

## ANNUAL REVIEW OF DELEGATED AUTHORITY MANUAL – 2007

Page in Delegated Authority Manual	Delegated Authority Title	Proposed Change	Reason for Proposed Change
3	Closing Certain Thoroughfares to Vehicles	Change to position title.	Change required to position title
4-5	Disposing of Property	(3) to be amended to read:  A local government may dispose of property by private treaty <i>in accordance with Section 3.58 of the Local Government Act 1995.</i>	Change required to delegate to the CEO to allow disposition of property that is defined as 'exempt' disposition under the legislation.
6	Acquiring of land	New delegation to be included	To grant the authority to the CEO to be able to acquire land. Same monetary levels currently exist for the CEO to dispose of property
7	Authority to Waive Fees	New delegation to be included.	This delegation was removed from the delegation manual in 2006.  Advice received is that 'acting through' powers of the legislation do not provide sufficient delegation, therefore delegation should be reinstated.

9	Power to Invest	Deletion of 'Statutory Accountant' and addition of 'Senior Financial Accountant'	Restructuring and titling of position - Statutory Accountant position no longer exists.
12	Limitation may be placed on who can tender	Deletion of 'Manager Assets and Commissioning' and addition of 'Manager Financial Services'	Organisational restructure - Manager Financial Services now responsible for tender process.
16	Acquisition of the City's Art Collection	Amend figure of \$5,000 to \$7,500	<p>The increase to \$7,500 is to allow the CEO the flexibility to purchase high quality art works on the advice of the City's Art Consultant.</p> <p>Policy 5-3 will require amending to reflect this change.</p>
17,18,19	Town Planning Delegations	Wording of delegation to be amended to reflect and align with recent modifications to DPS2	Schedule 6 and clause 8.9 have been deleted from DPS2.

25, 26, 27	Delegation of Authority – Option to Extend a Contract	Delegation to be deleted.	This delegation has been superseded by Council's decision of 1 November 2005 – Item CJ231-11/05 refers. See Page 27 of the Manual
30	Authority to Accept Tenders	Delegation to be deleted.	This tender has now been accepted and the delegation is no longer required.
31	Delegation of Authority – Option to Extend a Contract	Delegation to be deleted.	Delegation is covered by Council's decision of 1 November 2005 – Item CJ231-11/05 refers. See Page 27 of the Manual
32,33	Incurring of liability and making of payments	Changes to position titles.	Changes required to position titles
35	Health Act 1911	New delegation to be included.	<p>This delegation was removed from the delegation manual in 2006.</p> <p>Advice received is that 'acting through' powers of the legislation do not provide sufficient delegation, therefore delegation should be reinstated.</p>

36	Animals Local Law – Issuing of Licences, Approvals and Permits	New delegation to be included.	<p>This delegation was removed from the delegation manual in 2006.</p> <p>Advice received is that ‘acting through’ powers of the legislation do not provide sufficient delegation, therefore delegation should be reinstated.</p>
37	Health Local Law – Issuing of Licences, Approvals and Permits	New delegation to be included.	<p>This delegation was removed from the delegation manual in 2006.</p> <p>Advice received is that ‘acting through’ powers of the legislation do not provide sufficient delegation, therefore delegation should be reinstated.</p>
38	Trading in Public Places Local Law – Issuing of Licences, Approvals and Permits	New delegation to be included.	<p>This delegation was removed from the delegation manual in 2006.</p> <p>Advice received is that ‘acting through’ powers of the legislation do not provide sufficient delegation, therefore delegation should be reinstated.</p>

39	Caravan Parks and Camping Grounds Act 1995	New delegation to be included.	<p>This delegation was removed from the delegation manual in 2006.</p> <p>Advice received is that 'acting through' powers of the legislation do not provide sufficient delegation, therefore delegation should be reinstated.</p>
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# **REGISTER OF DELEGATION OF AUTHORITY**

Date of last review by Council:  
Date of last review by CEO:  
Date of last review in accordance with  
District Planning Scheme No 2\*

21 November 2006  
9 December 2005

17 July 2007 – to remain effective until 17  
July 2009

The Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by **absolute majority** decision.

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 or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 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;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of his 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 he desires.

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.

The aim of the delegated authority manual 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.

The manual details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council. This enables easier cross-referencing.

This delegated authority manual will be reviewed in accordance with the Act on an annual basis. The coordination of the review will be performed by Council Support Services.

## CLOSING CERTAIN THOROUGHFARES TO VEHICLES

- (1) **Function to be performed:** A local government may close any thoroughfare that it manages for the passage of vehicles wholly or partially for a period not exceeding four weeks.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Infrastructure Services  
Manager Infrastructure Management & ~~Ranger~~ |  
Services

**Reference:** Section 3.50(1) Local Government Act 1995

- (2) **Function to be performed:** A local government may order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four weeks.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** Director Infrastructure Services  
Manager Infrastructure Management & ~~Ranger~~ |  
Services

**Reference:** Section 3.50(1a) Local Government Act 1995



## DISPOSING OF PROPERTY

- (1) **Function to be performed:** A local government may dispose of property to the highest bidder at public auction.

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

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes, limit to \$500,000

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 3.58(2)(a) Local Government Act 1995

- (2) **Function to be performed:** A local government may dispose of property by accepting the public tender of the person who makes, what is in the opinion of the local government, the most acceptable tender.

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

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes, limit to \$500,000

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 3.58(2)(b) Local Government Act 1995

**(3) Function to be performed:** A local government may dispose of property by private treaty ~~after giving local notice and considering submissions.~~ in accordance with Section 3.58 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.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes, limit to \$500,000

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Section 3.58 Local Government Act 1995

## ACQUIRING OF LAND

<u>Function to be performed:</u>	<u>A local government may acquire land.</u>  <u>“Acquire” means to sell, lease or otherwise acquire of, whether absolutely or not.</u>  <u>“Land transaction” means an agreement, or several agreements for a common purpose, under which a local government is to –</u>  <u>(a) acquire or dispose of an interest in land; or</u> <u>(b) develop land.</u>
<u>Power or duty assigned:</u>	<u>Local government</u>
<u>Power to delegate:</u>	<u>Yes</u>
<u>Delegation recommended:</u>	<u>Yes. Limited to \$500,000</u>
<u>Delegation to:</u>	<u>Chief Executive Officer</u>
<u>Chief executive officer delegates to:</u>	<u>N/A</u>
<u>Reference:</u>	<u>Section 3.59 Local Government Act 1995</u>

## **AUTHORITY TO WAIVE FEES**

<b><u>Function to be performed:</u></b>	<u>Authority to waive fees for goods, services and charges. This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the rate notice.</u>
<b><u>Power or duty assigned:</u></b>	<u>Chief Executive Officer</u>
<b><u>Power to delegate:</u></b>	<u>Yes</u>
<b><u>Delegation recommended:</u></b>	<u>Yes</u>
<b><u>Delegation to:</u></b>	<u>N/a</u>
<b><u>Chief executive officer delegates to:</u></b>	<u>All Directors</u>
<b><u>Reference:</u></b>	<u>Section 6.12 (1) &amp; (2) Local Government Act 1995 Policy 2.4.3</u>

## WRITE OFF OF MONIES

**Function to be performed:** Authority to write off monies.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation  
Recommended:** Yes

**Delegation to:** Chief Executive Officer - individual items to \$20,000 - subject to a report being provided to the Audit Committee on a six monthly basis on the exercise of this delegation.

**Chief Executive Officer  
delegates to:** Director Corporate Services - individual items to \$20,000  
Manager Financial Services - individual items to \$5,000  
Team Leader Rating Services - individual items to \$50.

**Reference:** Section 6.12(1)(c) Local Government Act 1995

CJ78-03/99 refers

## POWER TO INVEST

<b>Function to be performed:</b>	Money 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 may be invested in accordance with Part III of the Trustees Act 1962.	
<b>Power or Duty Assigned:</b>	Local Government	
<b>Power to Delegate:</b>	Yes	
<b>Delegation Recommended:</b>	Yes	
<b>Delegation to:</b>	Chief Executive Officer	
<b>Chief Executive Officer delegates to:</b>	Up to \$1.5 million	Director Corporate Services Manager Financial Services Senior Management Accountant <a href="#">Statutory Accountant</a> <a href="#">Senior Financial Accountant</a>
	\$1.5 to \$3 million	Director Corporate Services Manager Financial Services
	Over \$3 million	Director Corporate Services
<b>Reference:</b>	Section 6.14 Local Government Act 1995	

## OBJECTION TO THE RATE RECORD

<b>Function to be performed:</b>	The local government is to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
<b>Power or Duty Assigned:</b>	Local Government
<b>Power to Delegate:</b>	Yes
<b>Delegation Recommended:</b>	Yes
<b>Delegation to:</b>	Chief Executive Officer
<b>Chief Executive Officer delegates to:</b>	Director Corporate Services. Manager Financial Services Team Leader Rating Services
<b>Reference:</b>	Section 6.76(5) Local Government Act 1995

## CHOICE OF TENDER

- (1) **Function to be performed:** Valid tenders are to be assessed by the local government before deciding which tender to accept.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes, limit to \$250,000

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Regulation 18(1) to 18(7) Local Government (Functions & General) Regulations 1996

- (2) **Function to be performed:** A local government may decline to accept any tender.

**Power or Duty Assigned:** Local Government

**Power to Delegate:** Yes

**Delegation Recommended:** Yes, limit to \$250,000

**Delegation to:** Chief Executive Officer

**Chief Executive Officer delegates to:** N/A

**Reference:** Regulation 18(5) Local Government (Functions & General) Regulations 1996



## **LIMITATION MAY BE PLACED ON WHO CAN TENDER**

<b>Function to be performed:</b>	If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services
<b>Power or Duty Assigned:</b>	Local Government
<b>Power to Delegate:</b>	Yes
<b>Delegation Recommended:</b>	Yes
<b>Delegation to:</b>	Chief Executive Officer
<b>Chief Executive Officer delegates to:</b>	Director Corporate Services <del>Manager Assets and Commissioning</del> <u>Manager Financial Services</u>
<b>Reference:</b>	Regulation 21 Local Government (Functions & General) Regulations 1996

## **CHOICE OF ACCEPTABLE TENDERS FROM AN EXPRESSION OF INTEREST**

<b>Function to be performed:</b>	A local government is to choose acceptable tenderers from expressions of interest received.
<b>Power or Duty Assigned:</b>	Local Government
<b>Power to Delegate:</b>	Yes
<b>Delegation Recommended:</b>	Yes
<b>Delegation to:</b>	Chief Executive Officer
<b>Chief Executive Officer delegates to:</b>	N/A
<b>Reference:</b>	Regulation 23 Local Government (Functions & General) Regulations 1996  CJ60-08/98 refers

## PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

<b>Function to be performed:</b>	A payment may be made from the Municipal Fund or the trust fund if the local government has delegated to the CEO the exercising of its power to make payments from those funds.
<b>Power or Duty Assigned:</b>	Chief Executive Officer
<b>Power to Delegate:</b>	Yes
<b>Delegation Recommended:</b>	Yes
<b>Delegation to:</b>	N/A
<b>Chief Executive Officer delegates to:</b>	All Directors Manager Financial Services Senior Financial Accountant Senior Management Accountant Manager Human Resources
<b>Reference:</b>	Regulation 12 Local Government (Financial Management) Regulations 1996 Delegation "Payment of Accounts - Signatories to Bank Accounts"

## PAYMENTS OF ACCOUNTS – SIGNATORIES TO BANK ACCOUNTS

The following levels of Delegation apply in relation to those officers to whom there has been a delegation granted under delegation "Payments from the Municipal Fund and Trust Account".

<b>Category A Signatories</b>	<b>Category B Signatories</b>
Chief Executive Officer	Senior Management Accountant
Director Planning and Community Development	Senior Financial Accountant
Director Corporate Services	Manager Human Resources
Director Infrastructure Services	<u>Manager Strategic Development</u>
Director Governance and Strategy	
Manager Financial Services	

Approval of payments require signatures as follows:

<b>Cheques or EFT Payment Amounts</b>	<b>Combination of Signatories</b>
Payments under \$10,000	Any 1 of Category A or B signatories
Payments of \$10,000 and over to payments under \$250,000	Any two Category A or B signatories
Payments of \$250,000 and over	Any 1 of Category A and 1 of B signatories; or any 2 Category A signatories

## **ASSESSMENT – COMMUNITY FUNDING**

<b>Function to be performed:</b>	Authority to approve community funding submissions, not exceeding an amount of \$10,000.
<b>Power or Duty Assigned:</b>	Chief Executive Officer
<b>Power to Delegate:</b>	Yes
<b>Delegation Recommended:</b>	Yes
<b>Delegation to:</b>	N/A
<b>Chief Executive Officer delegates to:</b>	Director Planning and Community Development (Limit to \$10,000)
<b>Reference:</b>	Policy 5.2

**ACQUISITION FOR THE CITY’S ART COLLECTION**

<b>Function to be performed:</b>	Authority to purchase artworks, not exceeding <del>\$5,000</del> <u>\$7,500</u> that meet the collection profile on the recommendation of the City’s Art Consultant.
<b>Power or Duty Assigned:</b>	Chief Executive Officer
<b>Power to Delegate:</b>	Yes
<b>Delegation Recommended:</b>	No
<b>Delegation to:</b>	N/A
<b>Chief Executive Officer delegates to:</b>	N/A
<b>Reference:</b>	Policy 5.3

## TOWN PLANNING DELEGATIONS

### ~~1~~ APPOINTMENT OF DELEGATES

~~Pursuant to clause 8.6 For the purpose of Schedule 6 of the City of Joondalup District Planning Scheme No 2 ("the Scheme"), the persons who occupy from time to time the following positions, and who hold or are eligible to hold a municipal town planners certificate, are appointed by the Council to supervise the town planning control functions of the Council:~~

- ~~(a) the Director Planning and Community Development;~~
- ~~(b) the Manager Approvals, Planning and Environmental Services;~~
- ~~(c) the Coordinator Planning Approvals;~~
- ~~(d) the Senior Planning Officers (Planning Approvals);~~

### 21. DELEGATIONS TO DIRECTOR AND MANAGER

Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who are referred to in paragraphs 1(a) and 1(b) above employees of the City who occupy from time to time the positions of the Director Planning and Community Development and the Manager Approvals, Planning and Environmental Services. the following powers conferred or imposed on the Council under the Scheme:

- (a) the determination of an application for approval of development for the purpose of one or more single houses;
- (b) the determination of an application for approval of development for the purpose of not more than 10 grouped dwellings or multiple dwellings;
- (c) the determination of an application for approval of a development for the purpose of a class of use listed in Table 1 (Zoning Table) of the Scheme (other than a single house, grouped dwelling or multiple dwelling) where:
  - (i) the development complies with the standards and requirements of the Scheme; or
  - (ii) the setbacks, the landscaping or the number of parking bays of the development are less than the minimum requirement of the Scheme by not more than 10% of that requirement; and
  - (iii) the development complies with Policy 3-4 Height of Buildings Within The Coastal Area (Non-Residential Zones);

- (d) the direction under clause 6.6.2 of the Scheme that clause 6.7 (Public Notice) is to apply to an application for planning approval involving a “D” use;
- (e) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme;
- (f) the determination under clause 6.1.2 of the Scheme whether to require plans and other information to be submitted with an application; and
- (g) the decision whether to consult under clause 6.4.
- (h) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, ~~8.9~~ and 8.10 of the Scheme and Sections 214 and 215 of the Planning and Development Act 2005.

## 32. MATTERS NOT DELEGATED TO COORDINATOR PLANNING APPROVALS AND SENIOR PLANNING OFFICERS

Pursuant to clause 8.6 of the Scheme, the Council delegates to the ~~persons who are referred to in paragraphs 1(c) and 1(d) above~~employees of the City who occupy from time to time the positions of the Coordinator Planning Approvals and the Senior Planning Officer (Planning Approvals), the powers specified in paragraph 21 above except:

- (a) the determination of an application for approval of a single house under clause 6.1.3 (b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
  - (i) the open space of the proposed development is less than the applicable minimum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
  - (ii) the plot ratio of the proposed development exceeds the maximum requirement of Table 1 of the Residential Design Codes by more than 10% of that requirement; or
  - (iii) any of the setbacks of the proposed development are less than the minimum requirements of Table 1 or Table 2 or clause 3.2.3 A3.3 or A3.5 of the Residential Design Codes by more than 1.5 metres; or
  - (iv) the site area per dwelling of the proposed development is less than the minimum requirement of Table 1 of the Residential Design Codes; or

- (v) the requirements of clause 3.10.1 A1 (iii), (iv) or (v) of the Residential Design Codes are exceeded by more than 10% of those requirements; or
  - (vi) the requirements of clause 3.3.2 A2 (ii) or (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements;
- (b) the determination of an application for planning approval under clause 6.1 of the Scheme where:
  - (i) the setbacks of the proposed development; or
  - (ii) the number of on-site car parking bays to be provided; or
  - (iii) the area of the development site to be developed as landscaping;

is less than the applicable minimum requirement under the Scheme by more than 10% of that requirement;
- (c) the determination of an application for planning approval where:
  - (i) advertising and the giving of notice has occurred under clause 6.7 of the Scheme; and
  - (ii) an objection has been received;
- (d) the determination of an application for approval under clause 6.1.3(b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling under clause 6.1.1 of the Scheme where:
  - (i) consultation under clause 2.5.2 of the Residential Design Codes has occurred; and
  - (ii) an objection has been received from a person notified under that clause;
- (e) the refusal of any application for planning approval under clause 6.1 of the Scheme and the refusal of any application for approval under clause 6.1.3(b); and
- (f) a recommendation to the Western Australian Planning Commission under clause 6.3 of the Scheme.
- (g) the issue of a direction/notice under clauses 8.2, 8.3, 8.8, 8.9 and 8.10 of the Scheme and Sections 214 and 215 of the Planning and Development Act 2005.



The delegations made in paragraphs [21](#) and [32](#) above are to have effect for a period of 2 years from and including the date of this decision.

#### [54.](#) SUBDIVISION FUNCTIONS

The Council specifies the following functions:

- (a) the local government's functions under Section 142 of the Planning and Development Act 2005; and
- (b) where any subdivision is approved by the Western Australian Planning Commission subject to a condition to be carried out to the satisfaction of the local government – the determination as to whether local government is so satisfied;

as functions to be performed by the persons who occupy, from time to time, the following positions;

- (i) the Director Planning and Community Development;
- (ii) the Manager Approvals, Planning and Environmental Services;
- (iii) the Coordinator Urban Design and Policy;
- (iv) the Senior Planning Officers (Urban Design and Policy);

#### [65.](#) REPORTING TO COUNCIL

The CEO is to cause a report of the exercise of powers and functions referred to in paragraph [21](#), [32](#) and [54](#) above, to be prepared and presented to an ordinary meeting of the Council.

## **DETERMINATION OF DEVELOPMENT APPLICATIONS**

At its Meeting held on 22 February 2005, Council delegated authority to the Manager Approvals, Planning & Environmental Services under Clause 8.6 of the District Planning Scheme No 2 to determine development applications for the proposed purpose built special care facility on the Reserve 35844 (15) Chessell Drive, Duncraig that are generally in accordance with the plans attached to Report CJ018-02/05.

**Item CJ018-02/05 refers.**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT**

<b>DELEGATE TO</b>	<b>DESCRIPTION OF AUTHORITY BEING DELEGATED</b>	<b>LEGISLATIVE POWER BEING DELEGATED</b>	<b>AUTHORITY TO DELEGATE</b>	<b>DELEGATION SUBJECT TO</b>
<b>BUILDING SURVEYOR</b>	BUILDING LICENCE APPLICATION approve building licence applications which conform to Council policy, and the building Code of Australia	Section 374(1), Section 374(1a)	Section 374(1b) Section 157A.	Building Code of Australia Residential Planning Codes Building Regulations 1989 Policy Manual - Building
<b>BUILDING SURVEYOR</b>	RETAINING WALLS (Refer Policy 3.1.7) (a) approval for retaining walls up to 2m in height above ground level where it is necessary to protect buildings or adjoining properties and the ground contours warrant the concession in the Building Surveyor's opinion. Retaining walls in excess of 2m in height above ground level are to be referred to Council for approval.	Section 374(1), Section 374(1a)	Section 374(1b), Section 157A	Building Code of Australia Part B1 Policy Manual - Building
<b>PRINCIPAL BUILDING SURVEYOR</b>	All relevant sections relating to Part XV of the Local Government (Miscellaneous Provisions) Act 1960.			Council being advised following action that required the service of a notice.

<b>DELEGATE TO</b>	<b>DESCRIPTION OF AUTHORITY BEING DELEGATED</b>	<b>LEGISLATIVE POWER BEING DELEGATED</b>	<b>AUTHORITY TO DELEGATE</b>	<b>DELEGATION SUBJECT TO</b>
<b>BUILDING SURVEYOR</b>	CERTIFICATE OF CLASSIFICATION Issue Certificate of Classification upon completion of buildings	Section 374	Section 157A	Building Regulations 1989 Part 5-20
<b>BUILDING SURVEYOR</b>	DEMOLITION LICENCE Approve a demolition licence other than for buildings classified by the National Trust and Council's Heritage Register	Section 374A	Section 157A	Building Regulations 1989 Form 7-13(2) & 30

## **AUTHORITY TO MAKE COMMENT TO THE MEDIA**

The Chairman of Commissioners, Cmr John Paterson, issued the following notice to the Chief Executive Officer on 16 August 2005:

“I, John Paterson, Chairman of Commissioners, pursuant to Section 2.8 of the Local Government Act 1995 and in accordance with functions outlined under Section 5.41(f) of the Act, hereby delegate to the Chief Executive Officer, Garry Hunt, authority to make comment to the media or act as my spokesperson on matters relating to:

- 1        the day to day operations of the City, and
- 2        matters relating to the 2005 Panel Inquiry.”

## ~~DELEGATION OF AUTHORITY – OPTION TO EXTEND A CONTRACT~~

~~At its meeting held on 20 September 2005, Council resolved as follows:~~

~~MOVED Cmr Anderson, SECONDED Cmr Clough that Council in relation to Tender Number 001-05/06 for the sweeping of pavements, car parks and pathways in Joondalup City Centre:~~

- ~~1 CHOOSES Asteranch Pty Ltd trading as Clean Sweep as the successful tenderer for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre in accordance with Tender Number 001-05/06 Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre and the Schedule of Rates included as Attachment 1 to Report CJ189-09/05;~~
- ~~2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Asteranch Pty Ltd trading as Clean Sweep in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Asteranch Pty Ltd trading as Clean Sweep;~~
- ~~3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;~~
- ~~4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Asteranch Pty Ltd trading as Clean Sweep under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.~~

~~The Motion was Put and \_\_\_\_\_ CARRIED BY AN  
\_\_\_\_\_ ABSOLUTE MAJORITY (5/0)~~

~~Item CJ189-09/05 refers.~~

## ~~DELEGATION OF AUTHORITY – OPTION TO EXTEND A CONTRACT~~

~~At its meeting held on 20 September 2005, Council resolved as follows:~~

~~MOVED Cmr Clough, SECONDED Cmr Smith that Council in relation to Tender Number 003-05/06:~~

- ~~1 CHOOSES RW & JA Olsen trading as Joondalup Plumbing Services as the successful tenderer for the Supply of Plumbing Maintenance Services in accordance with Tender Number 003-05/06 Supply of Plumbing Services and the Schedule of Rates included as Attachment 1 to Report CJ190-09/05;~~
- ~~2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with RW & JA Olsen trading as Joondalup Plumbing Services in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and RW & JA Olsen trading as Joondalup Plumbing Services;~~
- ~~3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;~~
- ~~4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of RW & JA Olsen trading as Joondalup Plumbing Services under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.~~

~~The Motion was Put and \_\_\_\_\_ CARRIED BY AN  
\_\_\_\_\_ ABSOLUTE MAJORITY (5/0)~~

~~**Item CJ190 – 09/05 refers.**~~

## ~~DELEGATION OF AUTHORITY - OPTION TO EXTEND A CONTRACT~~

~~At its meeting held on 20 September 2005, Council resolved as follows:~~

~~MOVED Cmr Clough, SECONDED Cmr Fox that Council, in relation to Tender Number 008-05/06 for the supply of graffiti control services:~~

- ~~1 CHOOSES Graffiti Systems Australia as the successful tenderer for the Supply of Graffiti Control Services in accordance with Tender Number 001-05/06 Supply of Graffiti Control Services and the Schedule of Rates included as Attachment 1 to Report CJ191-09/05;~~
- ~~2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Graffiti Systems Australia in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Graffiti Systems Australia;~~
- ~~3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;~~
- ~~4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Graffiti Systems Australia under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.~~

~~The Motion was Put and \_\_\_\_\_ CARRIED BY AN  
\_\_\_\_\_ ABSOLUTE MAJORITY (5/0)~~

~~**Item CJ191 - 09/05 refers.**~~



## **AUTHORITY TO APPOINT AN ACTING CHIEF EXECUTIVE OFFICER**

At its meeting held on 11 October 2005, Council resolved as follows:

MOVED Cmr Smith Seconded Cmr Anderson that Council:

- 1 DELEGATES to the Chief Executive Officer the power to make appointments to the position of Acting Chief Executive Officer based on:
  - (a) the City employee holding the substantive position of 'Director' and is designated a 'Senior Employee' as required by the Local Government Act 1995;
  - (b) Appointments being for no longer than thirty-five (35) days, with all other appointments to the position of Acting Chief Executive Officer referred to the Council for determination;
- 2 NOTES that the Chief Executive Officer will advise elected members when a senior employee is to be designated Acting CEO, when circumstances require, for the following three (3) month period.

The Motion was Put and

CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)

***Item CJ220 - 10/05 refers.***

## **AUTHORITY FOR CHIEF EXECUTIVE OFFICER TO EXTEND CONTRACTS**

At its meeting held on 1 November 2005, Council resolved as follows:

MOVED Cmr Anderson, SECONDED Cmr Smith that:

- 1 Council APPROVES the Delegated Authority to allow the Chief Executive Officer to approve any contract extensions, within the original terms and conditions approved by Council, subject to satisfactory performance;
- 2 a condition of this delegation is that the Chief Executive Officer reports to the Audit Committee on a six monthly basis on the exercising of this delegation.

The Motion was Put and

CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)

***Item CJ231-11/05 refers.***

## **~~AUTHORITY TO ACCEPT TENDERS~~**

~~At its meeting held on 4 April 2006, Council resolved, in part, as follows:~~

~~“4 — DELEGATES to the Chief Executive Officer in accordance with Section 5.42 of the Local Government Act 1995 the authority to accept tenders for the construction of the works depot subject to the price of the tenders being within budget.”~~

~~*Item CJ052-04/06 refers.*~~

## ~~DELEGATION OF AUTHORITY – OPTION TO EXTEND A CONTRACT~~

~~At its meeting held on 19 September 2006, Council resolved as follows:~~

~~MOVED Cr McLean, SECONDED Cr Hollywood that Council:~~

- ~~1 ACCEPTS the tender submitted by High Speed Electrics on a sole provider basis for the Supply and Maintenance of Ornamental Street Lights in Joondalup and Iluka in accordance with the requirements in Tender 004-05/06 at the rates as set out in the schedule at Attachment 1 to Report CJ161-09/06 for an initial period of twelve (12) months with two (2) further twelve-month optional extensions at the absolute discretion of the City;~~
- ~~2 DELEGATES to the Chief Executive Officer Authority to approve if considered each of the twelve-month optional extensions and any price variations sought subject to satisfactory compliance with, and performance of, the requirements of Tender 004-05/06 by High Speed Electrics.~~

~~The Motion was Put and \_\_\_\_\_ CARRIED BY AN  
\_\_\_\_\_ ABSOLUTE MAJORITY (12/0)~~

~~Item CJ161-09/06 refers.~~

## INCURRING OF LIABILITY AND MAKING OF PAYMENTS

**Function to be performed:** The Chief Executive Officer is to ensure efficient systems and procedures are established to ensure proper authorisation for the incurring of liabilities and the making of payments.

The authority to approve requisitions and purchase orders and for the supply of goods and services and subsequent certification of services for which funds have been provided for in the Annual Budget.

**Power or Duty Assigned:** Chief Executive Officer

**Power to Delegate:** Yes

**Delegation Recommended:** Yes

**Delegation to:** N/A

**Chief Executive Officer delegates to:** **Category A** – unlimited amount subject to annual budget limitations

- Chief Executive Officer
- Director Corporate Services

**Category B** – limited to \$2 million

- Director Infrastructure Services
- Director Planning and Community Development
- Director Governance and Strategy

**Category C** – limited to \$250,000

- Manager Financial Services
- Manager Information Management
- Manager Infrastructure Management Services
- Manager Operations Services
- Manager, Assets Management
- Coordinator, Building Services
- Team Leader Civil Projects Services
- Operations ~~Services~~ Coordinator – Engineering
- Operations ~~Services~~ Coordinator – Natural Areas and Parks
- Technical Officer- Horticulture
- Executive Officer, Office of the CEO

**Category D** – limited to \$25,000

- Manager Strategic & Sustainable Development
- Manager Marketing, Communication & Council Support

- Manager Leisure and Cultural Services
- Manager Human Resources
- Manager Approvals Planning and Environmental Services
- Manager Community Development and Library Services
- Manager, Organisation Development
- Assets Controller
- Coordinator Business Systems
- Coordinator Network Services
- Administration Coordinator, Infrastructure Management Services
- Conservation Coordinator
- Coordinator Rangers & City Watch
- Coordinator, Projects & Traffic Engineering
- Senior Engineering Projects Officer
- Coordinator Infrastructure Assets Management
- Coordinator Parks & Landscaping
- Coordinator Civil Projects/Subdivisions
- Coordinator Waste Management and Environmental Services
- Building Coordinator - Operations
- Coordinator Community Services
- ~~Manager-Craigie-Coordinator~~ Leisure Centre
- Coordinator Recreation Services
- Coordinator Cultural Development Services
- Coordinator Urban Design
- Principal Environmental Health Officer
- Principal Legal and Compliance Officer

#### **Category E – limited to \$5,000**

- Executive Assistant to the Mayor
- Executive Assistant to the CEO
- Executive Research Officer
- Senior Financial Accountant
- Senior Management Accountant
- Team Leader Rating Services
- Contracts Coordinator
- Team Leader – IM Service Desk
- Senior Administration Officer, Community Development Services
- Administration Coordinator Leisure Centres
- Principal Building Surveyor
- Coordinator Library Services
- Coordinator Library Operations
- Senior Librarian

#### **Reference:**

Section 6.10 Local Government Act 1995  
Regulations 5, 8, 11 and 12 Local Government (Finance)  
Regulations 1996

## **DELEGATION OF AUTHORITY - MODIFICATION TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL**

At its meeting held on 17 July 2007, Council resolved as follows:

MOVED Cr Hollywood, SECONDED Cr Jacob that Council:

- 1 pursuant to Clause 9.7 of the City of Joondalup's District Planning Scheme No 2, SUPPORTS the proposed modification of the Joondalup City Centre Development Plan and Manual to delete the current wording of Clause A1.3 Residential/Mixed Use in the Central Business District and replace it as outlined below, and INITIATES public advertising for a period of 21 days:

### **A1.3 Residential/Mixed Use**

The provisions of the A1.1 General City Uses shall apply;

- 2 NOTES that clause 9.7 of District Planning Scheme No 2 allows Council to adopt a modified process for the consideration of amendments to Structure Plans;
- 3 in the case of no submissions of objection being received, DELEGATES authority to the Director, Planning and Community Development to progress the amendment towards final approval, in accordance with clause 9.6 of District Planning Scheme No 2.

The Motion was Put and

CARRIED BY AN  
ABSOLUTE MAJORITY (8/3)

***Item CJ136-07/07 refers***

## HEALTH ACT 1911

Section 26 of the Health Act 1911 provides that a local authority may appoint and authorise a person to be its deputy to exercise and discharge all or any of the powers and functions of the local authority for such time and subject to such conditions and limitations (if any) as the local authority shall see fit. Such appointment shall not affect the exercise or discharge by the local authority itself of any power or function.

In accordance with section 26 of the Health Act 1911, the following persons are appointed to administer the provisions of the health act 1911 and regulations made there under:

- Manager Approvals Planning and Environmental Services
- Principal Environmental Health Officer
- All Environmental Health Officers (except the signing of notices and prosecutions)



## ANIMALS LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS

<u>Function to be performed:</u>	<u>A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the animals local law.</u>
<u>Power or duty assigned:</u>	<u>Local government</u>
<u>Power to delegate:</u>	<u>Yes</u>
<u>Delegation recommended:</u>	<u>Yes</u>
<u>Delegation to:</u>	<u>Chief Executive Officer</u>
<u>Chief executive officer delegates to:</u>	<ul style="list-style-type: none"><li>• <u>Manager Infrastructure Management Services</u></li><li>• <u>Senior Ranger</u></li><li>• <u>Administration Coordinator, Infrastructure Management Services</u></li><li>• <u>Administration Officer, Infrastructure Management Services</u></li><li>• <u>Manager Approvals, Planning and Environmental Services</u></li><li>• <u>Principal Environmental Health Officer</u></li><li>• <u>Senior Environmental Health Officer</u></li><li>• <u>Environmental Health Officers</u></li></ul>
<u>Reference:</u>	<u>Section 9.10 Local Government Act 1995</u>

## HEALTH LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS

<u>Function to be performed:</u>	<u>A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to the health local law.</u>
<u>Power or duty assigned:</u>	<u>Local government</u>
<u>Power to delegate:</u>	<u>Yes</u>
<u>Delegation recommended:</u>	<u>Yes</u>
<u>Delegation to:</u>	<u>Chief Executive Officer</u>
<u>Chief executive officer delegates to:</u>	<ul style="list-style-type: none"><li><u>• Manager Approvals, Planning and Environmental Services</u></li><li><u>• Principal Environmental Health Officer</u></li><li><u>• Senior Environmental Health Officer</u></li><li><u>• Environmental Health Officers</u></li></ul>
<u>Reference:</u>	<u>Section 9.10 Local Government Act 1995</u>

## **TRADING IN PUBLIC PLACES LOCAL LAW – ISSUING OF LICENCES, APPROVALS AND PERMITS**

<b><u>Function to be performed:</u></b>	<u>A local government may appoint persons or classes of persons to be authorised for the purpose of issuing licences, approvals and permits relating to trading in public places local law.</u>
<b><u>Power or duty assigned:</u></b>	<u>Local government</u>
<b><u>Power to delegate:</u></b>	<u>Yes</u>
<b><u>Delegation recommended:</u></b>	<u>Yes</u>
<b><u>Delegation to:</u></b>	<u>Chief Executive Officer</u>
<b><u>Chief executive officer delegates to:</u></b>	<ul style="list-style-type: none"><li><u>• Manager Approvals, Planning and Environmental Services</u></li><li><u>• Coordinator Planning Approvals</u></li><li><u>• Principal Environmental Health Officer</u></li><li><u>• Manager Leisure and Cultural Services</u></li></ul>
<b><u>Reference:</u></b>	<u>Section 9.10 Local Government Act 1995</u>

### **CARAVAN PARKS AND CAMPING GROUNDS ACT 1995**

Section 17 of the Caravan Parks and Camping Grounds Act 1995 provides for a local government to appoint such persons as authorised persons as it considers necessary.

In accordance with Section 17 of the Caravan Parks and Camping Grounds Act 1995, the following persons are appointed as “authorised persons”:

Principal Building Surveyor  
Principal Environmental Health Officer  
Senior Environmental Health Officer  
Environmental Health Officers  
Building Surveyors

## POLICY 5-3 THE CITY'S ART AND MEMORABILIA COLLECTIONS

<b>STATUS:</b>	<b>City Policy</b> - <i>A policy that is developed for administrative and operational imperatives and has an internal focus.</i>  <i>City policies are referred to Council for review and endorsement.</i>
<b>RESPONSIBLE DIRECTORATE:</b>	Planning and Community Development
<b>OBJECTIVE:</b>	To direct the City's approach to art and collections for the Joondalup community.

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### STATEMENT:

Council recognises the important role played by its public art, the Art Collection, archives and memorabilia in shaping and developing a sense of community. It will address such matters in the following way:

#### Public Art

The State Government's Percent for Art Policy will be utilised when developing proposals for new public buildings and extensions over the value of \$100,000. Developers of public facilities will be encouraged to adopt this policy. Reports to Council relating to such developments shall highlight public art commitments where possible. Projects shall be implemented according to the Public Art Implementation Process as determined by the Chief Executive Officer.

#### Art Collection, Acquisition and Management

The Council will support Western Australian art and artists with a predominantly local content and context through an acquisition program managed by a professional Art Consultant, with input and advice from an Art Collection Reference Group including the Mayor, a maximum of four Councillors and the CEO. The Art Consultant will make recommendations on purchases to the Chief Executive Officer and reserve pieces on behalf of the City within the annual budget allocation limit. The CEO may approve purchases under ~~\$5,000~~ \$7,500. The Council will approve purchases above this amount.

The acquisition program will enhance the existing Art Collection through the inclusion of works submitted by City of Joondalup residents for the Community Art Exhibition, by prominent artists in the Invitation Art Award where the art is focussed on local content and context in 2007, and more broadly, on high quality art produced by Western Australian artists.

The City's Arts Management Strategy will determine the long-term management, acquisition plan, display, valuation and sale of the collection. The City's Arts Consultant will consider all offers of gifts, donations and bequests and advise the City on the suitability and acceptability of the artwork as part of the Art Collection. A report on the implementation of the Strategy and the City's art collection will be provided to the Council at the end of each financial year. This report will also seek direction from the Council on the approach to be taken to the development and management of the art collection in the coming year.

### **Archive & Memorabilia Collection**

The City's archive and memorabilia collection is a repository for unique and significant resources relating to the natural and man-modified environment within and around Joondalup. The collection is a regional resource that contains many items which are jointly owned by the Cities of Joondalup and Wanneroo and which were acquired before the present local governments were formed in 1999. The City of Joondalup has subsequently added to this collection itself. The function of the collection is to allow interpretation of a regional resource to promote education, enjoyment and community participation.

Whilst day-to-day management of the archive and memorabilia collection will be the overall responsibility of the Manager, Library and Information Services, input and advice on promotion of the collection to the City of Joondalup community will be sought from elected members at the end of each financial year in association with the report on the art collection.

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Amendments:	CJ213-06/99, CJ206-10/05, CJ238-12/06
Related Documentation:	Public art implementation process; Art Collections and Acquisition management strategy; Museum collection management strategy
Issued:	December 2006