administrative | 22/243939                  | Amendment to designation of CBFCO as per legislation.  |



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# 2021/22 DELEGATED AUTHORITY REGISTER



*Last Statutory Review: Ordinary Council Meeting – 14 September 2021, Resolution # 214  
Amendment to Delegation 3.5.1, 3.5.2, 3.5.3, 3.5.4 – 26 October 2021, Resolution # 249  
Amendment to Delegation 1.2.5 – 28 June 2022, Resolution # 131*

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**NOTE:** *The sections of Delegated Authority Statements shaded green are delegated authorities determined at the discretion of the Chief Executive Officer.*



# 1. LOCAL GOVERNMENT ACT 1995

## 1.1. COUNCIL TO A COMMITTEE OF COUNCIL

| <b>1.1.1 DISPOSAL OF PROPERTY – PUBLIC ART WORK</b>  |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Dispose of public art works.   |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s3.58 Disposing of property  |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation</b>   | <i>Local Government Act 1995</i><br>s5.16 Local Government may delegate of some powers or duties to certain Committees<br>s5.17 Limits on delegation of powers and duties to certain committees  |
| <b>Power Delegated to:</b>   | Public Art Committee   |
| <b>Council's Conditions on Delegation:</b>   | <b>Decommissioning of Public Art</b><br><br>The Public Art Committee may decommission public art on behalf of the City provided that it is valued at \$5,000 excluding GST or less.  |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil. The <i>Local Government Act 1995</i> provides no power of sub-delegation to Committees.   |
| <b>Record Keeping Statement</b><br><i>[s5.46(3)] GDA-7D</i>  | Each decision made under this delegated authority must be recorded and clearly identifiable as a Delegated Authority decision within the Public Art Committee meeting minutes.<br><br>Committee Meeting Minutes are to be created, published and retained in accordance with the requirements of Part 5 of the <i>Local Government Act 1995</i> and the <i>Local Government (Administration) Regulations 1996</i> .                  |
| <b>Compliance Links</b>  | <ul style="list-style-type: none"> <li>• Part 3, Division 3, Subdivision 6 of the <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> <li>• Council Policy 3.1.12 Art Acquisition, Management and Decommissioning</li> <li>• Admin Policy 4.1.9 Disposal of Surplus Assets Valued at Less than \$20,000</li> <li>• Delegation 1.2.5 - Disposal of Property.</li> </ul> |
| <b>Delegation Administration:</b>  |  |
| <b>Decision Reference</b>  | <b>Decision Reference</b>  |
| 1. OCM Res.155-13/04/2010  | 6.   |
| 2. OCM Res. 594 27/11/2012   | 7.   |
| 3. OCM Res. 364 14/11/2017   | 8.   |
| 4. OCM Res 214 14/09/2021  |  |
| 5.   |  |



**1.2. COUNCIL TO THE CHIEF EXECUTIVE OFFICER**

| <b>1.2.1 APPOINT AUTHORISED PERSONS</b>   |   |
|---|---|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | To appoint persons or classes of persons to be authorised for the purpose of fulfilling prescribed functions of the <i>Local Government Act 1995</i> .  |
| <b>Statutory Power being Delegated:</b>   | <i>Local Government Act 1995</i><br>s3.24 Authorising persons under this subdivision ( <i>Subdivision 2 – Certain provisions about land</i> )<br>s9.10 Appointment of authorised persons  |
| <b>Power is originally assigned to:</b>   | Local Government  |
| <b>Statutory Power of Delegation</b>  | <i>Local Government Act 1995</i><br>s5.42 Local Government may delegate of some powers or duties to the CEO<br>s5.43 Limitations on delegations to the CEO  |
| <b>Power Delegated to:</b>  | Chief Executive Officer   |
| <b>Council’s Conditions on Delegation:</b>  | Nil.  |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees  |
| <b>CEO’s Sub-Delegation to:</b>   | All Directors   |
| <b>CEO’s Conditions on Sub-delegation:</b>  | Directors may issue statutory authorisations with the exception of authorisations relating to <i>Local Government Act 1995</i> s.9.29, Representing the Local Government in Court.  |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Signed certificate of authorisation to be registered to ECM and linked to: <ul style="list-style-type: none"> <li>• Subject Tab: <i>Governance Authorised Persons</i></li> <li>• Employee Tab: <i>Relevant Employee’s Name</i></li> </ul> Enter details into Authorised Persons Register in Finance One   |
| <b>Compliance Links</b>   | <i>Local Government Act 1995</i><br>City of Gosnells Parking Local Law 2012<br>City of Gosnells Fencing Local Laws 2017<br>City of Gosnells Public Health Local Law 2017<br>City of Gosnells Thoroughfares and Public Places Local Law 2021<br>City of Gosnells Local Government Property Local Law 2009<br>City of Gosnells Dogs Local Law 2020<br>City of Gosnells Cat Local Law 2014 |
| <b>Delegation Administration:</b>   |   |
| Decision Reference  | Decision Reference  |
| 1. OCM Res.402-22/08/2006   | 6. OCM Res. 594 27/11/2012  |
| 2. OCM Res.438-11/09/2007   | 7. OCM Res. 364 14/11/2017  |
| 3. OCM Res.499-14/10/2008   | 8.  |
| 4. OCM Res.561-10/11/2009   |   |
| 5. CEO ECM# 2220451 v1 notes  |   |



*Delegations - Local Government Act 1995 – Council to CEO*

| <b>1.2.2 DISPOSING OF CONFISCATED OR IMPOUNDED GOODS AND RECOVERY OF EXPENSES</b>   |   |
|---|---|
| <p><b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <p>1. Sell or otherwise dispose of any of the following under s3.47:</p> <ul style="list-style-type: none"> <li>(a) <u>impounded goods</u> which were involved in a contravention which can lead to impounding under s3.39.</li> <li>(b) a <u>vehicle</u> which has not been collected under s3.40(3) or s3.40A(4); and</li> <li>(c) <u>goods</u> ordered to be confiscated under s3.43.</li> </ul> <p style="text-align: center;"><i>(N.B. Goods impounded or removed under s3.39, 3.40 or 3.40A may be withheld until the costs of doing so have been paid [s3.46]).</i></p> <p>2. Humanely destroy an impounded animal and dispose of the carcass where the animal is too ill or injured to be practicably treated [s3.47A(1)].</p> <p>3. Recover expenses of goods impounded under s3.39 where the alleged offender is convicted [s3.48].</p> |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Local Government Act 1995</i><br/>           s3.47 Subclauses (1), (2), (2a) Disposing of confiscated or uncollected goods<br/>           s3.47A Subclause (1) Disposal of sick or injured animals<br/>           s3.48 Recovery of impounding expenses</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Local Government</p>   |
| <p><b>Statutory Power of Delegation</b></p>   | <p><i>Local Government Act 1995</i><br/>           s5.42 Local Government may delegate of some powers or duties to the CEO<br/>           s5.43 Limitations on delegations to the CEO</p>   |
| <p><b>Power Delegated to:</b></p>   | <p>Chief Executive Officer</p>  |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Nil.</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Local Government Act 1995</i><br/>           s5.44 CEO may delegate some powers and duties to other employees</p>   |
| <p><b>CEO's Sub-Delegation to:</b></p>  | <ul style="list-style-type: none"> <li>• Director Business Services</li> <li>• Manager Governance and Compliance</li> <li>• Coordinator Ranger Services</li> </ul>  |
| <p><b>CEO's Conditions on Sub-delegation:</b></p>   | <p>(i) The sections of the Act being delegated have varying notice requirements and time periods which must be complied with when using this delegation.</p> <p>(ii) The goods must be sold or disposed of in accordance with s3.58 of the Act and Delegation 1.2.5 ' Disposal of Property' [s3.47(3)].</p>   |



*Delegations - Local Government Act 1995 – Council to CEO*

| <b>1.2.2 DISPOSING OF CONFISCATED OR IMPOUNDED GOODS AND RECOVERY OF EXPENSES</b> |   |                    |
|---|---|--------------------|
| <p><b>Record Keeping Statement</b><br/>[s5.46(3)] GDA-7D</p>                      | <p>Details to be recorded in the <i>Impound Dogs, Vehicles, Stock and Sign Register</i> in ECM under:</p> <ul style="list-style-type: none"> <li>• Subject Tab: <i>Delegated Authority Record of Use of Power</i></li> </ul> <p>Details are also to be recorded in Property and Rating, under the Impound Register Tab.</p> <p>Copy of prescribed notices to be retained in ECM:</p> <ul style="list-style-type: none"> <li>• Subject Tab: <i>Vehicles - Pound</i></li> <li>• Subject Tab: <i>Dogs - Pound</i></li> <li>• Subject Tab: Issuance of notices - Building control (if applicable)</li> <li>• Property Tab: <i>Relevant property address</i></li> <li>• Customer Tab: <i>Relevant customer name</i></li> </ul> |                    |
| <p><b>Compliance Links</b></p>  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Part 3, Division 3, Subdivision 4</li> <li>• s3.58 Disposing of Property</li> </ul>   |                    |
| <b>Delegation Administration:</b>   |   |                    |
| Decision Reference  | Decision Reference  | Decision Reference |
| 1. OCM Res.338-12/08/1997   | 6. CEO ECM# 2220451 v1 notes  |                    |
| 2. OCM Res.400-22/08/2006   | 7. OCM Res.608- 14/12/2010  |                    |
| 3. OCM Res.438-11/09/2007   | 8. CEO 17/12/2010 ECM# 2585648  |                    |
| 4. OCM Res.499-14/10/2008   | 9. OCM Res. 594 27/11/2012  |                    |
| 5. OCM Res.561-10/11/2009   |   |                    |



*Delegations - Local Government Act 1995 – Council to CEO*

| <b>1.2.3 ROAD CLOSURES – TEMPORARY</b>   |   |
|--|---|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>1. To close a thoroughfare managed by the City (wholly or partially) to vehicles for a period of less than 4-weeks, after giving local public notice of the intention to do so [s3.50(1)].</li> <li>2. To close a thoroughfare managed by the City (wholly or partially) to vehicles for a period of more than 4-weeks, after giving local public notice of the intention to do so and allowing submissions to be made and considered in accordance with s3.50(4) and (5) [s3.50(1a)].</li> <li>3. To partially and temporarily close a thoroughfare for repairs or maintenance without giving local public notice if it is unlikely to have an adverse impact on users of the thoroughfare [s3.50A].</li> </ol> |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s3.50 Closing certain thoroughfares to vehicles<br>s3.50A Partial closure of thoroughfares for repairs or maintenance<br>s3.51 Affected owners to be notified of certain proposals  |
| <b>Power is originally assigned to:</b>  | Local Government  |
| <b>Statutory Power of Delegation</b>   | <i>Local Government Act 1995</i><br>s5.42 Local Government may delegate of some powers or duties to the CEO<br>s5.43 Limitations on delegations to the CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |
| <b>Council's Conditions on Delegation:</b>   | Nil.  |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees  |
| <b>CEO's Sub-Delegation to:</b>  | <ul style="list-style-type: none"> <li>• Director Infrastructure</li> <li>• Chief Engineer</li> <li>• Manager Environmental Services</li> <li>• Manager Development Services</li> <li>• Manager Development Projects</li> <li>• Manager Future Planning</li> <li>• Coordinator Engineering Construction</li> <li>• Coordinator Subdivisions</li> <li>• Coordinator Engineering Maintenance</li> </ul>   |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil.  |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D   | Staff using this delegation must create and process road closure application in P & R and ensure the following documents are registered in ECM: <ul style="list-style-type: none"> <li>• Scanned copy of the local public notice (except for s3.50A road closures)</li> <li>• Submissions received.</li> </ul> Register the documents to the following subjects in ECM:   |



Delegations - Local Government Act 1995 – Council to CEO

| 1.2.3 ROAD CLOSURES – TEMPORARY |   |                    |
|---------------------------------|---|--------------------|
|                                 | <ul style="list-style-type: none"> <li>• Subject Tab: <i>Engineering Operations / Road Reserve Maintenance or Road Reserve - Design and Construction - Final Documentation and Reports (as applicable)</i></li> <li>• Subject Tab: <i>Governance / Delegated Authority Record of Use of Power</i></li> <li>• Subject Tab: <i>Media, Marketing and Publications / Advertising, Public Notices</i></li> </ul> |                    |
| <b>Compliance Links</b>         | Part 3, Division 3, Subdivision 5 of the <i>Local Government Act 1995</i>   |                    |
| Delegation Administration:      |   |                    |
| Decision Reference              | Decision Reference  | Decision Reference |
| 1. OCM Res.338-12/08/1997       | 6. OCM Res.561-10/11/2009   | CEO ECM #5919519   |
| 2. OCM Res.597-26/08/2003       | 7. CEO ECM# 2220451 v1 notes  | CEO ECM #7221177   |
| 3. OCM Res.400-22/08/2006       | 8. OCM Res. 594 27/11/2012  |                    |
| 4. OCM Res.438-11/09/2007       | 9. OCM Res. 364 14/11/2017  |                    |
| 5. OCM Res.499-14/10/2008       | 10. CEO ECM # 5153913   |                    |



| <b>1.2.4 REQUEST FOR TENDERS, EXPRESSION OF INTERESTS AND PANELS OF PRE-QUALIFIED SUPPLIERS</b>  |  |
|--|--|
| <p><b>Function Delegated:</b><br/> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <p>Determine:</p> <ol style="list-style-type: none"> <li>1. When to call tenders or not to call tenders [s3.57(1), F&amp;G Reg.11]</li> <li>2. The circumstances to invite tenders, though not required to do so [F&amp;G Reg.13]</li> <li>3. Selection criteria for the acceptance of tenders [F&amp;G Reg.14(2a)]</li> <li>4. The information to be disclosed to those interested in submitting a tender [F&amp;G Reg.14(4)]</li> <li>5. Minor variations before entering into a contract [F&amp;G Reg.20]</li> <li>6. Appropriate circumstances (for application of the Expression of interest process) and to call for Expressions of Interest [F&amp;G Reg.21]</li> <li>7. To vary a contract for the supply of goods and services [F&amp;G Reg. 21A]</li> <li>8. Selection Criteria for the acceptance of applicants joining a panel [F&amp;G Reg.24AD(3)]</li> <li>9. Which application to accept and reject for a panel by assessing, by means of a written evaluation, the extent to which each application satisfies the criteria. [F&amp;G Reg.24AH (3)and (5)]</li> <li>10. To enter a contract with suppliers within a prequalified panel [F&amp;G 24AJ]</li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>   | <p><i>Local Government Act 1995</i><br/> s3.57 Tenders for providing goods or services<br/> <i>Local Government (Functions and General) Regulations 1996</i><br/> Reg.11 Tenders to be invited for certain contracts<br/> Reg.13 Procedure when local government invites tenders though not required to do so<br/> Reg.14 (2a), (4)(a) and (5) Requirements for publicly inviting tenders<br/> Reg.20 Variation of requirements before entry into contract<br/> Reg.21 Limitation may be placed on who can tender<br/> Reg 21A Variations of contracts with suppliers as a result of a tender<br/> Reg.24AH Rejecting and accepting applications to join a panel of pre-qualified suppliers<br/> Reg 24AJ Entering into a contract with a supplier of a prequalified panel</p>   |
| <p><b>Power is originally assigned to:</b></p>   | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation</b></p>  | <p><i>Local Government Act 1995</i><br/> s5.42 Local Government may delegate of some powers or duties to the CEO<br/> s5.43 Limitations on delegations to the CEO</p>  |
| <p><b>Power Delegated to:</b></p>  | <p>Chief Executive Officer</p>   |
| <p><b>Council's Conditions on Delegation:</b></p>  | <p>A determination to call a tender must only occur where the procurement or disposal is included in Council's Annual Budget.</p> <p>Minor variations before entering into a contract are limited to a maximum value of aggregated variations which remain under 10% of the total contract value and remain within the relevant adopted Budget allocation.</p>   |
| <p><b>Statutory Power to Sub-Delegate:</b></p>   | <p><i>Local Government Act 1995</i><br/> s5.44 CEO may delegate some powers and duties to other employees</p>  |



*Delegations - Local Government Act 1995 – Council to CEO*

| <b>1.2.4 REQUEST FOR TENDERS, EXPRESSION OF INTERESTS AND PANELS OF PRE-QUALIFIED SUPPLIERS</b> |   |                            |  |
|---|---|----------------------------|--|
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Director Infrastructure</li> <li>• Director Community Engagement</li> <li>• Director Business Services</li> <li>• Director Planning and Development</li> </ul>   |                            |  |
| <b>CEO's Conditions on Sub-delegation:</b>  | <p>The Directors are limited to:</p> <ul style="list-style-type: none"> <li>• Authorising minor variations before entering into a contract [F&amp;G Reg.20]. Approving the selection criteria for a panel of pre-qualified suppliers where the contract value is under \$250,000 [F&amp;G Reg.24AD(3)].</li> <li>• Rejecting and accepting applications to join a panel of pre-qualified suppliers where the contract value is under \$250,000 [F&amp;G Reg.24AH (3) and (5)].</li> </ul> |                            |  |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | <p>'Decision to Call Tender Checklist' retained in ECM</p> <ul style="list-style-type: none"> <li>• Subject Tab: <i>Corporate Business / Tenders</i></li> <li>• Project Tab: link to <i>relevant tender</i></li> </ul> <p>Subject Tab: link to <i>Delegations of authority - Register of</i></p>  |                            |  |
| <b>Compliance Links</b>   | <p><i>Local Government Act 1995</i><br/> <i>Local Government (Functions and General) Regulations 1996</i><br/>           Council Policy 4.1.8 Purchasing</p>  |                            |  |
| <b>Delegation Administration:</b>   |   |                            |  |
| <b>Decision Reference</b>   |   | <b>Decision Reference</b>  |  |
| 1. OCM Res.338-12/08/1997   | 6. OCM Res.561-10/11/2009   | 11. OCM Res 386 20/11/2018 |  |
| 2. OCM Res.366-23/08/2005   | 7. CEO ECM# 2220451 v1 notes  | 12. OCM Res 214 14/09/2021 |  |
| 3. OCM Res.400-22/08/2006   | 8. OCM Res.608- 14/12/2010  |                            |  |
| 4. OCM Res.438-11/09/2007   | 9. CEO 17/12/2010 ECM# 2585648  |                            |  |
| 5. OCM Res.499-14/10/2008   | 10. OCM Res. 594 27/11/2012   |                            |  |



Delegations - Local Government Act 1995 – Council to CEO

| <b>1.2.5 DISPOSAL OF PROPERTY</b>  |   |                             |
|--|---|-----------------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | To sell, lease or otherwise dispose of property, in accordance with s3.58.  |                             |
| <b>Statutory Power being Delegated:</b>  | <i>Local Government Act 1995</i><br>s3.58(2) and (3) Disposing of property  |                             |
| <b>Power is originally assigned to:</b>  | Local Government  |                             |
| <b>Statutory Power of Delegation</b>   | <i>Local Government Act 1995</i><br>s5.42 Local Government may delegate of some powers or duties to the CEO<br>s5.43 Limitations on delegations to the CEO  |                             |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                             |
| <b>Council's Conditions on Delegation:</b>   | <p><b>Disposal Limits</b></p> <p>This delegation may be used to dispose of property that meets the following requirements:</p> <ol style="list-style-type: none"> <li>1. Land with a market value of \$650,000 or less excluding GST (excluding land in the Southern River Business Park)</li> <li>2. Property (other than land) with a market value of \$100,000 or less excluding GST</li> <li>3. All land within the Southern River Business Park</li> </ol> <p>Where a public auction or direct negotiation is the method used to dispose of land, the price may be varied by 10% of the reserve price or the market value of the land.</p> |                             |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees  |                             |
| <b>CEO's Sub-Delegation to:</b>  | No Sub-delegation.  |                             |
| <b>CEO's Conditions on Sub-delegation:</b>   | No Sub-delegation.  |                             |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D   | <p>Evidence decision in ECM:</p> <ul style="list-style-type: none"> <li>• Subject Tab: <i>Governance / Delegated Authority Record of Use of Power</i></li> <li>• Subject Tab: <i>Land Administration / Sales Agreement</i> or relevant subject link</li> <li>• Property Tab: link to relevant <i>property</i></li> <li>• Customer Tab: link to relevant <i>customer/s</i></li> </ul> <p>Copy of the public notice is to be placed in ECM under the subject tab <i>Advertising Public Notices and Promotional Material</i>.</p>  |                             |
| <b>Compliance Links</b>  | <i>Local Government Act 1995, Part 3, Division 3, Subdivision 6</i><br><i>Local Government (Functions and General) Regulations 1996</i>   |                             |
| <b>Delegation Administration:</b>  |   |                             |
| Decision Reference   | Decision Reference  | Decision Reference          |
| 1. OCM Res.519 -22/04/1997   | 6. OCM Res.561-10/11/2009   | 11. OCM Res. 364 14/11/2017 |
| 2. OCM Res.400 -22/08/2006   | 7. CEO ECM# 2220451 v1 notes  | 12. OCM Res. 131 26/06/2022 |
| 3. OCM Res.438 -11/09/2007   | 8. OCM Res.099-09/03/2010   | 13.                         |
| 4. OCM Res.499 -14/10/2008   | 9. OCM Res 523/2011 - acquisitions and disposal of real estate and Lot 8 Homes Street.  | 14.                         |
| 5. OCM Res.55 -10/02/2009 – Harmony Fields   | 10. OCM Res. 594 27/11/2012   | 15.                         |



| <b>1.2.6 MUNICIPAL FUND AND TRUST FUND PROCEDURES AND PAYMENTS</b>   |   |
|--|---|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>1. Determine to transfer to the Municipal Fund money held in the Trust Fund for 10 years [s6.9(4)]</li> <li>2. Make payments from the Municipal Fund or the Trust Fund [FM Reg.12(1)(a)].</li> </ol>   |
| <b>Statutory Power being Delegated:</b>  | <p><i>Local Government Act 1995</i></p> <p>s6.7 Local Government to hold all money and value of all assets in municipal fund.</p> <p>s6.9(4) Local Government may transfer money being held in the trust fund for 10 years to municipal fund</p> <p><i>Local Government (Financial Management) Regulations 1996</i><br/>Reg.12(1)(a) Payments from municipal fund or trust fund</p>   |
| <b>Power is originally assigned to:</b>  | Local Government  |
| <b>Statutory Power of Delegation</b>   | <p><i>Local Government Act 1995</i></p> <p>s5.42 Local Government may delegate of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p>   |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |
| <b>Council's Conditions on Delegation:</b>   | Nil.  |
| <b>Statutory Power to Sub-Delegate:</b>  | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p>   |
| <b>CEO's Sub-Delegation to:</b>  | <ul style="list-style-type: none"> <li>• Director Business Services</li> <li>• Director Community Engagement</li> <li>• Director Infrastructure</li> <li>• Chief Financial Officer</li> <li>• Coordinator Finance</li> <li>• Senior Financial Accountant</li> <li>• Financial Accountant</li> <li>• Manager Organisational Performance</li> <li>• Manager Governance and Compliance</li> <li>• Manager Information Services</li> <li>• Senior Management Accountant</li> <li>• Management Accountant</li> </ul>   |
| <b>CEO's Conditions on Sub-delegation:</b>   | Payment authorisation requires a combination of two signatories one of which must include the CEO, a Director or the Chief Financial Officer.   |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D   | <p>Payment transaction and delegated authority records are retained in Finance One through 'Audit of Payment Reports'.</p> <p>Monthly cheque and EFT payment listing recorded in Council Minutes as an Appendix and registered to ECM Subject Tab: <i>Council Meetings – Agendas and Minutes Ordinary Council Meeting (OCM) and Special Council Meeting Agenda and Minutes.</i></p> <p>Invoices and payments are stored offsite for a period of 7 years. The listing of creditor batches and the relevant archive box are retained in a register to ECM Subject tab: <i>Creditors</i></p> |



Delegations - Local Government Act 1995 – Council to CEO

|  |                        |   |                           |                           |                 |
|--|------------------------|---|---------------------------|---------------------------|-----------------|
| <b>1.2.6 MUNICIPAL FUND AND TRUST FUND PROCEDURES AND PAYMENTS</b> |                        |   |                           |                           |                 |
| <b>Compliance Links</b>  |                        | <i>Local Government Act 1995, Part 6, Division 4<br/>Local Government (Financial Management) Regulations 1996</i> |                           |                           |                 |
| <b>Delegation Administration:</b>                                  |                        |   |                           |                           |                 |
| <b>Decision Reference</b>  |                        | <b>Decision Reference</b>   |                           | <b>Decision Reference</b> |                 |
| <b>1.</b>  | OCM Res.338-12/08/1997 | <b>6.</b>   | OCM Res.561-10/11/2009    | <b>11.</b>                | CEO ECM#5919519 |
| <b>2.</b>  | OCM Res.366-23/08/2005 | <b>7.</b>   | CEO ECM# 2220451 v1 notes | <b>12.</b>                | CEO ECM#7330571 |
| <b>3.</b>  | OCM Res.400-22/08/2006 | <b>8.</b>   | OCM Res. 594 27/11/2012   | <b>13.</b>                |                 |
| <b>4.</b>  | OCM Res.438-11/09/2007 | <b>9.</b>   | OCM Res. 364 14/11/2017   | <b>14.</b>                |                 |
| <b>5.</b>  | OCM Res.499-14/10/2008 | <b>10.</b>  | OCM Res. 386 20/11/2018   | <b>15.</b>                |                 |



Delegations - Local Government Act 1995 – Council to CEO

| <b>1.2.7 DEBTS – WAIVER, CONCESSIONS OR WRITE OFF</b>   |  |                           |
|---|--|---------------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>Waive or grant concessions in relation to sundry debts owed to the City.</li> <li>Write off money owed to the City.</li> <li>Determine the conditions to be applied to waive, grant a concession or write off money owed to the City.</li> </ol>  |                           |
| <b>Statutory Power being Delegated:</b>   | <i>Local Government Act 1995</i><br>s6.12(1)(b) Local Government may waive or grant concessions<br>s6.12(1)(c) Local Government may write off any amount of money<br>s6.12(3) Local Government may apply conditions to grant concessions   |                           |
| <b>Power is originally assigned to:</b>   | Local Government   |                           |
| <b>Statutory Power of Delegation</b>  | <i>Local Government Act 1995</i><br>s5.42 Local Government may delegate of some powers or duties to the CEO<br>s5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |                           |
| <b>Council’s Conditions on Delegation:</b>  | Limited to:<br><ol style="list-style-type: none"> <li>Individual sundry debts that do not exceed \$5000, with the exception of rate debts. Rate debts are limited to amounts of up to \$20.</li> <li>Writing off unrecoverable debts lodged with the Fines Enforcement Registry.</li> </ol>  |                           |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees   |                           |
| <b>CEO’s Sub-Delegation to:</b>   | Director Business Services<br>*Manager Leisure and Culture   |                           |
| <b>CEO’s Conditions on Sub-delegation:</b>  | *Manager Leisure and Culture may only approve the write off of debts that accrue as a result of:<br><ol style="list-style-type: none"> <li>defaults on memberships to Leisure World; or</li> <li>lost or damaged library materials</li> </ol>  |                           |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Records of decisions to be registered to ECM:<br><ul style="list-style-type: none"> <li>Subject Tab: <i>Governance – Delegated Authority Record of Use of Power</i></li> <li>Subject Tab: <i>Debtors Management / Bad debt, write offs</i></li> <li>Subject Tab: link to relevant matter</li> <li>Subject Tab: <i>Fines Enforcement</i></li> <li>Customer Tab: link to relevant customer/s</li> <li>Property Tab: link to relevant property</li> </ul> |                           |
| <b>Compliance Links</b>   | <i>Local Government Act 1995, Part 6, Division 4</i><br><i>Local Government (Financial Management) Regulations 1996 –Reg.26.</i><br>McLeods Advice – refer ECM DWS Document Set No. 1714346  |                           |
| <b>Delegation Administration:</b>   |  |                           |
| Decision Reference  | Decision Reference   | Decision Reference        |
| 1. OCM Res.157-23/03/1999   | 6. CEO ECM# 2220451 v1 notes   | 11. CEO ECM Ref # 7221177 |
| 2. OCM Res.400-22/08/2006   | 7. OCM Res. 594 27/11/2012   | 12. CEO ECM Ref # 7279219 |
| 3. OCM Res.438-11/09/2007   | 8. OCM Res. 364 14/11/2017   | 13.                       |
| 4. OCM Res.499-14/10/2008   | 9. OCM Res. 386 20/11/2018   | 14.                       |
| 5. OCM Res.561-10/11/2009   | 10. OCM Res 41 09/03/2021  | 15.                       |



*Delegations - Local Government Act 1995 – Council to CEO*

| <b>1.2.8 INVESTMENTS</b>  |   |                    |
|---|---|--------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>Invest monies which are, for the time being not required by the local government for any other purpose. [s6.14(1)]</li> <li>Establish and document internal control procedures to ensure control over investments that enable the identification of the nature and location of all investments and the transactions related to each investment. [FM Reg.19]</li> </ol> |                    |
| <b>Statutory Power being Delegated:</b>   | <i>Local Government Act 1995</i><br>s6.14 Power to Invest<br><i>Local Government (Financial Management) Regulations 1996</i><br>Reg.19 Management of investments  |                    |
| <b>Power is originally assigned to:</b>   | Local Government  |                    |
| <b>Statutory Power of Delegation</b>  | <i>Local Government Act 1995</i><br>s5.42 Local Government may delegate some powers or duties to the CEO<br>s5.43 Limitations on delegations to the CEO   |                    |
| <b>Power Delegated to:</b>  | Chief Executive Officer   |                    |
| <b>Council's Conditions on Delegation:</b>  | <ul style="list-style-type: none"> <li>Investment procedures to be recorded in the City's Corporate Procedures</li> <li>Investments to be undertaken in accordance with Council Policy 4.1.7 Investment.</li> </ul>   |                    |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees  |                    |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>Director Business Services</li> <li>Chief Financial Officer</li> </ul>   |                    |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil.  |                    |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Investment approval forms to be registered to ECM Subject Links: <ul style="list-style-type: none"> <li><i>Financial Management / Investments / Other OR</i></li> <li><i>Financial Management / Investments / Term Deposits</i></li> <li><i>Governance / Delegated Authority Record of Use of Power</i></li> <li><i>Investments - Authorisations</i></li> </ul>   |                    |
| <b>Compliance Links</b>   | <i>Local Government Act 1995, s6.14</i><br><i>Local Government (Financial Management) Regulations 1996 –</i><br>Regulations 8(3), 19C, 28 and 49<br>Council Policy 4.1.7 'Investment'   |                    |
| <b>Delegation Administration:</b>   |   |                    |
| Decision Reference  | Decision Reference  | Decision Reference |
| 1. OCM Res.561-10/11/2009   | 6. CEO – ECM# 7229863   | 11.                |
| 2. CEO ECM# 2220451 v1 notes  | 7.  | 12.                |
| 3. OCM Res. 594 27/11/2012  | 8.  | 13.                |
| 4. OCM Res. 364 14/11/2017  | 9.  | 14.                |
| 5. CEO – ECM# 7221177   | 10.   | 15.                |



| <b>1.2.9 PARKING SIGNS</b>  |   |                           |
|---|---|---------------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | To prohibit or regulate parking by signs in accordance with the <i>City of Gosnells Parking Local Law 2012</i> [Cl 1.6, Parking Local Law]  |                           |
| <b>Statutory Power being Delegated:</b>   | <i>City of Gosnells Parking Local Law 2012</i><br>Clause 1.6 Local Government may prohibit or regulate the stopping or parking of any vehicle by signs or otherwise   |                           |
| <b>Power is originally assigned to:</b>   | Local Government  |                           |
| <b>Statutory Power of Delegation</b>  | <i>Local Government Act 1995</i><br>s5.42 Delegation of some powers or duties to the CEO<br>s5.43 Limitations on delegations to the CEO   |                           |
| <b>Power Delegated to:</b>  | Chief Executive Officer   |                           |
| <b>Council’s Conditions on Delegation:</b>  | Decisions made under this delegation are limited to prohibiting or regulating parking by signs:<br>(a) for safety reasons;<br>(b) where the signs are installed temporarily;<br>(c) where the signs are for an event organised by the City;<br>(d) to comply with the <i>Road Traffic Code 2000</i> ; or<br>(e) where the signs are installed in accordance with an approved Parking Management Plan. |                           |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees  |                           |
| <b>CEO’s Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Director Infrastructure</li> <li>• Director Community Engagement</li> <li>• Manager Environmental Services</li> <li>• Manager Governance and Compliance</li> <li>• Chief Engineer</li> </ul>   |                           |
| <b>CEO’s Conditions on Sub-delegation:</b>  | Staff are to inform the Coordinator Ranger Services of decisions made which may impact on Ranger Services.  |                           |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Evidence of decisions made using this delegation are to be registered in ECM under the following subjects: <ul style="list-style-type: none"> <li>• <i>Road safety for traffic Complaints</i></li> <li>• <i>Governance / Delegated Authority Record of Use of Power</i></li> </ul>  |                           |
| <b>Compliance Links</b>   | <i>City of Gosnells Parking Local Law 2012</i>  |                           |
| <b>Delegation Administration:</b>   |   |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. OCM Res. 364 14/11/2017  | 6.  | 11.                       |
| 2. OCM Res 214 14/09/2021   | 7.  | 12.                       |
| 3.  | 8.  | 13.                       |
| 4.  | 9.  | 14.                       |
| 5.  | 10.   | 15.                       |



**1.3. CHIEF EXECUTIVE OFFICER TO OFFICERS**

| <b>1.3.1 LOCAL GOVERNMENT ACT 1995 – EXTENSION OF TIME AND WITHDRAWAL NOTICES</b>   |  |
|---|--|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>To extend the period of 28 days within which a modified penalty may be paid, even if the period of 28 days has elapsed.</li> <li>Withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid.</li> </ol>  |
| <b>Statutory Power being Delegated:</b>   | <i>Local Government Act 1995</i><br>s9.19 Extension of time<br>s9.20 Withdrawal of notice  |
| <b>Power is originally assigned to:</b>   | Chief Executive Officer  |
| <b>Statutory Power of Delegation</b>  | N/A  |
| <b>Power Delegated to:</b>  | N/A  |
| <b>Council’s Conditions on Delegation:</b>  | N/A  |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees   |
| <b>CEO’s Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>Director Business Services</li> <li>Manager Governance and Compliance</li> </ul>  |
| <b>CEO’s Conditions on Sub-delegation:</b>  | Nil.   |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Signed certificate of authorisation to be registered to ECM and linked to: <ul style="list-style-type: none"> <li>Subject Tab: <i>Governance Authorised Persons</i></li> </ul> Enter details into Authorised Persons Register in Finance One.  |
| <b>Compliance Links</b>   | <i>Local Government Act 1995</i><br>City of Gosnells Parking Local Law 2012<br>City of Gosnells Fencing Local Law 2017<br>City of Gosnells Public Health Local Law 2017<br>City of Gosnells Thoroughfares and Public Places Local Law 2021<br>City of Gosnells Local Government Property Local Law 2009<br>City of Gosnells Dogs Local Law 2020<br>City of Gosnells Cat Local Law 2014 |
| <b>Delegation Administration:</b>   |  |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  |
| 1. OCM Res. 364 14/11/2017  |  |
| 2.  |  |
| 3.  |  |
| 4.  |  |
| 5.  |  |



Delegations – CEO TO OFFICERS

| <b>1.3.2 CAT ACT 2011 - EXTENSION OF TIME AND WITHDRAWAL NOTICES</b>  |   |                    |
|---|---|--------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>1. To extend the period of 28 days within which a modified penalty may be paid, even if the period of 28 days has elapsed.</li> <li>2. Withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid.</li> </ol> |                    |
| <b>Statutory Power being Delegated:</b>   | <i>Cat Act 2011</i><br>s64 Extension of time<br>s65 Withdrawal of notice  |                    |
| <b>Power is originally assigned to:</b>   | Chief Executive Officer   |                    |
| <b>Statutory Power of Delegation</b>  | N/A   |                    |
| <b>Power Delegated to:</b>  | N/A   |                    |
| <b>Council's Conditions on Delegation:</b>  | N/A   |                    |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Cat Act 2011</i><br>s45 CEO may delegate any powers and duties to any employees  |                    |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Director Business Services</li> <li>• Manager Governance and Compliance</li> </ul>   |                    |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil.  |                    |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Signed certificate of authorisation to be registered to ECM and linked to: <ul style="list-style-type: none"> <li>• Subject Tab: <i>Governance Authorised Persons</i></li> </ul> Enter details into Authorised Persons Register in Finance One.   |                    |
| <b>Compliance Links</b>   | <i>Cat Act 2011</i>   |                    |
| <b>Delegation Administration:</b>   |   |                    |
| Decision Reference  | Decision Reference  | Decision Reference |
| 1. OCM Res. 364 14/11/2017  |   |                    |
| 2.  |   |                    |
| 3.  |   |                    |
| 4.  |   |                    |
| 5.  |   |                    |



Delegations – CEO TO OFFICERS

| <b>1.3.3 TPS – APPOINTMENT OF AUTHORISED PERSONS</b>  |   |
|---|---|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Authorise relevant employees to enter and inspect any building or land for the purpose of ascertaining whether the provisions of the Town Planning Scheme are being complied with.  |
| <b>Statutory Power being Delegated:</b>   | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 79 (1) Appointment of Authorised Officers   |
| <b>Power is originally assigned to:</b>   | Chief Executive Officer   |
| <b>Statutory Power of Delegation</b>  | N/A   |
| <b>Power Delegated to:</b>  | N/A   |
| <b>Council's Conditions on Delegation:</b>  | N/A   |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 83 CEO may delegate any of the powers or functions to other employees   |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Director Business Services</li> <li>• Director Planning &amp; Development</li> <li>• Manager Governance &amp; Compliance</li> <li>• Manager Development Services</li> </ul>  |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil.  |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Signed certificates of authorisation to be registered to ECM and linked to: <ul style="list-style-type: none"> <li>• Subject Tab: <i>Governance / Authorised Persons</i></li> <li>• Employee Tab: <i>Relevant Employee name</i></li> </ul> Enter details into Authorised Persons Register in Finance One. |
| <b>Compliance Links</b>   | <i>Planning and Development Act 2005</i><br><i>Planning and Development (Local Planning Schemes) Regulations 2015</i>   |
| <b>Delegation Administration:</b>   |   |
| <b>1.</b>   | <b>Decision Reference</b>   |
| 1.  | OCM Res. 364 14/11/2017   |
| 2.  |   |
| 3.  |   |
| 4.  |   |
| 5.  |   |
| <b>6.</b>   | <b>Decision Reference</b>   |
| 6.  |   |
| 7.  |   |
| 8.  |   |
| 9.  |   |
| 10.   |   |
| <b>11.</b>  | <b>Decision Reference</b>   |
| 11.   |   |
| 12.   |   |
| 13.   |   |
| 14.   |   |
| 15.   |   |



Delegations – CEO TO OFFICERS

| <b>1.3.4 LOCAL GOVERNMENT ACT 1995 - EMPLOYMENT</b>   |  |                    |
|---|--|--------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | To determine whether a person is suitably qualified for a position and agree with the proposed arrangements relating to a person's employment.   |                    |
| <b>Statutory Power being Delegated:</b>   | <i>Local Government Act 1995</i><br>S5.36(3) Conditions of employment  |                    |
| <b>Power is originally assigned to:</b>   | Chief Executive Officer  |                    |
| <b>Statutory Power of Delegation</b>  | N/A  |                    |
| <b>Power Delegated to:</b>  | N/A  |                    |
| <b>Council's Conditions on Delegation:</b>  | N/A  |                    |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees   |                    |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• All Directors</li> <li>• Manager Organisational Performance</li> </ul>  |                    |
| <b>CEO's Conditions on Sub-delegation:</b>  | Manager Organisational Performance limited to signing the contract of employment in the event the relevant director is unavailable.  |                    |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Signed contract of employment to be scanned and registered into ECM and linked to: <ul style="list-style-type: none"> <li>• Subject Tab: <i>Contracts and Employment/Employment – Staff Employment Documents</i></li> <li>• Employee Tab: link to relevant <i>Employee name</i></li> </ul> |                    |
| <b>Compliance Links</b>   | <i>Local Government Act 1995</i>   |                    |
| <b>Delegation Administration:</b>   |  |                    |
| Decision Reference  | Decision Reference   | Decision Reference |
| 1. CEO ECM # 5153913  |  |                    |
| 2.  |  |                    |
| 3.  |  |                    |
| 4.  |  |                    |
| 5.  |  |                    |



## 2. TOWN PLANNING SCHEME NO.6

### 2.1. COUNCIL TO CHIEF EXECUTIVE OFFICER

| <b>2.1.2 TPS – DEVELOPMENT CONTROL</b>   |  |
|--|--|
| <p><b>Function Delegated:</b><br/> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Interpret and apply the provisions of the City of Gosnells Town Planning Scheme No.6, any relevant local planning policy, study, or strategy; and</li> <li>2. Issue:               <ol style="list-style-type: none"> <li>(a) refusals where there is no exercise of discretion involved;</li> <li>(b) approvals with relevant conditions;</li> <li>(c) cancellation of planning approvals when requested by the applicant to do so;</li> <li>(d) amendments to planning approvals in respect of applications determined by Council provided the variation is within the scope of any discretionary matters previously determined by Council; or</li> <li>(e) amendments, to or cancellation of, planning approvals issued by the Joint Development Assessment Panel made under clause 17A of the <i>Planning and development (development Assessment Panels) Regulations 2011</i>.</li> </ol> </li> </ol> |
| <p><b>Statutory Power being Delegated:</b></p>   | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br/>           Schedule 2,<br/>           Clause 68 Determination of applications<br/>           Clause 70 Form and date of determination.<br/>           Clause 77 Amending or cancelling applications<br/> <i>Planning and Development (Development Assessment Panels) Regulations 2011</i><br/>           Clause 17A, Amendment or cancellation of development approval by responsible authority.</p>  |
| <p><b>Power is originally assigned to:</b></p>   | <p>Local Government</p>  |
| <p><b>Statutory Power of Delegation</b></p>  | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br/>           Schedule 2, Clause 82 Delegation of any powers or duties to the CEO</p>  |
| <p><b>Power Delegated to:</b></p>  | <p>Chief Executive Officer</p>   |
| <p><b>Council’s Conditions on Delegation:</b></p>  | <ol style="list-style-type: none"> <li>1. Excluding applications for an extension of time to commence development that is attributable to the COVID-19 pandemic where a specific development proposal on the property has previously been subject to consideration and determination by Council, all subsequent applications involving any key elements of the original proposal shall be presented to Council for determination.</li> <li>2. Any authority granted by this delegation is not to be exercised where an applicant specifically requests (in writing) that their application be determined by Council.</li> <li>3. Determinations are limited to the following matters <b>only</b>:</li> </ol>   |



**2.1.2 TPS – DEVELOPMENT CONTROL**

- A.** Uses that are noted with a “P” in Table 1 of Town Planning Scheme No.6 that are permitted as of right.  
  
Relevant requirements of the Town Planning Scheme for items such as landscaping, car parking, setbacks, etc. are complied with.
- B.** Uses that are shown as “D” or “A” in Table 1 of Town Planning Scheme No.6 with the exception of the following Use Classes:
  - (i) Cinema/Theatre (Use class 14)
  - (ii) Corrective Institution (Use class 21)
  - (iii) Fast Food Outlet (Use class 25), unless the outlet is located inside a shopping centre and has the same operating hours as the shopping centre.
  - (iv) Hotel (Use class 34)
  - (v) Industry - Mining (Use class 39)
  - (vi) Industry - Noxious (Use class 40)
  - (vii) Liquor Store (Use class 44)
  - (viii) Night Club (Use class 53)
  - (ix) Restricted Premises (Use class 60)
  - (x) Tavern (Use class 67)
  - (a) Relevant obligatory requirements of the Town Planning Scheme have been complied with.
  - (b) Where advertising of the application is required, either:
    - (i) consent, no objection or no response is received from those consulted; or
    - (ii) any objection received is able to be overcome by imposing a condition(s) on a planning approval or modifying the design of the development; or the objection does not relate to valid planning and development considerations associated with the proposal.
- C. Display Homes and Land Sales Offices.**  
Approve applications that comply with the Council's adopted Local Planning Policy 2.6 Display Homes and Land Sales Offices.
- D. Signage**  
Approve applications that comply with the Council's adopted Local Planning Policy 4.9 Signage and Flags.
- E. Outbuildings and Sea Containers on Rural Zoned Land**  
Approve applications that comply with the Council's adopted Local Planning Policy 2.2 Outbuildings and Sea Containers.
- F. Variation to Setback Requirements of Town Planning Scheme No. 6:**
  - (i) Where such a variation to the setbacks would not have a detrimental impact on the streetscape.
  - (ii) Where no objection is received from adjoining landowners during consultation.
- G. Additions to a Non-Conforming Use:**



2.1.2 TPS – DEVELOPMENT CONTROL

|  |  |
|--|--|
|  | <p>The authority to approve development applications for additions to a Non-Conforming Use where no objection is received from adjoining landowners during consultation.</p> <p><b>H. Development of Land</b><br/>Relevant requirements of the Town Planning Scheme have been complied with.</p> <p><b>I. Radio Masts</b><br/>Determine applications for radio masts within commercial and industrial zones to a maximum height of 30 metres in accordance with the provisions of the Town Planning Scheme and subject to there being no bunting or advertising attached to the mast or guy-wires.</p> <p><b>J. Operation of a Circus</b><br/>Determine applications for planning approval for the operation of a circus at Pt Lot 155 Attfield Street, Maddington, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Any planning approval granted for the operation of a circus on the subject land shall only be valid for the period during which the circus will setup, operate and be taken down.</li> <li>2. In the case of a planning approval, this delegation can only be exercised to approve a circus on the subject land for a period up to one month and to cater for up to 550 patrons, per performance.</li> </ol> <p><b>K. Minor Variations to Car Parking Standards of Town Planning Scheme No. 6</b></p> <ol style="list-style-type: none"> <li>(i) Vary the number of car parking bays by up to 20% of the required number set out under Table 3A of the Town Planning Scheme No. 6, except for Shopping Centres.</li> <li>(ii) Variations to car parking requirements under (i) must be justified and comply with clause 4.13 of the Town Planning Scheme No. 6.</li> </ol> <p><b>L. Variations to Landscape Requirements of Town Planning Scheme No. 6</b><br/>Approve applications that comply with the City's Landscape Standards and Specifications.</p> <p><b>M. Home Based Activities – Family Day Cares</b><br/>Approve applications that comply with the Council's adopted Local Planning Policy 2.5 Home Based Activities. Where the application does not comply with LPP 2.5 but no objections have been received from adjacent property owners.</p> <p><b>N.</b> Amendments to JDAP applications which do not substantially change the approved development; where the applicant has elected that the application be dealt with by the Responsible Authority.</p> |
|--|--|



Town Planning Scheme No.6 Delegations – Council to CEO

| <b>2.1.2 TPS – DEVELOPMENT CONTROL</b>               |  |   |
|--|--|---|
|  | <p><b>O. Development Applications approved by Western Australia Planning Commission</b></p> <p>Determine development applications that require the approval of the WAPC and the City where consultation has been undertaken in accordance with Local Planning Policy 4.1 Public Consultation, and the application has been determined by WAPC.</p> |   |
| <b>Statutory Power to Sub-Delegate:</b>              | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br/>Schedule 2, Clause 83      CEO may delegate any of the powers or functions to other employees</p>   |   |
| <b>CEO's Sub-Delegation to:</b>                      | <ul style="list-style-type: none"> <li>• Director Planning and Development</li> <li>• Manager Development Services</li> <li>• Coordinator Planning</li> <li>• Senior Planner</li> </ul>  |   |
| <b>CEO's Conditions on Sub-delegation:</b>           | <p>(a) This delegation shall not apply to any development with an approximate value of greater than \$10 million, with the exception of warehouses which have no limitation.</p> <p>(b) This delegation shall not apply to any application proposing four or more storeys.</p>   |   |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D | <p>Record of Decisions to be recorded in Property and Rating and ECM linked to <i>Property, Customer</i> and <i>Application</i> tab.</p> <p>ECM Subject: Development applications - DA</p>   |   |
| <b>Compliance Links</b>                              | <p><i>Planning and Development Act 2005</i><br/><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br/>City of Gosnells Town Planning Scheme No.6<br/>Local Planning Policies</p>   |   |
| <b>Delegation Administration:</b>                    |  |   |
| Decision Reference                                   | Decision Reference   | Decision Reference  |
| 1. OCM Res.129-13/09/1983                            | 7. OCM Res.597-26/08/2003  | 14. CEO ECM# 2220451 v1 notes   |
| 2. OCM Res.1040-18/12/2001                           | 8. OCM Res.421-10/08/2004  | 15. OCM Res 523/2011 - Minor Variations to Car Parking Standards of TPS No. 6 |
| 3. OCM Res.230-9/04/2002                             | 9. OCM Res.254-13/06/2006  | 16. OCM Res. 594 27/11/2012   |
| 4. OCM Res.715-27/08/2002                            | 10. OCM Res.400-22/08/2006   | 17. OCM Res. 364 14/11/2017   |
| 5. OCM Res.1004-17/12/2002                           | 11. OCM Res.438-11/09/2007   | 18. OCM Res. 386 20/11/2018   |
| 6. OCM Res.245-22/04/2003                            | 12. OCM Res.499-14/10/2008   | 19. OCM Res. 362 15/12/2020   |
| 19. OCM Res 97-14/04/2020                            | 13. OCM Res.561-10/11/2009   | 20. OCM Res 214 14/09/2021  |



Town Planning Scheme No.6 Delegations – Council to CEO

| <b>2.1.3 TPS – RESIDENTIAL DESIGN CODES</b>   |   |
|---|---|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Interpret and apply the provisions of the Residential Design Codes and issue either refusals, deemed refusals, approvals with relevant conditions or amendments to planning approvals for residential development on land that is zoned to allow for residential development and which involves assessment under the Residential Design Codes in accordance with any relevant Local Planning Policies.  |
| <b>Statutory Power being Delegated:</b>   | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2,<br>Clause 68 Determination of applications<br>Clause 70 Form and date of determination.<br>Clause 77, Amending or cancelling applications   |
| <b>Power is originally assigned to:</b>   | Local Government  |
| <b>Statutory Power of Delegation</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Clause 82 Delegation of any powers or duties to the CEO   |
| <b>Power Delegated to:</b>  | Chief Executive Officer   |
| <b>Council’s Conditions on Delegation:</b>  | 1. Excluding applications for an extension of time to commence development that is attributable to the COVID-19 pandemic where a specific development proposal on the property has previously been subject to consideration and determination by Council, all subsequent applications involving any key elements of the original proposal shall be presented to Council for determination.<br><br>2. This authority is not to be exercised where:<br><br>(a) an applicant specifically requests that their application be determined by Council; or<br><br>(b) written objection is received to the proposal, unless in the opinion of the Chief Executive Officer or his delegate:<br>i) the proposal is consistent with the objectives and intent of the District Zoning Scheme, Residential Design Codes and any relevant Council Policy; and<br>ii) the objection can be overcome by imposing a condition(s) on any approval granted, or modifying the design of the development; or<br>iii) the objection does not relate to valid planning and development considerations associated with the proposal. |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Clause 83 CEO may delegate any of the powers or functions to other employees  |
| <b>CEO’s Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Manager Development Services</li> <li>• Coordinator Planning</li> <li>• Senior Planner</li> <li>• Planner (Level 6)</li> </ul>   |



| <b>2.1.3 TPS – RESIDENTIAL DESIGN CODES</b>          |  |                           |
|--|--|---------------------------|
| <b>CEO's Conditions on Sub-delegation:</b>           | <p>(a) The Planner shall only determine applications for single house (patio) and grouped dwelling (patio).</p> <p>(b) This delegation shall not apply to any application proposing four or more storeys.</p> <p>(c) This delegation shall not apply to any development with an approximate value of greater than \$10 million.</p>  |                           |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D | <p>Development Control Unit Proforma Registered to ECM and linked to relevant property.</p> <p>Record of Decisions to be recorded in Property and Rating and ECM linked to Property, Customer, and Application tab.</p> <p>ECM Subject Tab: Development applications - DA</p> <p>Detailed assessment checklist to be completed in Property &amp; Rating.</p>   |                           |
| <b>Compliance Links</b>                              | <p><i>Planning and Development Act 2005</i><br/> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br/>           City of Gosnells Town Planning Scheme No.6<br/>           Local Planning Policy 1.1.1 Residential Development<br/>           Local Planning Policy 4.8 Corner Lot Density Bonus<br/>           Local Planning Policy 2.2 Outbuildings and Sea Containers</p> |                           |
| <b>Delegation Administration:</b>                    |  |                           |
| Decision Reference                                   | Decision Reference   | Decision Reference        |
| 1. OCM Res.255-13/06/2006                            | 6. CEO ECM# 2220451 v1 notes   | 11. OCM Res 97-14/04/2020 |
| 2. OCM Res.400-22/08/2006                            | 7. CEO ECM# 2597824-10/01/2011   | 12.                       |
| 3. OCM Res.438-11/09/2007                            | 8. CEO 523/2011 - updated policy #   | 13.                       |
| 4. OCM Res.499-14/10/2008                            | 9. OCM Res. 594 27/11/2012   | 14.                       |
| 5. OCM Res.561-10/11/2009                            | 10. OCM Res. 364 14/11/2017  | 15.                       |

| <b>2.1.4 TPS – STRUCTURE PLANS – MINOR AMENDMENTS AND ADVERTISING</b>   |  |
|---|--|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <p>Determining whether an amendment to a Structure Plan is of a minor nature and requires advertising under clause 29(3) of Schedule 2 (Deemed Provisions) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in accordance with Council's Local Planning Policy 4.1– Public Consultation and the Western Australian Planning Commission's Structure Plan Framework.</p> |



| <b>2.1.4 TPS – STRUCTURE PLANS – MINOR AMENDMENTS AND ADVERTISING</b> |  |                    |  |
|---|--|--------------------|--|
| <b>Statutory Power being Delegated:</b>                               | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 29(3) Amendment of Structure Plan  |                    |  |
| <b>Power is originally assigned to:</b>                               | Local Government   |                    |  |
| <b>Statutory Power of Delegation</b>                                  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 82 Delegation of any powers or duties to the CEO   |                    |  |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |                    |  |
| <b>Council’s Conditions on Delegation:</b>                            | An amendment that is of a minor nature must comply with Local Planning Policy 4.1 'Public Consultation' and the Western Australian Planning Commission’s Structure Plan Framework                                    |                    |  |
| <b>Statutory Power to Sub-Delegate:</b>                               | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 83 CEO may delegate any of the powers or functions to other employees  |                    |  |
| <b>CEO’s Sub-Delegation to:</b>                                       | <ul style="list-style-type: none"> <li>• Director Planning and Development</li> <li>• Manager Development Services</li> <li>• Coordinator Planning</li> <li>• Senior Planner</li> </ul>                              |                    |  |
| <b>CEO’s Conditions on Sub-delegation:</b>                            | As above.  |                    |  |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D                  | Record of Decisions to be recorded in Property and Rating and ECM linked to Property, Customer, and Application tab.<br><br>ECM Subject tab: Outline Development Plan management                                     |                    |  |
| <b>Compliance Links</b>   | <i>Planning and Development Act 2005</i><br><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>City of Gosnells Town Planning Scheme No.6<br>Local Planning Policy 4.1 Public Consultation |                    |  |
| <b>Delegation Administration:</b>                                     |  |                    |  |
| Decision Reference  |  | Decision Reference |  |
| 1. OCM Res.499-23/10/2007   | 6. OCM Res. 364 14/11/2017   | 11.                |  |
| 2. OCM Res.499-14/10/2008   | 7.   | 12.                |  |
| 3. OCM Res.561-10/11/2009   | 8.   | 13.                |  |
| 4. CEO ECM# 2220451 v1 notes  | 9.   | 14.                |  |
| 5. OCM Res. 594 27/11/2012  | 10.  | 15.                |  |

| <b>2.1.5 TPS – STRUCTURE PLAN &amp; ACTIVITY CENTRE PLAN – REPORT TO WAPC</b>                   |   |
|---|---|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall</i> | Following advertising of a Structure Plan or Activity Centre Plan or an amendment to a Structure Plan or Activity Centre Plan, the authority to |



| <b>2.1.5 TPS – STRUCTURE PLAN &amp; ACTIVITY CENTRE PLAN – REPORT TO WAPC</b>                                |  |
|--|--|
| <i>only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | prepare and provide a report to the Western Australian Planning Commission, pursuant to Clause 20 and 36 of Schedule 2 (Deemed Provisions) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .  |
| <b>Statutory Power being Delegated:</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 20      Local Government must prepare report on proposed structure plan to Commission<br><br>Schedule 2, Clause 36,      Local Government must prepare report on proposed centre plan to Commission  |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation</b>   | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 82      Delegation of any powers or duties to the CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | 1. Prior to this authority being exercised, a copy of the report shall be provided to all Councillors, allowing a 14-day period for written submissions.<br><br>2. This authority is not to be exercised where:<br><br>(i) written submissions are received from one-third or more of Councillors within the period referred to in condition 1, requesting the report to be referred to Council for consideration.<br><br>(ii) an applicant specifically requests that the report be endorsed by Council; or<br><br>(iii) comment has been sought in accordance with Local Planning Policy 4.1 – Public Consultation and clause 18, schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , and a written objection is received to the proposal. |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 83      CEO may delegate any of the powers or functions to other employees   |
| <b>CEO's Sub-Delegation to:</b>  | Director Planning and Development  |
| <b>CEO's Conditions on Sub-delegation:</b>   | As above.  |
| <b>Record Keeping Statement</b>  | Record of Decisions to be recorded in Property and Rating and ECM linked to Property, Customer, and Application tab.   |



|   |  |                           |
|---|--|---------------------------|
| <b>2.1.5 TPS – STRUCTURE PLAN &amp; ACTIVITY CENTRE PLAN – REPORT TO WAPC</b> |  |                           |
| [s5.46(3)] GDA-7D   |  |                           |
| <b>Compliance Links</b>   | <i>Planning and Development Act 2005</i><br><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>City of Gosnells Town Planning Scheme No.6<br>Local Planning Policy 4.1 Public Consultation |                           |
| <b>Delegation Administration:</b>   |  |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>  | <b>Decision Reference</b> |
| 1. OCM Res.475-23/09/2008   | 6. OCM Res. 364 14/11/2017   | 11.                       |
| 2. OCM Res.499-14/10/2008   | 7.   | 12.                       |
| 3. OCM Res.561-10/11/2009   | 8.   | 13.                       |
| 4. CEO ECM# 2220451 v1 notes  | 9.   | 14.                       |
| 5. OCM Res. 594 27/11/2012  | 10   | 15.                       |



| <b>2.1.6 TPS – LOCAL DEVELOPMENT PLANS</b>   |   |
|--|---|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Determine applications for Local Development Plans or modifications to approved Local Development Plans in accordance with Part 6 of Schedule 2 (Deemed Provisions) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .  |
| <b>Statutory Power being Delegated:</b>  | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br/>Schedule 2</p> <p>Clause 47(d) Local Government may consider a local development plan is required for orderly and proper planning</p> <p>Clause 50(3) Local Government may decide not to advertise a local development plan</p> <p>Clause 52(1) Local Government must approve, refuse to approve or request to modify and resubmit a local development plan</p> <p>Clause 53 Local Government may approve a local development plan that provides for later approval of details of development</p>  |
| <b>Power is originally assigned to:</b>  | Local Government  |
| <b>Statutory Power of Delegation</b>   | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 82 Delegation of any powers or duties to the CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |
| <b>Council’s Conditions on Delegation:</b>   | <ol style="list-style-type: none"> <li>1. Where a Local Development Plan has previously been subject to consideration and determination by Council, with the exception of variations that the CEO considers are minor, all subsequent applications relating to that Local Development Plan shall be presented to Council for determination.</li> <li>2. Assessment and determination of the Local Development Plans being in accordance with the Residential Design Codes and any relevant Local Planning Policies</li> <li>3. This authority is not to be exercised where:               <ol style="list-style-type: none"> <li>(a) an applicant specifically requests that their application be determined by Council; or</li> <li>(b) written objection is received to the proposal, unless in the opinion of the Chief Executive Officer or his delegate:                   <ul style="list-style-type: none"> <li>• the proposal is consistent with the objectives and intent of the District Zoning Scheme, Residential Design Codes and any relevant Council Policy;</li> <li>• the objection can be overcome through modifying the Local Development Plan; and</li> </ul> </li> </ol> </li> </ol> |



| <b>2.1.6 TPS – LOCAL DEVELOPMENT PLANS</b>           |  |                    |
|--|--|--------------------|
|  | the objection does not relate to valid planning and development considerations associated with the proposal.   |                    |
| <b>Statutory Power to Sub-Delegate:</b>              | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>Schedule 2, Clause 83 CEO may delegate any of the powers or functions to other employees  |                    |
| <b>CEO's Sub-Delegation to:</b>                      | <ul style="list-style-type: none"> <li>• Director Planning and Development</li> <li>• Manager Development Services</li> <li>• Coordinator Planning</li> <li>• Senior Planner</li> </ul>  |                    |
| <b>CEO's Conditions on Sub-delegation:</b>           | For Local Development Plans approved by Council, only the CEO may determine whether or not a proposed variation is "minor".  |                    |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D | Record of Decisions to be recorded in Property and Rating and ECM linked to <i>Property, Customer and Application tab</i> .  |                    |
| <b>Compliance Links</b>                              | <i>Planning and Development Act 2005</i><br><i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br>City of Gosnells Town Planning Scheme No.6<br>Residential Design Codes<br>Local Planning Policy 1.1.1 - Residential Development<br>Local Planning Policy 4.10 – Subdivision and Development Abutting Public Areas |                    |
| <b>Delegation Administration:</b>                    |  |                    |
| Decision Reference                                   | Decision Reference   | Decision Reference |
| 1. OCM Res.257-13/06/2006                            | 6. CEO ECM# 2220451 v1 notes   | 11.                |
| 2. OCM Res.400-22/08/2006                            | 7. OCM Res 523/2011 - updated policy #   | 12.                |
| 3. OCM Res.438-11/09/2007                            | 8. OCM Res. 594 27/11/2012   | 13.                |
| 4. OCM Res.499-14/10/2008                            | 9. OCM Res. 364 14/11/2017   | 14.                |
| 5. OCM Res.561-10/11/2009                            | 10.  | 15.                |



### 3. OTHER LEGISLATION

#### 3.1 BUSH FIRES ACT 1954

| 3.1.1 BUSH FIRES ACT – POWERS AND DUTIES  |   |
|---|---|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | All powers, duties and functions of the local government under the Bush Fires Act 1954.                                 |
| <b>Statutory Power being Delegated:</b>   | <i>Bush Fires Act 1954</i>  |
| <b>Power is originally assigned to:</b>   | Local Government  |
| <b>Statutory Power of Delegation</b>  | <i>Bush Fires Act 1954</i><br>s48 Local Government may delegate to the CEO the performance of any functions             |
| <b>Power Delegated to:</b>  | Chief Executive Officer   |
| <b>Council’s Conditions on Delegation:</b>  | Excludes powers and duties that are subject to separate delegated authority within this register.                       |
| <b>Statutory Power to Sub-Delegate:</b>   | No statutory power provided to sub-delegate [s48(3)].   |
| <b>Record Keeping</b><br>[s5.46(3)] GDA-7D  | Evidence of decisions to be retained in ECM – Subject Tab: <i>Governance Delegated Authority Record of Use of Power</i> |
| <b>Compliance Links</b>   | <i>Bush Fires Act 1954</i><br><i>Bush Fires Regulations 1954</i><br><i>Bush Fires (Infringements) Regulations 1978</i>  |
| Delegation Administration:  |   |
| Decision Reference  | Decision Reference  |
| 1. OCM Res.499-14/10/2008   | 6.  |
| 2. OCM Res.561-10/11/2009   | 7.  |
| 3. CEO ECM# 2220451 v1 notes  | 8.  |
| 4. OCM Res. 594 27/11/2012  | 9.  |
| 5.  | 10.   |
|   | 11.   |
|   | 12.   |
|   | 13.   |
|   | 14.   |
|   | 15.   |



| <b>3.1.2 BUSH FIRES ACT – PROHIBITED AND RESTRICTED BURNING TIMES</b>   |   |                             |
|---|---|-----------------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Determine to vary prohibited and restricted burning times, in accordance with s17(7) and (8) and s18(5), regarding: <ul style="list-style-type: none"> <li>shortening, extending, suspending or reimposing a period of prohibited or restricted burning times; or</li> <li>imposing a further period of prohibited or restricted burning times.</li> </ul>                                  |                             |
| <b>Statutory Power being Delegated:</b>   | <i>Bush Fires Act 1954</i><br>s17(7) and (8) Vary prohibited burning times<br>s18(5) Vary restricted burning times  |                             |
| <b>Power is originally assigned to:</b>   | Local Government  |                             |
| <b>Statutory Power of Delegation</b>  | <i>Bush Fires Act 1954</i><br>s17(10) Local Government may delegate to the Mayor and the Chief Bush Fire Control Officer powers and duties under subsections (7) and (8)<br>s48 Local Government may delegate to the CEO the performance of any functions   |                             |
| <b>Power Delegated to:</b>  | <ul style="list-style-type: none"> <li>Mayor</li> <li>Chief Executive Officer</li> <li>Chief Bush Fire Control Officer [Emergency Operations Officer]</li> </ul>  |                             |
| <b>Council's Conditions on Delegation:</b>  | <p>The Mayor and Chief Bush Fire Control Officer are limited to varying prohibited burning times in accordance with s17(7) and (8) of the Act. Decisions under this delegation to vary the prohibited burning times must be made jointly between the delegates.</p> <p>The Chief Executive Officer is limited to varying restricted burning times in accordance with s18(5) of the Act.</p> |                             |
| <b>Statutory Power to Sub-Delegate:</b>   | No statutory power provided to sub-delegate [s48(3)].   |                             |
| <b>Record Keeping</b><br>[s5.46(3)] GDA-7D  | Evidence of decisions to be retained in ECM – Subject Tab Governance – <i>Delegated Authority Record of Use of Power</i>  |                             |
| <b>Compliance Links</b>   | <i>Bush Fires Act 1954</i><br><i>Bush Fires Regulations 1954</i><br><i>Bush Fires (Infringements) Regulations 1978</i>  |                             |
| <b>Delegation Administration:</b>   |   |                             |
| Decision Reference  | Decision Reference  | Decision Reference          |
| 1. OCM Res.302-26/02/1991   | 6. CEO ECM# 2220451 v1 notes  | 11. OCM Res. 364 14/11/2017 |
| 2. OCM Res.400-22/08/2006   | 7. OCM Res.608- 14/12/2010  | 12.                         |
| 3. OCM Res.438-11/09/2007   | 8. CEO 17/12/2010 ECM# 2585648  | 13.                         |
| 4. OCM Res.499-14/10/2008   | 9. OCM Res 523/2011 - vary restricted burning times   | 14.                         |
| 5. OCM Res.561-10/11/2009   | 10. OCM Res. 594 27/11/2012   | 15.                         |



| <b>3.1.3 BUSH FIRES ACT – INFRINGEMENTS AND PROSECUTIONS</b>  |  |
|---|--|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | 1. Issue Infringement Notices.<br><br>2. Consider allegations of offences against this Act, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences.<br><br><b>NOTE:</b> s59A(5) and Infringements Reg.4(a) provide that only the Mayor or the Chief Executive Officer may withdraw an infringement notice. |
| <b>Statutory Power being Delegated:</b>   | <i>Bush Fires Act 1954</i><br>s59(1) Prosecution of Offences<br>s59A(2) Alternative Procedure - Infringement Notices   |
| <b>Power is originally assigned to:</b>   | Local Government   |
| <b>Statutory Power of Delegation</b>  | <i>Bush Fires Act 1954</i><br>s59(3) Local Government may delegate authority generally or in any particular case to its bush fire control officer or other officer   |
| <b>Power Delegated to:</b>  | <ul style="list-style-type: none"> <li>• Manager Governance and Compliance</li> <li>• Chief Bush Fire Control Officer [Emergency Operations Officer]</li> <li>• Coordinator Ranger Services</li> <li>• Senior Ranger</li> <li>• Rangers</li> </ul>   |
| <b>Council’s Conditions on Delegation:</b>  | Nil.   |
| <b>Statutory Power to Sub-Delegate:</b>   | No statutory power provided to sub-delegate [s48(3)].  |
| <b>Record Keeping</b><br>[s5.46(3)] GDA-7D  | Evidence of decisions to be retained in ECM – Subject Tab: <i>Governance – Delegated Authority Record of Use of Power</i>  |
| <b>Compliance Links</b>   | <i>Bush Fires Act 1954</i><br><i>Bush Fires Regulations 1954</i><br><i>Bush Fires (Infringements) Regulations 1978</i>   |
| <b>Delegation Administration:</b>   |  |
| Decision Reference  | Decision Reference   |
| 1. OCM Res.499-14/10/2008   | 6. OCM Res. 364 14/11/2017   |
| 2. OCM Res.561-10/11/2009   | 7.   |
| 3. CEO ECM# 2220451 v1 notes  | 8.   |
| 4. OCM Res 523/2011 - delegation to Manager Governance, Team Leader Ranger Services removed.  | 9.   |
| 5. OCM Res. 594 27/11/2012  | 10.  |
|   | 11.  |
|   | 12.  |
|   | 13.  |
|   | 14.  |
|   | 15.  |



**3.2 FOOD ACT 2008**

| <b>3.2.1 FOOD ACT 2008 – PROHIBITION ORDERS</b>  |   |                    |  |
|--|---|--------------------|--|
| <b>Function Delegated:</b><br><i>Detail provided for explanation purposes only.</i>  | <ol style="list-style-type: none"> <li>1. Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65].</li> <li>2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66].</li> <li>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)].</li> </ol> |                    |  |
| <b>Statutory power being Delegated:</b> <i>Delegates shall only act in accord with the delegated statute, inclusive of all relevant statutory limitations and powers</i> | <i>Food Act 2008</i><br>s65(1) Prohibition Order<br>s66 Certificate of Clearance<br>s67(4) Request for Re-Inspection  |                    |  |
| <b>Power is originally assigned to:</b>  | Enforcement Agency (Local Government)   |                    |  |
| <b>Statutory Power of Delegation</b>   | <i>Food Act 2008</i><br>s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it<br>s118(3) Delegation subject to conditions [s119] and guidelines adopted [s120]<br>s118(4) Sub-delegation only permissible if expressly provided in regulations   |                    |  |
| <b>Power Delegated to:</b>   | <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director Business Services</li> <li>• Manager Governance and Compliance</li> <li>• Coordinator Health and Compliance</li> </ul>   |                    |  |
| <b>Conditions on Delegation:</b>   | Nil.  |                    |  |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil.<br>The <i>Food Regulations 2009</i> do not provide for sub-delegation.   |                    |  |
| <b>Record Keeping</b>  | Prohibition Orders, Certificates of Clearance and Notices of decisions are to be registered to ECM and linked to relevant 'customer', 'property' and subject – ' <i>Food Safety / Food Premises</i> '   |                    |  |
| <b>Compliance Links</b>  | <i>Food Act 2008</i><br><i>Food Regulations 2009</i><br>Department of Health: WA Food Regulation: Department of Health Compliance and Enforcement Policy  |                    |  |
| <b>Delegation Administration:</b>  |   |                    |  |
| Decision Reference   |   | Decision Reference |  |
| 1. OCM Res.97. 09/03/2010  | 6.  | 11.                |  |
| 2. OCM Res.608- 14/12/2010   | 7.  | 12.                |  |
| 3. CEO 17/12/2010 ECM# 2585648   | 8.  | 13.                |  |
| 4. OCM Res. 594 27/11/2012   | 9.  | 14.                |  |
| 5. OCM Res. 364 14/11/2017   | 10.   | 15.                |  |



Other Legislation - Delegations – Council to Prescribed Officers

| <b>3.2.2 FOOD ACT 2008 – REGISTRATION OF FOOD BUSINESS</b>   |   |                    |
|--|---|--------------------|
| <b>Function Delegated:</b><br><i>Detail provided for explanation purposes only.</i>  | <ol style="list-style-type: none"> <li>1. Register a food business in respect of any premises for the purposes of Part 9 of the Food Act 2008 and issue a certificate of registration [s110(1)].</li> <li>2. After considering an application, determine to grant (with or without conditions) or refuse the application [s110(5)].</li> <li>3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i> [s112(1)].</li> </ol> |                    |
| <b>Statutory power being Delegated:</b> <i>Delegates shall only act in accord with the delegated statute, inclusive of all relevant statutory limitations and powers</i> | <i>Food Act 2008</i><br>s110(1) and (5) Registration of food business<br>s112 Variation of conditions or cancellation of registration of food businesses.   |                    |
| <b>Power is originally assigned to:</b>  | Enforcement Agency (Local Government)   |                    |
| <b>Statutory Power of Delegation</b>   | <i>Food Act 2008</i><br>s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it<br>s118(3) Delegation subject to conditions [s119] and guidelines adopted [s120]<br>s118(4) Sub-delegation only permissible if expressly provided in regulations   |                    |
| <b>Power Delegated to:</b>   | <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director Business Services</li> <li>• Manager Governance and Compliance</li> <li>• Coordinator Health and Compliance</li> </ul>   |                    |
| <b>Conditions on Delegation:</b>   | Nil.  |                    |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil.<br>The <i>Food Regulations 2009</i> do not provide for sub-delegation.   |                    |
| <b>Record Keeping</b>  | Registrations and Notices of decisions are to be registered to ECM and linked to relevant 'customer', 'property' and subject: <i>Food Safety / Food Registration</i> .<br>Registrations are also to be recorded in the Food Premises Register maintained in Property and Rating.  |                    |
| <b>Compliance Links</b>  | <i>Food Act 2008</i><br><i>Food Regulations 2009</i><br>Department of Health: WA Food Regulation: Food Business Risk Profiling<br>Department of Health: Food Unit Fact Sheet 2: Registration of a Food Business   |                    |
| <b>Delegation Administration:</b>  |   |                    |
| Decision Reference   | Decision Reference  | Decision Reference |
| 1. OCM Res.97-09/03/2010   | 6.  | 11.                |
| 2. OCM Res.608- 14/12/2010   | 7.  | 12.                |
| 3. OCM Res. 594 27/11/2012   | 8.  | 13.                |
| 4. OCM Res. 364 14/11/2017   | 9.  | 14.                |
| 5.   | 10.   | 15.                |



| <b>3.2.3 FOOD ACT 2008 – APPOINTMENT OF AUTHORISED PERSONS AND DESIGNATED OFFICERS</b>   |   |                           |  |
|--|---|---------------------------|--|
| <b>Function Delegated:</b><br><i>Detail provided for explanation purposes only.</i>  | 1. Appoint a person to be an authorised person for the purposes of the <i>Food Act 2008</i> [s122(1)].<br>2. Appoint a person to be a Designated Officer for the purposes of the <i>Food Act 2008</i> . [126(13)].  |                           |  |
| <b>Statutory power being Delegated:</b> <i>Delegates shall only act in accord with the delegated statute, inclusive of all relevant statutory limitations and powers</i> | <i>Food Act 2008</i><br>s122 Appointment of Authorised Officers<br>s126 Infringement Notices  |                           |  |
| <b>Power is originally assigned to:</b>  | Enforcement Agency (Local Government)   |                           |  |
| <b>Statutory Power of Delegation</b>   | <i>Food Act 2008</i><br>s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it<br>s118(3) Delegation subject to conditions [s119] and guidelines adopted [s120]<br>s118(4) Sub-delegation only permissible if expressly provided in regulations |                           |  |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |                           |  |
| <b>Conditions on Delegation:</b>   | Nil.  |                           |  |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil.<br>The <i>Food Regulations 2009</i> do not provide for sub-delegation.   |                           |  |
| <b>Record Keeping</b>  | Certificates of Authorisation are to be registered in ECM linked to the relevant 'employee' and subject link: 'Governance / Authorised Persons'. Enter details into Authorised Persons Register in Finance One.   |                           |  |
| <b>Compliance Links</b>  | <i>Food Act 2008</i><br><i>Food Regulations 2009</i><br>Department of Health: Guideline on the appointment of authorised officers<br>Department of Health: Guideline on the appointment of authorised officers - designated officers only   |                           |  |
| <b>Delegation Administration:</b>  |   |                           |  |
| <b>Decision Reference</b>  |   | <b>Decision Reference</b> |  |
| 1. OCM Res.97-09/03/2010   | 6. OCM Res. 364 14/11/2017  | 11.                       |  |
| 2. OCM Res.160-13-04-2010  | 7.  | 12.                       |  |
| 3. OCM Res.608- 14/12/2010   | 8.  | 13.                       |  |
| 4. CEO 17/12/2010 ECM# 2585648   | 9.  | 14.                       |  |
| 5. OCM Res. 594 27/11/2012   | 10.   | 15.                       |  |



**3.3 PLANNING AND DEVELOPMENT ACT 2005**

| <b>3.3.1 UNAUTHORISED DEVELOPMENT - DIRECTIONS</b>  |   |                    |
|---|---|--------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>1. Issue written direction to stop unauthorised development [P&amp;D s214(2)].</li> <li>2. Issue written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [P&amp;D s214(3)].</li> <li>3. Execute work to have unauthorised development brought into compliance [P&amp;D s214(5)].</li> </ol> |                    |
| <b>Statutory Power being Delegated:</b>   | <i>Planning and Development Act 2005</i><br>s214(3)(4) and (5) Responsible authority may give written directions regarding unauthorised development   |                    |
| <b>Power is originally assigned to:</b>   | Responsible Authority (Local Government)  |                    |
| <b>Statutory Power of Delegation</b>  | <i>Local Government Act 1995</i><br>s5.42 Local Government may delegate of some powers and duties to CEO  |                    |
| <b>Power Delegated to:</b>  | Chief Executive Officer   |                    |
| <b>Council's Conditions on Delegation:</b>  | Nil.  |                    |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Local Government Act 1995</i><br>s5.44 CEO may delegate some powers and duties to other employees  |                    |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Director Business Services</li> <li>• Manager Governance and Compliance</li> </ul>   |                    |
| <b>CEO's Conditions on Sub-delegation:</b>  | Nil.  |                    |
| <b>Record Keeping</b><br>[s5.46(3)] GDA-7D  | Record of Decisions to be recorded in Property and Rating and ECM linked to Property, Customer and subject tab: 'Governance – Delegated Authority Record of Use of Power'.  |                    |
| <b>Compliance Links</b>   | <i>Planning and Development Act 2005</i><br>City of Gosnells Town Planning Scheme No.6<br>Compliance Policy and Enforcement Policy (#5.4.41) and Guidelines   |                    |
| <b>Delegation Administration:</b>   |   |                    |
| Decision Reference  | Decision Reference  | Decision Reference |
| 1. OCM Res. 364 14/11/2017  | 6.  | 11.                |
| 2.  | 7.  | 12.                |
| 3.  | 8.  | 13.                |
| 4.  | 9.  | 14.                |
| 5.  | 10.   | 15.                |



**3.4 CAT ACT 2011**

| <b>3.4.1 APPOINT AUTHORISED PERSON</b>  |  |                    |
|---|--|--------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | To appoint a person as an authorised person for the purpose of fulfilling prescribed functions of the <i>Cat Act 2011</i> .  |                    |
| <b>Statutory Power being Delegated:</b>   | <i>Cat Act 2011</i><br>s48(1) Appointment of authorised persons.   |                    |
| <b>Power is originally assigned to:</b>   | Local Government   |                    |
| <b>Statutory Power of Delegation</b>  | <i>Cat Act 2011</i><br>s44 Local government may delegate any powers or duties to the CEO.  |                    |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |                    |
| <b>Council's Conditions on Delegation:</b>  | Nil.   |                    |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Cat Act 2011</i><br>s45 CEO may delegate any of the CEO's powers or duties.   |                    |
| <b>CEO's Sub-Delegation to:</b>   | Director Business Services<br>Manager Governance and Compliance  |                    |
| <b>CEO's Conditions on Sub-Delegation:</b>  | Rangers be appointed as authorised persons under the Act, restricted to: <ul style="list-style-type: none"> <li>• Registration of cats (s5&amp;9)</li> <li>• Seizing cats (s27)</li> <li>• Disposing of seized cats (s28)</li> <li>• Destruction of cats (s49)</li> </ul>                                  |                    |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Signed certificate of authorisation to be registered to ECM and linked to: <ul style="list-style-type: none"> <li>• Subject Tab: <i>Governance 'Authorised Persons'</i></li> <li>• Employee Tab: <i>Relevant Employee's Name</i></li> </ul> Enter details into Authorised Persons Register in Finance One. |                    |
| <b>Compliance Links</b>   | <i>Cat Act 2011</i>  |                    |
| <b>Delegation Administration:</b>   |  |                    |
| Decision Reference  | Decision Reference   | Decision Reference |
| 1. OCM Res. 364 14/11/2017  | 6.   | 11.                |
| 2.  | 7.   | 12.                |
| 3.  | 8.   | 13.                |
| 4.  | 9.   | 14.                |
| 5.  | 10.  | 15.                |



**3.5 BUILDING ACT 2011**

| <b>3.5.1 GRANT OF BUILDING PERMIT</b>   |  |
|---|--|
| <p><b>Function Delegated:</b><br/><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p> | <ol style="list-style-type: none"> <li>1. Grant Building Permits [s20(1)]</li> <li>2. Refuse Building Permits [s20(2)]</li> </ol>  |
| <p><b>Statutory Power being Delegated:</b></p>  | <p><i>Building Act 2011</i><br/>s20 Applications for Building Permits to be approved or refused by Permit Authority.</p>   |
| <p><b>Power is originally assigned to:</b></p>  | <p>Permit Authority (Local Government)</p>   |
| <p><b>Statutory Power of Delegation</b></p>   | <p><i>Building Act 2011</i><br/>s127 Local Government may delegate any powers or duties as a permit authority to an employee</p>   |
| <p><b>Power Delegated to:</b></p>   | <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> </ul>  |
| <p><b>Council's Conditions on Delegation:</b></p>   | <p>Nil.</p>  |
| <p><b>Statutory Power to Sub-Delegate:</b></p>  | <p><i>Building Act 2011</i><br/>s127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty.</p> <ol style="list-style-type: none"> <li>(a) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and</li> <li>(b) the exercise of that power or the discharge of that duty by the CEO's delegate,</li> </ol> <p>are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.</p> |
| <p><b>CEO's Sub-Delegation to:</b></p>  | <ul style="list-style-type: none"> <li>• Coordinator Building Services</li> <li>• *Building Surveyor</li> </ul>  |
| <p><b>CEO's Conditions on Sub-Delegation:</b></p>   | <p>*Building Surveyor(s) only authorised to act on sub-delegation in the absence of the Coordinator Building Services.</p> <p>Authority is subject to Delegates holding the appropriate qualifications as set out under Part 3A Building Surveyors of the <a href="#">Building Services Registration (Regulations) 2011</a>.</p>   |



| <b>3.5.1 GRANT OF BUILDING PERMIT</b>                |   |                           |
|--|---|---------------------------|
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D | Building Permit with associated documents scanned to ECM - Property - Customer - Subject - Application Number |                           |
| <b>Compliance Links</b>                              | <i>Building Act 2011</i><br><i>Building Code of Australia</i><br><i>Building Regulations 2012</i>             |                           |
| <b>Delegation Administration:</b>                    |   |                           |
| <b>Decision Reference</b>                            | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. OCM Res.338-12/08/1997                            | 6. CEO ECM# 2220451 v1 notes  | 11.                       |
| 2. OCM Res.400-22/08/2006                            | 7. OCM Res 87 28/02/2012  | 12.                       |
| 3. OCM Res.438-11/09/2007                            | 8. OCM Res. 594 27/11/2012  | 13.                       |
| 4. OCM Res.499-14/10/2008                            | 9. OCM Res 249 26/10/2021   | 14.                       |
| 5. OCM Res.561-10/11/2009                            | 10. CEO ECM Ref # 7221177   | 15.                       |



Other Legislation - Delegations – Council to Prescribed Officers

| <b>3.5.2 GRANT OF DEMOLITION PERMIT</b>   |   |
|---|---|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | 1. Grant a Demolition Permit [s21(1)]<br><br>2. Refuse Demolition Permit [s21(2)]   |
| <b>Statutory Power being Delegated:</b>   | <i>Building Act 2011</i><br>s21 Applications to be Approved or Refused by Permit Authority.   |
| <b>Power is originally assigned to:</b>   | Permit Authority (Local Government)   |
| <b>Statutory Power of Delegation</b>  | <i>Building Act 2011</i><br>s127 Local Government may delegate any powers or duties as a permit authority to an employee  |
| <b>Power Delegated to:</b>  | <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> </ul>   |
| <b>Council's Conditions on Delegation:</b>  | Nil.  |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Building Act 2011</i><br>s127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty.<br><br>(c) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and<br>(d) the exercise of that power or the discharge of that duty by the CEO's delegate,<br><br>are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO. |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Coordinator Building Services</li> <li>• *Building Surveyor</li> </ul>   |
| <b>CEO's Conditions on Sub-Delegation:</b>  | *Building Surveyor(s) only authorised to act on sub-delegation in the absence of the Coordinator Building Services.<br><br>Authority is subject to Delegates holding the appropriate qualifications as set out under Part 3A Building Surveyors of the <a href="#">Building Services Registration (Regulations) 2011</a> .  |
| <b>Record Keeping Statement</b><br><small>[s5.46(3)] GDA-7D</small>   | Demolition Permit with associated documents scanned to ECM - Property - Customer - Subject - Application Number   |
| <b>Compliance Links</b>   | <i>Building Act 2011</i><br><i>Building Regulations 2012</i><br><i>Heritage Act 2018</i>  |



**3.5.2 GRANT OF DEMOLITION PERMIT**

| <b>Delegation Administration:</b> |                           |                           |                       |                           |  |
|-----------------------------------|---------------------------|---------------------------|-----------------------|---------------------------|--|
| <b>Decision Reference</b>         |                           | <b>Decision Reference</b> |                       | <b>Decision Reference</b> |  |
| 1.                                | OCM Res.499-14/10/2008    | 6.                        | OCM Res249 26/10/2021 | 11.                       |  |
| 2.                                | OCM Res.561-10/11/2009    | 7.                        | CEO ECM Ref # 7221177 | 12.                       |  |
| 3.                                | CEO ECM# 2220451 v1 notes | 8.                        |                       | 13.                       |  |
| 4.                                | OCM Res 87 28/02/2012     | 9.                        |                       | 14.                       |  |
| 5.                                | OCM Res. 594 27/11/2012   | 10.                       |                       | 15.                       |  |



| <b>3.5.3 GRANT OF OCCUPANCY PERMIT, BUILDING APPROVAL CERTIFICATE</b>   |  |
|---|--|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>1. To grant or modify an occupancy permit or a building approval certificate [section 58(1)]</li> <li>2. Refuse to grant or modify an occupancy permit or building approval certificate [section 58(3)]</li> </ol>  |
| <b>Statutory Power being Delegated:</b>   | <i>Building Act 2011</i><br>s58(1) Grant of Building Approval Certificate<br>s58(3) Grant of Occupancy Permit  |
| <b>Power is originally assigned to:</b>   | Permit Authority (Local Government)  |
| <b>Statutory Power of Delegation</b>  | <i>Building Act 2011</i><br>s127 Local Government may delegate any powers or duties as a permit authority to an employee   |
| <b>Power Delegated to:</b>  | <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> </ul>  |
| <b>Council’s Conditions on Delegation:</b>  | Nil.   |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Building Act 2011</i><br>s127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty.  |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Coordinator Building Services</li> <li>• *Building Surveyor</li> </ul>  |
| <b>CEO's Conditions on Sub-Delegation:</b>  | *Building Surveyor(s) only authorised to act on sub-delegation in the absence of the Coordinator Building Services.<br><br>Authority is subject to Delegates holding the appropriate qualifications as set out under Part 3A Building Surveyors of the <a href="#">Building Services Registration (Regulations) 2011</a> . |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Occupancy Permit/Building Approval Certificate and associated documents scanned to ECM - Property - Subject - Applicant - Application number   |



|   |   |                           |
|---|---|---------------------------|
| <b>3.5.3 GRANT OF OCCUPANCY PERMIT, BUILDING APPROVAL CERTIFICATE</b> |   |                           |
| <b>Compliance Links</b>   | <i>Building Act 2011</i><br><i>Building Code of Australia</i><br><i>Building Regulations 2012</i> |                           |
| <b>Delegation Administration:</b>                                     |   |                           |
| <b>Decision Reference</b>   | <b>Decision Reference</b>   | <b>Decision Reference</b> |
| 1. OCM Res.338-12/08/1997   | 6. CEO ECM# 2220451 v1 notes  | 11.                       |
| 2. OCM Res.597-26/08/2003   | 7. OCM Res 87 28/02/2012  | 12.                       |
| 3. OCM Res.438-11/09/2007   | 8. OCM Res. 594 27/11/2012  | 13.                       |
| 4. OCM Res.499-14/10/2008   | 9. OCM Res 249 26/10/2021   | 14.                       |
| 5. OCM Res.561-10/11/2009   | 10. CEO ECM Ref # 7221177   | 15.                       |



| <b>3.5.4 EXTENSION OF PERIOD OF DURATION OF OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE</b>  |   |
|--|---|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below]</i> | To grant an extension to the period in which the occupancy permit or modification or the building approval certificate has effect [s65 (4)]   |
| <b>Statutory Power being Delegated:</b>  | <i>Building Act 2011</i><br>s65(4) Extension of Period of Duration  |
| <b>Power is originally assigned to:</b>  | Permit Authority (Local Government)   |
| <b>Statutory Power of Delegation</b>   | <i>Building Act 2011</i><br>s127 Local Government may delegate any powers or duties as a permit authority to an employee  |
| <b>Power Delegated to:</b>   | <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> </ul>   |
| <b>Council's Conditions on Delegation:</b>   | Nil.  |
| <b>Statutory Power to Sub-Delegate:</b>  | <p><i>Building Act 2011</i><br/>s127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty.</p> <p>(g) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and</p> <p>(h) the exercise of that power or the discharge of that duty by the CEO's delegate,</p> <p>are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.</p> |
| <b>CEO's Sub-Delegation to:</b>  | <ul style="list-style-type: none"> <li>• Coordinator Building Services</li> <li>• *Building Surveyor</li> </ul>   |
| <b>CEO's Conditions on Sub-Delegation:</b>   | <p>*Building Surveyor(s) only authorised to act on sub-delegation in the absence of the Coordinator Building Services.</p> <p>Authority is subject to Delegates holding the appropriate qualifications as set out under Part 3A<br/>Building Surveyors of the <a href="#">Building Services Registration (Regulations) 2011</a>.</p>  |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D   | Confirmation of Extension and associated documents scanned to ECM - Property - Subject - Applicant- Application number  |



**3.5.4 EXTENSION OF PERIOD OF DURATION OF OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE**

**Compliance Links**

*Building Act 2011*  
*Building Regulations 2012*

**Delegation Administration:**

| Decision Reference |                           | Decision Reference |                        | Decision Reference |  |
|--------------------|---------------------------|--------------------|------------------------|--------------------|--|
| 1.                 | OCM Res.499-14/10/2008    | 6.                 | OCM Res 249 26/10/2021 | 11.                |  |
| 2.                 | OCM Res.561-10/11/2009    | 7.                 | CEO ECM Ref # 7221177  | 12.                |  |
| 3.                 | CEO ECM# 2220451 v1 notes | 8.                 |                        | 13.                |  |
| 4.                 | OCM Res 87 28/02/2012     | 9.                 |                        | 14.                |  |
| 5.                 | OCM Res. 594 27/11/2012   | 10.                |                        | 15.                |  |



Other Legislation - Delegations – Council to Prescribed Officers

| <b>3.5.5 BUILDING ORDERS</b>  |  |
|---|--|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | <ol style="list-style-type: none"> <li>1. To make Proposed Building Orders pursuant to Section 111 of the <i>Building Act 2011</i>.</li> <li>2. To make Building Orders pursuant to Section 110 of the <i>Building Act 2011</i> in relation to:               <ol style="list-style-type: none"> <li>(a) Building work</li> <li>(b) Demolition Work</li> <li>(c) An existing building or incidental structure.</li> </ol> </li> <li>3. To revoke a Building Order pursuant to section 117 of the <i>Building Act 2011</i></li> </ol> |
| <b>Statutory Power being Delegated:</b>   | <i>Building Act 2011</i><br>s110(1)      A Permit Authority (Local Government) may make a Building Order<br>s111(1)      A Permit Authority (Local Government) must make a Proposed Building Order before making a Building Order<br>s117(1),(2)      A Permit Authority (Local Government) may revoke a Building Order or notify that it remains in effect  |
| <b>Power is originally assigned to:</b>   | Permit Authority (Local Government)  |
| <b>Statutory Power of Delegation</b>  | <i>Building Act 2011</i><br>s127      Local Government may delegate any powers or duties as a permit authority to an employee  |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>  | Nil.   |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Building Act 2011</i><br>s127(6A)      CEO may delegate to any other employee a power or duty that has been delegated from local government to the CEO  |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Director Business Services</li> <li>• Director Planning and Development</li> <li>• Manager Development Services</li> <li>• Coordinator Building Services</li> <li>• Manager Governance and Compliance</li> <li>• Coordinator Health and Compliance</li> <li>• Senior Compliance Officer</li> <li>• Compliance Officer</li> </ul>  |
| <b>CEO's Conditions on Sub-Delegation:</b>  | Senior Compliance and Compliance Officers are limited to making proposed building orders relating to private swimming pools.   |
| <b>Record Keeping Statement</b><br><small>[s5.46(3)] GDA-7D</small>   | Scanned to ECM - Notices Register - Property - Builder - Owner - Application Number - Delegations of Authority - Building Issuance of Notices  |
| <b>Compliance Links</b>   | <i>Building Act 2011</i><br><i>Building Regulations 2012</i>   |



| <b>3.5.5 BUILDING ORDERS</b>      |                        |                            |                           |
|-----------------------------------|------------------------|----------------------------|---------------------------|
|                                   |                        | Building Code of Australia |                           |
| <b>Delegation Administration:</b> |                        |                            |                           |
| <b>Decision Reference</b>         |                        | <b>Decision Reference</b>  |                           |
| <b>1.</b>                         | OCM Res.338-12/08/1997 | <b>6.</b>                  | CEO ECM# 2220451 v1 notes |
| <b>2.</b>                         | OCM Res.400-22/08/2006 | <b>7.</b>                  | OCM Res 87 28/02/2012     |
| <b>3.</b>                         | OCM Res.438-11/09/2007 | <b>8.</b>                  | OCM Res. 594 27/11/2012   |
| <b>4.</b>                         | OCM Res.499-14/10/2008 | <b>9.</b>                  | OCM Res. 364 14/11/2017   |
| <b>5.</b>                         | OCM Res.561-10/11/2009 | <b>10.</b>                 | OCM Res. 386 20/11/2018   |
|                                   |                        | <b>11.</b>                 | CEO ECM Ref # 7221177     |
|                                   |                        | <b>12.</b>                 | CEO – ECM Ref # 7229863   |
|                                   |                        | <b>13.</b>                 |                           |
|                                   |                        | <b>14.</b>                 |                           |
|                                   |                        | <b>15.</b>                 |                           |



Other Legislation - Delegations – Council to Prescribed Officers

| <b>3.5.6 APPOINT AUTHORISED PERSONS</b>   |  |
|---|--|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | To designate a person as an authorised person.   |
| <b>Statutory Power being Delegated:</b>   | <i>Building Act 2011</i><br>s96(3) Appointment of authorised persons.  |
| <b>Power is originally assigned to:</b>   | Local Government   |
| <b>Statutory Power of Delegation</b>  | <i>Building Act 2011</i><br>s127(1) Local Government may delegate any powers or duties as a permit authority to an employee.   |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>  | Nil.   |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Building Act 2011</i><br>s127(6A) CEO may delegate to any other employee a power or duty that has been delegated from local government to the CEO   |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Director Business Services</li> <li>• Director Planning and Development</li> <li>• Manager Development Services</li> <li>• Coordinator Building Services</li> <li>• Manager Governance and Compliance</li> </ul>  |
| <b>CEO's Conditions on Sub-Delegation:</b>  | Nil.   |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Signed certificate of authorisation to be registered to ECM and linked to: <ul style="list-style-type: none"> <li>• Subject Tab: <i>Governance 'Authorised Persons'</i></li> <li>• Employee Tab: <i>Relevant Employee's Name</i></li> </ul> Enter details into Authorised Persons Register in Finance One. |
| <b>Compliance Links</b>   | <i>Building Act 2011</i>   |
| <b>Delegation Administration:</b>   |  |
| Decision Reference  | Decision Reference   |
| 1. OCM Res.499-14/10/2008   | 6. OCM Res. 364 14/11/2017   |
| 2. OCM Res.561-10/11/2009   | 7. OCM Res. 386 20/11/2018   |
| 3. CEO ECM# 2220451 v1 notes  | 8. CEO ECM Ref # 7221177   |
| 4. OCM Res 87 28/02/2012  | 9.   |
| 5. OCM Res. 594 27/11/2012  | 10.  |
|   | 11.  |
|   | 12.  |
|   | 13.  |
|   | 14.  |
|   | 15.  |



**3.6 DOG ACT 1976**

| <b>3.6.1 APPOINT AUTHORISED PERSONS</b>   |  |                    |
|---|--|--------------------|
| <b>Function Delegated:</b><br><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | To appoint 'authorised persons' and 'registration officers' for the purposes of the <i>Dog Act 1976</i> .  |                    |
| <b>Statutory Power being Delegated:</b>   | <i>Dog Act 1976</i><br>s3(1) & 29(1) Appointment of registration officers & authorised persons   |                    |
| <b>Power is originally assigned to:</b>   | Local Government   |                    |
| <b>Statutory Power of Delegation</b>  | <i>Dog Act 1976</i><br>s10AA Local Government may delegate any power or duty to the CEO  |                    |
| <b>Power Delegated to:</b>  | Chief Executive Officer  |                    |
| <b>Council's Conditions on Delegation:</b>  | Nil.   |                    |
| <b>Statutory Power to Sub-Delegate:</b>   | <i>Dog Act 1976</i><br>Section 10AA(3) CEO may further delegate power or duty  |                    |
| <b>CEO's Sub-Delegation to:</b>   | <ul style="list-style-type: none"> <li>• Director Business Services</li> <li>• Manager Governance and Compliance</li> </ul>  |                    |
| <b>CEO's Conditions on Sub-Delegation:</b>  | Nil.   |                    |
| <b>Record Keeping Statement</b><br>[s5.46(3)] GDA-7D  | Signed certificate of authorisation to be registered to ECM and linked to: <ul style="list-style-type: none"> <li>• Subject Tab: <i>Governance 'Authorised Persons'</i></li> <li>• Employee Tab: <i>Relevant Employee's Name</i></li> </ul> Enter details into Authorised Persons Register in Finance One. |                    |
| <b>Compliance Links</b>   | <i>Dog Act 1976</i>  |                    |
| <b>Delegation Administration:</b>   |  |                    |
| Decision Reference  | Decision Reference   | Decision Reference |
| 1. OCM Res.368-9/08/2011  | 6.   | 11.                |
| 2. OCM Res.65-24/02/2015  | 7.   | 12.                |
| 3. OCM Res. 364 14/11/2017  | 8.   | 13.                |
| 4.  | 9.   | 14.                |
| 5.  | 10.  | 15.                |

**3.7 GRAFFITI VANDALISM ACT 2016**



Other Legislation - Delegations – Council to Prescribed Officers

| <b>3.7.1 ISSUE A NOTICE</b>  |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Issue a notice requiring the removal of graffiti   |
| <b>Statutory Power being Delegated:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s18(2) Issue notice to the owner or occupier of premises requiring removal of graffiti                                       |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation</b>   | <i>Graffiti Vandalism Act 2016</i><br>s16 Local Government may delegate any powers or duties to the CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | Nil.   |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s17 CEO may delegate any powers or duties to any employee  |
| <b>CEO's Sub-Delegation to:</b>  | <ul style="list-style-type: none"> <li>• Director Infrastructure</li> <li>• Manager Facilities Services</li> </ul>   |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil.   |
| <b>Record Keeping Statement</b><br><i>[s5.46(3)] GDA-7D</i>  | Notice to be registered to ECM and linked to the relevant customer and property.   |
| <b>Compliance Links</b>  | <ul style="list-style-type: none"> <li>• <i>Graffiti Vandalism Act 2016</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> </ul> |
| <b>Delegation Administration:</b>  |  |
| Decision Reference   | Decision Reference   |
| 1. OCM Res.84-14/03/2017   | 6.   |
| 2.   | 7.   |
| 3.   | 8.   |
| 4.   |  |
| 5.   |  |



| <b>3.7.2 GIVE EFFECT TO A NOTICE</b>   |  |                    |
|--|--|--------------------|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Give effect to a notice requiring the removal of graffiti where a person fails to comply with the notice.  |                    |
| <b>Statutory Power being Delegated:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s19(3) Give effect to a notice to the owner or occupier of premises requiring removal of graffiti  |                    |
| <b>Power is originally assigned to:</b>  | Local Government   |                    |
| <b>Statutory Power of Delegation</b>   | <i>Graffiti Vandalism Act 2016</i><br>s16 Local Government may delegate any powers or duties to the CEO  |                    |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                    |
| <b>Council's Conditions on Delegation:</b>   | Nil.   |                    |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s17 CEO may delegate any powers or duties to any employee  |                    |
| <b>CEO's Sub-Delegation to:</b>  | Multi-Skilled Tradesperson - Graffiti  |                    |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil.   |                    |
| <b>Record Keeping Statement</b><br><i>[s5.46(3)] GDA-7D</i>  | Details of how the City gave effect to the notice, including photographs or graffiti removed, to be recorded and registered to ECM and linked to the relevant customer and property. |                    |
| <b>Compliance Links</b>  | <ul style="list-style-type: none"> <li><i>Graffiti Vandalism Act 2016</i></li> <li><i>Local Government (Functions and General) Regulations 1996</i></li> </ul>                       |                    |
| <b>Delegation Administration:</b>  |  |                    |
| Decision Reference   | Decision Reference   | Decision Reference |
| 1. OCM Res.84-14/03/2017   | 6.   |                    |
| 2.   | 7.   |                    |
| 3.   | 8.   |                    |
| 4.   |  |                    |
| 5.   |  |                    |



| <b>3.7.3 RECOVER COSTS</b>   |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Commence proceedings to recover costs incurred in giving effect to a notice requiring the removal of graffiti  |
| <b>Statutory Power being Delegated:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s19(4) Commence proceedings to recover costs incurred in giving effect to a notice requiring the removal of graffiti         |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation</b>   | <i>Graffiti Vandalism Act 2016</i><br>s16 Local Government may delegate any powers or duties to CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | Nil.   |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s17 CEO may delegate any powers or duties to any employee  |
| <b>CEO's Sub-Delegation to:</b>  | <ul style="list-style-type: none"> <li>• Director Infrastructure</li> <li>• Manager Facilities Services</li> </ul>   |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil.   |
| <b>Record Keeping Statement</b><br><i>[s5.46(3)] GDA-7D</i>  | Application for court order to be registered to ECM and linked to the relevant customer and property.  |
| <b>Compliance Links</b>  | <ul style="list-style-type: none"> <li>• <i>Graffiti Vandalism Act 2016</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> </ul> |
| <b>Delegation Administration:</b>  |  |
| Decision Reference   | Decision Reference   |
| 1. OCM Res.84-14/03/2017   | 6.   |
| 2.   | 7.   |
| 3.   | 8.   |
| 4.   |  |
| 5.   |  |



| <b>3.7.4 REMOVE GRAFFITI</b>   |  |
|--|--|
| <b>Function Delegated:</b> <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i> | Remove graffiti that has been applied without the consent of owner or occupier of property   |
| <b>Statutory Power being Delegated:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s25(1) Remove graffiti that has been applied without the consent of owner or occupier of property                        |
| <b>Power is originally assigned to:</b>  | Local Government   |
| <b>Statutory Power of Delegation</b>   | <i>Graffiti Vandalism Act 2016</i><br>s16 Local Government may delegate any powers or duties to CEO  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |
| <b>Council's Conditions on Delegation:</b>   | Nil.   |
| <b>Statutory Power to Sub-Delegate:</b>  | <i>Graffiti Vandalism Act 2016</i><br>s17 CEO may delegate any powers or duties to any employee  |
| <b>CEO's Sub-Delegation to:</b>  | Multi-Skilled Tradesperson - Graffiti  |
| <b>CEO's Conditions on Sub-delegation:</b>   | Nil.   |
| <b>Record Keeping Statement</b><br><i>[s5.46(3)] GDA-7D</i>  | Details of the graffiti removed, including photographs, to be registered to ECM and linked to the relevant customer and property.                              |
| <b>Compliance Links</b>  | <ul style="list-style-type: none"> <li><i>Graffiti Vandalism Act 2016</i></li> <li><i>Local Government (Functions and General) Regulations 1996</i></li> </ul> |
| <b>Delegation Administration:</b>  |  |
| Decision Reference   | Decision Reference   |
| 1. OCM Res.84-14/03/2017   | 6.   |
| 2.   | 7.   |
| 3.   | 8.   |
| 4.   |  |
| 5.   |  |



**3.8 PUBLIC HEALTH ACT 2016**

| <b>3.8.1 DESIGNATION OF AUTHORISED OFFICERS</b>  |  |                           |  |                           |  |
|--|--|---------------------------|--|---------------------------|--|
| <b>Function Delegated:</b><br><i>Detail provided for explanation purposes only.</i>  | Designate a person to be an authorised officer for the purposes of the <i>Public Health Act 2016</i> [s21(1)(b)(i)].   |                           |  |                           |  |
| <b>Statutory power being Delegated:</b> <i>Delegates shall only act in accord with the delegated statute, inclusive of all relevant statutory limitations and powers</i> | <i>Public Health Act 2016</i><br>s24 Designation of Authorised Officers<br>s312 Environmental Health Officers to be Authorised Officers for certain purposes   |                           |  |                           |  |
| <b>Power is originally assigned to:</b>  | Enforcement Agency (Local Government)  |                           |  |                           |  |
| <b>Statutory Power of Delegation</b>   | <i>Public Health Act 2016</i><br>s21(1)(b)(i) Local government (enforcement agency) may delegate a power of duty conferred or imposed on it<br>s21(3) Delegation subject to conditions and restrictions [s20]<br>s21(4) Sub-delegation only permissible if expressly provided in regulations |                           |  |                           |  |
| <b>Power Delegated to:</b>   | Chief Executive Officer  |                           |  |                           |  |
| <b>Conditions on Delegation:</b>   | Nil.   |                           |  |                           |  |
| <b>Statutory Power to Sub-Delegate:</b>  |  |                           |  |                           |  |
| <b>Record Keeping</b>  | Certificates of Authority Cards are to be registered in ECM linked to the relevant 'employee' and subject link: 'Governance / Authorised Persons'.   |                           |  |                           |  |
| <b>Compliance Links</b>  | <i>Public Health Act 2016</i><br><i>Health (Miscellaneous Provisions) Act 1911</i><br><i>Food Act 2008</i><br><i>Tobacco Products Control Act 2006</i><br><i>Health (Asbestos) Regulations 1992</i><br>Department of Health's "Designation of authorised officer factsheet"                  |                           |  |                           |  |
| <b>Delegation Administration:</b>  |  |                           |  |                           |  |
| <b>Decision Reference</b>  |  | <b>Decision Reference</b> |  | <b>Decision Reference</b> |  |
| 1.   | OCM Res.113-11/04/2017   | 6.                        |  | 11.                       |  |
| 2.   | OCM Res 214 14/09/2021   | 7.                        |  | 12.                       |  |
| 3.   |  | 8.                        |  | 13.                       |  |
| 4.   |  | 9.                        |  | 14.                       |  |
| 5.   |  | 10.                       |  | 15.                       |  |



Other Legislation - Delegations – Council to Prescribed Officers

| <b>3.8.2 APPOINTMENT OF AUTHORISED AND APPROVED OFFICERS</b>   |   |
|--|---|
| <b>Function Delegated:</b><br><i>Detail provided for explanation purposes only.</i>  | To appoint “Authorised Officers” and “Approved Officers” for the purposes of Part 2 of the Criminal Procedures Act 2004.  |
| <b>Statutory power being Delegated:</b> <i>Delegates shall only act in accord with the delegated statute, inclusive of all relevant statutory limitations and powers</i> | <i>Health (Asbestos) Regulations 1992</i><br>r15D(5) Appoint persons to be authorised officers or approved officers   |
| <b>Power is originally assigned to:</b>  | Local Government  |
| <b>Statutory Power of Delegation</b>   | <i>Health (Asbestos) Regulations 1992</i><br>r15D(7) Local Government may delegate a power or duty under this regulation to the CEO   |
| <b>Power Delegated to:</b>   | Chief Executive Officer   |
| <b>Conditions on Delegation:</b>   | Nil.  |
| <b>Statutory Power to Sub-Delegate:</b>  | Nil.  |
| <b>Record Keeping</b>  | Certificates of Authority Cards and Certificate of Authorisation are to be registered in ECM linked to the relevant ‘employee’ and subject link: ‘Governance / Authorised Persons’.<br>Enter details into Authorised Persons Register in Finance One. |
| <b>Compliance Links</b>  | <i>Health (Asbestos) Regulations 1992</i>   |
| <b>Delegation Administration:</b>  |   |
| Decision Reference   |   |
| 1. OCM Res.327-10/10/2017  | 6.  |
| 2.   | 7.  |
| 3.   | 8.  |
| 4.   | 9.  |
| 5.   | 10.   |
| 11.  | 12.   |
| 13.  | 14.   |
| 15.  |   |



## 4. STATUTORY DELEGATIONS TO LOCAL GOVERNMENT FROM EXTERNAL AGENCIES

### 4.1. ENVIRONMENTAL PROTECTION ACT 1986

#### 4.1.1. NOISE CONTROL – SERVE ENVIRONMENTAL PROTECTION NOTICES [S65(1)]

*Published in Government Gazette No.47, 19 March 2004*

#### **ENVIRONMENTAL PROTECTION ACT 1986**

##### **Section 20**

Delegation No. 52

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

Powers and duties delegated -

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

Persons to whom delegation made—

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

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

Dated this 9<sup>th</sup> day of January 2004.

Approved -

FERDINAND TROMP, A/Chief Executive Officer.  
Dr JUDY EDWARDS MLA, Minister for the Environment.



*Statutory Delegations to Local Government from External Agencies*

**4.1.2. NOISE CONTROL – NOISE MANAGEMENT PLANS (REG. 14A, 14B, 16AA, 16BA), KEEPING OF LOG BOOK REQUESTS (REG.15), NOISE CONTROL NOTICES (REG.16), CALIBRATION RESULTS REQUEST (REG.23) AND APPROVAL OF NON-COMPLYING EVENTS [REG.18]**

*Published in Government Gazette No.232, 20 December 2013*

**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.

Approved by-

JASON BANKS, Acting Chief Executive Officer.

JOHN DAY, Acting Minister for Environment; Heritage.



*Statutory Delegations to Local Government from External Agencies*

#### **4.1.3. NOISE CONTROL – NOISE MANAGEMENT PLANS [REG.13]**

*Published in Government Gazette No.71, 16 May 2014*

**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.



*Statutory Delegations to Local Government from External Agencies*

## **4.2. PLANNING AND DEVELOPMENT ACT 2005**

### **4.2.1. WESTERN AUSTRALIAN PLANNING COMMISSION – REFERRAL ARRANGEMENTS**

*Government Gazette No. 86 - 12 June 2015 (pages 2062 – 2064)*

#### **PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION**

RES 2015/01 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 15 May 2015, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) resolved –

- A TO REVOKE its resolution made under clause 32 of the MRS as detailed in the notice entitled “RES 2014/01 Resolution under Clause 32 of the MRS” published in the *Government Gazette* of 9 May 2014 (pages 1410-1412);
- 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 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 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;



## *Statutory Delegations to Local Government from External Agencies*

- (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 000m<sup>2</sup> 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—

- 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 10000m<sup>2</sup>; 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 5000m<sup>2</sup>.

“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.



*Statutory Delegations to Local Government from External Agencies*

#### **4.2.2. WESTERN AUSTRALIAN PLANNING COMMISSION – DEVELOPMENT APPLICATIONS**

*Government Gazette No. 104 – 30 May 2017 (pages 2738 - 2743)*

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

DEL 2017/02 Powers of Local Governments and Department of Transport Metropolitan Region Scheme

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

##### **Preamble**

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

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

##### **Resolution under section 16 of the Act (delegation)**

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

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

KERRINE BLENKINSOP, Secretary,  
Western Australian Planning Commission



PLANNING AND DEVELOPMENT ACT 2005  
INSTRUMENT OF DELEGATION

SECTION A - Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

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

2. Development on regional road reservations

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

3. Large Format Digital Signage applications

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

SECTION B - Conditions

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

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

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

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



## *Statutory Delegations to Local Government from External Agencies*

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

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

"**Category 1 road**" applies where regional roads -

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

"**Category 2 road**" applies where regional roads -

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

"**Category 3 road**" applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding -

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

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



*Statutory Delegations to Local Government from External Agencies*

| <b>Table 1 - Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)</b>   |   |
|---|---|
| <b>Respective referral agency (as per Section B)</b>  |   |
| <b>Referral is required in these instances</b>  | <b>Referral is not required in these instances</b>  |
| <p>1. Where a development application has one or more of the following characteristics -</p> <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage , which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</li> </ul> | <p>1. Where the local government first decides to refuse the application under the MRS; or</p> <p>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p> |

| <b>Table 2 – Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)</b>  |   |
|--|---|
| <b>Respective referral agency (as per Section B)</b>   |   |
| <b>Referral is required in these instances</b>   | <b>Referral is not required in these instances</b>  |
| <p>1. Where a development application has one or more of the following characteristics -</p> <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage , which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</li> <li>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</li> <li>(e) Development on a lot affected by the regional road reservation where - <ul style="list-style-type: none"> <li>• All or part of the proposed development is within the regional road reservation; and</li> <li>• Has a construction value greater than \$20000; or</li> </ul> </li> <li>(f) Development on a lot affected by the regional road reservation where - <ul style="list-style-type: none"> <li>• None of the proposed development is within the regional road reservation; and</li> <li>• Has a construction value greater than \$150000</li> </ul> </li> </ul> | <p>1. Where the local government first decides to refuse the application under the MRS; or</p> <p>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p> |



Statutory Delegations to Local Government from External Agencies

| <b>Table 3 – Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)</b> |  |
|---|--|
| <b>Respective referral agency (as per Section B)</b>  |  |
| <b>Referral is required in these instances</b>  | <b>Referral is not required in these instances</b>                                   |
| 1. All development applications, other than those where local government first decides to refuse it.                          | 1. Where the local government first decides to refuse the application under the MRS. |

Notes—

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

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

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

**3. Referral requirements for development on land abutting other reservations**

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

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

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



*Statutory Delegations to Local Government from External Agencies*

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

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

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

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

**Interpretations**

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

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including -
  - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
  - (b) the carrying out on the land of any excavation or other works;
  - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that-
    - (i) is likely to change the character of that place or the external appearance of any building; or
    - (ii) would constitute an irreversible alteration of the fabric of any building".



## *Statutory Delegations to Local Government from External Agencies*

- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m<sup>2</sup>
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
  - (a) a Minister of the Crown in right of the State;
  - (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
  - (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- "regional road" means any road designated under the region Scheme as follows—
  - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
  - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- "reserved land" means land reserved under Part II of the MRS.
- "road reservation" means land reserved for the purposes of a regional road in the MRS.
- "significant increase in traffic" means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission's *Transport Assessment Guidelines*



### **4.2.3. WESTERN AUSTRALIAN 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.

##### **2. Reporting requirements**

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



#### 4.2.4. WESTERN AUSTRALIAN PLANNING COMMISSION –STRATA TITLES ACT 1985

PL402

**PLANNING AND DEVELOPMENT ACT 2005**  
INSTRUMENT OF DELEGATION  
Del 2020/01 POWERS OF LOCAL GOVERNMENT

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

##### **Preamble**

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

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

##### **Resolution under section 16 of the Act (delegation)**

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

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1; 27 March 2020 GOVERNMENT GAZETTE, WA 823
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*

SAM FAGAN

Secretary, Western Australian Planning Commission.

---

##### **Schedule 1**

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

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

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

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



*Statutory Delegations to Local Government from External Agencies*

**2. Reporting requirements**

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



Statutory Delegations to Local Government from External Agencies

### 4.3. MAIN ROADS WESTERN AUSTRALIA

#### 4.3.1 CONTROL CERTAIN ROADSIDE ADVERTISEMENTS ON HIGHWAYS AND MAIN ROADS

File: 45-151-3

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**Instrument Of Delegation Of Powers  
To Local Governments  
To Control Certain Roadside Advertisements  
On Highways And Main Roads**

Pursuant to Section 33C of the Main Roads Act 1930, I, **Kenneth Comminos Michael** Commissioner of Main Roads, hereby delegate to the **City of Gosnells** my powers under the Main Roads (Control of Advertisements) Regulations 1996 to approve the exhibition of non rotating static illuminated and non rotating non illuminated signs on bus shelters and seats, the erection or construction of advertising structures comprising of pole mounted non-rotating static illuminated street name signs combined with non-rotating static illuminated advertisements and, the exhibition of such advertisements affixed to that advertising structure on the highways and main roads listed at Attachment A within the City of Gosnells subject to the conditions that the City of Gosnells shall:

1. When considering each application for approval of such signs, observe and comply with the Guide to the Management of Roadside Advertising as amended.
2. Maintain a register of approvals granted under this delegation containing the following information on each approval:
  - Name of advertisement applicant
  - Location of advertisement
  - Date of approval
  - Approval registration number
  - Term of approval
  - Description of advertisement
3. Make the register available for inspection by me at all reasonable times and provide me with a copy of the register at regular intervals not exceeding quarterly.

K C Michael  
Commissioner of Main Roads

14 APR 2007



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**ATTACHMENT A**

This delegation of powers under the Main Roads Control of Advertisements Regulations 1996 refers to the following main roads and highways within the City of Gosnells:

- Albany Highway                    H1
- Tonkin Highway                    H17
- Roe Highway                        H18



# Decision Making In Practice

## Part 2

## Delegations

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*When you delegate tasks, you create followers.  
When you delegate authority, you create leaders.*

*Craig Groeschel*

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## 2.0 Delegation

Over 170 pieces of Western Australian legislation prescribe a power or duty for which Local Government is responsible.

### *Recommended Reading:*

The WALGA Decision Making in Practice Toolkit, **Part 1 Introduction to Local Government Decision Making** is pre-requisite reading before commencing this **Part 2 Delegations**.

**Part 1 Introduction to Local Government Decision Making** explored the legislative framework that informs the mandatory and discretionary decision making roles undertaken by Local Government including how legislation assigns decision making to Local Governments and Statutory Offices and provides statutory processes that enable Local Governments to pass on decision making powers and duties to others.

The WALGA Decision Making in Practice Toolkit presents a series of practical guidance for how Local Government makes decisions:

**Part 1 Introduction to Local Government Decision Making**

**Part 2 Delegations** *(you are here)*

**Part 3 Authorisation** *(coming soon in early 2018)*

Part 4 Acting Through *(coming in 2019)*

Part 5 Policy *(coming in 2019)*

Part 6 Procedures *(coming soon)*

**Part 2 Delegations** focuses on the statutory processes that enable Local Governments to delegate decision making authority to others.

*“The lawfulness of delegations in an agency are important, since they go to the legal validity of decisions...”*

*Mark Robinson - Senior Counsel*

## Definitions

|                                   |   |
|-----------------------------------|---|
| <b>Head of Power</b>              | <i>means</i> the legislation which contains an Express Power to Delegate and / or an Express Power or Duty.   |
| <b>Delegate</b>                   | <i>means</i> the person (named by position title or office) or entity 'appointed' by the Delegator, to act in place of the Delegator for the purpose of exercising an Express Power or Duty.  |
| <b>Instrument of Delegation</b>   | <i>means</i> the written form of a delegation. Legislation requires delegation to be provided in writing. The Instrument of Delegation communicates the Delegation from the Delegator to the Delegate.  |
| <b>Delegation</b>                 | <i>means</i> the process, prescribed in legislation, for assigning authority to exercise an Express Power or Duty from the Delegate to another person (named by position title or office) or an entity (the Delegate).  |
| <b>Delegator</b>                  | <i>means</i> the person (named by position title or office) or entity in which the written law vests an Express Power or Duty whom delegates that Express Power or Duty.  |
| <b>Discretion</b>                 | <p><i>means</i> the power of free decisions or latitude of choice within certain legal bounds; deciding what should be done in a particular situation.</p> <p>Where Legislation provides discretion, the following terms will be used: "may" "should" or "can". Section 56(1) of the Interpretation Act 1986 states:</p> <p style="padding-left: 40px;"><i>"Where in a written law the word may is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion."</i></p>   |
| <b>Express Power or Duty</b>      | <i>means</i> a power or duty written (expressly) in legislation.  |
| <b>Express Power to Delegate</b>  | <i>means</i> a power (procedure) written (expressly) in legislation that enables the devolution of an Express Power or Duty from a Delegator to a Delegate.   |
| <b>Mandatory Function or Duty</b> | <p><i>means</i> there is no discretion in how an Express Power or Duty is exercised or fulfilled (provided that a requirement for that power or duty to be exercised has been triggered).</p> <p>Legislation will use the following terms where there is no discretion, the function or duty is therefore mandatory: "shall", "must", "is to", "can" or "will". Section 56(2) of the Interpretation Act 1986 states:</p> <p style="padding-left: 40px;"><i>"Where in a written law the word shall is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed."</i></p> |
| <b>Sub-delegate</b>               | <i>means</i> the person (named by position title or office) or entity to which a Delegate has sub-delegated a power or duty, which has been delegated to that Delegate by the Delegator.  |

## References

Department of Local Government, Sport and Cultural Industries:

- Operational Guideline 17 – Delegations (2007)
- Operational Guideline 21 – Disclosure of Financial Interests in Returns (2011)

Australian Government Solicitor's Office:

- Legal Briefing No.74 – 14 December 2004 – Delegations, Authorisations and the *Carltona Principle*

The Integrity Coordinating Group:

- Integrity in Decision Making Framework (June 2011)

### *Recommended Reading:*

The Department of Local Government, Sport and Cultural Industries [Operational Guideline No.7 Delegations](#), is another valuable operational guidance resource for Local Government Delegations.

## 2.1 The Statutory Framework for Delegation

**Delegation** means the process, prescribed in legislation, for assigning authority to exercise an Express Power or Duty from the Delegate to another person (named by position title or office) or an entity (the Delegate).

Delegation cannot be applied for the purposes of assigning responsibility for fulfilling duties or decision making which does not have an Express Power or Duty or is an operational matter. Non-statutory duties and decisions are most appropriately managed through the governance mechanisms of policy, procedures and position descriptions.

The information in this Part 2 Delegations of the WALGA Decision Making in Practice Toolkit will help identify what is and is not delegation. The Toolkit also provides guidance for developing and implementing Delegated Authorities that meet local government requirements and comply with Western Australian law.

## 2.1.1 The Interpretation Act 1984 – The Foundation for Delegation

### Making a Delegation

Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law.

*First*

There the written law (**Head of Power**) must include an **Express Power to Delegate** which specifically enables a person (the **Delegator**) to make a delegation.

*Second*

In that same written law, there must be an **Express Power or Duty** conferred or imposed on the Delegator and it must be capable of being delegated. This means that the power or duty proposed for delegation:

- must be written in the same law as the Express Power to Delegate; AND
- that written law must not:
  - prohibit the power or Duty from being delegated; OR
  - contain limitations or conditions, which the proposed delegation exceeds.

*Last*

- The power to delegate cannot be delegated.
- Delegations must be in writing – this is known as the “Instrument of Delegation”.
- Delegations must be advised to the **Delegate** in writing.

These requirements for delegation prescribed, in the Interpretation Act, apply to all delegations under Western Australian Law, including; the Local Government Act 1995 and all other Act’s under which Local Government has duties and powers. For a delegation to be valid it must evidence compliance with the above Interpretation Act requirements.

The terms emphasised above are defined in section 2 above and are key to understanding Delegation.

*Tip:*

If there is no **Express Power to Delegate** or no **Express Power or Duty** written in a piece of legislation then Delegation is NOT possible.

You cannot use the *Local Government Act 1995* Express Power to Delegate as the authority to make a delegation under any other legislation, unless that legislation specifically allows it.

### Using Delegation

Section 58 of the *Interpretation Act 1984* prescribes a Delegate’s obligations when performing a delegated function, require that a Delegate must perform a delegated function, based upon the opinion, belief, or state of mind of the delegate in relation to that matter.

Sections 2.1.2 to 2.1.5 below provide a useful visual prompt to assist in developing an Instrument of Delegation that is structured in accordance with the Interpretation Act.

## 2.1.2 Delegation Structure - Council to Committees

The *Local Government Act 1995* (refer s.5.16) is the only legislation which provides Local Government with an Express Power to Delegate its powers and duties to a committee of Council. Delegations to Committees are subject to limitations described in s.5.17.



Diagram 1 – Delegation from Council to a Committee of Council

## 2.1.3 Delegation Structure - Council to the CEO

### Governance Protocol for Delegations from Council to CEO

The Local Government Act prescribes a governance structure that establishes the different and separate responsibilities of the Council and the CEO.

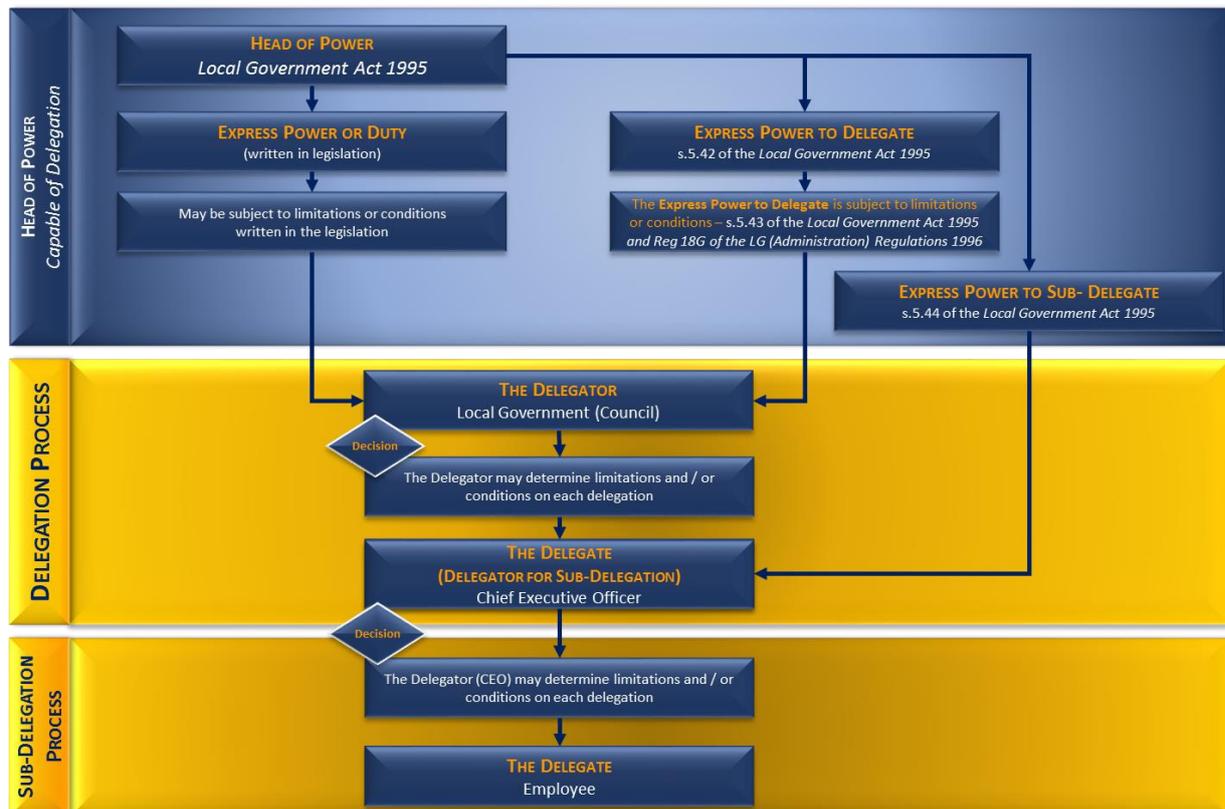
- The Council is responsible for the employment and of employment arrangements relevant only to the CEO [s.5.36(2)]. Further, the Council and Council Members are prohibited from involvement in the Local Government's administration [Rules of Conduct r.9].
- The CEO is responsible for the employment, management, supervision, direction and dismissal of all other Local Government employees [s.5.41(g)].

Where the written law enables it, this governance structure should be consistently applied. This means that where legislation provides both a Power to Delegate (Council to the CEO) and a Power (for the CEO) to Sub-Delegate, then delegation should always be from Council to CEO.

However, where legislation does not provide a Power (for the CEO) to Sub-Delegate, then only in this circumstance should Council delegate directly to an employee other than the CEO.

### Delegation Structure – Council to CEO

Fortunately, most legislation adheres to this governance protocol, providing Local Government with an Express Power to Delegate from the Council to the CEO and providing an Express Power (to the CEO) to Sub-Delegate. Examples include the; *Local Government Act 1995*, *Building Act 2011*, *Cat Act 2011*, *Dog Act 1976* and the *Graffiti and Vandalism Act 2016*.



**Diagram 2 – Delegation from Council to the CEO (and CEO Sub-Delegation)**

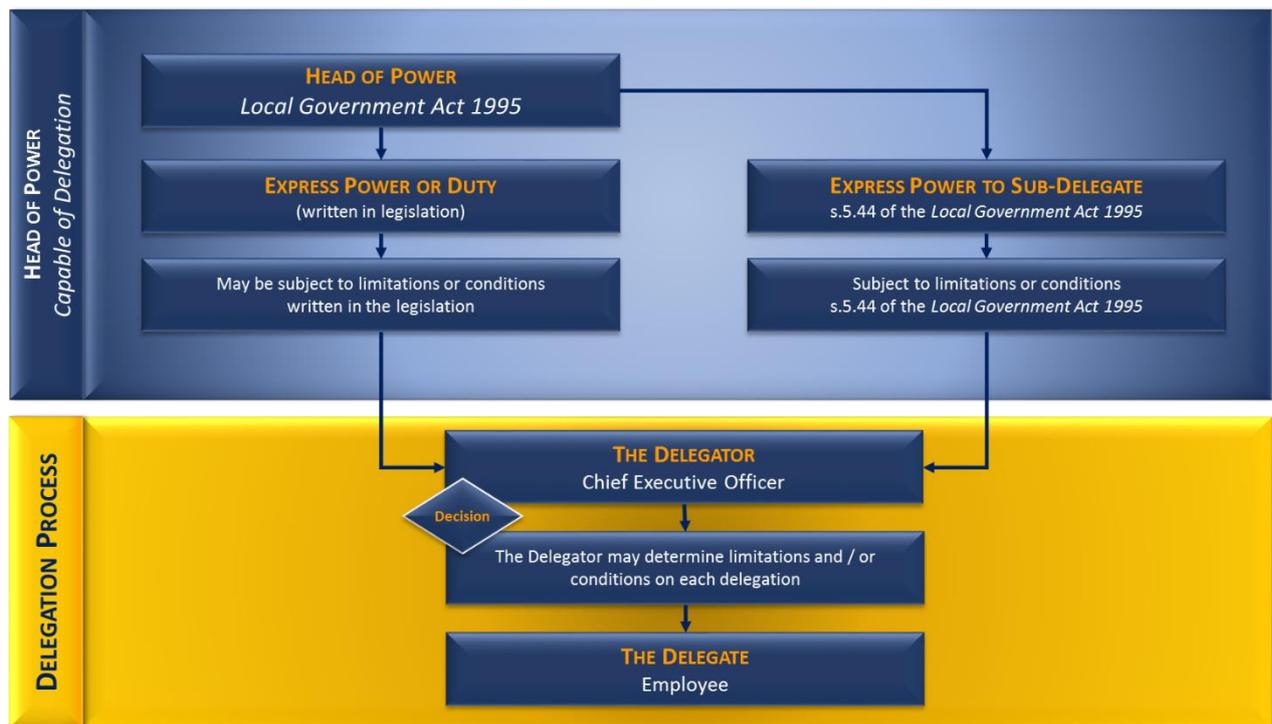
#### Note:

Only the *Building Act 2011*, provides an Express Power to Delegate that enables delegation from the Council directly to a Local Government employee [s.127(3)].

It is preferable however, that the s.127(3) power is used only to delegate from Council to the CEO as per the governance protocol above. The CEO may then determine sub-delegation under the Express Power to Sub-Delegate provided in s.127(6A).

### 2.1.4 Delegation Structure - CEO to Employees

The *Local Government Act 1995*, *Cat Act 2011* and the *Graffiti and Vandalism Act 2016* provide an Express Power to Delegate that enables a Local Government CEO to Delegate, powers and duties directly assigned to the CEO, to Local Government employees.



**Diagram 3 – Delegation from the CEO to Employees**

## 2.2 When Delegation is Prohibited or Not Recommended

Section 5.43 of the *Local Government Act 1995* and Administration Regulation 18G, prescribe the powers or duties which **cannot** be delegated to the CEO:

- Any power or duty that requires an absolute majority or 75% majority decision.
- Accepting a tender which exceeds an amount determined by the Local Government (delegation of the power to accept a tender will therefore require a condition that establishes the limit).
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the Local Government (again, the limit can be determined in a condition on the delegation).
- Any of the Local Government's powers to:
  - Setting fees for Council members [s.5.98]
  - Setting allowances for Deputy President / Deputy Mayors.5.98A]
  - Setting the annual fee for Council member in lieu of fees for attending meetings [s.5.99]
  - Setting the allowance for Council members in lieu of reimbursement [s.5.99A]
  - Determining payments for certain committee members [s.5.100]
- Borrowing money on behalf of the local government
- Hearing or determining an objection under s.9.5.

- Authorising a person to sign documents on behalf of the Local Government [s.9.49A].
- Determining the process for selection and appointment of a CEO.
- Considering the review of the CEO's performance.
- Meeting with the Auditor on behalf of the Local Government [s.7.12A(2)].
- Determine if any of the matters raised in the Auditors Report require action [s.7.12A(3)(a)].
- Prepare a report on any actions in response to the Auditors Report and forward the report to the Minister [s.7.12A(4)].

Specific drafting used in the Local Government Act also identifies Express Powers and Duties that are not capable of being delegated. For example:

- Section 1.4 of the Act defines the term "Council" as meaning the Council of the Local Government. Drafting that assigns an Express Power or Duty to the Council, cannot be delegated. An example of this is s.9.6(1):  
*"The objection is to be dealt with by the council of the local government or by a committee authorised by the council to deal with it."* [Emphasis added]
- Drafting can also state that an Express Power or Duty can only be exercised "by resolution". An example of this is s.9.49A(4):  
*"A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation."* [Emphasis added]

In preparing this Toolkit, WALGA considered the Express Powers and Duties contained in the Local Government Act and has recommended that some powers and duties, although capable of being delegated, should not be considered appropriate for delegation.

[Appendix II](#) provides a table of powers and duties which are either prohibited by the Act or are not recommended for delegation by WALGA.

## 2.3 Why Delegate Authority?

Why would a Council consider delegating its authority?

The *Local Government Act 1995* provides insight into Parliament's intention for the strategic leadership role of the Council.

Section 2.7 of the Act prescribes the Role of Council as being to:

- Govern the Local Government's affairs
- Be responsible for the performance of the Local Government's functions
- Oversee the allocation of the Local Government's finances and resources; and
- Determine the Local Government's policies.

The Act goes on to specify decisions arising from the prescribed Role of Council, which can only be made by the Council of the Local Government (i.e. these decisions require an absolute majority or Council resolution), including:

- Executive functions – making and amending Local Laws;
- Determining Business Plans for, and then whether or not to proceed with, Major Land Transactions or Major Trading Undertakings;
- Adopting Annual Budgets, Budget Reviews, Community Strategic Plans, Business Plans and Long Term Financial Plans;
- Determining the formation of Committees of Council and the membership;
- Determining Rates and Service charges, setting fees and charges and determining to defer waive or grant a concession on a fee or charge;
- Deciding to borrow money or obtain credit.

The Act requires the Council of a Local Government to place high importance on these decisions, as they have the greatest potential to impact the Local Government's performance, financial and operational sustainability and the outcomes for its community.

There also many other discretionary Express Powers and Duties (Local Government Act and in other legislation), which are routine, high frequency and / or low risk, low impact decisions. Legislation provides for the Council to determine if delegation is appropriate for these Express Powers and Duties.

Express Powers and Duties are also assigned directly to the CEO, and the CEO must determine where delegation will be appropriate.

*Tip:* **Good Governance Practice:**

The following criteria will help guide determining if a delegation is appropriate, or not:

- Will delegation contribute to sound decision making that complies with the Local Government's obligations at Law?
- Will delegation improve efficiency and customer service outcomes?
- What decisions are 'routine' and could these be better managed through delegation?
- What are the risks and political and community sensitivities arising from the decisions proposed for delegation?
- What conditions or limitations on a delegation will assist in managing risks and sensitivities as well as supporting the compliance of the decisions?
- Does the proposed Delegate have the right skills, technical expertise and training to exercise the delegated powers or duties?
- Does the Local Government have or need to develop policies, procedures and / or training to guide decision making proposed in a delegation?

## 2.4 The Role of a Delegator

**Delegator** means the person (named by position title or office) or entity in which the written law vests an Express Power or Duty whom delegates that Express Power or Duty.

The Delegator:

- Decides if and when a delegation is made and what conditions or limitations apply to the delegated authority.
- Is deemed responsible (liable) for a Delegate's acts or omissions when using a delegated authority.
- Is not stripped of the right to exercise a power or duty, which has been delegated. The Delegator may, at any time, choose to use that power or exercise that duty in preference to the Delegate.
- Must delegate authority in writing; this is known as the Instrument of Delegation.
- Must ensure delegations are only made to persons who have qualifications and experience relevant to the extent of authority delegated.

***You can delegate authority,  
but you cannot delegate responsibility.***  
Byron Dorgan

## 2.5 The Role of a Delegate

**Delegate** means the person (named by position title or office) or entity 'appointed' by the Delegator, to act in place of the Delegator for the purpose of exercising an Express Power or Duty.

The Delegate:

- Must be appointed in writing to the office (position) specified in the Instrument of Delegation.
- Exercises the power or discharges the duty:
  - on behalf of the delegator; and
  - must exercise the delegated power by applying their own discretion based upon their own opinion, belief or state of mind in relation to the matter.
- Must avoid and disclose conflicts of interest.
- Must comply with relevant legislation and the Local Government's local laws, Policies, resolutions of Council and procedures, when exercising a delegated power or duty.

- Must use discretion, reason and judgement to form their own opinion before making a decision using delegated authority.
- Can instruct others to carry out administrative and technical work to implement a decision.
- Where the Delegate considers there is a conflict of interest or an element of risk or sensitivity in making the decision, the Delegate may refer the decision to another Delegate or back to the Delegator.
- Must have appropriate qualifications and experience, relevant to the extent of authority provided in the delegation.

The following requirements are obligations on Delegates relevant only to Delegations made under the *Local Government Act 1995*:

- Must retain records of decisions they make in accordance with the requirements Section 5.46(3) of the Local Government Act 1995, Regulation 19 of the Local Government (Administration) Regulations 1996 and the Local Government's Record Keeping Plan.
- Must provide Primary and Annual Financial Returns in accordance with sections 5.74 and 5.75 of the Local Government Act 1995.
- Must disclose gifts and travel contributions in accordance with s.5.82 of the Local Government Act 1995.

Good governance practice, aligned with the State Records Act 2000 and with integrity in decision making requirements, for all Delegates in relation to all delegations, to:

- Maintain records of decisions that are in accordance with the Local Government's Record Keeping Plan; and
- Avoid and disclose conflicts of interest.

## Role of a Sub-Delegate

**Sub-delegate** means the person (named by position title or office) or entity to which a Delegate has sub-delegated a power or duty, which has been delegated to that Delegate by the Delegator.

A Sub-delegate:

- Has the same role as described above for a Delegate, however a Sub-delegate must also comply with any additional conditions or limitations imposed by the Delegate on the sub-delegation of the authority.

*Tip:*

**Good Governance Practice:**

To support continuity of the Local Government’s functions, a Delegate must ensure that during periods of extended leave, a person is appointed in writing to act in their specified office.

That person is then automatically the recipient of the Delegated Authorities of that specified role, but only for the period of time for which they are appointed to act in that role.

## 2.6 Instrument of Delegation

**Instrument of Delegation** means the written form of a delegation. Legislation requires delegation to be provided in writing. The Instrument of Delegation communicates the Delegation from the Delegator to the Delegate.

The Interpretation Act, and therefore all legislation that enables delegation, requires that the exercise of an Express Power to Delegate must be in writing, that is, by a written instrument - the Instrument of Delegation.

The form of the Instrument of Delegation evidences that the delegation is valid under law and it is the foundation for the Local Government’s Delegation Register. As a minimum, an Instrument of Delegation should include:

| Instrument of Delegation Content       | Description of Content   |
|--|--|
| <b>Head of Power</b>                   | The title of the legislation under which the delegation is made.   |
| <b>Express Power to Delegate</b>       | The specific legislation reference enabling delegation.  |
| <b>Express Power or Duty</b>           | The specific legislation reference for the power or duty which is delegated.   |
| <b>Delegator</b>                       | The decision maker as described in the legislation as being responsible for exercising the Express Power or Duty and which is making the decision to delegate.   |
| <b>Delegate</b>                        | The position to which the Express Power or Duty has been delegated.  |
| <b>Conditions and / or Limitations</b> | Imposed by the Delegator on the Delegate. Conditions and limitations are at the complete discretion of the Delegator. They may include however a description of when the delegation can / cannot be used or the time frame for which the delegation is valid – refer s.5.45(1)(a). |

| Instrument of Delegation Content                         | Description of Content  |
|--|---|
| <b>Express Power to Sub-Delegate</b>                     | The specific legislation reference enabling delegation, if any. Some legislation will not include Powers to Sub-Delegate. |
| <b>Sub-Delegate/s</b>                                    | The position/s to which the Express Power or Duty is sub-delegated.   |
| <b>Conditions and / or Limitations on Sub-Delegation</b> | Imposed by the Delegate on the Sub-Delegate.  |

### 2.6.1 Person or Position? Who to name in the Instrument of Delegation

Confer each Delegation on specified offices and not individual persons as this ensures efficiency in the day to day management of delegated authorities (i.e. delegate to the Manager Technical Services, not Ms Janet Jones, Manager Technical Services).

If a delegate, for example, the Manager Technical Services goes on leave, then the person appointed in writing to act as the Manager Technical Services is automatically the Delegate named any delegation to that position title.

If however, the delegation is conferred on an individual person i.e. Ms Janet Jones, Manager Technical Services, then regardless of a person being appointed to act as the Manager Technical Services, they will not be automatically be the Delegate as their name is not Ms Janet Jones! To ensure continuity of decision making, the Delegator would have to make a decision to appoint an alternative delegate during each period of leave.

## 2.6.2 Instrument of Delegation – Template

This example Delegation, is based upon the WALGA Template Delegation.



**Minimum Content**



**Better Practice**

**1.2.1 Appoint Authorised Persons**

**Delegator**

**Head of Power & Express Power to Delegate**

**Head of Power & Express Power or Duty**

**Delegate**

**The Conditions on Use of the Delegation as determined by the Delegator**

**Head of Power & Express Power to Sub-Delegate**

**Sub-Delegate**

**The Conditions on Use of the Sub-Delegation as determined by the Delegate**

|   |  |
|---|--|
| <b>Delegator:</b><br><i>Power / Duty assigned in legislation to:</i>  | Local Government   |
| <b>Express Power to Delegate:</b>   | <i>Local Government Act 1995:</i><br>s.5.42 Delegation of some powers or duties to the CEO<br>s.5.43 Limitations on delegations to the CEO   |
| <b>Express Power or Duty Delegated:</b>   | <i>Local Government Act 1995:</i><br>s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]<br>s.9.10 Appointment of authorised persons   |
| <b>Delegate:</b>  | <b>Chief Executive Officer</b>   |
| <b>Function:</b><br><i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | 1. 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> and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act. [s.3.24 and s.9.10]. |
| <b>Conditions:</b>  | a. A register of Authorised Persons is to be maintained as a Local Government Record.<br>b. [Insert conditions / limitations on how or when the delegation may or may not be used]   |
| <b>Express Power to Sub-Delegate:</b>   | <i>Local Government Act 1995:</i><br>s.5.44 CEO may delegate some powers and duties to other employees   |

|  |   |
|--|---|
| <b>Sub-Delegate/s:</b><br><i>Appointed by CEO</i>  | <b>Director Community Services</b><br><b>Director Infrastructure</b>                                  |
| <b>Sub-Delegation Conditions:</b><br><i>Conditions on the original delegation also apply to the sub-delegations.</i> | 1. Only persons who are appropriately qualified and trained may be appointed as an Authorised Person. |

|                          |  |
|--------------------------|--|
| <b>Compliance Links:</b> | <a href="#">Local Government Act 1995</a><br>[insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation]   |
| <b>Record Keeping:</b>   | Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.<br>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record. |

|                         |  |
|-------------------------|--|
| <b>Version Control:</b> |  |
| 1                       |  |
| 2                       |  |

**A distinct title – making it easier to identify the purpose of the delegation.**

**A short description of the functions and duties delegated.**

**Helpful links to information that will assist when making decisions under the delegated authority.**

**A record of when and how the delegation has been made and modified.**

## 2.7 The Delegation Register

Sections 5.18 and 5.46(1) of the *Local Government Act 1995* require the CEO to maintain a Register of Delegations made under that Act.

Regulation 29 of the *Local Government (Administration) Regulations 1996* requires the Delegation Register to be available for public inspection, with most Local Government's publishing the Delegation Register on their website.

The Delegation Register fulfils the Local Government's statutory obligation for delegations to be in writing and it is a useful management, communication and training tool for:

|   |  |
|---|--|
| <b>Elected Members and senior staff</b> | Providing oversight of decision making authorities.  |
| <b>Delegates</b>                        | A ready reference to the extent of delegated authority assigned to them.   |
| <b>Local Government's operations</b>    | The Register can be expanded to record authorities delegated or assigned to the Local Government by State Government entities. |
| <b>Community</b>                        | Informing the Community regarding who makes decisions in what circumstances.   |

Whilst several pieces of legislation provide Local Government with an Express Power to Delegate, only the Local Government Act, the *Cat Act 2011* and *Dog Act 1976* require a Register of Delegations to be maintained.

*Tip:*

**Good Governance Practice:**

Keep all delegations in a single register.

Structure the Delegations Register to organise the Instruments of Delegation under their relevant Head of Power. This makes it easier to manage the delegations, ensuring the correct decision making and requirements are applied. It is also easier for Delegates to find the relevant Delegation too!

### 2.7.1 The WALGA Template Delegation Register

WALGA has developed a Template Delegation Register, containing example delegations for the powers and duties most regularly used by Local Governments under Western Australian law. The Template is available as part of the Decision Making in Practice Toolkit for subscribers of WALGA's Governance Services.

## How to Use the WALGA Template Delegation Register

Download the Template Delegations Register - it is a MS-Word document.

You will see that throughout the Template Delegations Register there is highlighted text:

- ***GUIDANCE NOTES*** – This text is for information purposes only, to assist in understanding the context of an individual Delegation. This Text must be deleted from the Delegation Register before it is finalised for Council adoption.
- **<<Yellow Highlighted Text>>** – Indicates 'form fields' (holding places) enabling each Local Government to insert text specific to their requirements. The highlighting and 'form field' will be replaced when selected and over-typed. Before finalising the Delegation Register for Council adoption, make sure all 'form fields' have either been deleted or replaced with new text inserted as appropriate to your Local Government's requirements.

Use the highlighted text to guide and assist you in reviewing and modifying the Template Delegation Register to meet your Local Government's requirements.

Update the headers and footers to suit your Local Government's branding and style (delete the WALGA branding too).

Follow the process outlined in section 2.8 Make, Amend and Review Delegations, and keep an eye out for *Tips* for using the **WALGA Template Delegations Register**.

## 2.8 Make, Amend and Review Delegations

The *Local Government Act 1995*, *Cat Act 2012* and the *Dog Act 1976*, require delegations to be reviewed by the Delegator (whether it is Council or the CEO) at least once each financial year.

### *Tip:* Good Governance Practice:

These Acts mandate a minimum standard for the annual review of delegations. It is recommended that this standard is applied to all delegations made by a Local Government, regardless of the Head of Power.

Changes to legislation or the Local Government's organisational structure or individual position roles and responsibilities, may make it necessary to review or implement new delegations outside of the annual review process. It is good governance practice for this to occur as necessary, including the review as required of individual delegations or sub-delegations. For example, a CEO Sub-delegation can be reviewed without Council necessarily reviewing the substantive delegation to the CEO.

However, if Council reviews and amends a Delegation, it is important for the CEO to review the related sub-delegation, as the CEO must ensure that extent of authority and conditions on sub-delegation are not inconsistent with the substantive Council delegation.

In any case, the validity of a Delegation and the legal standing of decisions made under it are reliant on the Delegation being accurate.

*Tip:*

**Good Governance Practice:**

Written procedures will assist Local Governments in maintaining accurate Delegations. The procedures should assign responsibility for coordinating of the annual review of Delegations as well as monitoring and initiating actions where changes occur to legislation and employee roles relevant to delegated authorities.

## Staff Changes and Turnover

It is important for the validity of the Local Government's decision making and for continuity of its services that procedures are in place to alert when a person holding a position with Delegated Authority resigns or changes to a new position or a new employee commences in a role which requires an Delegation.

### 2.8.1 The Process for Making, Reviewing and Amending Delegations

#### Administrative Review

A Council decision to delegate authority to the CEO, can only occur where the CEO has included a report and recommendation for the delegation in a Council Agenda.

Therefore, as with all Council decisions, the CEO must prepare a report that has been appropriately researched, and which includes options and a rational for the recommendation.

The CEO (through the Administration) undertakes the initial analysis of Legislation to identify appropriate opportunities for delegations from Council and must conduct similar analysis before determining a delegation or sub-delegation from the CEO to an employee.

This analysis must consider the Local Government's operational requirements, the volume of decisions under each statutory power or duty and the risks and sensitivities of the decisions. The criteria outlined in [section 2.3 of this Toolkit](#), will assist in determining the extent of authority proposed for delegation, as well as conditions and limitations necessary to mitigate risk and sensitivity issues.

The Local Government's Executive, Managers and operational staff who will be responsible for the functions proposed for delegation should also be consulted.

This analysis and consultation with operational staff enables a draft delegation to be prepared for CEO / Executive review.

*Tip:***Using the WALGA Template Delegations Register:**

Review each delegation considering the criteria outlined in section 2.3 above.

- Consider conditions and limitations that will assist in managing risks and sensitivities relevant to your Local Government arising from each delegation.
- Identify compliance links relevant to your local government for each delegation – these may include policies and procedures specific to your Local Government or perhaps Codes of Practice or Standards your Local Government applies to the particular decision making process.

Review and consider the Guidance Notes provided alongside some of the template delegations. Remember to delete the Guidance Notes when you finalise the Register for consultation with Council.

Consider opportunities and options for sub-delegations.

Edit, refine and update each delegation to form a Delegation Register suitable for your Local Government's needs.

Identify delegations specific to your Local Government from State Government agencies and include these in the Register. A separate heading has been included in the Template Delegation Register for this purpose as it provides a centralised reference point.

## CEO / Executive Consultation

Whilst the CEO and Executive may have been involved in consultation regarding individual delegations, it is helpful as part of an Annual Review process or new delegation proposal for them to have the opportunity to consider the proposed delegation/s from the perspective of potential strategic and political implications before presentation to Elected Members.

It is recommended that an administrative report is prepared and presented to the CEO (and the Executive Team), explaining proposed new delegations, amended delegations and the rationale for the conditions / limitations and sub-delegations proposed.

Changes recommended by the CEO / Executive can then be incorporated in preparation for consultation with Council.

## Elected Member Consultation

If new delegations or substantial changes are proposed it may be appropriate to undertake a consultation process with Elected Members. This will help ensure understanding of the reasons for the proposed delegation and enable Elected Members to contribute to refining the extent of delegated authority, conditions or limitations as they see to be appropriate.

This won't be necessary in all circumstances, however it is recommended that a Delegated Authority workshop or briefing is provided for Elected Members periodically (perhaps every couple of years or more frequently if required), as it allows the CEO to explain the delegations in greater detail and encourages Elected Members to discuss and consider the proposals in more depth.

Involving Elected Members and the CEO / Executive in a deeper consultation regarding delegated authority, will build knowledge and confidence for why delegations have been proposed, the benefits that delegation can achieve and how and when the delegations will and will not be used via the proposed conditions / limitations.

The outcomes of consultation enable the proposed delegations to be further refined and the Council Report to be finalised and included in a Council Agenda.

*Tip:*

**Good Governance Practice:**

Before commencing a consultation with Elected Members, it is important that the Delegation Register only includes the matters for which Council is required to make decisions.

- Save a “master” copy of the Delegation Register and make a “save as” copy as the Council Report Attachment.
- Modify the Council Report Attachment copy of the Delegation Register by deleting the content which is NOT subject of Council's decision making, including:
  - Deleting the Sub-Delegations and Conditions on Sub-Delegations;
  - Deleting the record keeping and compliance link information;
  - Deleting the Delegations from CEO to Employee (section 1.3 of the WALGA Delegations Template); and
  - Deleting the delegations from other State Government Agencies (section 1.4 of the WALGA Delegations Template).

This ensures that the Council's consideration is focused only on the content of each Delegation for which they are responsible for making the decision and avoids confusing the Council's or the Public's understanding of the actual decision the Council is making when delegating powers and duties.

## Council Decision

The full Delegation Register subject of the annual review must be presented to Council as an attachment to the report, including delegations which do not require amendment and delegations which require amendment. The Delegation Register presented for Council decision should show proposed amendments to delegations with:

- Deleted text shown as ~~strikethrough and highlighted~~;
- New text inserted shown as ***bold, italics and highlighted***.

The Officer Report should include a table which explains to the Council the rationale for each amendment proposed to an existing delegation and the rationale for each proposal to adopt a new delegation.

The Officer Report should include a separate table which details the rationale for why delegations are proposed for revoking, with a complete copy of all delegations proposed for revoking presented in a separate Attachment to the Report.

This ensures that the Council is able to review **all delegations**, as the delegator and as required under sections 5.18 and 5.46 of the Local Government Act 1995. The Council cannot fulfil its duty if the administration only presents for Council's review, those delegations that are proposed for amendment. The provision of separate Attachments that present the amended Delegation Register and the collated delegations proposed for revoking also supports the Council's decision making obligations (see example below).

Delegations under the following Acts, require an Absolute Majority decision of Council, when delegating powers or duties to a Committee or to the CEO:

- Sections 5.16(1) and 5.42(1) of the Local Government Act 1995
- Section 45 of the Cat Act 2011
- Section 10AA of the Dog Act 1976; and
- Section 16 of the Graffiti Vandalism Act 2016.

An Absolute Majority decision is required when:

- Adopting a new delegation;
- Adopting an annual review of the Delegation Register, inclusive of amendments, new delegations and revoked delegations.
- Revoking a delegation.

Delegations adopted by Council under other legislation only require a simple majority decision. It is therefore important for the correct decision making requirements to be included in the recommendations in the Council report, to ensure that the subsequent delegation is valid.

The following is an example of an Officer Recommendation following an annual review of the Delegations Register. If using this example as a template, don't forget to ensure statutory references quoted actually align with the delegations for which the decision is being sought.

Example Officer Recommendation – Adoption of Annual Review of Delegations

That Council:

1. NOTES completion by Council as the Delegator, of the 2017/18 annual statutory review of the Delegations Register, in accordance with s.5.18 and 5.46 of the *Local Government Act 1995*, s.47(2) of the *Cat Act 2011* and s.10AB of the *Dog Act 1976*.
2. REVOKES, by ABSOLUTE MAJORITY, the following listed delegations as detailed in Attachment No.1, under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976* and *Graffiti Vandalism Act 2016*.
  - a. [insert delegation # and title];
  - b. [insert delegation # and title];
  - c. [insert delegation # and title];
3. REVOKES the following listed delegations as detailed in Attachment No.1, under the *Building Act 2011*, *Bush Fires Act 1954*, *Food Act 2008* and *Public Health Act 2015*:
  - a. [insert delegation # and title];
  - b. [insert delegation # and title];
  - c. [insert delegation # and title];
4. APPROVES, by ABSOLUTE MAJORITY, the following listed delegations, inclusive of amendments and as detailed in Attachment No.2 - Delegation Register, in accordance with s.5.17 and 5.42 of the *Local Government Act 1995*, s.44 of the *Cat Act 2011*, s.10AA of the *Dog Act 1976* and s.16 of the *Graffiti Vandalism Act 2016*:
  - a. [insert delegation # and title];
  - b. [insert delegation # and title];
  - c. [insert delegation # and title];
5. APPROVES the following listed delegations, inclusive of amendments and as detailed in Attachment No.2 -Delegation Register, in accordance with s.127 of the *Building Act 2011*, s.48 of the *Bush Fires Act 1954*, s.118 of the *Food Act 2008* and s.21 of the *Public Health Act 2016*:
  - a. [insert delegation # and title];
  - b. [insert delegation # and title];
  - c. [insert delegation # and title];

*Tip:***Good Governance Practice:**

Following Council's adoption of a new or amended Delegation, use the "master" copy of the Delegation Register (or the individual "master" delegation), as it still has the following information included:

- Sub-Delegations and Conditions on Sub-Delegations;
- Record keeping and compliance link information;
- Delegations from CEO to Employee (section 1.3 of the WALGA Delegations Template); and
- Delegations from other State Government Agencies (section 1.4 of the WALGA Delegations Template).

The "master" copy must be updated with any amendments / changes that Council may have made at the time it was adopted (if any).

The Delegation Register will then be ready to forward to the CEO for them to make a formal decision on the sub-delegation of Council Delegations to the CEO as well as the CEO Delegations to employees.

## CEO Decision on CEO Delegations to Employees and Sub-Delegation

After Council has adopted the Council Delegations to the CEO, the CEO must make a formal decision to make the:

- Sub-delegations of Council Delegations to the CEO; and
- CEO Delegations to Employees.

The CEO (and Executive) may have already reviewed sub-delegations and the CEO Delegations to Employees before Council made its decision on Delegations. It is however necessary for the CEO to make and record a formal decision that ensures that the originally agreed sub-delegations remain appropriate in context of any amendments to the primary delegations made by Council.

The CEO's decision should record their approval of the:

- Sub-delegation of Council Delegations to the CEO, inclusive of conditions and limitations; and
- CEO Delegations to Employees, inclusive of conditions and limitations.

A record of the CEO's decision must be retained as a Local Government's record.

The Version Control information in each Instrument of Delegation must now be updated to record the decisions that endorsed the new version of each delegation, recording the date of the Council's and CEO's decision.

The version control information is managed at an individual delegation level, as there will be occasions where a delegation is adopted or amended outside of an annual review process, and the relevant decisions also need to be captured.

*Tip:* **Using the WALGA Template Delegations Register:**

Each Instrument of Delegation contains section to record Version Control information.  
Example:

**Version Control**

1. OCM 23/07/15 - Item No 13.4.5 - New delegation adopted
2. CEO 25/07/15 – Record No.34752 – Sub-Delegation approved
3. OCM 10/04/16 – Item 13.4.1 – Annual Review – Amended.
4. CEO 12/04/16 – Record No.38924 - Annual Review Sub-Delegation- no amendment

Explanation of the information recorded in the Version Control section above:

Item 1. Records the Ordinary Council Meeting (OCM) date, the report item number for the decision and identifies that it is a new delegation.

Item 2. Records the date that the CEO made the decision to Sub-delegate and the document reference number for the record of the CEO's decision.

Item 3. Records the Ordinary Council Meeting (OCM) date, the report item number for the decision and identifies that the delegation was amended as a result of the Annual Review.

Item 4. Records the CEO's Annual Review decision on sub-delegation, with no amendment to the sub-delegation.

Recording version control information against each individual delegation provides traceability for how delegations may have changed over long periods of time. This information becomes an important resource if a decision is the subject of a review or legal process at some point in the future.

## Record Keeping and Public Access

The Delegation Register, including the changes endorsed by the Council Decision and the CEO's decisions on Sub-Delegation and Delegation to Employees, must now be retained as a Local Government Record.

Administration Regulations 29 and s.5.94 of the Act require that the Delegation Register be made available for public inspection. It is recommended that Local Government's fulfil this obligation by publishing the Delegation Register on the Local Government's website.

It may also be helpful to employees to make the Delegation Register available via the staff intranet. Elected Members may then access the Delegation Register either by the public website or through an "extranet" site, which some local governments provide as a service to their Elected Members.

## 2.8.2 Advise Delegates in Writing

In addition to the s.5.18 and s5.46 requirements for the CEO to keep a Delegation Register, sections 5.18(2), 5.42(2) and 5.44(2) require that delegations be in writing.

In practice, the requirement for delegations to be in writing, does not only relate to the Instrument of Delegation existing, it also relates to 'giving' the delegation in writing to each Delegate. The 'giving' of delegations to delegates may occur either by:

- Providing a physical copy of the delegation to the delegate; or
- Providing a copy of the delegation to the delegate via an electronic communication.

In either instance, a Local Government record is required to evidence that the Delegate has been provided with a copy of the delegation in writing and advised of their obligations.

*Tip:*

### **Good Governance Practice:**

Written procedures should ensure that when a Delegate is on leave:

- A person is appointed in writing to fulfil the Delegate's position; and
- The person acting in the Delegates position is provided with a copy of the relevant delegations; and
- The 'acting' Delegate is appropriately qualified and trained to fulfil the obligations of a delegated decision making role.

## 2.8.3 Primary Return Obligations for Delegates

Relevant only to delegations and sub-delegations under the *Local Government Act 1995* and the *Planning and Development Act 2005* (as the Planning and Development Act delegations are enabled via the Local Government Act), the Delegate, becomes a designated person [s.5.74], who is required to provide:

- a Primary Return [s.5.75] within three months their start day; and
- Annual Returns [s.5.76] each year thereafter that they remain a designated person.

Section 5.75 requires a designated person to submit to the CEO (or if the designated person is the CEO, submit to the President / Mayor) a Primary Return within three months of their start day. Section 5.74 defines the start day as being the day on which the employee became a designated employee. This could either be:

- the day that the employee commenced employment with the Local Government in a position which already had delegated authority; or
- the day on which an existing employee became a delegate for the first time as the subject of a delegated authority.

Calculation of the three month period must be in accordance with section 61(c) of the *Interpretation Act 1984*, which requires the Start Day to be reckon as the date numerically corresponding, less one day, in the third successive month after the Start Day. If there is no such corresponding date, the Return Due Date becomes the last day of that month.

If the Return Due Date falls on either a Saturday, Sunday or Public Holiday, then the Return Due Date becomes the next business day.

After the designated employee has fulfilled their obligation to provide a Primary Return, s.5.76 requires a designated employee to provide Annual Returns by 31 August for each full financial year that they remain a designated person.

*Tip:*

**Good Governance Practice:**

A failure to provide either a Primary Return or an Annual Return within the prescribed timeframes, triggers a mandatory obligation for the CEO to report the non-compliance to the Corruption and Crime Commission and the Department of Local Government, Sport and Cultural Industries.

Refer: sections 4 and 28 of the Corruption, Crime and Misconduct Act 2003 and Department of Local Government, Sport and Cultural Industries [Operational Guideline No.21](#).

## What are Primary and Annual Returns

Primary Return and Annual Return content (form) is prescribed in the Local Government Act and Administration Regulations. It captures a snapshot of the financial interests of the designated person at the time that the Return is completed, including; income, interests in trusts and property, debts, gifts, travel contributions and other discretionary disclosures.

The requirement for designated employees to provide Returns is the same requirement that applies to Elected Members. It is commensurate with the decision make role that:

- Councillors fulfil when making decisions as part of the Council; and
- Designated employees fulfil when using Delegation from Council.

Section 5.88 prescribes that Primary and Annual Returns are required to be retained by the CEO on a Register of Financial Interests which must be available for public inspection in accordance with s.5.94. The Returns remain on the public Register of Financial Interests until the person ceases to be a designated employee. Returns relevant to that person are then removed from the public register and retained as a Local Government Records for a period of at least 5-years.

*Recommended Reading:*

The Department of Local Government, Sport and Cultural Industries [Operational Guideline No.21 – Disclosure of Financial Interest in Returns](#).

## 2.9 Using Delegation to Make Decisions

Before using a Delegated Authority a Delegate must familiarise themselves with the legislative framework that informs the decisions they will make under the Delegation.

Care should be taken to understand the legislative process, conditions and limitations relevant to the statutory power or duty, which may include multiple legislative references within the relevant Act and / or Regulations. In addition, the Delegate must consider and apply Policy, procedures or standards that are relevant to the decisions they are called to make.

Delegates should never rely only on the information included in the Instrument of Delegation. They must ensure that they comprehensively understand the legal framework that informs their decision making.

A Delegate must use discretion, reason and judgement to form their own opinion before making a decision using delegated authority.

Delegates must disclose any conflict of interest, which may require them to be removed from the decision making. A Delegate may also refer the decision making back to the Delegator, where they consider there is a risk or sensitivity which makes it more appropriate for the Delegator to make that decision.

*Tip:*

**Good Governance Practice:**

Delegates should be provided with training and written procedures that appropriately equip them to fulfil their decision making responsibilities.

### 2.9.1 Integrity in Decision Making

Over the past several decades, community expectations for the openness and integrity of government have changed substantially, resulting in increasing public and regulatory scrutiny of government decisions and actions.

Local Government decisions, including many decisions that can be delegated, are subject to State Administration Tribunal review and where misconduct is evident the Public Sector Commission or the Corruption and Crime Commission have jurisdiction for investigation.

In addition, any person, whether a member of the general community or a person associated with the Local Government, may initiate a public disclosure under the *Public Interest Disclosure Act 2003*.

Good governance, sustainable decisions and public confidence are served well by the formal application of integrity in decision making processes, which evidence that a Local Government is performing its functions appropriately.

Local Government decision makers must ensure that they meet integrity obligations which as a minimum include:

- A decision may only be made by the person or body in whom, the power is vested.
- A decision maker must not act outside of their powers, they must act in good faith and for a proper, intended and lawful purpose.
- There must be no perceived or actual conflict of interest.
- The decision maker must observe the principles of natural justice.
- Decision outcomes must be proportionate and sustainable.

The Western Australian Integrity Coordinating Group has published an Integrity in Decision Making Framework, which provides an excellent foundation to guide Local Government decision making. It can be found at: <https://icg.wa.gov.au/integrity-decision-making>

*Tip:*

**Good Governance Practice:**

The Local Government's training for Delegates should include:

- Requirements for Integrity in Decision Making – refer to the Integrity Coordination Group Integrity in Decision Making guidelines <https://icg.wa.gov.au>
- The Local Government's Code of Conduct; and the
- Management and disclosure of conflicts of interest in accordance with the Local Government Act.

## 2.9.2 Avoid and Disclose Conflicts of Interest

The Local Government Act 1995 prescribes disclosure of interest requirements which apply to Elected Members and employees when involved in decision making processes:

- Section 5.65 requires Elected Members to disclose interests in matters to be discussed at meetings, with the Member required to leave the meeting where a financial or proximity interest is disclosed.
- Section 5.70 requires employees to disclose interests relating to advice or reports on which Council or a committee of Council will base a decision.
- Section 5.71 requires employees to disclose interests relating to delegated functions and where an interest exists, an employee must not exercise the power or discharge the duty.

Interests for which it is mandatory to disclose and be excluded from decision making include:

- **Direct Financial Interest** means you, or a closely associated person to you, have the potential to benefit or dis-benefit from the decision.
- **Indirect Financial Interest** means you, or a closely associated person to you, have a financial relationship with the person/entity subject of the decision. There is no requirement for potential benefit or dis-benefit to be evident.
- **Proximity Interest** means you, or a closely associated person to you, have an interest in property with a boundary either directly opposite or adjoining the property which is subject of the decision.

Elected Members and employees are also required to disclose **Impartiality Interests** in accordance with the *Local Government (Rules of Conduct) Regulations 1996* and the Local Government's Code of Conduct.

An Impartiality Interest means the member's or employee's impartiality could reasonably be perceived to be adversely affected, due to them having an interest and this includes interests arising from kinship, friendship or membership of an association.

The Act does not require a person to be excluded from decision making if they disclose an impartiality interest.

However, in regard to a Delegate's disclosure of an impartiality interest, it is appropriate for the CEO to determine if it will be in the best interests for the probity of the decision, for a Delegate to be excluded from participating in or contributing to the decision.

Delegates must therefore, consider and disclose any interest before commencing their participation in a decision making process.

### Penalties

It is an offence under the *Local Government Act 1995* not to disclose interests in accordance with sections 5.65, 5.70, 5.71, 5.75 and 5.76 and the CEO is obligated to report any failure to disclose these interests under the *Corruption, Crime and Misconduct Act 2003*.

### *Recommended Reading:*

**Your Local Government's Code of Conduct**

### Keeping Records

The Local Government's procedures and training for Delegates should also address requirements for Delegates to maintain records of each decision made using a delegated authority in accordance with Administration Regulation 19. This record must as a minimum include:

- How the power was exercised or duty discharged.
- When the power was exercised or duty discharged.
- The persons or classes or persons, other than Council members or employees, directly affected by the exercise of the power or discharge of the duty.

Records that evidence the use of delegated authority are Local Government records and must be retained and maintained in accordance with the *State Records Act 2000* and specifically the Local Government's Record Keeping Plan.

The requirements for records of delegated authority decision making to be kept in accordance with Administration Regulation 19 are complementary to the requirements under

the State Records Act, which already require government employees to create and maintain records.

Therefore, the substantive record of a decision made under a delegation may be appropriately created and maintained in the course of making and giving notice of a decision, without the requirement for each decision to also be recorded in a 'register' format. For example, the following records would be sufficient for the purposes of Administration Regulation 19:

- The Certificate of Authorisation issued by the Delegate, when an employee was appointed as an Authorised Person under delegated authority of s.9.10 of the Local Government Act.
- The Notice of Entry issued by the Delegate and given to an owner / occupier when a decision is made to exercise powers of entry delegated under s.3.32 of the Local Government Act.
- The letter of rejection to a non-compliant tenderer signed by the Delegate, to evidence their decision under delegation of Functions and General Regulation 18(4).

Some local government do however keep secondary records of decisions made under a Delegation in the form of a 'register of decisions'.

This 'register' effectively duplicates the substantive record, which can be unnecessarily onerous, particularly where sufficient record keeping practices are evident for the substantive record.

It is recommended that 'registers of decisions' are only necessary where the substantive record does not adequately facilitate the Administration Regulation 19 requirements or where the local government is unable to extract any necessary decision reporting from their record keeping systems.

*Tip:*

#### **Using the WALGA Template Delegations Register:**

The WALGA Template Delegations Register includes a section in each individual Instrument of Delegation to record the method of how the records of Delegated authority decisions will be kept.

Recording this information in the Instrument of Delegation makes it easy for Delegates to keep the records in a consistent format.

As a minimum the method of recording each record of a delegated authority decision, should be:

- Classified and retained in accordance with the Local Government's Record Keeping Plan; and
- Standardise the record description / file location, so that the record can be easily identified and located as a delegated authority decision.

## Delegates Going on Leave

Local Government procedures should ensure that when an employee with delegated authority goes on a period of leave, that a suitably qualified and trained employee is appointed in writing to act in the position of the Delegate.

This ensures the Local Government's decision making functions continue to comply with legislation and that decisions are valid.

If the substantive Delegate is on leave for a period approaching or extending beyond three months, the person acting in the Delegates position, must be requested to provide a Primary Return to ensure compliance with s.5.75 – refer to [section 2.8.3](#) above.

A lack of transparency results in distrust  
and a deep sense of insecurity.

*Dalai Lama*

### 2.10 Where to next?

The WALGA Decision Making in Practice Toolkit will building upon your understanding of how Local Government make decisions, with further Parts of the Toolkit soon to be released.

The **Decision Making in Practice Toolkit** includes:

**Part 1 Introduction to Local Government Decision Making**

**Part 2 Delegations** *(you are here)*

**Part 3 Authorisation** *(coming in early 2018)*

Part 4 Policy *(coming soon in 2019)*

Part 5 Procedures *(coming soon in 2019)*

Part 6 Acting Through *(coming soon)*

To access the **WALGA Decision Making in Practice Toolkit**:

- Ensure your Local Government is a subscriber to WALGA's Complete Guide to the Local Government Act
- Sign up on the [WALGA website](#) for your personal access.



- Login and open the Decision Making Toolkit.

### 2.10.1 Feedback

WALGA welcomes feedback on the content of this Guideline. We will use feedback to continually improve and update the Decision Making in Practice Toolkit.

Please send your comments to [governance@walga.asn.au](mailto:governance@walga.asn.au)



### APPENDIX I - Table of Express Powers to Delegate

| Express Powers to Delegate       |   |   |   |   |                                  |   |   |   | Administration                                  |   |
|----------------------------------|---|---|---|---|----------------------------------|---|---|---|---|---|
| Express Power to Delegate        |   | Power to Delegate<br>Limits / Conditions                              | Delegator   | Delegate  | Who Makes Decision to Delegate   | Express Power to Sub-Delegate           | Power to Sub-Delegate<br>Limits / Conditions  | Review Required   | Register Required                               |   |
| <b>Local Government Act 1995</b> | <b>Council to Committee of Council</b>              | s.5.16<br>Delegation of some powers and duties to certain committees  | s.5.17 Limits on delegation of powers and duties to certain committees                | Local Government (Council)  | Committees                       | Council Resolution by Absolute Majority | Nil   | -   | s.5.18<br>At least once every financial year.   | s.5.18 Register of delegations to Committees                                  |
|                                  |   | s.7.1B<br>Delegation of some powers and duties to audit committees    | s.7.1B Delegation of some powers and duties to audit committees                       | Local Government (Council)  | Audit Committee                  | Council Resolution by Absolute Majority | Nil   | -   | -   | s.5.18 Register of delegations to Committees                                  |
|                                  | <b>Council to CEO<br/>(includes Sub-Delegation)</b> | s.5.42<br>Delegation of some powers and duties to CEO                 | s.5.43 Limits on delegations to CEO<br>Admin Reg. 18G. Delegations to CEOs, limits on | Local Government (Council)  | CEO                              | Council Resolution by Absolute Majority | s.5.44 CEO may delegate powers and duties to other employees                              | s.5.44 CEO may delegate powers and duties to other employees                              | s.5.46(2)<br>At least once every financial year | s.5.46 Register of, and records relevant to, delegations to CEO and employees |
|                                  | <b>CEO to Employee</b>                              | s.5.44 CEO may delegate powers and duties to other employees          | s.5.44 CEO may delegate powers and duties to other employees                          | CEO   | Employee of the Local Government | CEO Decision                            | Nil   | -   | s.5.46(2)<br>At least once every financial year | s.5.46 Register of, and records relevant to, delegations to CEO and employees |
| <b>Building Act 2011</b>         | <b>Council to CEO</b>                               | s.127<br>Delegation: special permit authorities and local governments | s.127 Delegation: special permit authorities and local governments                    | Permit Authority<br><i>(Local Government in accordance with s.6(3))</i> | Employee of the Local Government | Council Resolution by Simple Majority   | s.127(6A)<br>Delegation: special permit authorities and local gov'ts<br><i>(CEO only)</i> | s.127(6A)<br>Delegation: special permit authorities and local gov'ts<br><i>(CEO only)</i> | Nil.  | Nil.  |



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| Express Powers to Delegate |   |   |  |                            |  |   |   | Administration                               |  |  |
|----------------------------|---|---|--|----------------------------|--|---|---|--|--|--|
| Express Power to Delegate  |   |   | Power to Delegate<br>Limits / Conditions                     | Delegator                  | Delegate   | Who Makes Decision to Delegate          | Express Power to Sub-Delegate   | Power to Sub-Delegate<br>Limits / Conditions | Review Required                            | Register Required                              |
| <b>Bush Fires Act 1954</b> | Council to CEO                                  | s.48 Delegations by local governments               | s.18(1) Prohibited burning times may be declared by Minister | Local Government (Council) | CEO (generally)<br>Mayor & Bush Fire Control Officer (s.17(10) & s.59) | Council Resolution by Simple Majority   | Nil – sub-delegation <i>prohibited by s.48(3)</i>   | -  | Nil.                                       | Nil.   |
| <b>Cat Act 2011</b>        | Council to CEO                                  | s.44. Delegation by local government                | -  | Local Government (Council) | CEO  | Council Resolution by Absolute Majority | s.45. Delegation by CEO of local government   | -  | s.47(2) At least once every financial year | s.47 Register of, and review of, delegation    |
|                            | CEO to Employee                                 | s.45. Delegation by CEO of local government         | Section 45. Delegation by CEO of local government            | CEO                        | Employee of the Local Government                                       | CEO Decision                            | Nil   | -  | s.47(2) At least once every financial year | s.47 Register of, and review of, delegation    |
| <b>Dog Act 1976</b>        | Council to CEO (CEO to Employee if approved by) | s.10AA. Delegation of local gov't powers and duties | -  | Local Government (Council) | CEO  | Council Resolution by Absolute Majority | s.10AA(3) Delegation of local gov't powers and duties ( <i>only if CEO delegation authorises it</i> ) | -  | s.10AB at least once every financial year  | s.10AB Register of, and review of, delegations |



### APPENDIX I - Table of Express Powers to Delegate

| Express Powers to Delegate               |   |   |  |                                       |  |   | Administration   |                 |  |   |
|--|---|---|--|---------------------------------------|--|---|--|-----------------|--|---|
| Express Power to Delegate                |   | Power to Delegate<br>Limits / Conditions  | Delegator  | Delegate                              | Who Makes Decision to Delegate                                 | Express Power to Sub-Delegate           | Power to Sub-Delegate<br>Limits / Conditions   | Review Required | Register Required  |   |
| <b>Food Act 2008</b>                     | <b>Council to CEO</b>                           | s.118(2)(b) Functions of enforcement agencies and delegation (Local gov't – enforcement agency – may delegate a function conferred on it) | s.118(3) and (4) Functions of enforcement agencies and delegation (Delegation subject to conditions [s119] & guidelines adopted [s120])    | Enforcement Agency (Local Government) | CEO or persons or body within a class prescribed by regulation | Council Resolution by Simple Majority   | s.118(4) Functions of enforcement agencies and delegation (only if expressly provided in regulations – NOT available)                          | -               | Nil.   | Nil.  |
| <b>Graffiti Vandalism Act 2016</b>       | <b>Council to CEO (includes Sub-Delegation)</b> | s.16. Delegation by local government  | -  | Local Government (Council)            | CEO  | Council Resolution by Absolute Majority | s.17 Delegation by CEO of local government   | -               | Nil.   | Nil.  |
|  | <b>CEO to Employee</b>                          | s.17 Delegation by CEO of local government  | s.17 Delegation by CEO of local government   | CEO                                   | Employee of the Local Government                               | CEO Decision                            | Nil  | -               | Nil.   | Nil.  |
| <b>Planning and Development Act 2005</b> | <b>Council to CEO</b>                           | Local Government Act 1995 – s.5.42(1)(b) Delegation of some powers and duties to CEO  | Local Government Act 1995 – s.5.42(1)(b) Delegation of some powers and duties to CEO (limited to only s.214(2), (3) or (5) of the P&D Act) | Local Government (Council)            | CEO  | Council Resolution by Absolute Majority | Local Government Act 1995 – s.5.44 CEO may delegate powers and duties to other employees (limited to only s.214(2), (3) or (5) of the P&D Act) | -               | Local Government Act 1995 – s.5.46(2) At least once every financial year | Local Government Act 1995 – s.5.46 Register of, and records relevant to, delegations to CEO and employees |



## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |   | Prohibited | Not Recommended | Reason  |
|---------------------------|---|------------|-----------------|---|
| Rules of Conduct Reg. 9   | Prohibition against involvement in administration<br><i>...A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.</i>   |            | ✘               | WALGA Recommends - decision making is retained by the Council or CEO. |
| 2.11(2)                   | Alternative methods of filling office of mayor or president   | s.5.43(a)  |                 | Absolute Majority Decision  |
| 2.12A(1)(b)               | Procedure to change method to election by council<br><i>...Council, by motion passed by it, proposes to change method of filling office of Mayor or President</i>   | ✘          |                 | Requires <u>Council</u> resolution                                    |
| 2.12A(1)(d)               | Procedure to change method to election by council<br><i>...A Local Government is to consider or reconsider a proposal to change the method of filling the office of mayor / president, in view of any submissions received</i>  | ✘          |                 | Absolute Majority Decision (vide s.2.11(2))                           |
| 2.17(3)                   | Members of council<br><i>...A Council with 15 Councillors may retain those 15 even if a decision is made to elect the Mayor/President by the Electors</i>   |            | ✘               | WALGA Recommends - decision making to be retained by the Council.     |
| 2.25(1)                   | Disqualification for failure to attend meetings<br><i>...A Council may, by resolution, grant leave of absence, to a Member.</i>   | ✘          |                 | Requires <u>Council</u> resolution                                    |
| 2.27(3)                   | Procedure to determine qualification to retain membership of council<br><i>...If the CEO has reason ... to believe that a Member of a Council is disqualified the CEO is to give the Member a written notice without delay indicating the reasons why the CEO believes the Member to be disqualified.</i> |            | ✘               | WALGA Recommends - this decision making is retained by CEO.           |
| 2.27(5)                   | Procedure to determine qualification to retain membership of council<br><i>...CEO to determine if satisfied that the member is not disqualified.</i>  |            | ✘               | WALGA Recommends this decision making is retained by CEO.             |
| 2.27(7)                   | Procedure to determine qualification to retain membership of council<br><i>CEO decision to apply to the State Administrative Tribunal for a declaration as to whether or not a Member of Council is disqualified</i>  |            | ✘               | WALGA Recommends this decision making is retained by CEO.             |
| 3.5(1)                    | Legislative power of local governments  | s.5.43(a)  |                 | Absolute Majority Decision  |



## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |   | Prohibited | Not Recommended | Reason   |
|---------------------------|---|------------|-----------------|--|
| 3.6(1)                    | Places outside district   | s.5.43(a)  |                 | Absolute Majority Decision   |
| 3.12(4)                   | Procedure for making local laws   | s.5.43(a)  |                 | Absolute Majority Decision   |
| 3.13                      | Procedure where significant change in proposal<br><i>If during procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what if first proposed, the local government is to recommence the procedure.</i>   | x          |                 | Requires Council resolution  |
| 3.16(4)                   | Periodic review of local laws   | s.5.43(a)  |                 | Absolute Majority Decision   |
| 3.18(1)                   | Performing executive functions<br><i>A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.</i>  |            | x               | WALGA Recommends that delegation of functions under local laws should be specific to each local law (clauses / sub-clauses). A delegation under s.3.18(1) is too broad and requires extensive conditions / limitations relevant to each delegate |
| 3.18(2)                   | Performing executive functions<br>...In performing its executive functions, a local government may provide services and facilities  |            | x               | WALGA Recommends this decision making is retained by the Council.  |
| 3.18(3)                   | Performing executive functions<br><i>A local government is to satisfy itself that services and facilities that it provides</i> <ul style="list-style-type: none"> <li>• <i>integrate and coordinate with those provided by Cwth, State or any public body</i></li> <li>• <i>do not duplicate, to an inappropriate extent, services provided by Cwth, State or any other private or public body or person</i></li> <li>• <i>are managed efficiently and effectively</i></li> </ul> |            | x               | WALGA Recommends this decision making is retained by the Council.  |

## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995           |   | Prohibited | Not Recommended | Reason   |
|-------------------------------------|---|------------|-----------------|--|
| Functions & General<br>r.11(2)(d)   | When tenders have to be publicly invited<br><i>Tenders do not have to be publicly invited if the contract is to be entered into by auction after being expressly authorised by a resolution of the Council.</i>   | x          |                 | Requires Council resolution  |
| Functions & General<br>r.24AC(1)(a) | Requirements before establishing panels of prequalified suppliers<br><i>Local Government must establish a policy (r.24AC(2)) to govern panels of pre-qualified suppliers.</i>   | x          |                 | Requires Council resolution to adopt policy  |
| Functions & General<br>r.24C        | Regional price preference may be given<br><i>A local government located outside the metropolitan area may give a regional price preference to a regional tenderer....</i>   |            | x               | WALGA Recommends – to be determined by Council as a matter impacting Council Policy. |
| Functions & General<br>r.24E(4)     | Regional price preference policies for local government<br><i>LG is to give consider all submissions received in regard to the proposed regional price preference policy, and if considerations results in significant changes, statewide public notice is again required of the amended policy, before adoption.</i> |            | x               | WALGA Recommends – to be determined by Council as a matter impacting Council Policy. |
| 3.59(2)                             | Commercial enterprises by local governments<br><i>Prepare a business plan before commencing a major trading, major land transaction or a land transaction that is preparatory to entry into a major land transaction.</i>   |            | x               | WALGA Recommends Council resolution to adopt / initiate Commercial enterprises       |
| 3.59(5)                             | Commercial enterprises by local governments   | s.5.43(a)  |                 | Absolute Majority Decision   |
| 3.61                                | Establishing a regional local government<br><i>Decide to join with another (or more) LGs to establish a regional local government</i>   |            | x               | WALGA Recommends Council resolution  |
| 3.63(2)                             | Dissolution or partial dissolution of regional local government<br><i>Decide to withdraw from a regional local government and cease to be a participant</i>   |            | x               | WALGA Recommends Council resolution  |
| 3.65(1)                             | Establishment agreement, amendment of<br><i>Decide to amend the establishment agreement for a regional local government</i>   |            | x               | WALGA Recommends Council resolution  |
| 3.70                                | Regional Subsidiaries to have a charter<br><i>Local government proposing to form a regional subsidiary must prepare a charter</i>   |            | x               | WALGA Recommends Council resolution  |



## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |   | Prohibited | Not Recommended | Reason   |
|---------------------------|---|------------|-----------------|--|
| Regional Sub r.4(3)       | Community consultation about formation of regional subsidiary<br><i>The participants must prepare a business plan that includes an overall assessment of the formation of the regional subsidiary and is to include details (as prescribed in this regulation).</i>   |            | x               | WALGA Recommends Council resolution                      |
| Regional Sub r.4(6)       | Community consultation about formation of regional subsidiary<br><i>After the last day for submissions, each participant must consider any submissions made to the participant.</i>   |            | x               | WALGA Recommends Council resolution                      |
| Regional Sub r.4(7)       | Community consultation about formation of regional subsidiary<br><i>If having considered any submissions made, the participants decide to proceed with the proposal or with a proposal that does not involve a significant change in what was proposed, the participants may apply to the Minister for approval for the formation of the regional subsidiary, subject to compliance with section 3.70(2).</i>     |            | x               | WALGA Recommends Council resolution                      |
| Regional Sub r.4(8)       | Community consultation about formation of regional subsidiary<br><i>If, having considered any submissions made, the participants decide to proceed with a proposal that involves a significant change in what was proposed, the participants must-</i><br><i>(a) prepare a revised business plan; and</i><br><i>(b) comply with this regulation in respect of the revised business plan and the new proposal.</i> |            | x               | WALGA Recommends Council resolution                      |
| Regional Sub r.6          | Community consultation about amendment to charter   |            | x               | WALGA Recommends Council resolution                      |
| 4.9(1)                    | Election day for extraordinary election<br><i>An extraordinary election is to be held on a day decided and fixed either by the Mayor / President in writing, if the a day has not already been fixed by the Council at a meeting held within one month after the vacancy occurs if not already fixed by the Mayor</i>   | x          |                 | Requires Decision by Mayor / President OR by the Council |
| 4.9(3)                    | Election day for extraordinary election<br><i>If a Member's office becomes vacant ... in that election year, the <b>council may</b>, with approval of the Electoral Commissioner, fix the ordinary election day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy</i>  | x          |                 | Requires Council resolution                              |
| 4.17(2)                   | Cases in which vacant offices can remain unfilled<br><i>If a Member's office becomes vacant ... in that election year, the <b>council may</b>, with approval of the Electoral Commissioner, allow the vacancy to remain unfilled and the term</i>   | x          |                 | Requires Council resolution                              |



## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |   | Prohibited | Not Recommended | Reason   |
|---------------------------|---|------------|-----------------|--|
|                           | <i>of the Member who held the office is to be regarded in s.4.6 as ending on the day on which it would have ended if the vacancy had not occurred.</i>  |            |                 |  |
| 4.17(3)                   | Cases in which vacant offices can remain unfilled   | s.5.43(a)  |                 | Absolute Majority Decision   |
| 4.20(2)                   | CEO to be returning officer unless other arrangements made  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 4.20(2)                   | CEO to be returning officer unless other arrangements made  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 4.57(3)                   | Less candidates than vacancies  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 4.61(2)                   | Choice of methods of conduction election  | s.5.43(a)  |                 | Absolute Majority Decision   |
| Elections r.30D           | Manner and time of disclosure<br><i>CEO to decide if satisfied that electoral gifts have been disclosed within 3-day requirements unless beyond control of the person required to make the disclosure.</i>  |            | x               | WALGA Recommends CEO retains decision making, as may lead to an offence. |
| Elections r.89(1)         | Election procedures need not be applied in certain cases s.4.99(2) to (4)<br><i>A local government can conduct a poll or referendum in such manner as it considers appropriate if — (a) the poll or referendum is not held in conjunction with an election; and (b) voting at the poll or referendum is not confined to electors.</i> |            | x               | WALGA Recommends Council resolution                                      |
| 5.2                       | Administration of local governments<br><i>The Council of a Local Government is to ensure that there is an appropriate structure for administering the Local Government</i>  | x          |                 | Requires Council resolution  |
| 5.3(1)                    | Ordinary and special council meetings<br><i>A Council is to hold ordinary meetings and may hold special meetings.</i>   | x          |                 | Requires Council resolution  |
| 5.4                       | Calling council meetings<br><i>The Council may decide to hold ordinary meetings and may hold special meetings</i>   | x          |                 | Requires Council resolution  |
| 5.8                       | Establishment of committees   | s.5.43(a)  |                 | Absolute Majority Decision   |
| 5.10(1) & (2)             | Committee members, appointment of   | s.5.43(a)  |                 | Absolute Majority Decision   |

## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995          |   | Prohibited | Not Recommended | Reason   |
|------------------------------------|---|------------|-----------------|--|
| 5.11A                              | Deputy committee members  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 5.11(1)                            | Committee membership, tenure of<br><i>CEO to determine the CEO's representatives.</i>   |            | x               | WALGA Recommends CEO remain as decision maker  |
| 5.15                               | Reduction of quorum for committees  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 5.16(1)                            | Delegation of some powers and duties to certain committees  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 5.18                               | Register of delegations to committees   | s.5.43(a)  |                 | Absolute Majority Decision vide s.5.16(1)  |
| Admin r.12(4)                      | Meetings, public notice of (Act s.5.25(1)(g))<br><i>CEO to form an opinion as to if it is practical for Local Public Notice to be given for a special council meeting and determine the manner and the extent that is practicable</i>   |            | x               | WALGA Recommends CEO retains decision making   |
| Admin Reg 14A(1)(c) & (4)(a) & (b) | Attendance by telephone etc. (Act s.5.25(1)(ba))  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 5.28(4)                            | Electors' special meetings<br><i>A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.</i>   | x          |                 | Delegation Prohibited – there is no power to delegate available for the Mayor / President. |
| 5.36(1)                            | Local government employees<br><i>A local government is to employ —</i><br><i>(a) a person to be the CEO of the local government;</i><br><i>(b) such other persons as the Council believes are necessary to enable the functions of the local government and the functions of the council to be performed.</i> | x          |                 | Requires Council resolution  |
| 5.36(2)                            | Local government employees<br><i>CEO appointment</i>  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 5.37(1)                            | Senior employees  |            | x               | WALGA Recommends Council resolution  |

## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |   | Prohibited       | Not Recommended | Reason   |
|---------------------------|---|------------------|-----------------|--|
|                           | <i>A local government may designate employees or persons belonging to a class of employee to be senior employees.</i>   |                  |                 |  |
| 5.37(2)                   | Senior employees<br><i>The CEO is to inform the Council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), ...</i>  |                  | ✘               | WALGA Recommends CEO remain as decision maker  |
| 5.37(2)                   | Senior employees<br><i>...and the Council may accept or reject the CEO's recommendation but if the Council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.</i>   | ✘                |                 | Requires Council resolution  |
| 5.38                      | Annual review of certain employees' performance<br><i>CEO Performance Review</i>  | Admin<br>Reg.18G |                 | Prohibited by Admin Reg.18G from delegation to the CEO   |
| Admin r.18B               | Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))<br><i>Local Government is to provide for a max amount of money to which a CEO is entitled if the contract of employment is terminated before the expiry date.</i>                            | Admin<br>Reg.18G |                 | Prohibited by Admin Reg.18G by way of a decision under Admin Reg.18B will be composite within a decision made under Admin Reg.18C. |
| Admin r.18C               | Selection and appointment process for CEOs<br><i>The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.</i>                  | Admin<br>Reg.18G |                 | Prohibited by Admin Reg.18G from delegation to the CEO   |
| Admin r.18D               | Performance review of CEO, local government's duties as to<br><i>A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.</i> | Admin<br>Reg.18G |                 | Prohibited by Admin Reg.18G from delegation to the CEO   |
| 5.42(1)                   | Delegation of some powers and duties to CEO   | s.5.43(a)        |                 | Absolute Majority Decision   |
| 5.46(2)                   | Register of, and records relevant to, delegations to CEO and employees<br><i>At least once every financial year, delegations made under this Division are to be reviewed by the delegator.</i>  | s.5.43(a)        |                 | Review of Delegations (Council to CEO) requires Absolute   |



## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995  |   | Prohibited | Not Recommended | Reason   |
|----------------------------|---|------------|-----------------|--|
|                            |   |            |                 | Majority Decision vide s.5.42(1)   |
| 5.50(1)                    | Payments to employees in addition to contract or award<br><i>Local government adoption of policy required by s.5.50(1) is a Council decision under s.2.7(2)(b).</i>   | x          |                 | s.2.7(2)(b) requires Council resolution to adopt a policy to fulfil a Local Government duty.                                   |
| 5.50(2)                    | Payments to employees in addition to contract or award<br><i>Council resolution is required to determine to make a payment that exceeds the Council policy value established under s.5.50(1).</i>   | x          |                 | Administrative Law requires the substantial variation of a policy position to be referred back to the original decision maker. |
| 5.54(1)                    | Acceptance of annual reports  | s.5.43(a)  |                 | Absolute Majority Decision   |
| 5.56                       | Planning for the future<br><i>Recommend Council resolutions evidence Council's acceptance of the plans and that the plans have been prepared in accordance with Regulations.</i>  |            | x               | WALGA Recommends Council resolution  |
| Admin r.19C(1), (4) & (9)  | Strategic community plans, requirements for (Act s. 5.56)<br><i>Recommend Council resolutions evidence; annual review / adoption of the Long Term Financial Management Plan, 4 year periodic review of the strategic community plan including noting the extent of community consultation undertaken to enable the strategic community plan review.</i> |            | x               | WALGA Recommends Council resolution  |
| Admin r.19C(7)             | Strategic community plans, requirements for (Act s. 5.56)   | s.5.43(a)  |                 | Absolute Majority Decision   |
| Admin r.19DA(1), (4) & (5) | Corporate business plans, requirements for (Act s. 5.56)<br><i>Recommend Council resolutions evidence the adoption / annual review of the Corporate Business Plan and any subsequent modification of it.</i>  |            | x               | WALGA Recommends Council resolution  |
| Admin r.19DA(6)            | Corporate business plans, requirements for (Act s. 5.56)  | s.5.43(a)  |                 | Absolute Majority Decision   |

## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |  | Prohibited      | Not Recommended | Reason  |
|---------------------------|--|-----------------|-----------------|---|
| 5.69(1)                   | Minister may allow members disclosing interests to participate etc. in meetings<br><i>Recommend Council or CEO retain decision making re making application to the Minister to allow a disclosing member to participate and vote.</i>  |                 | x               | WALGA Recommends Council resolution or CEO decision.  |
| 5.69A(1)                  | Minister may exempt committee members from disclosure requirements<br><i>A Council or a CEO may apply to the Minister to exempt the committee members from some or all of the provisions of this Subdivision relating to the disclosure of interests ...</i>   |                 | x               | WALGA Recommends Council resolution or CEO decision.  |
| 5.77                      | Acknowledging receipt of returns<br><i>On receipt of a return under section 5.75 or 5.76 from a person, the CEO or the mayor or president, as the case may be, is to give the person written acknowledgment of having received the return.</i>   |                 | x               | WALGA Recommends CEO / Mayor or President retains responsibility - enables visibility of the potential conflicts of interest and risk arising from disclosures in Returns |
| Admin Reg 29A(2)          | Limits on right to inspect local government information (Act s. 5.95)<br><i>(For the purposes of section 5.95(6), the following information is prescribed as information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves:...</i>   | x               |                 | Requires Council resolution   |
| 5.95(7)                   | Limits on right to inspect local government information<br><i>...(b) the local government has resolved that the information is to be available for inspection.</i>   | x               |                 | Requires Council resolution   |
| 5.98                      | Fees etc. for council members  | s.5.43(e)       |                 | Prohibited from delegation by s.5.43  |
| Admin r.32                | Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))<br><i>Local Government may approve for reimbursement expenses incurred by council member under <u>express authority of the LG</u> and an expense incurred by accompanying person whilst performing council member role and LG considers appropriate and expense incurred in performing functions of a council member</i> | x               |                 | Requires Council resolution   |
| 5.98A                     | Allowance for deputy mayor or deputy president   | s.5.43(a) & (e) |                 | Absolute Majority Decision  |

## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995   |   | Prohibited      | Not Recommended | Reason                                       |
|-----------------------------|---|-----------------|-----------------|--|
| 5.99                        | Annual fee for council members in lieu of fees for attending meetings   | s.5.43(a) & (e) |                 | Absolute Majority Decision                   |
| 5.99A                       | Allowances for council members in lieu of reimbursement of expenses   | s.5.43(a) & (e) |                 | Absolute Majority Decision                   |
| 5.100A<br>Admin<br>r.34AC   | Gifts to council members<br>Gifts to council members, when permitted etc. (Act s. 5.100A)<br><i>Decide to give a gift to a council member...</i><br><i>A Local Government cannot give a gift to a council member unless, the gift is give in prescribed circumstances and the value is less than a prescribed amount.</i> | x               |                 | Requires Council resolution                  |
| 5.100                       | Payments for certain committee members  | s.5.43(e)       |                 | Prohibited from delegation by s.5.43         |
| 5.103(1)                    | Codes of conduct<br><i>A Local Government is to <b>prepare / adopt</b> a code of conduct to be observed by Council Members, Committee Members and employees</i>   | x               |                 | Requires Council resolution                  |
| 5.120(1)                    | Complaints Officer<br><i>A local government is to designate a senior employee, as defined under s.5.37, to be its complaints officer</i>  | x               |                 | Requires Council resolution                  |
| 5.120(2)                    | Complaints Officer<br><i>If a person other than the CEO has not been appointed as the complaints officer, it is recommended that CEO does not delegate under s.5.44 the Complaint Officer duties.</i>   |                 | x               | WALGA Recommends CEO retains decision making |
| 6.2                         | Local government to prepare annual budget   | s.5.43(a)       |                 | Absolute Majority Decision                   |
| Financial Mgt<br>r.33A(3)   | Review of budget  | s.5.43(a)       |                 | Absolute Majority Decision                   |
| 6.4                         | Budget for other circumstances  | s.5.43(a)       |                 | Absolute Majority Decision                   |
| 6.8(1)(b)                   | Expenditure from municipal fund not included in annual budget   | s.5.43(a)       |                 | Absolute Majority Decision                   |
| Financial Mgt<br>r.12(1)(b) | Payments from municipal fund or trust fund, restrictions on making  | x               |                 | Requires Council resolution                  |



## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |  | Prohibited | Not Recommended | Reason                              |
|---------------------------|--|------------|-----------------|-------------------------------------|
|                           | <i>1) A payment may only be made from the municipal fund or the trust fund...(b) otherwise, if the payment is authorised in advance by a resolution of the council.</i>  |            |                 |                                     |
| 6.11(2)                   | Reserve accounts   | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.12(1)(a)                | Power to defer, grant discounts, waive or write off debts  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.13(1)                   | Interest on money owing to local governments   | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.16(1) & (3)             | Imposition of fees and charges   | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.20                      | Power to borrow  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.26(2)                   | Rateable Land<br><i>Authority to exercise discretion in the assessment of applications for non-rateable land in accordance with s.6.26(2) and (3).</i>   |            | x               | WALGA Recommends Council resolution |
| 6.32(1) &(3)              | Rates and service charges  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.33(1)                   | Differential general rates   | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.35(1)                   | Minimum payment  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.36(4)                   | Local government to give notice of certain rates<br><i>The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification.</i>  |            | x               | WALGA Recommends Council resolution |
| 6.37(1)                   | Specified area rates   | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.37(5)                   | Specified area rates<br><i>If a Local Government receives more money than it requires from a specified area rate, it may, and if so requested by the land owner, refund the proportionate contribution OR apply it as a credit in relation to future rates or service charge liabilities</i> |            | x               | WALGA Recommends Council resolution |



## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |  | Prohibited | Not Recommended | Reason                              |
|---------------------------|--|------------|-----------------|-------------------------------------|
| 6.38(1)                   | Service charges  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.38(5)                   | Service charges<br><i>If a Local Government receives more money than it requires from the service charge to an OWNER it may, and if so requested by the land owner, make a refund proportional to the contribution OR allow a credit in relation to a future liability for rates or service charges.</i>                                       |            | x               | WALGA Recommends Council resolution |
| 6.45(1)(b)                | Options for payment of rates or service charges<br><i>Decide such other method of payment by instalments as is set forth in the annual budget (due dates) – refer s.6.2 Budget</i>   |            | x               | WALGA Recommends Council resolution |
| 6.45(3)                   | Options for payment of rates or service charges<br><i>Impose an additional charge (including by way of interest) where payment by instalments – refer s.6.2 Budget</i>   |            | x               | WALGA Recommends Council resolution |
| 6.46                      | Discounts  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.47                      | Concessions  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.51(1)                   | Accrual of interest on overdue rates or service charges  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 6.64(1)                   | Actions to be taken<br><i>Any rates or service charges unpaid for at least 3 years, a local government may take possession of the land and ...sell the land</i><br><i>s.6.68(3A) prescribes that the reasons for the decision to exercise the power of sale, must be recorded in the minutes of the meeting at which the decision is made.</i> | x          |                 | Requires Council resolution         |
| 7.1A                      | Audit committee  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 7.1B                      | Delegation of some powers and duties to audit committees   | s.5.43(a)  |                 | Absolute Majority Decision          |
| 7.3(1) & (2)              | Appointment of auditors  | s.5.43(a)  |                 | Absolute Majority Decision          |
| 7.6(2)(f)                 | Term of office of auditor  | s.5.43(a)  |                 | Absolute Majority Decision          |



## APPENDIX II – Powers and Duties Prohibited or Not Recommended for Delegation

| Local Government Act 1995 |   | Prohibited | Not Recommended | Reason                              |
|---------------------------|---|------------|-----------------|-------------------------------------|
|                           | <i>Where a LG auditor's registration is suspended or the auditor is unable / unwilling to complete the audit, the LG is to appoint* (absolute majority) a person to conduct / complete the audit.</i>   |            |                 |                                     |
| Audit Reg. 14(3)          | Compliance audits by local governments<br><i>After Audit Cttee review, the Compliance Audit is to be presented to Council, <u>adopted by Council</u> and recorded in the minutes</i>  | x          |                 | Requires Council resolution         |
| 9.6(1)                    | Dealing with objection<br><i>An objection is to be dealt with <u>by the council</u> of the local government or by a committee authorised by council to deal with it.</i>  | x          |                 | Requires Council resolution         |
| 9.9(1)                    | Suspension of effect of decision<br><i>If an objection or a review has been lodged against a decision, the effect of the decision is suspended... unless the Local Government considers (decides) that there are urgent reasons why the decision should not be suspended OR suspension of the decision is reasonably likely to endanger safety of person/s or property or create a public nuisance</i>  |            | x               | WALGA Recommends Council resolution |
| 9.49A(4)                  | Execution of Documents<br><i>This section specifically requires a local government to authorise, by resolution, authorise the chief executive officer, another employee or an agent to sign documents on behalf of the local government. The drafting purposefully uses "authorise" and not "delegate" as there is no power for a CEO to sub-delegate the authority to execute documents. Only a Council resolution can authorise a CEO, Employee or Agent to executive documents. Adoption of Council Policy is recommended, which details the classes of offices authorised to execute specified types of documents on behalf of the Local Government</i> | x          |                 | Requires Council resolution         |
| 9.63(1)                   | Minister may give directions to resolve disputes between local governments<br><i>If a dispute arises between 2 or more local governments and this Act does not provide any other means of resolving the dispute, the local governments may refer the dispute to the Minister for resolution.</i>  |            | x               | WALGA Recommends Council resolution |



| Public Health Act 2016 |   | Prohibited | Not Recommended | Reason  |
|------------------------|---|------------|-----------------|---|
| 17.                    | Appointment of environmental health officers<br><i>...(1) A local government may appoint one or more persons as environmental health officers.... (5) This section does not limit the Local Government Act 1995 s.5.36.</i> |            | ✘               | WALGA Recommends – s.5.36(3) [and s.5.41(g)] of the LG Act assign responsibility to the CEO for the employment of LG employees, including EHOs. |
| 26.                    | Further provisions relating to designations   | ✘          |                 | s.26 explains the extent of power provided in s.24. It does not provide any additional powers.  |
| 27.                    | List of authorised officers to be maintained<br><i>This is a matter for “Acting Through” as there is no discretion as to if a list of officers is maintained or not.</i>  | ✘          |                 | Suitable for Acting Through   |
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