CONSOLIDATED DELEGATED AUTHORITY REGISTER

1 LOCAL GOVERNMENT ACT 1995 1

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INTRODUCTION

Register of Delegation of Authority

Councils have certain functions and duties that they must perform, and certain powers which they may exercise pursuant to the *Local Government Act 1995* (the Act) and other legislation. Generally, the relevant legislation grants those obligations and powers directly on the Council as a body.

Council's power to delegate is provided for in Section 5.42 and 5.43 of the *Local Government Act 1995* (the Act). This section provides that the Council may delegate any of its functions, other than those specified in Section 5.43 to the CEO. Council cannot however, delegate directly to another Officer of the City unless the statute allows for that Delegation.

The CEO must be delegated the necessary functions to be able to then sub-delegate those functions to an Officer. This is provided for in Section 5.44 of the Act, whereby the CEO may delegate any of the functions of the CEO, other than the power of Delegation.

When a decision making power has been delegated by Council, both Council and the Delegate are authorised to exercise that power.

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.

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.

1 LOCAL GOVERNMENT ACT 1995

1.1 COUNCIL TO CEO

1.1.1 REPEALED - ~~AUTHORITY TO MAKE DECISIONS ON BEHALF OF THE CITY DURING COUNCIL RECESS.~~

Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE06-05/17		
2. CE01-06/18		
3. CE02-05/24		

1.1.2 PERFORMING FUNCTIONS OUTSIDE THE DISTRICT

Function Delegated: *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].*	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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.20(1) Performing functions outside district
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	1) This delegation is not to be sub-delegated. 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. Note: Where these conditions are not met, the matter must be referred for Council decision.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.**	**11.**
2. CE03-06/21	**7.**	**12.**
3. CE02-05/24	**8.**	**13.**
4.	**9.**	**14.**

1.1.3 COMPENSATION FOR DAMAGE INCURRED WHEN PERFORMING FUNCTIONS

Function Delegated: *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].*	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)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Statutory Power being Delegated:	*Local Government Act 1995* s.3.22(1) Compensation s.3.23 Arbitration
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Delegation is limited to settlements which do not exceed $20,000
Statutory Power to Sub-Delegate:	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Nil
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* s.3.22(1) Compensation s.3.23 Arbitration *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.**	**11.**
2. CE03-06/21	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

1.1.4 POWERS OF ENTRY

Function Delegated: *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].*	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]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect of entry by opening a fence [s.3.36].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.28 – Enter Land s.3.32 – Notice of Entry s.3.33 – Entry under warrant s.3.34 – Entry in an emergency s.3.36 – Opening fences
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	All Directors Manager Health and Compliance Manager Community Safety and Emergency Management Manager Parks and Conservation Management Manager Asset Maintenance Manager Approval Services Manager Waste Services
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* Authorise person – refer s.3.31(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**

1. Annual Review – May 2014	**6.** 18/274278	**11.** CE02-05/24
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

Function Delegated: *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].*	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]
Statutory Power being Delegated:	*Local Government Act 1995* s.3.40A(4) Abandoned vehicle wreck may be taken
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	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.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees.
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Community and Place Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* s.3.40(4) Abandoned vehicle wreck may be taken s.3.40A(1) and Delegation 1.1.35 Appointment of authorised officers to impound a vehicle that has been determined as an abandoned vehicle wreck. *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 14/196797	**6.**	**11.**
2. CE01-06/18	**7.**	**12.**
3. 18/274278	**8.**	**13.**
4. CE02-05/24	**9.**	**14.**

1.1.6 CONFISCATED OR UNCOLLECTED GOODS

Function Delegated: *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].*	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] 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]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than $20,000 may, in accordance with the *Local Government (Functions and General) Regulations 1996* (Reg. 30), be disposed of by any means considered to provide best value, provided the process is transparent and accountable. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated - refer Delegated Authority 1.1.35 Authorised persons to perform specified functions under the *Local Government Act 1995.*
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Community and Place Director Planning and Sustainability Manager Health and Compliance Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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.

Compliance Links	*Local Government (Functions and General) Regulations 1996* r.30 Dispositions of property excluded from s.3.58 of the *Local Government Act 1995* s3.58 *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 14/196797	**6.**	**11.**
2. CE01-06/18	**7.**	**12.**
3. 18/274278	**8.**	**13.**
4. CE02-05/24	**9.**	**14.**

1.1.7 DISPOSAL OF SICK OR INJURED IMPOUNDED ANIMALS

Function Delegated: *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].*	Authority to determine that 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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.47A Sick or injured animals, disposal of
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed, except in circumstances where delaying euthanasia would be inhumane.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Community and Place Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* s.3.47A(2)(b)(i) Take reasonable steps to notify the owner *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 14/196797	**6.** 18/274278	**11.**
2. 16/254349	**7.** CE02-05/24	**12.**
3. CE01-06/18	**8.**	**13.**
4. 18/203840	**9.**	**14.**

1.1.8 CLOSE THOROUGHFARES TO VEHICLES

Function Delegated: *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].*	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)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so: • give local public notice; • written notice to prescribed persons and persons that own prescribed land; • consider submissions relevant to the road closure/s proposed; and • provide a copy of the public notice to the Commissioner of Main Roads; [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 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] 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].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The permanent closure of thoroughfares to be referred to Council for determination
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Assets Director Planning and Sustainability **For Function 4 - Partial Closures only:-** Manager Asset Maintenance (except in an emergency) Manager Infrastructure Capital Works Manager Land Development Manager Parks and Conservation Management

	Emergency Road Closures:- Director Assets Manager Asset Maintenance May determine road closures in an emergency where it is considered that there is reasonable and imminent risk to public safety or property and subject to the road closure being given effect through sufficient and compliant traffic management.
CEO's Conditions on Sub-delegation:	As per Council's conditions to the CEO.
Record Keeping Statement (LGA 1995) 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."*	Action taken to close thoroughfares (not partial closures for repairs or maintenance) must be recorded in the appropriate register and elected members advised accordingly. Details of partial closures for repairs or maintenance to be recorded on the appropriate record.
Compliance Links	• 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)]. • Maintain access to adjoining land [s.3.52(3)]; *Public Thoroughfare Closure Management Procedure* *Financial Interest Return required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.**	**11.**
2. 18/203840	**7.**	**12.**
3. 18/306398	**8.**	**13.**
4. CE02-05/24	**9.**	**14.**

1.1.9 CONTROL OF RESERVES AND CERTAIN UNVESTED FACILITIES

Function Delegated: *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].*	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)]. 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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Director Assets
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Parks and Reserves Act 1895* *Land Administration Act 1997* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.**	**11.**
2. 18/203840	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

1.1.10 DETERMINING THAT TENDERS DO NOT HAVE TO BE INVITED FOR THE SUPPLY OF GOODS AND SERVICES

Function Delegated: *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].*	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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996* r.11(2)(f) When tenders have to be publicly invited
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	1. The determination is to be supported by a detailed report; and 2. Subject to the requirements and conditions of Council's Purchasing Policy.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Nil
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures *City of Wanneroo Purchasing Policy* *Procurement Corporate Guideline* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
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

Function Delegated: *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].*	1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 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&G r.14(5)].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996* r.11(1), (2) When tenders have to be publicly invited r.13 *Requirements when local governments invite tenders though not required to do so* r.14 Publicly inviting tenders, requirements for.
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Tenders can only be invited for those goods and services identified in the Long-Term Financial Plan, the Annual Budget, Corporate Business Plan or separately approved by Council Acceptance of the most advantageous tender is subject to Delegation 1.1.15.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	**Functions 1 to 3** All Directors **Function 4** Manager Contracts and Procurement Chief Operating Officer
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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 invitation to tender is to be entered into the Tender Register in the manner prescribed.

Compliance Links	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures *City of Wanneroo Purchasing Policy* *City of Wanneroo Procurement Corporate Guideline* *Financial Interest Return required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.** CE02-06/23	**11.**
2. 18/313146	**7.** CE02-05/24	**12.**
3. 18/306398	**8.** CE04-11/24	**13.**
4. 19/394864	**9.** **CE02-11/25**	**14.**

1.1.12 EXTENSION OF CONTRACTS

Function Delegated: *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].*	Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Statutory Power being Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions & General) Regulations 1996* r.11(2)(j) When tenders have to be publicly invited
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to the: • tender specifying the provisions of the option term; • contract providing for the extension; • 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.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 - CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	All Directors
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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."*	Records of decisions must be retained and recorded in the appropriate record of any extensions to contracts.
Compliance Links	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures *City of Wanneroo Contract Management Corporate Guideline* *Financial Interest Return required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.**	**11.**
2. CE02-05/24	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

1.1.13 TENDERS FOR GOODS AND SERVICES – ACCEPTING, CLARIFYING AND REJECTING TENDERS; MINOR VARIATION TO GOODS AND SERVICES PRIOR TO CONTRACT

Function Delegated: *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].*	1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine: i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and ii. To accept the tender that is most advantageous [F&G r.18(4)]. 4. Authority to decline to accept any tender [F&G r.18(5). 5. Authority to accept the next most advantageous tender if, within six 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&G r.18(6) & (7)] 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&G r.20(1) and (3)]. 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&G r.20(2)].
Statutory Power being Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996* r.18 (2), (4), (4a), (5), (6) & (7) Rejecting and accepting tenders r.20(1), (2) & (3) Variation of requirements before entry into contract
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer

Council's Conditions on Delegation:	**Function 3 and 7** Subject to a provision in the adopted Annual Budget and / or the Long-Term Financial Plan and limited to: • Tenders resulting from the expiry of a recurring contract - $5,000,000 (life of contract). • Supply of plant and equipment - to a maximum amount of $2,000,000. • All other tenders - to a maximum amount of $2,000,000. **Function 6** That the variation is minor having regard to the total goods or services that tenderers were invited to supply.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	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. **Function 2 only** Manager Contracts and Procurement Chief Operating Officer **Function 6 only** All Directors - $10,000
CEO's Conditions on Sub-delegation:	Subject to conditions on delegation to the CEO. The approving Director is not to be the same Director making the recommendation. Once the tender has been accepted, the CEO or any Director may execute the contractual documents relating to the acceptance of the tender.
Record Keeping Statement (LGA 1995) 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 *Local Government (Functions and General) Regulations 1996.* Records of decisions must be retained and recorded in the appropriate record to approve the variation and determine that it is in fact a minor variation.
Compliance Links	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures *City of Wanneroo Execution of Documents Policy* *City of Wanneroo Purchasing Policy* *City of Wanneroo Procurement Corporate Guideline* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CE04-12/16	**6.** CE01-04/20	**11. CE02-11/25**
2. 16/421025	**7.** CE02-06/20	**12.**
3. 17/335505	**8.** CE04-11/24 - Delegations 1.1.14 and 1.1.15 combined into 1.1.13 and two additional functions r17 (6) & (7) added	**13.**
4. CE01-06/18	**9.**	**14.**

1.1.14 REPEALED ~~- MINOR VARIATION IN GOODS OR SERVICES~~

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.**	**11.**
2. CE02-05/24	**7.**	**12.**
3. CE04-11/24 - Delegations 1.1.14 and 1.1.15 combined into 1.1.13 and two additional functions r17 (6) & (7) added	**8.**	**13.**
4.	**9.**	**14.**

1.1.15 REPEALED - ~~SELECTING THE NEXT MOST ADVANTAGEOUS TENDER~~

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE06-05/17	**6.**	**11.**
2. CE01-06/18	**7.**	**12.**
3. CE04-11/24 - Delegations 1.1.14 and 1.1.15 combined into 1.1.13 and two additional functions r17 (6) & (7) added	**8.**	**13.**
4.	**9.**	**14.**

1.1.16 EXPRESSIONS OF INTEREST FOR GOODS AND SERVICES

Function Delegated: *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].*	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 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&G r.23].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996* r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	**Function 1 only:** All Directors
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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 *Local Government (Functions and General) Regulations 1996.*
Compliance Links	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures *City of Wanneroo Purchasing Policy* *City of Wanneroo Procurement Corporate Guideline* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
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

Function Delegated: *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].*	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.
Statutory Power being Delegated:	*Local Government Act 1995* s.3.57 Tenders for providing goods or services *Local Government (Function and General) Regulations 1996* r .21A Varying a contract for the supply of goods or services
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 - CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	All Directors Manager Asset Maintenance Manager Fleet Services Manager Infrastructure Capital Works Manager Parks and Conservation Management Manager Waste Services
CEO's Conditions on Sub-delegation:	1. The amount of the variation limited to the sub-delegates purchasing approval limit; 2. Each variation amount is determined cumulatively, inclusive of the initial purchase price and subject to the sub-delegates purchasing approval limits; and 3. The amount of the variation must be within the approved budget.
Record Keeping Statement (LGA 1995) 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. The record must evidence the decision and that the decision is based upon the variation not changing the scope of the original contract and is necessary for the goods and services to be supplied.
Compliance Links	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures *City of Wanneroo Purchasing Policy* *City of Wanneroo Procurement Corporate Guideline* *City of Wanneroo Contracts Management Corporate Guideline* *Financial Interest Return Required – Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 17/102900	6. 25/147009	11.
2. CE01-06/18	7. CE02-11/25	12.
3. 19/394864	8.	13.
4. CE02-05/24	9.	14.

1.1.18 PANELS OF PRE-QUALIFIED SUPPLIERS FOR GOODS AND SERVICES

Function Delegated: *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].*	1. Authority to establish a panel of pre-qualified suppliers to supply particular goods or services [F&G r.24AB]. 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&G r.24AC(1)(b)]. 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&G r.24AD(3)]. 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&G r.24AD(6)]. 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&G r.24AH(2)]. 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&G r.24AH(3)]. 7. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 8. Authority to decline to accept any application [F&G r.24AH(5). 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&G r.24AJ(1)]
Statutory Power being Delegated:	*Local Government Act 1995* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulation 1996* r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers r.24AJ(1) Contracts with pre-qualified suppliers
Power is originally assigned to:	Local Government

Statutory Power of Delegation	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limits on delegations to CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	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.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	All Directors General Counsel Manager Contracts and Procurement Chief Operating Officer
CEO's Conditions on Sub-delegation:	Subject to:- a) The conditions on delegation to the CEO; and b) Individual contracts entered into with prequalified suppliers in accordance with Function 9 not exceeding $500,000 for Directors and $250,000 for the General Counsel; and c) Manager Contracts and Procurement and Chief Operating Officer are 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.
Record Keeping Statement (LGA 1995) 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 panel and any actions taken by the panel are to be recorded in the appropriate record.
Compliance Links	*Local Government (Functions and General) Regulations 1996* – prescribe applicable statutory procedures *City of Wanneroo Purchasing Policy* *City of Wanneroo Procurement Corporate Guideline* *City of Wanneroo Contract Management Corporate Guideline* *Financial Interest Return Required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CS05-05/17	**6.** 18/306398	**11.**
2. CE01-06/18	**7.** CE02-05/24	**12.**
3. 18/203840	**8.** CE02-11/25	**13.**
4. CE01-08/18	**9.**	**14.**

1.1.19 DISPOSING OF PROPERTY

Function Delegated: *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].*	1. Authority to dispose of property to: (a) to the highest bidder at public auction [s.3.58(2)(a)]. (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)] 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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.3.58(2) & (3) Disposing of Property
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to: 1. The disposal of property being less than $250,000, except for land and the City's Art and Public Art Collections. 2. The disposal of land by sale being: (a) identified in the City's Annual Budget and valued up to $600,000 excluding GST; or (b) for amount not less than 95% of the average of the average of two independent market valuations engaged by the City, and in any event, not exceeding $400,000. 3. Delegation does not apply to the disposal of land by lease, which is subject to a separate delegation (delegation 1.1.20). 4. The disposal of artwork from the City's Art and Public Art Collections being less than $400,000 (the purchase price).
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Assets - $150,000 Director Community and Place - $150,000 Director Corporate Strategy and Performance - $150,000 Manager Asset Maintenance - $50,000 Manager Cultural Development - $50,000 Manager Fleet Services - $50,000 Manager Property Services - $150,000

CEO's Conditions on Sub-delegation:	(a) Subject to the conditions on delegation to the CEO. (b) The delegation to the Manager Cultural Development is for the disposal of artwork from the City's Art and Public Art Collections only. (c) The delegation to the Manager Fleet Services is for disposal of Fleet, Plant and Equipment only. (d) The delegation to the Manager Property Services is for the disposal of land only.
Record Keeping Statement (LGA 1995) 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 transaction including copies of the advertisements to be recorded on the appropriate record and or register.
Compliance Links	*Local Government Act 1995* *s.3.58 Disposing of Property* *City of Wanneroo Strategic Land Policy* *City of Wanneroo Arts Policy* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CE06-05/17	**6.** 25/157489	**11.**
2. CE01-06/18	**7.** CE02-11/25	**12.**
3. 19/394864	**8.**	**13.**
4. CE02-06/23	**9.**	**14.**
5. CE02-05/24	**10.**	

1.1.20 DISPOSING OF PROPERTY (LAND) BY LEASE OR LICENCE

Function Delegated: *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].*	Authority for the disposal of property (Land) by lease or licence.
Statutory Power being Delegated:	*Local Government Act 1995* s.3.58 Disposing of Property
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The grant of a lease or licence in relation to: 1. freehold land owned by the City; or 2. Crown land managed/leased by the City; is further subject to: • Disposal by Lease: a) The disposal of property by lease being subject to: i. The lease being in accordance with the City's Leasing Policy (as then applicable); ii. The term of the lease for telecommunications infrastructure being no greater than 20 years (including options periods), with the annual rent being not less than the market rent determined by an independent valuation obtained by the City, and the annual rent review being the greater of the Consumer Price Index (Perth, All Groups) or 3.5%; iii. The term of all other leases being no greater than 10 years (including option periods); iv. The rental fee payable being no greater than $120,000 (plus GST) per annum during the initial year of the lease term (exclusion of any rental incentives or abatements); and v. The area leased being no greater than 2,000m^2. b) An agreement to vary, or an agreement arising from the terms of a lease including but not limited to novations, terminations, surrenders (whole or partial surrenders), renewal options, assignments (including consent to a deemed assignment), subletting, special conditions or payment schedules of a lease subject to: i. In the case of a variation, the variation being minor in nature and resulting in the lease (as varied) remaining in accordance with the City's Leasing

Policy and Fee Waivers, Concessions and Debt Write Off Policy (as then applicable); and

ii. In the case of an extension:

A. the lease providing for an option for extension and specifying the applicable terms of that option term; and

B. the extension being in accordance with the terms of the option provisions of the original lease.

- Disposal by Licence:

a) The disposal of property by licence being subject to:

i. The licence being in accordance with the City's Leasing Policy (as then applicable);

ii. The term of the licence for telecommunications infrastructure being no greater than 20 years (including options periods), granted as part of a licence for the same period

iii. The term of all other licences being no greater than 10 years (including option periods);

iv. The fee payable being no greater than $75,000 (plus GST) per annum during the initial year of the licence term; and

v. The area licenced being no greater than 5,000m^2.

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:

i. In the case of a variation, the variation being minor in nature and resulting in the licence (as varied) remaining in accordance with the City's Leasing Policy and Fee Waivers, Concessions and Debt Write Off Policy (as then applicable); and

ii. In the case of an extension:

A. the licence providing for an option for extension and specifying the applicable terms of that option term; and

B. the extension of the licence being in accordance with the terms of the option provisions of the original licence.

- Shared Use Agreement (Department of Education)

a) The disposal of City-managed Crown land under a shared use agreement licence to the Department of Education being subject to:

i. The licence being in accordance with the City's Leasing Policy and the Joint

	Development and Shared Use of Facilities with the Department of Education Policy (as then applicable); ii. The granting of a licence being permitted under the City's management order or lease; iii. The term of the licence being no greater than the maximum term permitted under the management order; iv. The licence being on a non-exclusive basis. v. Management costs, including for increased use of City managed land and/or maintenance of Department of Education land, being incorporated in the City's Annual Budget. b) An agreement to vary, or an agreement arising from the terms of a shared use agreement licence including but not limited to terminations, surrenders, renewal options, special conditions or payment schedules of a shared use agreement licence subject to: i. In the case of a variation, the variation being minor in nature and resulting in the shared use agreement licence (as varied) remaining in accordance with the City's Leasing Policy and the Joint Development and Shared Use of Facilities with the Department of Education Policy and Fee Waivers, Concessions and Debt Write Off Policy (as then applicable); and ii. In the case of an extension: A. the shared use agreement licence providing for an option for extension and specifying the applicable terms of that option term; and B. the extension being in accordance with the option provisions of the original shared use agreement licence.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* *s.5.44 CEO may delegate powers and duties to other employees*
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Manager Property Services
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO
Record Keeping Statement (LGA 1995) 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 transaction including copies of the advertisements to be recorded on the appropriate record and or register.

Compliance Links	*Local Government Act 1995* *s. 3.58 Disposing of Property* NOTE: Section 3.58(1) defines: '**dispose'** as includes to sell, lease, or otherwise dispose of, whether absolutely or not; and '**property'** as includes the whole or any part of the interest of a local government in property, but does not include money. *City of Wanneroo Leasing Policy* *City of Wanneroo Execution of Documents Policy* *City of Wanneroo Fee Waivers, Concessions and Debt Write Off Policy* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE03-10/17	**6.** CE02-05/24	**11.**
2. 17/347558	**7. CE02-11/25**	**12.**
3. CE01-06/18	**8. CE03-06/26**	**13.**
4. CE02-06/23	**9. CS03-10/26**	**14.**

1.1.21 REPEALED - ~~APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER~~

Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. CE01-06/18 **2.** 20/34041 **3.** CE04-04/21 **4.** CE02-05/24		

1.1.22 PAYMENTS FROM THE MUNICIPAL FUND AND TRUST FUND

Function Delegated: *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].*	Authority to make payments from the municipal fund or the trust fund.[FM r.12(1)(a)]
Statutory Power being Delegated:	*Local Government Act 1995* s. 6.10 Financial Management Regulations *Local Government (Financial Management) Regulations 1996* r.12(1)(a). Payments from municipal fund or trust fund, restrictions on making.
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995:* s.5.42 – Delegation of some power or duties to the CEO s.5.43 – Limitations on delegation to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	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.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	**Group A:** Director Corporate Strategy and Performance Director Community and Place Director Assets Director Planning and Sustainability Manager Finance Coordinator Financial and Strategic Accounting **Group B:** Team Leader Financial Accounting Coordinator Rates and Accounts Financial Accountant Strategic Finance Business Partner Capital Analyst
CEO's Conditions on Sub-delegation:	• Each invoice is required to be approved for payment by instigating officer and approving officer in accordance with the requirements of the Procurement Corporate Guideline. • When authorising payments each payment voucher is to be authorised as follows before payment is processed: o Up to $50,000 – One signature is required (either group A or B) o $50,001 - and over – Two signatures required (either two from group A, or one from group A and one from group B) • The actual transmission of the funds by EFT is authorised using password protected banking software by any two officers (either group A or B).

	• Internal Fund Transfers* – One signature is required (either group A or B) • Payroll Transfers** – One signature is required (either group A or B) * Internal fund transfers are transfers between the City's trading accounts (excludes the City's Trust Account and the daily cash management account). ** Subject to certification by officer preparing payroll and any two officers (either group A or B).
Record Keeping Statement (LGA 1995) 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."*	As per the requirements of Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
Compliance Links	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.* *Local Government (Audit) Regulations 1996* *Department of Local Government, Sport and Cultural Industries* *Operational Guideline No.11 – Use of Corporate Credit Cards* *Department of Local Government, Sport and Cultural Industries:* *Accounting Manual* *City of Wanneroo Purchasing Policy* *City of Wanneroo Procurement Corporate Guidelines* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CS05-11/14	**6.** 18/313146	**11.**
2. CE06-05/17	**7.** 19/376416	**12.**
3. CE01-06/18	**8.** 19/394864	**13.**
4. 18/203840	**9.** CE02-05/24	**14.**

1.1.23 DEFER, GRANT DISCOUNTS, WAIVE OR WRITE OFF DEBTS

Function Delegated: *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].*	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)]. 2. The write off of any amount of money that it is owed to the City. [s.6.12(1)(c)] Note that: • Function 1 applies to fees and charges as they are incurred; and • Function 2 applies to debts owed to the City.
Statutory Power being Delegated:	*Local Government Act 1995* s.6.12 Power to defer, grant discounts, waive or write off debts
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995:* s.5.42 – Delegation of some power or duties to the CEO s.5.43 – Limitations on delegation to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to: 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; b) The waiver, concession or write off of money owing not exceeding $50,000. c) All waivers, concessions or write offs of money owing greater than $5,001 to be reported to the Audit and Risk Committee.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Director Community and Place Director Assets Director Planning and Sustainability Manager Finance
CEO's Conditions on Sub-delegation:	1. Subject to the conditions on delegation to the CEO. 2. Manager Finance is delegated Function 2 only to a maximum value of $50.00. 3. All waivers, concessions or write offs of money owing $5,000 or less to be reported to the Chief Executive Officer biannually. 4. All decisions are subject to the City's Fee Waivers, Concessions and Debt Write Off Policy

Record Keeping Statement (LGA 1995) 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*	The full details of the waiver, concession or write off to be recorded on the appropriate financial record.
Compliance Links	Local Government Act 1995 s.6.12 Power to defer, grant discounts, waive or write off debts City of Wanneroo Accounting Policy City of Wanneroo Fee Waivers, Concessions and Debt Write Off Policy Financial Interest Return required - Yes

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 17/46347	**6.** CE02-06/20	10. CE02-05/24
2. CE01-06/18	**7.** CE04-08/20	11. CE03-06/26
3. 19/470186	**8.** 21/223785	**13.**
4. CE01-04/20	**9.** CE03-06/21	**14.**

1.1.24 AMENDING THE RATE RECORD

Function Delegated: *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].*	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Statutory Power being Delegated:	*Local Government Act 1995* s.6.39(2)(b) Rate record
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Manager Finance
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* *s.6.40 Effect of amendment of rate record* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
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

Function Delegated: *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].*	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Statutory Power being Delegated:	*Local Government Act 1995* s.6.49 - Agreement as to payment of rates and service charges
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to the arrangements agreed on the basis that the total debt outstanding will be extinguished 12 months from the date of the arrangement.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Chief Operating Officer Manager Finance Coordinator Rates and Accounts
CEO's Conditions on Sub-delegation:	a) Subject to Council's conditions on delegation; and b) The criteria determined by the Director Corporate Strategy and Performance detailed in the 'Collection of Rates and Service Charges' Management Procedure.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* *s.6.49 Agreement as to payment of rates and services charges* *City of Wanneroo Financial Hardship – Collection of Rates and Service Charges Policy and Management Procedure* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference		Decision Reference		Decision Reference	
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

Function Delegated: *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].*	1. 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)]. 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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.6.56 Rates or service charges recoverable in court
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with the *City of Wanneroo Financial Hardship – Collection of Rates and Services Charges Policy.*
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Manager Finance Chief Operating Officer
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*City of Wanneroo Collection of Rates and Service Charges Management Procedure* *City of Wanneroo Financial Hardship – Collection of Rates and Services Charges Policy and Management Procedure* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CE01-06/18	**6.**	**11.**
2. 19/376416	**7.**	**12.**
3. 19/394864	**8.**	**13.**
4. CE02-05/24	**9.**	**14.**

1.1.27 RECOVERY OF RATES DEBTS - REQUIRE LESSEE TO PAY RENT

Function Delegated: *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].*	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)]. 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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.6.60 Local Government may require lessee to pay rent
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	In accordance with the City's Collection of Rates and Service Charges Policy
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* *s.6.60(2) and (4) Local government may require lessee to pay rent* *City of Wanneroo Collection of Rates and Services Charges Management Procedure* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.**	**11.**
2. CE02-05/24	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

1.1.28 FINANCIAL HARDSHIP – AGREEMENT AS TO PAYMENT AND GRANT OF A CONCESSION ON COUNCIL RATES AND SERVICE CHARGES

Function Delegated: *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].*	The authority to determine an alternative payment agreement with a person for the payment of rates or service charges (s.6.49) in respect of a financial hardship application.
Statutory Power being Delegated:	Local Government Act 1995 s.6.49 Agreement as to payment of rates and service charges
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to the Financial Hardship – Collection of Rates and Service Charges Policy:- (1) The CEO being satisfied that the applicant(s) meet the criteria of experiencing Financial Hardship; (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; (3) In circumstances where the CEO is satisfied that the applicant(s) meet the criteria of experiencing severe financial hardship then the following additional assistance applies; (a) A waiver of the administration fee associated with a payment arrangement; and/or (b) A moratorium on the late payment interest on Council rates and charges. (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. (5) The status of each approved application to be reviewed every three months to monitor the arrangement.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Chief Operations Officer

CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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 financial record and rate record.
Compliance Links	*Local Government Act 1995* *s.6.49 Agreement as to payment of rates and services charges* *City of Wanneroo Financial Hardship – Collection of Rates and Services Charges Policy and Management Procedure* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. SCS04-07/20	**6.**	**11.**
2. CE03-06/21	**7.**	**12.**
3. CS03-06/23	**8.**	**13.**
4. CE02-05/24	**9.**	**14.**

1.1.29 RATE RECORD - OBJECTIONS

Function Delegated: *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].*	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.6.76 Grounds of objection
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	a) An extension is not to be granted for a period exceeding six weeks. b) 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.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Manager Finance
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* *s.6.76 Grounds of objection* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
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

Function Delegated: *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].*	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)]. 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)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Statutory Power being Delegated:	*Local Government Act 1995* *Sch 9.1, cl.6 - Dangerous excavation in or near public thoroughfare* *Local Government (Uniform Local Provisions) Regulations 1996*: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	1. Permission may only be granted where, the proponent has: 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. b) Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. c) Provided evidence of sufficient Public Liability Insurance. d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Assets
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.

Record Keeping Statement (LGA 1995) 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 permission and notice issued to be in writing and recorded on the appropriate record.
Compliance Links	*Local Government (Uniform Local Provisions) Regulations 1996* Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the *Local Government Act 1995* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE06-05/17	**6.** CE02-05/24	**11.**
2. CE01-06/18	**7.** CE04-11/24	**12.**
3. 18/313146	**8.**	**13.**
4. 18/306398	**9.**	**14.**

1.1.31 CROSSING – CONSTRUCTION, REPAIR AND REMOVAL

Function Delegated: *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].*	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)]. 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)]. 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)].
Statutory Power being Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996*: r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* *s.5.42 Delegation of some powers or duties to the CEO* *s.5.43 Limitations on delegations to the CEO*
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	**Function 1 only:** Director Planning and Sustainability Manager Approval Services Manager Land Development Coordinator Building Services Senior Building Surveyors **Function 2 only:** Manager Health and Compliance Coordinator Compliance **Functions 2 and 3 to be undertaken by the following delegates:** Director Assets Manager Asset Maintenance
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) s5.46(3) *" A person to whom a power or duty is delegated under this Act is to keep records*	The approval is to be in writing and recorded on the appropriate record.

in accordance with regulations in relation to the exercise of the power or the discharge of the duty."	
Compliance Links	Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996* *Local Government Act 1995: Schedule 9.1, cl 7.* *Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of* the *Local Government Act 1995*. *City of Wanneroo Crossovers Subsidy Policy* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 16/329065 & 17/47779	**6.** 19/241380	**11.**
2. CE01-06/18	**7.** 19/2895800	**12.**
3. 18/313146	**8.**	**13.**
4. 18/306398	**9.**	**14.**

1.1.32 PRIVATE WORKS ON, OVER OR UNDER PUBLIC PLACES

Function Delegated: *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].*	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)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Statutory Power being Delegated:	*Local Government Act 1995,* Sch. 9.1 cl. 8 *Local Government (Uniform Local Provisions) Regulations 1996* r.17 Private works on, over, or under public places
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Permission may only be granted where, the proponent has: 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. 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. c) Provided evidence of sufficient Public Liability Insurance. d) Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Assets Director Planning and Sustainability Manager Land Development
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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 approval is to be in writing and recorded on the appropriate record.
Compliance Links	*Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.*

	Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. This delegated authority is effective in alignment with Delegated Authority 1.1.32 - Private Works on, Over or Under Public Places *Public Places and Local Government Property Local Law 2015* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-06/18	**6.**	**11.**
2. CE02-05/24	**7.**	**12.**
3. CE04-11/24	**8.**	**13.**
4.	**9.**	**14.**

1.1.33 OBSTRUCTION OF FOOTPATHS AND THOROUGHFARES

Function Delegated: *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].*	1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: a) prevent damage to the footpath; or b) prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 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)]. 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)]. 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]. *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].
Statutory Power being Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996:* *r.5 (2) Interfering with, or taking from, local government land* *r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)* *r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)* *r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)*
Power is originally assigned to:	Local Government
Statutory Power of Delegation	*Local Government Act 1995:* *s.5.42 Delegation of some powers or duties to the CEO* *s.5.43 Limitations on delegations to the CEO*
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* *s5.44 CEO may delegate powers or duties to other employees*

CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	**<u>Functions 4 and 5 only</u>** Director Community and Place Manager Community Safety and Emergency Management Coordinator Community Safety Senior Rangers
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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 permission and notice issued to be in writing and recorded on the appropriate record.
Compliance Links:	*Local Government (Uniform Local Provisions) Regulations 1996 - statutory compliance requirements apply*. *Local Government Act 1995* *Schedule 9.1, cl.3* *Financial Interest Return Required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE02-03/21	**6.**	**11.**
2. CE04-11/24	**7.**	**12.**
3. CE02-11/25	**8.**	**13.**
4.	**9.**	**14.**

1.1.34 COUNCIL MEMBER, COMMITTEE MEMBER & CANDIDATE CODE OF CONDUCT COMPLAINTS

Function Delegated: *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].*	Authority to dismiss a Council Member, Committee Member and Candidate Code of Conduct Division 3 Complaint if satisfied that - (a) The behaviour to which the complaint relates occurred at a council meeting; and (b) Either – (i) the behaviour was dealt with by the person presiding at the meeting; or (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.
Statutory Power being Delegated:	*Local Government Act 1995* *s.5.103 Model code of conduct for council members, committee members and candidates* *Local Government (Model Code of Conduct) Regulations 2021* *r.13 Dismissal of complaint*
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* *s.5.42 Delegation of some powers or duties to the CEO* *s.5.43 Limitations on delegations to the CEO*
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	General Counsel Manager Corporate Governance and Council Services Coordinator Corporate Governance
CEO's Conditions on Sub-delegation:	1. The General Counsel (in their absence or where a conflict exists, Manager Corporate Governance and Council Services) is authorised to undertake functions (a) and (b). 2. The Manager Corporate Governance and Council Services (in their absence or where a conflict exists, Coordinator Corporate Governance) is authorised to undertake functions (a) and (b). 3. Delegation will be granted only to the substantive officer holding the position, and not to any individual acting in the roles of General Counsel, Manager Corporate Governance and Council Services or Coordinator Corporate Governance.
Record Keeping Statement (LGA 1995) 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.

Compliance	*Local Government (Model Code of Conduct) 2021* *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.* *City of Wanneroo Council Member, Committee Member and Candidate Code of Conduct Complaint Handling Policy (clause 5.7)* *Financial Interest Return Required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE02-11/25	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

1.1.35 AUTHORISE PERSONS TO PERFORM SPECIFIED FUNCTIONS UNDER THE LOCAL GOVERNMENT ACT 1995

Function Delegated: 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].	1. Authority to authorise persons for the purposes of *Part 3, Division 3, Subdivision 2 – Certain provisions about land* to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be done by owner or occupier of land *[s.3.24]* 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects *[s.3.31(2)]* 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding *[s.3.39(1)]*. 4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 *[s.9.24(1)(c) and (2)(b)]*. 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck *[s.3.40A(1)]*. 6. Authority to appoint fit and proper persons as poundkeepers or rangers *[Misc.Prov.s.449]*.
Statutory Power being Delegated:	*Local Government Act 1995*: s.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing *Local Government (Miscellaneous Provisions) Act 1960* s.449 Pounds, establishing; poundkeepers and rangers, appointing
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Directors General Counsel Manager Approval Services Manager Community Safety and Emergency Management Manager Health and Compliance
CEO's Conditions on Sub-delegation:	**Functions 5 and 6** To be exercised by the Director Community and Place and the Manager Community Safety and Emergency Management Only

Record Keeping Statement (LGA 1995) 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."*	Records of appointment of persons authorised under this delegation are to be retained on the appropriate file or record.
Compliance	*Financial Interest Return Required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE03-09/22	**6.**	**11.**
2. CE02-05/24	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

1.1.36 PROCUREMENT OF GOODS OR SERVICES REQUIRED TO ADDRESS A STATE OF EMERGENCY

Function Delegated: 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].	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: 1. Determine that particular goods or services with a purchasing value >$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Statutory Power being Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996*: Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(aa) Associated definition under sub regulation 11(3)
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority.
Statutory Power to Sub-Delegate:	Nil

CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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 transaction to be recorded on the appropriate record and or register.
Compliance	*Local Government (Functions and General) Regulations 1996* Financial Interest Return Required – *Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE02-05/24	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

1.1.37 POWER TO INVEST AND MANAGE INVESTMENTS

Function Delegated: 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].	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)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Statutory Power being Delegated:	*Local Government Act 1995:* s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996:* r.19 Investments, control procedures for
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	a. All investment activity must comply with the Financial Management Regulation 19C and Council Investment Policy. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. 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. 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 three financial years. [Audit r.17]
Statutory Power to Sub-Delegate:	*Local Government Act 1995* Section 5.44 CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Manager Finance Coordinator Financial and Strategic Accounting
CEO's Conditions on Sub-delegation:	1. A decisions to invest can be confirmed by one of the Sub-Delegates. 2. All investment decisions should be made under the provision of Investment Policy adhering to maximum exposure limitations to a single financial institution or group.

Record Keeping Statement (LGA 1995) 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 transaction to be recorded on the appropriate record and or register.
Compliance	*Local Government (Financial Management) Regulations 1996* – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Financial Interest Return Required – Yes Council Investment Policy

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE02-05/24	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

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

Function Delegated: *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].*	Authority to acquire an interest in land (includes buildings), by lease or other short term instrument.
Statutory Power being Delegated:	*Local Government Act 1995*: • s.3.59 Commercial enterprises by local governments *Local Government (Functions and General) Regulations 1996:* • r.8A Amount prescribed for major land transactions; exempt land transactions prescribed • r.8 Exempt land transactions prescribed
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Section 5.42 Delegation of some powers or duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	• Delegation excludes authority to purchase in fee simple land or buildings and is limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than five years. • Delegation is limited to acquisitions for which an associated budget allocation has been included, and is available, in the Annual Budget. • Where the acquisition total consideration value is greater than $10,000 plus GST per annum, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than three months prior to the execution of the associated acquisition contract.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* Section 5.44 CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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 transaction including copies of the advertisements to be recorded on the appropriate record and or register.*
Compliance	*City of Wanneroo Execution of Documents Policy* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE02-11/25	**5.**	**9.**
2.	**6.**	**10.**
3.	**7.**	**11.**
4.	**8.**	**12.**

1.2 CEO TO EMPLOYEES

1.2.1 DETERMINATION OF THE WARD OF RATEABLE PROPERTY

Function Delegated: *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].*	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.
Statutory Power being Delegated:	*Local Government Act 1995* s.4.31(1B)(b) Rateable property: ownership and occupation
Power is originally assigned to:	Chief Executive Officer
Statutory Power of Delegation	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
Power Delegated to: *The exercise of the delegated power does not include the power of delegation*	General Counsel Manager Corporate Governance and Council Services
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* *s.4.31 Rateable property: ownership and occupation* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE06-05/17	**5.**	**9.**
2. 25/187573	**6.**	**10.**
3.	**7.**	**11.**
4.	**8.**	**12.**

1.2.2 ELECTORAL ENROLMENT ELIGIBILITY CLAIMS AND ELECTORAL ROLL

Function Delegated: *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].*	1. 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)]. 2. 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)]. 3. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 4. 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)]. 5. 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)]. 6. 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]. 7. 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. 8. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 9. 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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election *Local Government (Elections) Regulations 1997* r.13(2) & (4) Register - s.4.32(6)
Power is originally assigned to:	CEO
Statutory Power of Delegation:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
Power Delegated to: The exercise of the delegated power does not include the power of delegation	General Counsel Manager Corporate Governance and Council Services Coordinator Corporate Governance Senior Governance Officer Policy and Elections Officer

CEO's Conditions on Sub-delegation:	Subject to the requirements of the relevant legislation. All decisions made by: • Coordinator Corporate Governance; • Senior Corporate Governance Officer; and • Policy and Elections Officer. must have final signoff approved by the General Counsel or the Manager Corporate Governance and Council Services.
Record Keeping Statement (LGA 1995) 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. 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).
Compliance Links	*Local Government Act 1995* s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election *Local Government (Elections) Regulations 1997* r.13(2) & (4) Register - s.4.32(6) *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CE06-05/17	**5.** 25/245632	**9.**
2. 18/203840	**6.**	**10.**
3. CE02-05/24	**7.**	**11.**
4. 25/187573	**8.**	**12.**

1.2.3 DESTRUCTION OF ELECTION MATERIAL

Function Delegated: *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].*	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)].
Statutory Power being Delegated:	*Local Government Act 1995* s.4.84 Retention and availability of electoral papers, regulations about *Local Government (Elections) Regulations 1997* r.82(4) Keeping election papers – s4.84(a)
Power is originally assigned to:	CEO
Statutory Power of Delegation:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
Power Delegated to: *The exercise of the delegated power does not include the power of delegation*	General Counsel Manager Corporate Governance and Council Services
CEO's Conditions on Sub-delegation:	The authorisation is subject to the requirements of the *State Records Act 2000* and its subsidiary legislation and with Regulation 82 of the *Local Government (Elections) Regulations 1997*.
Record Keeping Statement (LGA 1995) 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
Compliance Links	*State Records Act 2000* *Local Government Act 1995* *Local Government (Elections) Regulations 1997* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. **CE06-05/17** **2.** 18/203840 **3.** 25/187573 **4.**	**5.** **6.** **7.** **8.**	**9.** **10.** **11.** **12.**

1.2.4 INFORMATION TO BE AVAILABLE TO THE PUBLIC

Function Delegated: *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].*	1. 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)]. 2. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].
Statutory Power being Delegated:	*Local Government Act 1995:* s.5.95(1)(b) Limits on right to inspect local government information
Power is originally assigned to:	CEO
Statutory Power of Delegation:	*Local Government Act 1995* s.5.44 CEO may delegate some powers and duties to other employees
Power Delegated to: *The exercise of the delegated power does not include the power of delegation*	Director Corporate Strategy and Performance Director Assets Director Planning and Sustainability Director Community and Place Manager Finance General Counsel Manager Corporate Governance and Council Services
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* *s.5.95 Limits on right to inspect local government information* *Freedom of Information Act 1995* *Financial Interest Return required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE06-05/17	**5.** 25/187573	**9.**
2. 18/203840	**6.**	**10.**
3. 18/313146	**7.**	**11.**
4. CE02-05/24	**8.**	**12.**

1.2.5 INFRINGEMENT NOTICES

Function Delegated: *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].*	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)]. 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] 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].
Statutory Power being Delegated:	*Local Government Act 1995* s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of time s.9.20 Withdrawal of notice
Power is originally assigned to:	Chief Executive Officer
Statutory Power of Delegation:	*Local Government Act 1995* s.5.44 CEO may delegate powers and duties to other employees
Power Delegated to: *The exercise of the delegated power does not include the power of delegation*	Director Community and Place Director Planning and Sustainability Manager Community Safety and Emergency Management Manager Health and Compliance
CEO's Conditions on Sub-delegation:	A delegate, who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.
Record Keeping Statement (LGA 1995) 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 any reviews of infringement notices need to be recorded in the appropriate file.
Compliance Links	*Local Government Act 1995* *s.9.20 Withdrawal of notice* *Infringement Notice Review and Withdrawal Management Procedures* *Financial Interest Return required – Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 16/396766	**6.**	**11.**
2. 18/274278	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

1.2.6 PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW

Function Delegated: *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].*	a) Authority to determine the form of an 'Application for a licence'". (LL cl.8.1(2)(a). b) Authority to determine the form of a 'Renewal of a licence'. (LL cl.8.9). c) Authority to suspend a licence. (LL cl.8.11). d) Authority to revoke a suspension of a licence. (LL cl.8.13). e) Authority to cancel a licence. (LL cl.8.15).
Statutory Power being Delegated:	Clauses .8.1, 8.9, 8.11, 8.13, and 8.15 of the *Public Places and Local Government Property Local Law 2015*
Power is originally assigned to:	Chief Executive Officer
Statutory Power of Delegation:	*Local Government Act 1995* s5.44 CEO may delegate some powers and duties to other employees
Power Delegated to:	Director Assets Director Community and Place Manager Community Facilities Manager Place Management
CEO's Conditions on Delegation:	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*. 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*. 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 2015. d) The revocation of the suspension is subject to the provisions of cl.8.13. e) The cancellation of a licence is subject to the provisions of cl.8.15.
Record Keeping Statement (LGA 1995) *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 decision made under this delegation is to be recorded in the appropriate file or register*
Compliance Links:	*Public Places and Local Government Property Local Law 2015* *Financial Interest Return required – Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 19/217438	**6.**	**11.**
2. 19/362166	**7.**	**12.**
3. 20/13521 and 20/25373	**8.**	**13.**
4.	**9.**	**14.**

1.2.7 APPOINTMENT OF AUTHORISED PERSONS

Function Delegated: *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].*	Authority to appoint persons or classes of persons as authorised persons [*s.9.10(2)]* 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: (a) *Local Government Act 1995* and its subsidiary legislation, including Local Government Act Regulations. (b) *Caravan Parks and Camping Grounds Act 1995*; (c) *Cat Act 2011*; (d) *Cemetries Act 1996* (e) *Control of Vehicles (Off-road Areas) Act 1978*; (f) *Dog Act 1976*; and (g) any other legislation prescribed for the purposes of s.9.10 of the *Local Government Act 1995*.
Statutory Power being Delegated:	*Local Government Act 1995* s.9.10 Appointment of authorised persons
Power is originally assigned to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	*Local Government Act 1995* *s.5.44* CEO may delegate powers and duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	All Directors General Counsel Manager Approval Services Manager Community Safety and Emergency Management Manager Health and Compliance
CEO's Conditions on Sub-delegation:	1. The CEO (in consultation with the General Counsel is to appoint authorised officers for the purposes of s.9.29(2) Representing Local Government in Court; 2. General Counsel is limited to the appointment of Authorised Officers for the purposes of: o s.9.31 Certifying documents as evidence in legal proceedings; and o s.9.38 Evidence of documents coming from the City 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. 4. Manager Community Safety and Emergency Management is limited to the appointment of members of the Community

	Safety and 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. 5. Manager Health and Compliance is limited to the Appointment of members of the Health & 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. 6. Only persons who are appropriately qualified and trained may be appointed as Authorised persons and each person authorised is to be issued a certificate stating that the person is so authorised.
Record Keeping Statement (LGA 1995) 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 appointment of authorised officers is to be facilitated through Governance.
Compliance Links	*Local Government Act 1995* s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons *Delegated Authority Guidelines* *Delegated Authority and Authorisations Corporate Policy* *Financial Interest Return required - Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 17/17699	**6.** 18/274278	**11.**
2. CE06-05/17	**7.** 20/533822 / 20/559662	**12.**
3. CE01-06/18	**8.** CE03-09/22	**13.**
4. 18/203840	**9.** CE02-05/24	**14.**

1.3 COUNCIL TO COMMITTEES OF COUNCIL

1.3.1 POLICY REVIEW COMMITTEE

Function Delegated: *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].*	1. Authority to approve minor review of existing Council Policies. 2. Authority to approve rescission of existing Council Policies.
Statutory Power being Delegated:	*Local Government Act 1995* s.5.16 Delegation of some powers and duties to certain committees
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.2.7(2)(b) Role of Council to determine the local government's policies
Power Delegated to:	Policy Review Committee
Council's Conditions on Delegation:	The Policy Review Committee is not authorised to review the following: 1. Policies that require an absolute majority decision of Council; 2. Major revision of existing policies; 3. Any new Council Policies or Local Planning Policy proposals.
Statutory Power to Sub-Delegate:	Nil
Record Keeping Statement (LGA 1995) 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."*	Policy Review Committee minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Compliance	*Local Government Act 1995* *s.5.16 Delegation of some powers and duties to certain committees* *Policy Review Committee Terms of Reference* *Department of Local Government, Sport and Cultural Industries* Operational *Guide to Meetings* *Financial Interest Return Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE02-11/24	**6.**	**11.**
2. CE03-03/25	**7.**	**12.**
3. CE01-05/25	**8.**	**13.**
4.	**9.**	**14.**

2 OTHER LEGISLATION

2.1 BUILDING ACT 2011

2.1.1 BUILDING PERMIT

Function Delegated: *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].*	1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20 and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. 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)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Statutory Power being Delegated:	*Building Act 2011* s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Conditions imposed by permit authority *Building Regulations 2012* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Power is originally assigned to	Permit Authority (Local Government)
Statutory Power of Delegation:	Building Act 2011 s.127 (1) & (3) Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer
Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Building Act 2011 s.127(6A) Delegation: special permit authorities and local governments
CEO's Sub-Delegation: The exercise of the delegated power does not include the power of delegation	Director Planning and Sustainability Manager Approval Services Coordinator Building Services Senior Building Surveyors Building Surveyors

CEO's Conditions on Sub-delegation:	<u>Business Practice Condition:</u> The ability for Building Surveyors to exercise the functions of this delegation is limited to: 1) Being registered as a building surveyor with Department of Energy Mines Industry Regulation and Safety; or; 2) Certified Applications where a Development Approval has been granted. 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
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Building Act 2011* *Building Regulations 2012* *Local Government Act 1995* *s.5.36 Local government employees* *Financial Interest Return required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CB02-09/11	**6.** CE02-06/23	**11.**
2. 16/436067	**7.** CE02-05/24	**12.**
3. CE06-05/17	**8.**	**13.**
4. CE01-06/18	**9.**	**14.**

2.1.2 DEMOLITION PERMIT

Function Delegated: *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].*	1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 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]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. 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)]. b. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Statutory Power being Delegated:	*Building Act 2011*: s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Conditions imposed by permit authority *Building Regulations 2012* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Power is originally assigned to	Local Government
Statutory Power of Delegation:	Building Act 2011 s.127 Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer
Conditions on Delegation:	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.
Statutory Power to Sub-Delegate:	*Building Act 2011* *s.127(6A) Delegation: special permit authorities and local governments*
CEO's Sub-Delegation: The exercise of the delegated power does not include the power of delegation	Director Planning and Sustainability Manager Approval Services Coordinator Building Services Senior Building Surveyors

CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* *s.5.36 Local government employees* *Building Act 2011* *Building Regulations 2012* *Financial Interest Return required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 16/436067	**6.**	**11.**
2. CE06-05/17	**7.**	**12.**
3. CE01-06/18	**8.**	**13.**
4.	**9.**	**14.**

2.1.3 OCCUPANCY PERMITS OR BUILDING APPROVAL CERTIFICATES

Function Delegated: *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].*	1. Authority to require an applicant to provide any documentation or information required in order to determine an application. [s.55]. 2. Authority to grant or refuse to grant or modify the occupancy permit or building approval certificate. [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit or building approval certificate. [s. 62]. 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].
Statutory Power being Delegated:	*Building Act 2011* s.55 Further Information s.58 Grant of Occupancy Permit, Building Approval Certificate s.62(1) and (3) Conditions imposed by permit authorities s.65(4) Extension of period of duration *Building Regulations 2012* r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Building Act 2011* s.127 Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer
Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Building Act 2011 s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Approval Services Coordinator Building Services Senior Building Surveyors
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) *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.

Compliance Links	*Local Government Act 1995* *s.5.36 Local government employees* *Building Act 2011* *Building Regulations 2012* *Financial Interest Return required - No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 16/436067	**6.**	**11.**
2. CE06-05/17	**7.**	**12.**
3. CE01-06/18	**8.**	**13.**
4.	**9.**	**14.**

2.1.4 BUILDING ORDERS

Function Delegated: *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].*	1. Authority to make Building Orders in relation to: a) Building work b) Demolition work c) An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a) take any action specified in the order; or b) commence or complete any work specified in the order; or c) if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. 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)].
Statutory Power being Delegated:	*Building Act 2011* s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117 Revocation of building order s.118(2) and (3) Permit authority may give effect to building order if non-compliance
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Building Act 2011 s.127 Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer
Conditions on Delegation:	In undertaking the functions of this delegation, the delegate may: • Refer notices to the Legal Counsel or General Counsel where it is considered appropriate; and • 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.
Statutory Power to Sub-Delegate:	*Building Act 2011* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
CEO's Sub-Delegation: The exercise of the delegated power does not include the power of delegation	*Director Planning and Sustainability* *Manager Approval Services* *Manager Health and Compliance* *Coordinator Building Services* *Coordinator Compliance Services*
CEO's Conditions on Sub-delegation:	*Subject to the conditions on delegation to the CEO.*

Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Building Act 2011* *Financial Interest Return required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 16/436067	**6.** CE02-05/24	**11.**
2. CE06-05/17	**7.**	**12.**
3. CE01-08/17	**8.**	**13.**
4. CE01-06/18	**9.**	**14.**

2.1.5 REFERRALS AND ISSUING CERTIFICATES

Function Delegated: *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].*	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)]. 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)].
Statutory Power being Delegated:	*Building Act 2011* s.145A Local Government functions
Power is originally assigned to:	Permit Authority (Local Government)
Statutory Power of Delegation:	*Building Act 2011* s.127(1) & (3) Delegation: special permit authorities and local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Building Act 2011 s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Approval Services Coordinator Building Services
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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.
Compliance Link	*Building Act 2011* *Financial Interest Return Required – No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CE06-05/17	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.

2.1.6 DESIGNATE EMPLOYEES AS AUTHORISED PERSONS

Function Delegated: *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].*	1. Authority to designate an employee as an authorised person [s.96(3)]. 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)].
Statutory Power being Delegated:	*Building Act 2011* s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Building Act 2011* s.127 Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Building Act 2011* s.127(6A) Delegation: special permit authorities and local governments
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Health and Compliance Manager Approval Services
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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. Copies of action under this appointment are to be retained on the appropriate file or record.
Compliance Links	*Building Act 2011* Note: An *authorised person* for the purposes of sections 96(3) and 99(3) is <u>not</u> an *approved officer* or *authorised officer* for the purposes of Building Reg. 70. r.4B Identity cards s.97 each designated authorised person must have an identity card. *Financial Interest Return required - No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE06-05/17	**6.**	**11.**
2. CE01-06/18	**7.**	**12.**
3. 18/203840	**8.**	**13.**
4. CE02-05/24	**9.**	**14.**

2.1.7 PRIVATE SWIMMING POOL BARRIERS

Function Delegated: *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].*	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)]. 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)]. 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)].
Statutory Power being Delegated:	*Building Regulations 2012:* r.51 Approvals by permit authority
Power is originally assigned to:	Local Government (Permit Authority)
Statutory Power of Delegation:	*Building Act 2011* s.127(1) & (3) Delegation: special permit authorities and local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Building Act 2011 s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Manager Approval Services Coordinator Building Services Senior Building Surveyors
CEO's Conditions on Sub-delegation:	<u>Business Practice Condition:</u> 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 *Local Government Act 1995.* The ability to exercise the functions of this delegation is limited to: 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; 2) A performance solution to the pool barrier gate is permitted only if a person with a disability as defined by the *Building Regulations 2012* r.51(1) resides at the dwelling and no children under the age of five reside in the property. In all circumstances, a review will be made of the performance solution every four years with the swimming pool inspection and may be subject to change.

Record Keeping Statement (LGA 1995) 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.
Compliance	*Building Act 2011* *Building Regulations 2012* *Financial Interest Return Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1.	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

2.1.8 APPOINTMENT OF AUTHORISED OFFICERS – INFRINGEMENT NOTICES

Function Delegated: *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].*	Authority to appoint an authorised officer for the purposes of the *Criminal Procedures Act 2004*, Part 2, section 6(b).
Statutory Power being Delegated:	*Building Regulations 2012* *s.70(2) - Approved officers and authorised officers* *Criminal Procedures Act 2004* s.6 Other matters to be prescribed by prescribed acts s.8 Issuing infringement notices
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Building Act 2011* s.127(1) Delegation: special permit authorities and local governments
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Building Act 2011 s.127(6A) Delegation: special permit authorities and local governments
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Health and Compliance
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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. Copies of all notices issued are to be retained on the appropriate file or record.
Compliance Links	*Building Regulations 2012* *r.70(3) Approved officers and authorised officers (Each authorised officer is to be issued a certificate of their appointment)* *Schedule 7, Form 1 (format for an Infringement Notice)* *Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-05/17	**6.**	**11.**
2. 20/533822	**7.**	**12.**
3. CE03-06/21	**8.**	**13.**
4.	**9.**	**14.**

2.1.9 APPOINTMENT OF APPROVED OFFICER – INFRINGEMENT NOTICES

Function Delegated: *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].*	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. 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." s. 9.20. Withdrawal of notice (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. (2) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.
Statutory Power being Delegated:	*Building Regulations 2012* *s.70(1) Approved Officers and Authorised Officers* *Criminal Procedures Act 2004* s.6 Other matters to be prescribed by prescribed Acts s.8 Issuing infringement notices
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Building Act 2011* s.127(1) Delegation: special permit authorities and local governments
Position Delegated:	Chief Executive Officer
Council's Conditions on Appointment:	This delegation is not to be sub-delegated
Statutory Power to Sub-Delegate:	N/A
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A

Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Local Government Act 1995* s.9.19 Extension of time s.9.20 Withdrawal of notice Criminal Procedure Act 2004 s.6(a) and (b) Other matters to be prescribed by acts s7(1) Authorised and approved officers Building Regulations 2012 s.70(1) Approved Officers and Authorised Officers Financial Interest Return required – No

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-05/17	**6.**	**11.**
2. CE03-06/21	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

2.1.10 DESIGNATE CONTRACTORS AS AUTHORISED PERSONS (INSPECTORS)

Function Delegated: *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].*	1. Authority to designate a person contracted, or employed by an entity contracted, by the City of Wanneroo as an authorised person [s.96(3) & r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. 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)]
Statutory Power being Delegated:	*Building Act 2011:* s.96(3) Authorised persons s.99(3) Limitation on powers of authorised person *Building Regulations 2012:* r.4A Authorised persons
Power is originally assigned to:	Permit Authority (Local Government)
Statutory Power of Delegation:	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d)
Statutory Power to Sub-Delegate:	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Health and Compliance Manager Approval Services
CEO's Conditions on Sub-delegation:	Subject to CEO conditions
Record Keeping Statement (LGA 1995) 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. Copies of action under this appointment are to be retained on the appropriate file or record.
Compliance	*Building Act 2011* - s.97 each designated authorised person must have an identity card. r.4B Identity cards Financial Interest Return Required – No

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 2. 3. 4.	6. 7. 8. 9.	11. 12. 13. 14.

2.1.11 AUTHORISED PERSONS TO COMMENCE PROCEEDINGS

Function Delegated: *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].*	Authority to authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)].
Statutory Power being Delegated:	*Building Act 2011:* s.133(1) A permit authority may commence a prosecution for an offence against this Act
Power is originally assigned to:	Permit Authority (Local Government)
Statutory Power of Delegation:	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Health and Compliance Manager Approval Services General Counsel Coordinator Compliance Coordinator Building Services
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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. Copies of action under this appointment are to be retained on the appropriate file or record.
Compliance	*Building Act 2011* - s.146 Confidentiality Financial Interest Return Required – No

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. **2.** **3.** **4.**	**6.** **7.** **8.** **9.**	**11.** **12.** **13.** **14.**

2.2 BUSH FIRES ACT 1954

2.2.1 POWERS, DUTIES AND FUNCTIONS OF A LOCAL GOVERNMENT

Function Delegated: *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].*	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*
Statutory Power being Delegated:	*Bush Fires Act 1954* *Bush Fire Regulations 1954*
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Bush Fires Act 1954* s.48 Delegation by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Excludes powers and duties that; • are subject to separate delegated authority within this Register as set out below; o Delegation 2.2.3 – Appointment of Bush Fire Control Officers; o Delegation 2.2.2 – Variation of Prohibited Burning Times; and o Delegation 2.2.4 – Prosecution of Offences; • are prescribed in the Act with a requirement for a resolution of the local government; and • are prescribed by the Act for performance by appointed officers.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Bush Fires Act 1954* *Bush Fire Regulations 1954* *Financial Interest Return required - No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
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

Function Delegated: *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].*	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)]. 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)].
Statutory Power being Delegated:	*Bush Fires Act 1954* s.17(7) and (8) vary prohibited burning times s.18(5), (5B) and (5C) vary restricted burning times
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Bush Fires Act 1954* s.48 Delegation by local government 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))
Power Delegated to:	Mayor and Chief Bush Fire Control Officer jointly
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Bush Fires Act 1954* *s.17(7B) and (8) Prohibited burning times may be declared by Minister* *s.18(5B) and (5C) Restricted burning times may be declared by FES Commissioner* *City of Wanneroo Variation to Prohibited Burning Times Management Procedure* *Financial Interest Return required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CD04-10/15	**6.**	**11.**
2. CE01-06/18	**7.**	**12.**
3. CE05-06/19 inserted provisions for restricted burning times (Annual Review)	**8.**	**13.**
4.	**9.**	**14.**

2.2.3 APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

Function Delegated: *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].*	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the *Bush Fires Act 1954*; and (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 (b) Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 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)], 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)]. 4. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Statutory Power being Delegated:	*Bush Fires Act 1954* s.38 Local government may appoint bush fire control officer
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Bush Fires Act 1954* s.48 Delegation by local governments
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Excludes powers and duties that: • are prescribed in the Act with the requirement for a resolution by the local government • are prescribed in the Act for performance by prescribed offices; or • are subject to separate delegated authority within this register.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A

Record Keeping Statement (LGA 1995) 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. All actions taken must be recorded in writing in the appropriate file or record.
Compliance Links	*Bush Fire Brigades Local Law 2024* *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).* *Bush Fires Act 1954* *Financial Interest Return required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 15/428120	**6.** CE02-05/24	**11.**
2. CE01-06/18	**7.**	**12.**
3. 22/243939	**8.**	**13.**
4. CP06-11/22	**9.**	**14.**

2.2.4 PROSECUTION OF OFFENCES

Function Delegated: *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].*	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act. *[s.59].* 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Statutory Power being Delegated:	*Bush Fires Act 1954* s.59 Prosecution of offences s.59A(2), Alternative procedure – infringement notices
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Bush Fires Act 1954* s.48 Delegation by Local Government
Power Delegated to:	Chief Executive Officer Director Community and Place Manager Community Safety and Emergency Management Senior Rangers Rangers
Conditions on Delegation:	a) Rangers and Senior Rangers are appointed for the purposes of (2) only. 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 and Place or CEO in consultation with the General Counsel or Legal Counsel.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Bush Fires Act 1954* s.48 Delegation by Local Government *Bush Fires (Infringements) Regulations 1978* *r.4(a) Prescribed officers* *City of Wanneroo Infringement Notice Review and Withdrawal Management Procedure* *Financial Interest Return required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 14/196797	**6.** CE02-02/18	**11.**
2. 15/428120	**7.** 07/07/18 Administrative	**12.**
3. 17/46341	**8.** CE01-06/18	**13.**
4. CE06-05/17	**9.**	**14.**

2.3 CAT ACT 2011

2.3.1 LOCAL GOVERNMENT FUNCTIONS

Function Delegated: *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].*	All the powers and duties of the local government under the *Cat Act 2011*, *Cat Regulations 2012* and *Cat (Uniform Local Provisions) Regulations 2013*.
Statutory Power being Delegated:	*Cat Act 2011* *Cat Regulations 2012* *Cat (Uniform Local Provisions) Regulations 2013*
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Cat Act 2011* s.44 Delegation by local government
Power Delegated to:	Chief Executive Officer
Conditions on Delegation:	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.
Statutory Power to Sub-Delegate:	*Cat Act 2011* s.45 Delegation by CEO of local government
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Community and Place Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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."*	Decisions made under this delegation are to be recorded in the appropriate file or register *Appointment of Authorised Officers under all legislation is to be facilitated through Governance*
Compliance Links	*Cat Act 2011* *Cat Regulations 2012* *Cat (Uniform Local Provisions) Regulations 2013* *City of Wanneroo Cats Local Law 2023* *Financial Interest Return required - No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 14/196797	**6.**	**11.**
2. CE01-09/16	**7.**	**12.**
3. CE01-06/18	**8.**	**13.**
4. 18/274278	**9.**	**14.**

2.3.2 INFRINGEMENT NOTICES – EXTENSIONS AND WITHDRAWALS

Function Delegated: *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].*	1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Statutory Power being Delegated:	*Cat Act 2011:* s.64 Extension of time s.65 Withdrawal of notice
Power is originally assigned to:	Chief Executive Officer
Statutory Power of Delegation:	Cat Act 2011: s.45 Delegation by CEO of local government
Power Delegated to:	Director Community and Place Manager Community Safety and Emergency Management Coordinator Community Safety
Conditions on Delegation:	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.
Statutory Power to Sub-Delegate:	*Cat Act 2011* s.45 Delegation by CEO of local government
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Community and Place Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	a. The Manager Community Safety and Emergency Management (and in their absence or where a conflict of interest exists, the Coordinator Community Safety) is authorised to undertake functions 1 and 2; b. 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.
Record Keeping Statement (LGA 1995) 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 any reviews of infringement notices need to be recorded in the appropriate file. Appointment of Authorised Officers under all legislation is to be facilitated through Governance.
Compliance Links	*Cat Regulations 2012:* r.28 Withdrawal of infringement notice (s.65(1)) *Cat Act 2011:* s.64 Extension of time s.65 Withdrawal of notice Infringement Notice Review and Withdrawal Management Procedure

	Cat Local Law 2023 Financial Interest Return Required – Yes

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 14/196797	**6.** CE02-11/25	**11.**
2. CE01-09/16	**7.**	**12.**
3. CE01-06/18	**8.**	**13.**
4. 18/274278	**9.**	**14.**

2.4 DOG ACT 1976

2.4.1 LOCAL GOVERNMENT FUNCTIONS

Function Delegated: *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].*	All the powers and duties of the local government under the *Dog Act 1976* and *Dog Regulations 2013*.
Statutory Power being Delegated:	*Dog Act 1976* *Dog Regulations 2013*
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Dog Act 1976* s.10AA Delegation of local government powers and duties
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	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: 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; b) Rangers inspecting the premises to ensure means exist to effectively confine the dogs within the premises. 2. Proceeds from the sale of dogs are to be directed into the Municipal Fund. 3. Notices of decisions must include advice as to Objection and Review rights in accordance with the relevant section of the *Dog Act 1976*.
Statutory Power to Sub-Delegate:	*Dog Act 1976* s.10AA (3) Delegation of local government powers and duties
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Community and Place Manager Community Safety and Emergency Management Coordinator Community Safety
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO; and • Manager Community Safety and Emergency Management to review decisions of Coordinator Community Safety. • Director Community and Place to review and determine appeals of decisions made by Manager Community Safety and Emergency Management. • CEO to review and determine appeals of decisions made by Director Community and Place.

Record Keeping Statement (LGA 1995) 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."*	Decisions made under this delegation are to be recorded in the appropriate file or register *Appointment of Authorised Officers under all legislation is to be facilitated through Governance*
Compliance Links	*Dog Act 1976* *Dog Regulations 2013* *Dogs Local Law 2016* *Financial Interest Return required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CD01-08/15	**6.** 18/274278	**11.**
2. CE01-09/16	**7.**	**12.**
3. 07/02/18 Administrative amendment	**8.**	**13.**
4. CE01-06/18	**9.**	**14.**

2.5 FOOD ACT 2008

2.5.1 PROHIBITION ORDERS AND CERTIFICATES OF CLEARANCE

Function Delegated: *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].*	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)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 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)].
Statutory Power being Delegated:	*Food Act 2008* s.65(1) Prohibition order s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Power is originally assigned to:	Local Government (Enforcement Agency)
Statutory Power of Delegation:	Food Act 2008 s.118 Functions of enforcement agencies and delegation
Power Delegated to:	Manager Health and Compliance
Conditions on Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. <u>Business Practice Condition</u> The power to prosecute any person is only exercised by agreement of the Manager Health and Compliance and Director Planning and Sustainability in consultation with advice from the General Counsel.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Food Act 2008* *Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE06-05/17	**6.**	**11.**
2. CE01-06/18	**7.**	**12.**
3. CE02-05/24	**8.**	**13.**
4.	**9.**	**14.**

2.5.2 FOOD BUSINESS REGISTRATIONS

Function Delegated: *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].*	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)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Statutory Power being Delegated:	*Food Act 2008* s.110 Registration of food businesses s.112 Variation of conditions or cancellation of registration of food businesses
Power is originally assigned to:	Local Government (Enforcement Agency)
Statutory Power of Delegation:	*Food Act 2008* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Power Delegated to:	Manager Health and Compliance Coordinator Health Services Senior Environmental Health Officers
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Food Act 2008* 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:- • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline *Financial Interest Return required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CE06-05/17	6.	11.
2. CE01-06/18	7.	12.
3.	8.	13.
4.	9.	14.

2.5.3 APPOINTMENT OF AUTHORISED AND DESIGNATED OFFICERS

Function Delegated: *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].*	1. Authority to appoint a person to be an authorised officer for the purposes of the *Food Act 2008* [s.122(1)]. 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)]. 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).
Statutory Power being Delegated:	*Food Act 2008* s122 Appointment of authorised officers s126 Infringement notices
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Food Act 2008* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Power Delegated to:	Chief Executive Officer Director Planning and Sustainability Manager Health and Compliance
Council's Conditions on Delegation:	<u>Business Practice Condition</u> The power to prosecute any person is only exercised by agreement of the Manager Health and Compliance and Director Planning and Sustainability in consultation with the Legal Counsel or General Counsel.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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* All actions taken must be recorded in writing in the appropriate file or record.

Compliance Links	*Food Act 2008* 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: • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer *Financial Interest Return required – No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. CE06-05/17	**6.**	**11.**
2. CE01-06/18	**7.**	**12.**
3. CE01-07/18	**8.**	**13.**
4.	**9.**	**14.**

2.5.4 DETERMINE COMPENSATION

Function Delegated: *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].*	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)]. 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)].
Statutory Power being Delegated:	*Food Act 2008* s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Food Act 2008* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Power Delegated to:	Director Planning and Sustainability
Council's Conditions on Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of $5,000. Compensation requests above this value are to be presented to Council for determination.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Food Act 2008* In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, *Financial Interest Return required - No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE01-08/18	**5.**	**8.**
2. CE02-05/24	**6.**	**9.**
3.	**7.**	**10.**

2.5.5 DEBT RECOVERY AND PROSECUTIONS

Function Delegated: *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].*	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). 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Statutory Power being Delegated:	*Food Act 2008* s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Food Act 2008* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Power Delegated to:	Chief Executive Officer Director Planning and Sustainability Manager Health and Compliance
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Food Act 2008* In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. *Food Regulations 2009* *Financial Interest Return required - No*

Delegation Administration:		
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

Function Delegated: *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].*	All the powers and duties of the local government under the *Graffiti Vandalism Act 2016.*
Statutory Power being Delegated:	*Graffiti Vandalism Act 2016* Part 3 Local government powers
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Graffiti Vandalism Act 2016* s.16 Delegation by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Hearing or determining of an objection of a kind referred to under s.22 is excepted.
Statutory Power to Sub-Delegate:	*Graffiti Vandalism Act 2016* s.17 Delegation by CEO of local government
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Assets Manager Asset Maintenance
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Graffiti Vandalism Act 2016* Objections to be dealt with under the *Local Government Act 1995*, Part 9, section 9.6 This delegated authority is effective in alignment with Delegated Authority 2.6.2 Notices – Deal with Objections and Give Effect to Notices *Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
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

Function Delegated: *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].*	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)].
Statutory Power being Delegated:	*Health (Asbestos) Regulations 1992* r.15D(5) Appointment of authorised and approved officers for the purposes of the *Criminal Procedures Act 2004* Part 2.
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Health (Asbestos) Regulations 1992* r.15D. Infringement notices. (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.
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.*
Compliance Links	*Health (Asbestos) Regulations 1992* 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)]. *Criminal Procedures Act 2004* *Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE03-10/17	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

2.7.2 DESIGNATE AUTHORISED OFFICERS

Function Delegated: *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].*	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)].
Statutory Power being Delegated:	*Public Health Act 2016* s.24 Designation of authorised officers
Power is originally assigned to:	Local Government (Enforcement Agency)
Statutory Power of Delegation:	*Public Health Act 2016* s.21 Enforcement agency may delegate
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Compliance Links	*Public Health Act 2016:* s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority *Criminal Investigation Act 2006*, Parts 6 and 13 – refer s.245 of the *Public Health Act 2016* *The Criminal Code*, Chapter XXVI – refer s.252 of the *Public Health Act 2016* *Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE02-03/17	**6.**	**11.**
2. CE06-05/17	**7.**	**12.**
3. 17/313208	**8.**	**13.**
4.	**9.**	**14.**

2.7.3 ENFORCEMENT AGENCY REPORTS TO THE CHIEF HEALTH OFFICER

Function Delegated: *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].*	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 City of Wanneroo [s.22(1)] 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)].
Statutory Power being Delegated:	*Public Health Act 2016* s.22 Reports by and about enforcement agencies
Power is originally assigned to:	Enforcement Agency (means Local Government vide s.4 definition)
Statutory Power of Delegation:	*Public Health Act 2016* s.21 Enforcement agency may delegate
Power Delegated to:	Manager Health and Compliance Coordinator Health Services
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil. Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.* The full details to be recorded on the appropriate record and or register.
Compliance Links	*Public Health Act 2016* *s.20 Conditions on performance of functions by enforcement agencies* *Financial Interest Return Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE02-05/24	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

2.8 HEALTH (MISCELLANEOUS PROVISION) ACT 1911

2.8.1 APPOINTMENT AND AUTHORISATION OF DEPUTY

Function Delegated: *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].*	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.
Statutory Power being Delegated:	*Health (Miscellaneous Provisions) Act 1911* Section 26 Powers of local government
Power is originally assigned to:	Local Government
Statutory Power of Appointment	*Health (Miscellaneous Provisions) Act 1911* Section 26 Powers of local government
Positions Appointed:	Director Planning and Sustainability Manager Health and Compliance Coordinator Health Services Senior Environmental Health Officers Environmental Health Officers Health Technical Officers
Council's Conditions on Delegation:	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 and Compliance, Coordinator Health Services and Senior Environmental Health Officers. 2. The power to prosecute is only to be exercised on recommendation from the Manager Health and Compliance and with the written approval of the Director Planning and Sustainability in consultation with the General Counsel or the Legal Counsel. 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 and Compliance, Coordinator Health Services, Senior Environmental Health Officers and Environmental Health Officers 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*.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A

CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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."* *Appointment of Authorised Officers under all legislation is to be facilitated through Governance*
Compliance Links	*Health (Miscellaneous Provisions) Act 1911* *Financial Interest Returns Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. CE04-03/17	**6.**	**11.**
2. 18/203840	**7.**	**12.**
3. 20/311419	**8.**	**13.**
4.	**9.**	**14.**

2.9 STRATA TITLES ACT 1985

2.9.1 REPEALED - ~~APPROVALS SUBDIVISION APPROVAL OF STRATA SCHEME~~

Delegation Administration:		
Decision Reference	Decision Reference	Decision Reference
1. 16/436067 2. CE01-06/18 3. 20/310315	4.. CE03-06/21 5.. CE02-05/24	

2.10 PLANNING & DEVELOPMENT ACT 2005

2.10.1 STRUCTURE PLANNING (STRUCTURE PLANS, LOCAL DEVELOPMENT PLANS AND JINDEE DESIGN CODES)

Function Delegated: *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].*	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.
Statutory Power being Delegated:	Decisions relating to structure plans and local development plans under Parts 4 and 6 of Schedule 2 of *Planning and Development (Local Planning Schemes) Regulations 2015* (the deemed provisions).
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	Clause 82 of the *Planning & Development (Local Planning Schemes) Regulations 2015* (the deemed provisions).
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The exercise of this delegated authority is conditional on the following: Structure Plans a) All new structure plans shall be referred to Council for consideration after being advertised for public comment; 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; 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: • materially alter the purpose and intent of the structure plan; • change the intended lot/ dwelling yield by more than 10 per cent or adversely impact upon the amenity of adjoining landowners and occupiers; • restrict the use and development of adjoining land; or • significantly impact on infrastructure provision or impact upon the environment. *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.* 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:- • 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

	Significantly impact on infrastructure provision or impact upon the environment.
Statutory Power to Sub- Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 (the deemed provisions) Clause 83
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	**Director Planning and Sustainability and Manager Approval Services** 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. Jindee Design Codes in accordance with Councils conditions and Schedule 6 Cl. 7.7 of DPS2. **Coordinator Planning Services** All decisions under Part 4 (Structure Planning) Clause 17 and Part 6 (Local Development Plans) Clause 49.
CEO's Conditions on Sub-delegation:	As per Council's conditions on delegation to the CEO.
Record Keeping Statement (LGA 1995) 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 decisions made are to be retained on the appropriate file or record.
Compliance Links	*Planning & Development (Local Planning Schemes) Regulations 2015* *Local Planning Policies* *Financial Interest Return required - No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. PS11-10/15	**6.** 23/437872	**11.**
2. CE06-05/17	**7.** CE02-05/24	**12.**
3. CE03-10/17	**8.**	**13.**
4. CE03-06/21	**9.**	**14.**

2.10.2 DIRECTION NOTICES

Function Delegated: *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].*	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. 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. 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.
Statutory Power being Delegated:	*Planning and Development Act 2005* s.214(2), (3) and (5) Illegal development, responsible authority's powers as to
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42(1)(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	A written direction under Section 214 of the Planning and Development Act 2005 may be issued by the delegate. <u>Business Practice Conditions</u> 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 and Compliance or Director Planning & Sustainability and with the written approval of the Chief Executive Officer or his delegate in consultation with the General Counsel or Legal Counsel. 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 and Sustainability, Manager Approval Service or Manager Health and Compliance. 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 and Sustainability. 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.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* *s.5.44 CEO may delegate powers and duties to other employees*
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Approval Services Manager Health and Compliance
CEO's Conditions on Sub-delegation:	A written direction under Section 214 of the *Planning and Development Act 2005* may be issued Director Planning and Sustainability, Manager Approval Services or Manager Health and Compliance. <u>Business Practice Conditions</u> a) The authority to prosecute under Part 13 of the *Planning and Development Act 2005* is only exercised on recommendation from the Manager Health and Compliance or Manager Approval Services and with the written approval of the Director Planning and Sustainability in consultation with the General Counsel or Legal Counsel. 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 and Sustainability, having regard to the advice of the Manager Approval Services or Manager Health and Compliance. 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 and Sustainability. 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 and Sustainability.
Record Keeping Statement (LGA 1995) 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 comments or recommendations made are to be retained on the appropriate file or record.
Compliance Links	*Planning and Development (Local Planning Schemes) Regulations 2015* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. PS11-10/15	**6.**	**11.**
2. CE06-05/17	**7.**	**12.**
3. CE01-06/18	**8.**	**13.**
4. 18/203840	**9.**	**14.**

2.10.3 DEVELOPMENT CONTROL PLANNING APPROVALS

Function Delegated: *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].*	1. Determination of applications for planning approval (including the exercise of discretion under District Planning Scheme No. 2 and the Residential Design Codes); and 2. All matters which arise out of the imposition of conditions on planning approvals under the District Planning Scheme No. 2.
Statutory Power being Delegated:	The power to determine applications for planning approvals lodged pursuant to Part 7 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (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.
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Planning and Development (Local Planning Schemes) Regulations 2015* (the deemed provisions) Clause 82 Delegations by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	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 b) An application will be referred to Council for determination where the Director considers that: 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; 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. 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.
Statutory Power to Sub-Delegate:	*Planning and Development (Local Planning Schemes) Regulations 2015* *cl.83 Local government CEO may delegate powers*
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Approval Services Coordinator Planning Services Coordinator Building Services Specialist Planner – Approval Services Specialist Project Planner Senior Planners Senior Building Surveyors

CEO's Conditions on Sub-delegation:	The exercise of this delegated authority is conditional on the following: a) As per Council's conditions on delegation to the CEO; 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. 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. 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. e) Any application for the establishment of the following land uses (excluding additions and alterations): i) industry – hazardous; ii) service station; iii) tavern; iv) liquor store – small/large; v) fast food outlet; and vi) childcare premises . as per the land use definitions in DPS2 may be determined by the Manager Approval Services or the Director Planning and Sustainability. 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. This delegated authority is limited for the Coordinator Building Services and Senior Building Surveyors as follows: 6.1 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: i) outbuildings, garages or carports; ii) patios or verandas; iii) street walls or fences; and iv) retaining walls, and 6.2 Providing that the application for development (outlined in point b) above) is **not** located in a place that is:- • Entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990;* or

	• Included on a heritage list prepared in accordance with DPS 2; • Within an area designated under DPS 2 as a heritage area; or • The subject of a heritage agreement entered into under the • *Heritage of Western Australia Act* section 29.
Record Keeping Statement (LGA 1995) 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.
Compliance Links	*Planning and Development (Local Planning Schemes) Regulations 2015* *State Administrative Tribunal Act 2004* *Financial Interest Return required - No*

Delegation Administration:

	Decision Reference		Decision Reference		Decision Reference
1.	CB01-11/14 and OC01-11/14	**6.**	CE06-05/17	**11.**	19/104903
2.	PS11-10/15	**7.**	CE01-06/18	**12.**	CE01-04/20
3.	16/436067	**8.**	18/203840	**13.**	CE02-06/20
4.	CE03-03/17 & 17/73467	**9.**	18/455559	**14.**	CE03-06/21
15	23/437872				

2.10.4 LANDSCAPE ENHANCEMENT ZONE BUILDING ENVELOPES

Function Delegated: *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].*	1. The power to adopt a plan defining a building envelope. 2. The power to approve development outside of the building envelope defined on the plan adopted under 3.26.4 of DPS 2.
Statutory Power being Delegated:	City of Wanneroo District Planning Scheme No. 2 Schedule 6 – Cl. 8.3, 8.4 of DPS2.
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 – Deemed provisions for local planning schemes Clause 82 Delegations by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	1. Compliance with all applicable Local Planning Policies adopted by Council. 2. A proposed building envelope plan shall be referred to Council for determination: (i) where requested by a Council Member or by the applicant in writing, or (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. 3. A proposed development which is outside of an approved building envelope shall be referred to Council under the same conditions as b) above.
Statutory Power to Sub-Delegate:	*Planning and Development (Local Planning Schemes) Regulations 2015* (the deemed provisions) Clause 83 Local government CEO may delegate powers
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Approval Services Coordinator Planning Services Senior Planners
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO.

Record Keeping Statement (LGA 1995) 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 decision made under this delegation is to be recorded in the appropriate file or register
Compliance Links	*Planning and Development (Local Planning Schemes) Regulations 2015* *City of Wanneroo District Planning Scheme No. 2* *Local Planning Policies* *Financial Interest Return required – No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. PS06-08/16	**6.**	**11.**
2. 16/292302	**7.**	**12.**
3. CE06-05/17	**8.**	**13.**
4. 23/437872	**9.**	**14.**

2.10.5 DISTRICT PLANNING SCHEME NO 2 – APPOINTMENT OF AUTHORISED OFFICERS

Function Delegated: *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].*	The appointment of officers as an authorised officer for the purposes of the Clause 79 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* within the City of Wanneroo.
Statutory Power being Delegated:	*Planning and Development (Local Planning Schemes) Regulations 2015* Sch.2, cl 79 Entry and inspection powers
Power is originally assigned to:	CEO
Statutory Power of Delegation	*Planning and Development (Local Planning Schemes) Regulations 2015* Sch. 2, cl 83 Local government CEO may delegate powers
Power Delegated to: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Health and Compliance Manager Approval Services
CEO's Conditions on Sub-delegation:	All authorisations are to be in writing and recorded on the Governance Register of Authorised Officers and the person's personnel file.
Record Keeping Statement (LGA 1995) 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*
Compliance Links	*Planning and Development (Local Planning Schemes) Regulations 2015* *Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 16/335215	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

2.10.6 MANAGEMENT OF DEVELOPER CONTRIBUTION PLANS (DCP'S)

Function Delegated: *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].*	1. Prepare estimates and quotations on Infrastructure Costs and contributions payable to the City in accordance with the requirements of DPS2 (clause 14 of Schedule 12 and clause 1.10 of Schedule 14); 2. Determination of prefunding requests and payments for Cell Works and DCP Infrastructure in accordance with the requirements of DPS2 (clause 14 of Schedule 12 and clause 1.12 of Schedule 14); 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 14 of Schedule 12 and clause 1.14.3 (e) of Schedule 14); and 4. Deferral of Infrastructure Costs in accordance with DPS2 (clause 1.10 of Schedule 14). 5. Revision of costs and public notification (clause 11.0 of Schedule 12 and clause 1.11 of Schedule 14).
Statutory Power being Delegated:	DPS2 - Clause 11 and Clause 14 of Schedule 12, Clauses 1.10, 1.11, 1.12 and sub clause 1.14.3(e) of Schedule 14.
Power is originally assigned to:	Local Government
Statutory Power of Delegation	*Planning and Development (Local Planning Schemes) Regulations 2015* cl.82 Delegations by Local Government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Council and Business Practice Conditions: 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. 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 the Local Government and in accordance with the relevant clauses of DPS2. c) Compensation or credits for Cell Works shall be in accordance with the assessed or approved valuation for the DCP area approved by the Local Government and in accordance with the relevant clauses of DPS2. d) Deferral of Infrastructure contributions shall be subject to the payment of interest in accordance with the relevant clauses of DPS2. e) Prior to commencement of advertising of the annual review of costs, Council Members must be notified of the proposal in writing advising the dates when the public comment period will start and finish, how the proposal will be advertised, and a copy of the revised costs in the annual review. f) The delegate may approve the annual review of costs after being advertised for public comments provided no objection/s are received. If objections are received then the delegate may determine the annual review, providing 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.
Statutory Power to Sub-Delegate:	*Planning and Development (Local Planning Schemes) Regulations 2015* – Div. 2 (83) Local government CEO may delegate powers.
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	Director Planning and Sustainability Manager Strategic Land Use Planning and Environment Coordinator Scheme Contributions
CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO and **<u>Manager Strategic Land Use Planning and Environment and Coordinator Scheme Contributions</u>** Payment for Cell Works shall not exceed the estimated costs last approved by the Local Government 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 Director Planning and Sustainability for approval. **<u>Director Planning and Sustainability</u>** Payment for Cell Works shall not exceed the estimated costs last approved by the Local Government as part of the annual review of costs. Payments to a landowner (after off-setting any landowner contributions) shall not exceed $1,000,000. Payments greater than $1,000,000 shall be referred to the Chief Executive Office for approval. The annual review of costs shall be prepared in accordance with the requirements of DPS2.
Record Keeping Statement (LGA 1995) *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 decision made under this delegation is to be recorded in the appropriate file or register.
Compliance Links	*Financial Interest Return Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	Decision Reference
1. PS05-12/21	**6.**	**11.**
2. CE02-05/24	**7.**	**12.**
3. 25/147009	**8.**	**13.**
4. CE02-11/25	**9.**	**14.**

3. CITY OF WANNEROO LOCAL LAWS

3.1.1 APPOINTMENT OF AUTHORISED PERSONS

Function Delegated: *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].*	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]
Statutory Power being Delegated:	*Local Government Act 1995* s.9.10 Appointment of authorised persons.
Power is originally assigned to:	Chief Executive Officer
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers or duties to other employees
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	All Directors Manager Approval Services Manager Asset Maintenance Manager Community Facilities Manager Community Safety and Emergency Management Manager Health and Compliance Manager Property Manager Waste Services
CEO's Conditions on Sub-delegation:	a) The appointment of persons is to relate to those functions of an "authorised person" under the City of Wanneroo Local Laws; and 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. 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 and Public Property Local Law 2015.
Record Keeping Statement (LGA 1995) 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. Authorised Officers to be issued with an identity card setting out specific provisions as detailed in s.9.10 (4).
Compliance Links	*City of Wanneroo Local Laws* *Financial Interest Return required - Yes*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 14/196797	**6.** 18/274278	**11.**
2. 16/422068	**7.** 20/533822	**12.**
3. CE01-06/18	**8.**	**13.**
4. 18/203840	**9.**	**14.**

3.1.2 ADMINISTRATION

Function Delegated: *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].*	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.
Statutory Power being Delegated:	*City of Wanneroo Animals Local Law 2021* *City of Wanneroo Bee Keeping Local Law 2016* *City of Wanneroo Bush Fire Brigades Local Law 2024* *City of Wanneroo Cats Local Law 2023* *City of Wanneroo Dogs Local Law 2016* *City of Wanneroo Fencing Local Law 2021* *City of Wanneroo Health Local Law 1999* *City of Wanneroo Parking Local Law 2015* *City of Wanneroo Penalty Units Local Law 2015* *City of Wanneroo Public Places and Local Government Property Local Law 2015* *City of Wanneroo Signs Local Law 1999* *City of Wanneroo Site Erosion and Sand Drift Prevention Local Law 2016* *City of Wanneroo Standing Orders Local Law 2021* *City of Wanneroo Waste Local Law 2016*
Power is originally assigned to:	Local Government
Statutory Power of Delegation:	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Determinations and decisions under the City of Wanneroo Local Laws having regard to the relevant Council policies in force at the time.
Statutory Power to Sub-Delegate:	*Local Government Act 1995* s.5.44 CEO may delegate powers or duties to other employees
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 and Place Director Planning and Sustainability Manager Community Safety and Emergency Management Manager Health and Compliance Coordinator Community Safety Coordinator Health Services Senior Environmental Health Officers *City of Wanneroo Bee Keeping Local Law 2016* Manager Health and Compliance Coordinator Health Services *City of Wanneroo Bush Fire Brigades Local Law 2024* Manager Community Safety and Emergency Management Director Community and Place *City of Wanneroo Cats Local Law 2023* Director Community and Place

	Manager Community Safety and Emergency Management Coordinator Community Safety *City of Wanneroo Dogs Local Law 2016* Director Community and Place Director Planning and Sustainability Manager Community Safety and Emergency Management Manager Health and Compliance Coordinator Community Safety *City of Wanneroo Fencing Local Law 2021* Director Planning and Sustainability Manager Health and Compliance *City of Wanneroo Health Local Law 1999* Director Planning and Sustainability Manager Health and Compliance Coordinator Health Services *City of Wanneroo Parking Local Law 2015* Director Assets Director Community and Place Director Planning and Sustainability Manager Community Safety and Emergency Management Coordinator Community Safety *City of Wanneroo Penalty Units Local Law 2015* Nil *City of Wanneroo Public Places and Local Government Property Local Law 2015* Director Assets Director Community and Place Director Planning and Sustainability Manager Asset Maintenance Manager Parks and Conservation Maintenance Manager Community Safety and Emergency Management Coordinator Community Safety Manager Approval Services *City of Wanneroo Signs Local Law 1999* Director Planning and Development Manager Approval Services Manager Community Safety and Emergency Management Coordinator Building Services Senior Building Surveyors *City of Wanneroo Waste Local Law 2016* Director Assets Manager Waste Services Rangers – only for the following: 2.6 - Direction to place or remove a receptacle 3.2 - Removal of waste from a premise and 3.3 – Receptacles for public use.

CEO's Conditions on Sub-delegation:	Subject to the conditions on delegation to the CEO; and *City of Wanneroo Animals Local Law 2021* • 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 • The setting of fees and charges under section 6.16 and 6.19 of the *Local Government Act 1995*; are excluded. *City of Wanneroo Health Local Law 1999* • Approvals must meet all the requirements of the Health Local Law, District Planning Scheme No. 2 and Building Code. • The setting of annual fees under sections 6.16 and 6.19 of the Local Government Act 1995 is excluded. *City of Wanneroo Parking Local Law 2015* Setting of fees for the amount payable for parking under Section 6.16 and 6.19 of the Local Government Act 1995 is excluded. *City of Wanneroo Public Places and Local Government Property Local Law 2015* Subject to Council's – • Facility Hire and Use Policy • Circuses and Performing Animals Policy • Local Planning Policy 4.3 Public Open Space • Sports Floodlighting Policy *City of Wanneroo Standing Orders Local Law 2021* • For the purposes of commencing a prosecution
Record Keeping Statement (LGA 1995) 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*
Compliance Links	*City of Wanneroo Local Laws* *Financial Interest Return required – Yes*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 14/196797	**6.** 18/274278	**11.** PS10-10/22
2. 16/254349	**7.** 18/313146	**12.** CP06-11/22
3. CE01-08/17	**8.** CO01-08/18	**13.** CE02-06/23
4. CE01-06/18	**9.** 18/389558	**14.** CE02-05/24
5. 18/203840	**10.** 19/85822	**15.** CE04-11/24

4. APPOINTMENTS AND AUTHORISATIONS

4.1 REPEALED - ~~LITTER ACT 1979 - APPOINTMENT OF PERSONS TO WITHDRAW INFRINGEMENT NOTICES~~

Delegation Administration:		
Decision Reference		
~~1.~~ 14/196797 ~~2.~~ 17/46341 3. CE02-05/24		

4.2 LOCAL GOVERNMENT ACT 1995

4.2.1 AUTHORISATION TO ACKNOWLEDGE RECEIPT OF PRIMARY AND ANNUAL RETURNS

Function Authorised: *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].*	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.
Statutory Power being Authorised:	Local Government Act 1995 S 5.77 Acknowledging receipt of returns
Power is originally assigned to:	CEO
Statutory Power of Authorisation	Local Government Act 1995 s5.45(2)(b) Other matters relevant to delegations under this Division
Positions Authorised:	General Counsel Manager Corporate Governance and Council Services
CEO's Conditions on Authorisation:	Nil
Record Keeping Statement (LGA 1995) 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."*	Signed acknowledgement of receipt of Returns to be saved in the appropriate container in the City's Electronic Document Management System.
Compliance Links	Local Government Act 1995 *Financial Interest Returns Required – N/A*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 14/185803	**5.**	**9.**
2. CE06-05/17	**6.**	**10.**
3. 18/203840	**7.**	**11.**
4. 25/187573	**8.**	**12.**

4.2.2 AUTHORISATION FOR RECEIPT OF GIFT, BENEFIT AND TRAVEL DISCLOSURE

Function Authorised: *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].*	Authority to receive written Gift Disclosures from Council Members [s.5.87A]
Statutory Power being Authorised:	*Local Government Act 1995* s.5.87A – Council Members to Disclose Gifts
Power is originally assigned to:	CEO
Statutory Power of Authorisation	*Local Government Act 1995:* s5.45(2)(b) Other matters relevant to delegations under this Division
Positions Authorised:	General Counsel Manager Corporate Governance and Council Services
CEO's Conditions on Authorisation:	Nil
Record Keeping Statement (LGA 1995) 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 declarations are to be recorded in the appropriate statutory register.
Compliance Links	*Local Government Act 1995 Section 5.87C, 5.89A provides for statutory compliance provisions.* *Financial Interest Returns Required – N/A*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 18/203840	**5.**	**9.**
2. 25/187573	**6.**	**10.**
3.	**7.**	**11.**
4.	**8.**	**12.**

4.2.3 AUTHORISATION FOR ATTESTING TO THE AFFIXING OF THE COMMON SEAL

Function Authorised: *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].*	Authority to attest to the affixing of the Common Seal to City documents in conjunction with the Mayor [s.9.49A].
Statutory Power being Authorised:	Local Government Act 1995 Section 9.49A (1), (2) and (3)
Power is originally assigned to:	CEO
Statutory Power of Authorisation	*Local Government Act 1995:* s5.45(2)(b) Other matters relevant to delegations under this Division
Positions Authorised:	All Directors
CEO's Conditions on Authorisation:	As per the City's Execution of Document Policy.
Record Keeping Statement (LGA 1995) 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 is to be retained as required by legislation.
Compliance Links	*Local Government Act 1995* *Execution of Documents Policy and Procedure* *Financial Interest Returns Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 14/185803	**6.**	**11.**
2. 18/203840	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

4.2.4 AUTHORISATION FOR EXECUTION OF DOCUMENTS

Function Authorised: *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].*	The authority to execute various classes of documents on behalf of the local government. [s.9.49A]
Statutory Power being Authorised:	*Local Government Act 1995* s.9.49A Execution of documents
Power is originally assigned to:	Local Government
Statutory Power of Authorisation	*Local Government Act 1995* s.9.49A(4) Execution of documents
Authorisation:	Execution to be in accordance with the City of Wanneroo Execution of Documents Policy and Management Procedure.
CEO's Conditions on Sub-delegation:	Nil
Record Keeping Statement (LGA 1995) 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 uses of the City's common seal are to be recorded in a register maintained for this purpose.*
Compliance Links	Local Government Act 1995 *Execution of Documents Policy and Procedure* *Financial Interest Return Required – No*

Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
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

Function Authorised: *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].*	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)].
Statutory Power being Authorised:	Local Government Act 1995 Sch.2.3 (3) CEO to preside
Power is originally assigned to:	CEO
Statutory Power of Authorisation	*Local Government Act 1995:* s5.45(2)(b) Other matters relevant to delegations under this Division
Positions Authorised:	All Directors
CEO's Conditions on Authorisation:	The person presiding should be the Director directly involved with the Administration of the Committee
Record Keeping Statement (LGA 1995) 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."*	Record of person presiding to be retained in meeting minutes. *Financial Interest Return Required – N/A*
Compliance Links	*Local Government Act 1995* *Section 5.12 Presiding Members and deputies, election of* *Schedule 2.3 When and how mayors, presidents, deputy mayors and deputy presidents are elected by the Council* *Financial Interest Returns Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1.	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

4.2.6 AUTHORISATION FOR ADMINISTRATIVE CHANGES TO THE DELEGATED AUTHORITY REGISTER

Function Authorised: *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].*	Authority to effect administrative, non-substantive changes to the Delegated Authority Register.
Statutory Power being Authorised:	*Local Government Act 1995* s5.46 Register of, and records relevant to, delegations to CEO and employees
Power is originally assigned to:	CEO
Statutory Power of Authorisation	*Local Government Act 1995:* s5.46(2)(b) Other matters relevant to delegations under this Division
Positions Authorised:	General Counsel
CEO's Conditions on Authorisation:	N/A
Record Keeping Statement (LGA 1995) 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 record is to be maintained of all changes authorised
Compliance Links	Local Government Act 1995 *Financial Interest Return Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
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

Function Authorised: *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].*	Authority to effect administrative, non-substantive changes to the Code of Conduct.
Statutory Power being Authorised:	*Local Government Act 1995* s.5.51A Code of conduct for employees
Power is originally assigned to:	CEO
Statutory Power of Authorisation	*Local Government Act 1995:* s5.46(2)(b) Other matters relevant to delegations under this Division
Positions Authorised:	General Counsel
CEO's Conditions on Authorisation:	N/A
Record Keeping Statement (LGA 1995) 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 record is to be maintained of all changes authorised
Compliance Links	Local Government Act 1995 *Financial Interest Return Required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1.	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

4.3 CORRUPTION CRIME AND MISCONDUCT ACT 2003 – AUTHORISATION TO SUBMIT NOTIFICATIONS

Function Authorised: *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].*	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 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.
Statutory Power being Authorised:	*Corruption Crime and Misconduct Act 2003.* Section 28 Certain officers obliged to notify serious misconduct Section 45H Certain officers obliged to notify minor misconduct
Power is originally assigned to:	Principal Officer (Chief Executive Officer)
Statutory Power of Appointment	
Appointment:	**<u>Function 1 and 2</u>** General Counsel **<u>Function 2 Only</u>** Legal Counsel when nominated by General Counsel
Conditions on Appointment:	Notifications to be made in consultation with the CEO
Record Keeping Statement (LGA 1995) 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
Compliance Links	*Financial Interest Returns Required - No*

Delegation Administration:

Decision Reference	Decision Reference	Decision Reference
1. 18/333025	**6.**	**11.**
2. 25/286538	**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 2nd day of June 2016

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

SCHEDULE

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

Column 1

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

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

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

(i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);

(ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);

(iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);

(iv) section 122A of the Planning and Development Act 2005 in respect of which approval is required under an improvement scheme (as that term is defined in that Act);

(v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);

Column 2

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

Column 3

In accordance with and subject to approved Government Land policies.

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

(vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;

(vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

Shire of Gingin
Shire of Gnowangerup
Shire of Goomalling
City of Gosnells
Shire of Halls Creek
Shire of Harvey
Shire of Irwin
Shire of Jerramungup
City of Joondalup
Shire of Kalamunda
City of Kalgoorlie-Boulder
Shire of Katanning
Shire of Kellerberrin
Shire of Kent
Shire of Kojonup
Shire of Kondinin
Shire of Koorda
Shire of Kulin
City of Kwinana
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
City of Mandurah
Shire of Manjimup
Shire of Meekatharra
City of Melville
Shire of Menzies
Shire of Merredin
Shire of Mingenew
Shire of Moora
Shire of Morawa
Town of Mosman Park
Shire of Mount Magnet
Shire of Mt Marshall
Shire of Mukinbudin
Shire of Mundaring
Shire of Murchison
Shire of Murray
Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjarraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Refer to 16/226784 for full details

5.2 DEPARTMENT OF ENVIRONMENTAL REGULATIONS – APPROVAL OF NOISE MANAGEMENT PLANS FOR OUT OF HOURS CONSTRUCTION WORK

Function Delegated: *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].*	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
Statutory Power being Delegated:	*Environmental Protection (Noise) Regulations 1997* s.13(3)(c) Construction sites
Power is originally assigned to:	Chief Executive Officer of the Department of Environmental Regulation
Statutory Power of Delegation:	*Environmental Protection Act 1986* 20. Delegation by CEO *Government Gazette No. 71, 16 May 2014* Part 2 Environment Delegation No. 119 **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.
Power Delegated to:	The holder for the time being of the officer of Chief Executive Officer under the Local Government Act 1995 and; any employee of a local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act.
Conditions on Delegation:	Business Practice Condition 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.
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A

Record Keeping Statement (LGA 1995) 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.*
Compliance Links	*Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1. 16/238647	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

5.3 ENVIRONMENTAL PROTECTION ACT 1986 – ENVIRONMENTAL PROTECTION NOTICE

Function Delegated: *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].*	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.
Statutory Power being Delegated:	*Environmental Protection (Noise) Regulations 1997* 13. Construction sites (3)(c)
Power is originally assigned to:	Chief Executive Officer of the Department of Environmental Regulation
Statutory Power of Delegation:	*Environmental Protection Act 1986* *Section 20* *Delegation No. 52* *Government Gazette No. 47 19 March 2004* **EV401** **ENVIRONMENTAL PROTECTION ACT 1986** **Section 20** Delegation No. 52 Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows— Powers and duties delegated— All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice. Persons to whom delegation made— This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*. Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked. Dated this 9th day of January 2004. Approved— FERDINAND TROMP, A/Chief Executive Officer. Dr JUDY EDWARDS MLA, Minister for the Environment.
Power Delegated to:	The holder for the time being of the officer of Chief Executive Officer under the Local Government Act 1995
Conditions on Delegation:	
Statutory Power to Sub-Delegate:	Nil

CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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 under this delegation are to be recorded in the appropriate container or register.*
Compliance Links	*Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1.	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

5.4 ENVIRONMENTAL PROTECTION ACT 1986 – NOISE MANAGEMENT PLANS – KEEPING LOG BOOKS, NOISE CONTROL NOTICES, CALIBRATION AND APPROVAL OF NON-COMPLYING EVENTS

Function Delegated: *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].*	The powers and duties of the Chief Executive Officer of the Department of Environment Regulation under the *Environmental Protection (Noise) Regulations 1997* 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 venue – 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 venues – approval of event or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation: i. Sub regulation 18(13)(b) is not delegated.
Power is originally assigned to:	Chief Executive Officer of the Department of Environmental Regulation
Statutory Power of Delegation:	*Environmental Protection Act 1986* *Delegation No. 112* *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.

Power Delegated to:	The holder for the time being of the officer of Chief Executive Officer under the Local Government Act 1995
Conditions on Delegation:	
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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.*
Compliance Links	*Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
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

Function Authorised: *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].*	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.
Statutory Power being Delegated:	*Environmental Protection Act 1986* 99K Content of infringement notice 99M Extending time to pay modified penalty 99N Withdrawing infringement notice
Power is originally assigned to:	Chief Executive Officer of the Department of Environmental Regulation
Statutory Power of Delegation:	*Environmental Protection Act 1986* 20. Delegation by CEO *Government Gazette No. 28 11 February 2000* Part 2 Environmental Protection Designation No. 01 **EP401*** **ENVIRONMENTAL PROTECTION ACT 1986** Section 99I Designation No. 01 This appointment is made pursuant to section 99I of the Environmental Protection Act 1986 ("the Act") 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. 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. Dated this 21st day of January 2000. (Dr) BRYAN JENKINS, Chief Executive Officer, Department of Environmental Protection.
Power Delegated to:	Any person for the time being holding or acting in the Office of the Chief Executive Officer of a local government
Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
CEO's Sub-Delegation: *The exercise of the delegated power does not include the power of delegation*	N/A
CEO's Conditions on Sub-delegation:	N/A
Record Keeping Statement (LGA 1995) 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 infringements reviewed under this delegation are to be recorded in the appropriate register or file.*
Compliance Links	*Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
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)

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

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

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

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

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

Notes—

(1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (http://www.DPLH.wa.gov.au/1212.asp).

(2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—*5.1 Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.

(http://www.DPLH.wa.gov.au/publications/812.asp; and
https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx)

(3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. http://www.DPLH.wa.gov.au/publications/1197.asp

(4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (http://www.DPLH.wa.gov.au/publications/1182.asp)

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

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

3. Referral requirements for development on land abutting other reservations

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

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

4. For the purpose of this Instrument of Delegation

(a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.

(b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.

(c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

Interpretation

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

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

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

Extract from Government Gazette #8 18 January 2022

PLANNING

PL101

CORRECTION

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

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

Metropolitan Region Scheme

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

The errors are corrected as follows—

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

Extract from Government Gazette #105 2 June 2017 page 2761 18/187738

PLANNING

PL402

PLANNING AND DEVELOPMENT ACT 2005

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DOT

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

Preamble

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

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

Resolution under section 16 of the Act (delegation)

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

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

SAM FAGAN, Secretary,
Western Australian Planning Commission.

Schedule 1

1. Instrument of delegation amended

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

2. Amendment to Section A

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

3. Amendments to Section B

1. The words in brackets "(excluding applications under clause 3, Section A)" are deleted from the title to clause 4.
2. Clause 5 is deleted.
3. In the interpretation section the terms "Large format digital signage" and "Public Authority" and their respective definitions, are deleted.

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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 *Power of Entry and Inspection Regulations*.	• Any Compliance Officer • Any other Officer of the Department	Subject to the statutory limitations prescribed under regulation 1. With respect to any other Officer of the Department, only if accompanying a Compliance Officer

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Power Delegated to:	Director Planning & Sustainability Manager Approval Services Coordinator Planning Services Specialist Planner – Approval Services Specialist Project Planner Senior Planners
Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Nil
Record Keeping Statement (LGA 1995) 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 determinations made under this delegation are to be recorded in the appropriate register or file.*
Compliance Links	*Financial Interest Return required – No*

Delegation Administration:		
Decision Reference	**Decision Reference**	**Decision Reference**
1.	**6.**	**11.**
2.	**7.**	**12.**
3.	**8.**	**13.**
4.	**9.**	**14.**

REVISIONS

Review	Council Item	Document 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	Document 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 14/180898V3	Annual Review 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 & 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	PS05-12/21	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.
13/09/2022	CE03-09/22	22/323074	Addition of Delegation 1.1.35 (Appointment of Poundkeepers) and amendment to Delegation 1.2.7 (Appointment of Authorised Persons)

Review	Council Item	Document Ref	Details
12/11/2022	Administrative	PS10-10/22	Repeal of Private Property Local Law 2001 (GG153/2022)
22/11/2022	Administrative	CP06-11/22	Gazettal of Bush Fire Brigades Local Law 2022 (repeal of Bush Fire Brigades Local Law 2001) (GG166/2022)
12/06/2023	Administrative	CS03-06/23	Change to delegation 1.1.28 – Ministerial Order in relation to financial hardship provisions under the Local Government (COVID-19) Amendment Order ended 3 February 2023.
12/06/2023	CE02-06/23	14/180898v8	Annual Review – Administration (Internal Copy)
12/06/2023	CE02-06/23	23/200215	Annual Review – Website Copy (External Copy)
12/10/2023	Administrative	23/353411	Manager Finance title changed to Chief Financial Officer update reflected in delegations 1.1.22, 1.1.23, 1.1.24, 1.1.25, 1.1.26 and 1.1.29
19/12/2023	Administrative	23/437872	Scheme Amendment 172 requires changes to delegation text
21/05/2024	CE02-05/24	14/180898v9	Annual Review (internal & external copy)
12/11/2024	CE04-11/24	14/180898v10	Annual Review (internal & external copy)
24/02/2025	Administrative	14/180898v11 (25/68429)	Executive Manager Governance & Legal title changed to General Counsel update reflected in delegations 1.1.18, 1.1.34, 1.1.35, 1.2.7, 2.1.4, 2.1.11, 2.2.4, 2.5.1, 2.5.3, 2.8.1, 2.10.2, 4.2.6, 4.2.7 & 4.3. City Lawyer title changed to Legal Counsel update reflected in delegations 2.1.4, 2.2.4, 2.5.3, 2.8.1 & 2.10.2
29/04/2025	Administrative	14/180898v11 25/147009	Delegation 1.1.17 – update to CEO's conditions on sub-delegation Delegation 2.10.6 – update to CEO's conditions on sub-delegation
10/05/2025	Administrative	14/180898v11 25/157489	Manager Contracts and Procurement removed from delegation 1.1.19 and Manager Fleet Services added to reflect commencement of new Manager Fleet Services.
27/05/2025	CE01-05/25	14/180898v11	Move delegation 6.1 to 1.1.3 section of the register. Update the delegations to align with the updated Terms of Reference for the Policy Review Committee adopted by Council at the March 2025 Ordinary Council Meeting (CE03-03/25)
03/06/2025	Administrative	25/187573	To reflect the realignment of the Council and Corporate Service Unit and the title change of the Manager to Corporate Governance and Council Services in delegations 1.2.1; 1.2.2; 1.2.3; 1.2.4; 4.2.1 and 4.2.2.
11/07/2025	Administrative	25/245632	Amended the CEO Sub-delegation for delegation 1.2.2 to add new delegate officers and additional CEO conditions on the sub-delegation.
05/08/2025	Administrative	25/286538	Amended delegation 4.3 to add Legal Counsel to undertake function 2 only.
25/11/2025	CE02-11/25	14/180898v12	Annual Review (internal & external copy)
23/06/2026	CE03-06/26	14/180898v13	Delegation 1.1.20 – Include references to the City of Wanneroo Fee Waivers, Concessions and Debt Write Off Policy Delegation 1.1.23 – Increase the delegation limit from $10,000 to $50,000 (excluding GST)
27/10/2026	CS03-10/26	14/180898v14	Delegation 1.1.20 – Council's conditions on delegation amended to provide longer terms for telecommunications infrastructure leases and licences.
18/11/2026	Administrative 26/451071	14/180898v14	Chief Financial Officer title changed to Manager Finance as part of Reimagine Restructure. Update reflected in

Review	Council Item	Document Ref	Details
			delegations 1.1.22, 1.1.23, 1.1.24, 1.1.25, 1.1.26, 1.1.29, 1.1.37 and 1.2.4.