

# Register of Delegations and Authorisations



Adopted by Council in full: 25/06/2024

Approved by the CEO in full: 20/05/2024

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## Guidance Notes

### Introduction

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

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

### Legislation

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

- *Building Act 2011*
  - *Building Regulations 2012*
- *Bush Fires Act 1954*
  - *Bush Fires Regulations 1954*
  - *Bush Fires (Infringements) Regulations 1978*
- *Cat Act 2011*
  - *Cat Regulations 2012*
  - *Cat (Uniform Local Provisions) Regulations 2013*
- *Dog Act 1976*
  - *Dog Regulations 2013*
- *Food Act 2008*
  - *Food Regulations 2009*
- *Graffiti Vandalism Act 2016*
- *Health (Miscellaneous Provisions) Act 1911*
  - *Health (Asbestos) Regulations 1992*
  - *Health (Public Buildings) Regulations 1992*
- *Liquor Control Act 1988*
- *Local Government Act 1995*
  - *Local Government (Administration) Regulations 1996*
  - *Local Government (Elections) Regulations 1997*
  - *Local Government (Financial Management) Regulations 1996*
  - *Local Government (Functions and General) Regulations 1996*
  - *Local Government (Parking for People with Disabilities) Regulations 2014*
  - *Local Government (Uniform Local Provisions) Regulations 1996*
  - *City of Perth Activities on Land Local Law 2002*
  - *City of Perth Outdoor Dining Local Law 2019*
  - *City of Perth Dog Local Law 2011*
  - *City of Perth Fencing Local Law 2015*
  - *City of Perth Health Local Law 2000*
  - *City of Perth Local Government Property Local Law 2005*
  - *City of Perth Parking Local Law 2017*
  - *City of Perth Public Trading Local Law 2005*
  - *City of Perth Thoroughfares and Public Places Local Law 2017*
- *Local Government (Miscellaneous Provisions) Act 1960*
- *Metropolitan Redevelopment Authority Act 2011*

- *Planning and Development 2005*
  - *Planning and Development (Local Planning Schemes) Regulations 2015*
  - *City of Perth City Planning Scheme No.2*
  - *City of Subiaco Town Planning Scheme No.4*
- *Public Health Act 2016*
- *Road Traffic Act 1974*
- *Strata Titles Act 1985*
- *Swan and Canning Rivers Management Act 2006*

### Delegation by the Council

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

### Delegation by the Chief Executive Officer

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

A register of delegations to the CEO and other employees is kept and reviewed at least once per financial year. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is exercised.

The record is to contain the following information:

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

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

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

### Acting Through Another Person

The Act does not specifically define the meaning of the term 'acting through', however, section 5.45(2) states: '*Nothing in this division is to be read as preventing –*

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

The Department of Local Government, Sport and Cultural Industries' Local Government Operational Guideline– *Delegations, Authorisations and Acting Through* establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' is that, where a statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the acting through concept.

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

- the function must be delegated;
- a person must be authorised to exercise the function (where applicable); or
- a policy must be implemented that provides sufficient control

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

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

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

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

### Principles underpinning delegations

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

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

- (a) all delegations must be consistent with the relevant legislation (including Acts, Regulations, Local Laws and the external conditions of granting bodies).
- (b) the exercise of delegations must be consistent with the policies of the City and the City's budget and financial position.
- (c) delegations are to be worded so that they are exercisable by a committee or the holder of a position, including anyone acting in that role, not by a specified individual.
- (d) delegations cannot authorise anything to be done that could not be done by the person or body delegating the function.
- (e) delegations may be subject to such conditions as may be set by the delegator and the delegate must adhere to those conditions.
- (f) a delegator may at any time, regardless of their delegation:
  - (i) exercise the delegated function; or
  - (ii) revoke or vary the delegation, in writing.
- (g) a delegate exercises a delegated function in their own right, not as an agent (or on behalf of) the delegator.
- (h) a true delegation only exists when the delegate in exercising the delegation is not expected to consult prior to making any decision with a superior body or role.
- (i) a delegation cannot be exercised by a person with a conflict of interest, if a conflict of interest exists, it must be declared and dealt with in accordance with the Act and Code of Conduct.
- (j) the principles of delegation above apply generally to sub-delegation.
- (k) sub-delegations should reflect the City's organisational structure, responsibility and accountability.
- (l) sub-delegations should only be made to roles that should be substantively qualified to make that decision and will regularly be expected to make that decision.
- (m) the levels of authority are hierarchical through line management up to and including the CEO. Generally, any function exercisable by a delegate would be exercisable by the delegate's supervisor or line manager, providing due regard is had to requirements of professional qualifications or membership.
- (n) sub-delegations should place decision-making authority as close as possible to the point of service delivery and minimise steps in decision-making processes, enabling decisions to be made faster and therefore be more responsive to the needs of stakeholders.
- (o) a delegation which results in the expenditure of City funds is to be limited to authorising expenditure within the budget approved by the Council. A delegate who incurs expenditure beyond or without an approved source of funds is liable for that expenditure.



## Making non-substantive changes to this Register

The Senior Corporate Governance Officer is authorised to, from time to time, make the following non-substantive changes to this Register:

- (a) update position titles for positions with existing delegated authority or an authorisation;
- (b) remove expired, defunct or obsolete positions;
- (c) maintain current references to legislation and local laws; and
- (d) make corrections to spelling, grammatical and formatting errors or inconsistencies.

## Employees with delegated authority

The following employees have delegated authority:

- Activity Approvals Officer – Compliance
- Activity Approvals Officer – Events
- Activity Approvals Officer – Obstructions
- Administration Support Officer (Development Approvals Unit)
- Application Officer (Development Approvals Unit)
- Application Team Leader
- Alliance Manager Arts and Culture
- Alliance Manager City Events
- Alliance Manager City Planning
- Alliance Manager Community Safety and Amenity
- Alliance Manager Community Services
- Alliance Manager Corporate Communications
- Alliance Manager Corporate Planning and Performance
- Alliance Manager Council Governance and Policy
- Alliance Manager Customer Experience
- Alliance Manager Development Approvals
- Alliance Manager Economic Development
- Alliance Manager Infrastructure and Assets
- Alliance Manager Operations
- Alliance Manager Parking Services
- Alliance Manager Properties
- Alliance Manager Sustainability
- Alliance Manager Transport and Urban Design
- Building Surveyor
- Bush Fire Control Officer
- Category Specialist
- Chief Bush Fire Control Officer
- Chief Executive Officer
- Chief Financial Officer
- Chief People Officer
- Chief Technology Officer
- Commercial Lead
- Community Health Manager
- Community Safety Manager
- Coordinator Activity Approvals
- Coordinator Health Approvals
- Coordinator Health Compliance
- Coordinator Safe City Rangers
- Coordinator Strategic Finance

- Coordinator Surveillance
- Council Governance and Policy Coordinator
- Deputy Chief Bush Fire Control Officer
- Environmental Health Officer / Community Health Officer
- Executive Director Governance and Strategy
- Financial Accountant
- Financial Accounting Lead
- Financial Controller
- General Manager Commercial Services
- General Manager Community Development
- General Manager Corporate Services
- General Manager Infrastructure and Operations
- General Manager Planning and Sustainability
- Infringement Services Officer
- Legal Compliance Prosecutor
- Manager Parking Services
- Manager Strategic Procurement
- Parks and Environment Manager
- Principal Building Surveyor
- Principal Urban Planner
- Procurement Specialist
- Project Delivery Manager
- Rates Officer
- Rates Support Officer
- Revenue Services Lead
- Senior Activity Approvals Officer – Events
- Senior Activity Approvals Officer – Obstructions
- Senior Building Surveyor
- Senior Category Specialist
- Senior Development Compliance Officer
- Senior Environmental Health Officer / Senior Community Health Officer
- Senior Rates Coordinator
- Senior Rates Officer
- Shift Supervisor Surveillance
- Supervisor Legal Compliance and Infringement Services
- Traffic Management Engineer
- Waste and Cleaning Manager

## Table of Amendments to the Delegated Authority Register

| Version | Decision reference   | Synopsis of changes   |
|---------|--|---|
| 1.0     | Council Resolution (OCM-21-07-167)   | Completely revised register of Council Delegations adopted  |
| 2.0     | CEO Briefing Note 140197/21  | CEO, following Council adoption of revised register, delegated authority to employees.  |
| 3.0     | CEO Briefing Notes 180135/21, 241297/21, 241307/21, 241316/21                                | Amendments to financial delegations, addition of Principal Safe City Operations, establishment of Commercial Services Alliance and changes to Governance and Strategy roles.  |
| 4.0     | CEO Briefing Note 272405/21  | Amendment to delegation 2.8 due to changes to procurement roles. Change effective 21/12/21.   |
| 5.0     | CEO Briefing Note 6749/22  | Amendment to delegations due to organizational changes in community development.  |
| 6.0     | CEO Briefing Note 34455/22   | Amendment to delegations to add Alliance Manager Properties   |
| 7.0     | Council Resolution (OCM-22/03-033), (OCM-22/03-039)<br>CEO Briefing Notes 50204/22, 61684/22 | Modification by Council to delegation 2.13 by Council. Addition of Delegation 2.22A by Council.<br>Addition of delegation 2.27 by CEO. Removal of delegate in delegation 2.17 by CEO.   |
| 8.0     | CEO Briefing Note  | Amendment to delegations relating to land, roads and property, financial management and the <i>Building Act 2011</i> to add new position titles and rename existing position titles.  |
| 9.0     | CEO Briefing Note 117117/22  | Amendment to delegations 2.21, 7.1, 7.2, 7.4, 11.7 and 11.9 to rename position titles   |
| 10.0    | Council Resolution (OCM-22/06-094)   | Amendment to delegations 2.9, 2.11, 2.13, 2.15 and 9.2 to clarify wording and improve the operational efficiency of financial delegations.  |
| 11.0    | CEO Briefing Note 79785/22   | Amendment to delegation 2.27 to add Alliance Manager Corporate Planning and Performance.  |
| 12.0    | Council Resolution (OCM-22/09-160)<br>CEO Briefing Notes 183548/22, 188048/22, 194770/22     | Amendment to delegations 2.8, 2.9, 2.10 and 2.11 as part of an overall strategy to better align the revised Council Policy 2.2 Purchasing and procurement-related delegations.<br>All Alliance Managers now have delegated authority under delegations 2.10 and 2.11.<br>Position title changes to reflect current roles and duties. Rates Support Officer reinstated with delegated authority under delegation 2.17.<br>Delegations to Team Leader Rangers Patrol revoked. |
| 13.0    | CEO Briefing Notes 1981/23, 1989/23  | Position title changes to reflect current roles and duties.<br>Addition of Community Safety Manager.  |
| 14.0    | Council Resolution (OCM-23/02-019)   | Changes to Community Safety and Amenity positions, particularly Environmental Health positions.<br>Delegation 6.2 amended to delegate the power to grant, refuse to grant, or cancel a licence to keep an approved kennel establishment to the CEO as sub-delegated to employees.   |

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| 15.0 | CEO Briefing Notes<br>041233/2023, 043525/2023 | Delegation to 'Shift Supervisor Surveillance' and 'Council Governance and Policy Coordinator' positions.   |
| 16.0 | CEO Briefing Note<br>101228/23                 | Annual review of CEO delegations (FY 22/23).   |
| 17.0 | Council Resolution<br>(OCM-23/06-010)          | Annual review of Council's delegations (FY 22/23).   |
| 18.0 | CEO Briefing Note<br>155380/23                 | Revocation of delegation 2.27.   |
| 19.0 | CEO Briefing Note<br>260926/23                 | Position title changes to reflect current roles and duties.<br>Amendment of delegation 2.1.<br>Addition of delegation 9.5.   |
| 20.0 | 84864/24                                       | Senior Corporate Governance Officer actioned two non-substantive changes to:<br>Delegation 2.21 – corrected the reference to the <i>City of Perth Local Government Property Local 2005</i> in CEO condition 4.<br>Delegation 9.2 – deleted duplicate words 'where the' in Council condition 3. |
| 21.0 | CEO Briefing Note<br>98915/24                  | Annual review of CEO delegations (FY 23/24).   |
| 22.0 | CEO Briefing Note<br>9791/25                   | Amendment of delegation 2.15.  |
| 23.0 | CEO Briefing Note<br>20772/25                  | Amendment of delegation 2.25.  |
| 24.0 | 48769/25                                       | "General Manager Planning and Economic Development" amended to "General Manager Planning and Sustainability" throughout Register to reflect change to name of alliance and GM position.  |

## 1. Delegations to Committees

There are no delegations to committees of the Council.

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

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

Under section 5.44 of the *Local Government Act 1995*, the CEO may delegate to any employee of the City of Perth the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under the Act. This extends to a power or duty the exercise or discharge of which has been delegated to the CEO, by the Council, under section 5.42 of the same Act.

### Delegations relating to land, roads and property

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

|   |   |
|---|---|
| The functions delegated by Council to the CEO           | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. authorise a person to exercise the powers given to the local government under Part 3, Division 3, Subdivision 2 of the <i>Local Government Act 1995</i>. [s 3.24]</li> <li>2. give a person who is the owner or the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —             <ol style="list-style-type: none"> <li>a. is prescribed in Schedule 3.1, Division 1 of the <i>Local Government Act 1995</i>; or</li> <li>b. is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the <i>Local Government Act 1995</i>. [s 3.25(1)(a) and (b)]</li> </ol> </li> <li>3. do anything necessary to achieve the purpose for which the notice was given under section 3.25. [s 3.26(2)]</li> <li>4. recover the cost from the person who failed to comply with the notice given under section 3.25 of anything done by the City to meet the requirements of that notice. [s 3.26(3)]</li> </ol> |
| These functions can be found                            | <p><i>Local Government Act 1995</i>:</p> <ul style="list-style-type: none"> <li>• Section 3.24 Authorising persons under this Subdivision</li> <li>• Section 3.25 Notices requiring certain things to be done by owner or occupier of land</li> <li>• Section 3.26 Additional powers when notices given</li> </ul>  |
| The Council's conditions on this delegation             | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees         | The same functions.   |
| The employees to whom these functions are sub-delegated | <p>General Managers - All</p> <p>Alliance Manager Community Safety and Amenity</p> <p>Community Safety Manager</p> <p>Alliance Manager Development Approvals</p>  |

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| <p>The CEO's conditions on this delegation in addition to any conditions from Council.</p> | <p>Only General Managers have the authority to authorise persons under section 3.24.</p> |
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## 2.2. Close Thoroughfares to Vehicles

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



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|  | <p>Coordinator Safe City Rangers<br/> Coordinator Surveillance<br/> Shift Supervisor Surveillance<br/> General Manager Commercial Services<br/> Alliance Manager Parking Services<br/> Manager Parking Services</p>  |
| <p>The CEO's conditions on this delegation in addition to any conditions from Council.</p> | <p>Only the following listed officers may close a thoroughfare in an emergency:</p> <p>General Manager Infrastructure and Operations<br/> General Manager Community Development<br/> General Manager Planning and Sustainability<br/> General Manager Commercial Services<br/> Alliance Manager Infrastructure and Assets<br/> Manager Parking Services<br/> Alliance Manager Parking Services<br/> Alliance Manager Community Safety and Amenity<br/> Alliance Manager Transport and Urban Design<br/> Coordinator Safe City Rangers<br/> Coordinator Surveillance<br/> Shift Supervisor Surveillance<br/> Traffic Management Engineer</p> <p>All closures, other than:</p> <ol style="list-style-type: none"> <li>1. emergency closures; and</li> <li>2. closures during an event as determined by Alliance Manager Community Safety and Amenity or Alliance Manager City Events;</li> </ol> <p>must be evaluated by the Transport and Urban Design Unit for impact on traffic flows, before being acted upon.</p> |

### 2.3. Obstruction of Footpaths and Thoroughfares

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

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|   | <p>obstruction of a thoroughfare, if the damage is not made good by the applicant.</p> <ol style="list-style-type: none"> <li>2. determine if protective structures, necessary for public safety, are kept and maintained to the satisfaction of the local government.</li> <li>3. determine if repair of damage to a thoroughfare is to the satisfaction of the local government.</li> </ol>   |
| The employees to whom the functions are sub-delegated                               | <p>General Manager Infrastructure and Operations<br/> Alliance Manager Infrastructure and Assets<br/> Alliance Manager Operations<br/> General Manager Community Development<br/> Alliance Manager Community Safety and Amenity<br/> Alliance Manager City Events<br/> Coordinator Events<br/> Senior Events Officer<br/> Community Safety Manager<br/> Coordinator Activity Approvals<br/> Senior Activity Approvals Officer – Events<br/> Senior Activity Approvals Officer – Obstructions<br/> Activity Approvals Officer – Compliance<br/> Activity Approvals Officer – Obstructions<br/> Activity Approvals Officer – Events<br/> General Manager Planning and Sustainability<br/> Alliance Manager Development Approvals<br/> Principal Building Surveyor</p> |
| The CEO's conditions on this delegation in addition to any conditions from Council. | No conditions.  |

## 2.4. Dangerous Excavations in or Near Public Thoroughfares

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

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

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

## 2.6. Requirement to Construct or Repair Crossings

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

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

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| The functions delegated by Council to the CEO        | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. grant permission to construct anything on, over, or under a public thoroughfare or other public place that is local government property. [ULP r.17(3)]</li> <li>2. impose conditions on permission granted to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property. [ULP r.17(5)]</li> </ol>  |
| These functions can be found                         | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 17 Private works on, over, or under public places – Sch. 9.1 cl. 9</li> </ul>  |
| The Council’s conditions on this delegation          | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Approval is to be granted subject to a bond for work being performed and the payment of costs for trench resurfacing as required.</li> <li>3. Owners and occupiers of adjoining properties are to be advised of the works.</li> <li>4. In the case of major infrastructure works, where there may be objections from owners or occupiers of adjoining properties, the matter is to be referred to Council for determination.</li> <li>5. This Delegation applies to, but is not limited to, the following:             <ol style="list-style-type: none"> <li>a. ground anchors</li> <li>b. verandas</li> <li>c. awnings</li> <li>d. pilings</li> <li>e. signs.</li> </ol> </li> </ol> |
| The functions delegated by the CEO to employees      | <p>The same functions and the authority to:</p> <ol style="list-style-type: none"> <li>1. determine the amount an applicant is to deposit with the City a sum sufficient in the opinion of the delegate to cover the cost of repairing damage to the public thoroughfare or public place resulting from the construction.</li> <li>2. determine if repair of damage to a thoroughfare is to the satisfaction of the local government.</li> </ol>   |
| The employees to whom this function is sub-delegated | <p>General Manager Infrastructure and Operations<br/>         Alliance Manager Operations<br/>         Parks and Environment Manager<br/>         Alliance Manager Infrastructure and Assets<br/>         General Manager Community Development<br/>         Alliance Manager City Events<br/>         Coordinator Activity Approvals<br/>         Senior Activity Approvals Officer – Events<br/>         Senior Activity Approvals Officer – Obstructions<br/>         Activity Approvals Officer – Events<br/>         Activity Approvals Officer – Obstructions</p>  |

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| The CEO's conditions on this delegation in addition to any conditions from Council. | No conditions. |
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## Delegations relating to financial management

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

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| <p>The functions delegated by Council to the CEO</p> | <p>Authority to determine:</p> <ol style="list-style-type: none"> <li>1. to call public tenders for goods or services, including for a panel of pre-qualified suppliers (F&amp;G r.11(1) &amp; r.24AC(1)(b)).</li> <li>2. to invite tenders though not required to do so (F&amp;G r.13).</li> <li>3. when to seek Expressions of Interest to tender and to invite Expressions of Interest to supply goods or services (F&amp;G r.21).</li> <li>4. in writing, before tenders are called, the criteria for deciding which tenders/applications should be accepted (F&amp;G r.14(2a)).</li> <li>5. the information that is to be disclosed to those interested in submitting a tender or applying for a panel of pre-qualified suppliers (F&amp;G r.24AD(3)).</li> <li>6. to vary tender/application information after public notice of invitation to tender/apply has been given and before the close of submissions (F&amp;G r.14(5) &amp; r.24AD(6)).</li> <li>7. seek clarification from tenderers/applicants in relation to information contained in their submission (F&amp;G r.18(4a) &amp; r.24AH(4)).</li> </ol> |
| <p>These functions can be found</p>                  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 11 When tenders have to be publicly invited</li> <li>• Regulation 13 Requirements when local government invites tenders though not required to do so</li> <li>• Regulation 14 Publicly inviting tenders, requirements for</li> <li>• Regulation 21 Limiting who can tender, procedure for</li> <li>• Regulation 24AB Local government may establish panels of pre-qualified suppliers</li> <li>• Regulation 24AC Requirements before establishing panels of pre-qualified suppliers</li> <li>• Regulation 24AD Requirements when inviting persons to apply to join panel of pre-qualified suppliers</li> <li>• Regulation 24AH Rejecting and accepting applications to join panel of pre-qualified suppliers</li> </ul>  |
| <p>The Council's conditions on this delegation</p>   | <ol style="list-style-type: none"> <li>1. Exercise of this delegation must be consistent with the relevant legislation and City policies.</li> <li>2. In this delegation, a public tender refers to procurement above the tender threshold of \$250,000 ex GST as per regulation 11(1). For matters below that threshold, authorisation is not via this delegation but instead via Financial Authority limits and the City's Purchasing Policy.</li> <li>3. In exercising function 6, the delegate must take reasonable steps to ensure each person who has sought copies of the information is provided with notice of the variation.</li> </ol>   |

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| The functions delegated by the CEO to employees                                     | The same functions.   |
| The employees to whom these functions are sub-delegated                             | General Managers - All<br>Executive Director Governance and Strategy<br>Manager Strategic Procurement<br>Senior Category Specialist<br>Category Specialist<br>Procurement Specialist<br>Commercial Lead |
| The CEO's conditions on this delegation in addition to any conditions from Council. | Functions 1, 2, and 3 can only be exercised by a General Manager, Executive Director Governance and Strategy and Manager Strategic Procurement.   |

## 2.9. Tender exempt procurement

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| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>undertake tender exempt procurement, in accordance with the Regulations (F&amp;G, Div 2, r.11(2)), where the total consideration under the resulting contract is expected to be \$250,000 (ex GST) or greater; or</li> <li>enter into an agreement with a supplier as a result of tender exempt procurement.</li> </ol>   |
| These functions can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>Division 2, Regulation 11 When tenders have to be publicly invited</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>Exercise of this delegation must be consistent with the relevant legislation, Council Policy, approved City budget or Long-term Financial Plan.</li> <li>In this delegation, tender exempt procurement refers to regulatory exemptions for procurement above the tender threshold in regulation 11(1). For matters below that threshold, authorisation is via the City's Purchasing Policy.</li> <li>Entering into an agreement as a result of tender exempt procurement under regulation 11(2) may only be approved by the CEO where the total consideration under the resulting contract is expected to be less than \$10,000,000 (excl. GST). Acceptance above this threshold must be referred to Council.</li> </ol> |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Managers – All</p> <p>Executive Director Governance and Strategy</p> <p>Manager Strategic Procurement</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | Function 2 (only) must be exercised in accordance with the Financial Authority limits of the approver as per the Purchasing Policy.   |

## 2.10. Deciding on an expression of interest or tender

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| <p>The functions delegated by Council to the CEO</p>   | <p>Authority to determine:</p> <ol style="list-style-type: none"> <li>1. to accept or reject tenders after written evaluation (F&amp;G r.18(4)).</li> <li>2. reject a tender without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation (F&amp;G r.18(2)).</li> <li>3. to decline any tender (F&amp;G r.18(5)).</li> <li>4. that a variation proposed is minor in context of the total goods and services sought through the invitation, and to make minor variations before entering into a contract with a successful tenderer (F&amp;G r.20(1)&amp;(3)).</li> <li>5. to accept the next most advantageous tender if, within 6-months of accepting a tender, a contract has not been entered into or the local government and the successful tenderer agree to terminate the contract (F&amp;G r.18(6)&amp;(7)).</li> <li>6. consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers. (F&amp;G r.23)</li> <li>7. to choose the next most advantageous tender to accept, if:             <ol style="list-style-type: none"> <li>a. the chosen tenderer is unable or unwilling to form a contract (F&amp;G r.20(2)).; or</li> <li>b. a minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer (F&amp;G r.20(2)).</li> </ol> </li> </ol> |
| <p>These functions can be found</p>                    | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 18 Rejecting and accepting tenders</li> <li>• Regulation 20 Variation of requirements before entry into contract</li> <li>• Regulation 23 Rejecting and accepting expressions of interest to be acceptable tenderer</li> <li>•</li> </ul>  |
| <p>The Council's conditions on this delegation</p>     | <ol style="list-style-type: none"> <li>1. Exercise of this delegation must be consistent with the relevant legislation and Council Policy.</li> <li>2. Entering into a contract with a supplier as a result of a public tender is only allowed when the proposed expenditure is included in the City's approved annual budget or Long-term Financial Plan.</li> <li>3. Tenders may only be accepted by the CEO where the total consideration under the proposed resulting contract is \$10,000,000 (excl. GST) or less. Acceptance above this threshold must be referred to Council.</li> <li>4. Function 5 cannot be exercised when the tender was accepted by Council.</li> </ol>   |
| <p>The functions delegated by the CEO to employees</p> | <p>The same functions.</p>  |

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| <p>The employees to whom these functions are sub-delegated</p>                     | <p>Executive Director Governance and Strategy<br/> Chief Financial Officer<br/> Chief People Officer<br/> Chief Technology Officer<br/> General Managers – All<br/> Alliance Managers – All<br/> Manager Strategic Procurement</p> |
| <p>The CEO’s conditions on this delegation in addition to Council’s conditions</p> | <p>Delegated Functions may only be exercised up to the Financial Authority limit of the role as per Council Policy 2.2 Purchasing.</p>   |

## 2.10A Deciding on a panel of pre-qualified suppliers

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| <p>The functions delegated by Council to the CEO</p>                               | <p>Authority to determine:</p> <ol style="list-style-type: none"> <li>1. to accept or reject applications after written evaluation (F&amp;G r.24AH(3)).</li> <li>2. reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation (F&amp;G r.24AH(2)).</li> <li>3. to decline any application (F&amp;G r.24AH(5)).</li> <li>4. enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services (F&amp;G r.24AJ(1)).</li> </ol> |
| <p>These functions can be found</p>  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 18 Rejecting and accepting tenders</li> <li>• Regulation 20 Variation of requirements before entry into contract</li> <li>• Regulation 23 Rejecting and accepting expressions of interest to be acceptable tenderer</li> <li>• Regulation 24AH Rejecting and accepting applications to join panel of pre-qualified suppliers</li> <li>• Regulation 24AJ Contracts with pre-qualified suppliers</li> </ul>      |
| <p>The Council's conditions on this delegation</p>                                 | <ol style="list-style-type: none"> <li>1. Exercise of this delegation must be consistent with the relevant legislation and Council Policy.</li> <li>2. Entering into a contract with a supplier as a result of a public invitation to join a pre-qualified panel is only allowed when the proposed expenditure is included in the City's approved annual budget or Long-term Financial Plan.</li> <li>3. Applications may only be accepted by the CEO where the total consideration under each proposed supplier's contract is \$10,000,000 (excl. GST) or less. Acceptance above this threshold must be referred to Council.</li> </ol>  |
| <p>The functions delegated by the CEO to employees</p>                             | <p>The same functions.</p>  |
| <p>The employees to whom these functions are sub-delegated</p>                     | <p>Executive Director Governance and Strategy<br/> Chief Financial Officer<br/> Chief People Officer<br/> Chief Technology Officer<br/> General Managers – All<br/> Alliance Managers – All<br/> Manager Strategic Procurement</p>  |
| <p>The CEO's conditions on this delegation in addition to Council's conditions</p> | <p>Delegated Functions may only be exercised up to the Financial Authority limit of the role as per Council Policy 2.2 Purchasing.</p>  |

## 2.11. Varying and extending tender contracts

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| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. vary a contract that has been entered into as the result of a public tender, provided the variation does not change the scope of the original contract (F&amp;G r.21A(a)); or</li> <li>2. exercise a renewal or extension option contained in a tender contract (F&amp;G r.11(2)(j)).</li> </ol>   |
| These functions can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 11 When tenders have to be publicly invited</li> <li>• Regulation 21A Varying a contract for the supply of goods or services</li> </ul>  |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. Exercise of this delegation must be consistent with the relevant legislation and Council Policy.</li> <li>2. Executing a contract variation which increases the total contract value is only allowed when the revised contract value is included in the City's approved Annual Budget or Long-term Financial Plan.</li> <li>3. Variations to a contract under Function 1 may only be approved by the CEO where the total consideration under the resulting contract is less than \$10,100,000 (excl. GST). Acceptance above this threshold must be referred to Council.</li> <li>4. Authorisations for variations relating to contracts entered into under F&amp;G r.11A(1) or an applicable tender exempt process under F&amp;G r.11(2) are not via this delegation but instead via Financial Authority limits and Council Policy 2.2 Purchasing.</li> </ol> |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Managers – All<br/>         Executive Director Governance and Strategy<br/>         Chief Financial Officer<br/>         Chief People Officer<br/>         Chief Technology Officer<br/>         Alliance Managers – All<br/>         Manager Strategic Procurement</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | Unless expressly stated in Council Policy 2.2 Purchasing (Item 9 – Contract Variations, Exception 1 or 2), the role cannot approve a variation to a contract where such variation would cause the total contract value to exceed the limit of their Financial Authority.  |

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

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



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| The functions delegated by the CEO to employees                             | The same functions.  |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Infrastructure and Operations</p> <p>Alliance Manager Infrastructure and Assets</p> <p>Alliance Manager Operations</p> <p>General Manager Corporate Services</p> <p>Chief Financial Officer</p> <p>Chief Technology Officer</p> <p>General Manager Commercial Services</p> <p>Alliance Manager Properties</p> <p>Alliance Manager Parking Services</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | <ol style="list-style-type: none"> <li>1. Limitations apply for determining the disposal of all other (asset classes) property, for any for any single project, or where not part of a project a single event, to an aggregated value, as follows: <ol style="list-style-type: none"> <li>a. General Managers are limited to a maximum value of \$500,000.</li> <li>b. Alliance Managers are limited to a maximum value of \$50,000.</li> </ol> </li> <li>2. The maximum value limits for Alliance Managers and General Managers in Condition 1 may be exceeded only for the disposal of property by public auction where the reserve price is met.</li> </ol> |

## 2.13. Disposing of land or buildings

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

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| The employees to whom these functions are sub-delegated                     | Not applicable. |
| The CEO's conditions on this delegation in addition to Council's conditions | Not applicable. |

## 2.14. Payments from Municipal or Trust Fund

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

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

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| The functions delegated by Council to the CEO                                       | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Waive or grant a concession in relation to any amount of money which is owed to the City. [s 6.12(1)(b)]</li> <li>2. Write off any amount of money which is owed to the City. [s 6.12(1)(c)]</li> </ol>   |
| These functions can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.12 Power to defer, grant discounts, waive or write off debts</li> </ul>  |
| The Council's conditions on this delegation   | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Prior to writing off a debt, all necessary measures have been taken to recover the debt and the debt remained unpaid for a period of 90 days after its due date for payment.</li> <li>3. This delegation is limited to individual debts valued below \$200,000 or cumulative debts of a debtor valued below \$200,000. Write offs greater than these values must be referred for Council decision.</li> <li>4. Rates and service charges can only be waived where individual rate debts are valued equal to or below \$10.00 which will be dealt with administratively. Any debt valued above this price must be referred to Council for decision.</li> </ol>  |
| The functions delegated by the CEO to employees                                     | The same functions.  |
| The employees to whom these functions are delegated                                 | <p>General Manager Commercial Services<br/>         Alliance Manager Parking Services<br/>         General Manager Community Development<br/>         General Manager Corporate Services<br/>         General Manager Planning and Sustainability<br/>         Chief Financial Officer<br/>         Financial Controller</p>   |
| The CEO's conditions on this delegation in addition to any conditions from Council. | <ol style="list-style-type: none"> <li>1. Only General Managers or the Chief Financial Officer or the Financial Controller may only write off debts amounts of up to \$20,000 on any one occasion;</li> <li>2. Only General Managers may waive fees and charges related to their operational responsibilities limited to a value less than \$50,000 per customer within a financial year, if it relates to:             <ol style="list-style-type: none"> <li>i. extenuating or hardship circumstances;</li> <li>ii. charitable purposes;</li> <li>iii. an information request by a student for academic research purposes;</li> <li>iv. to rectify a service failure on the part of the City of Perth; or</li> <li>v. if there is high demonstrated value for the City of Perth.</li> </ol> </li> <li>3. Alliance Manager Parking Services may waive fees and charges related to their operational responsibilities limited to a value less than \$20,000 per customer within a financial year, if it relates to:</li> </ol> |

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|  | <ul style="list-style-type: none"><li>i. rectifying a service failure on the part of the City of Perth; or</li><li>ii. a high demonstrated value for the City of Perth.</li></ul> <p>4. This delegation cannot be used where a Council policy prescribes a specific process for the granting of deferral, concessions or waiver of debts, fees or charges unless it is consistent with that process.</p> |
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## 2.16. Power to Invest and Manage Investments

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| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose, including, where, as result of amendment to legislation or the ability arises to invest to the advantage of the City contrary to the provisions of Council Policy 2.1 Management of Investments. [s 6.14(1)]</li> <li>2. establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment. [FMR 19]</li> </ol> |
| These functions can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.14(1) Power to invest</li> </ul> <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>• Regulation 19 Investments, control procedures for</li> </ul>  |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. All investments from the municipal or trust fund must be approved by two delegates.</li> </ol>  |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Corporate Services<br/> Chief Financial Officer<br/> Financial Controller<br/> Revenue Services Lead<br/> Financial Accounting Lead</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | The General Manager Corporate Services, Chief Financial Officer, Financial Controller, Revenue Services Lead and Financial Accounting Lead may invest up to a total value of \$10 million on the short term money market per transaction and up to a total value of \$5 million for other markets per transaction.  |

## Delegations relating to rates and service charges

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

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| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. make an agreement with a person for the payment of rates or service charges. [s 6.49]</li> <li>2. determine the date on which rates or service charges become due and payable under that agreement. [s 6.50]</li> </ol>   |
| These functions can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.49 Agreement as to payment of rates and service charges</li> <li>• Section 6.50 Rates or service charges due and payable</li> </ul>  |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Corporate Services<br/>           Chief Financial Officer<br/>           Financial Controller<br/>           Revenue Services Lead<br/>           Senior Rates Coordinator<br/>           Senior Rates Officer<br/>           Rates Officer<br/>           Rates Support Officer</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | <ol style="list-style-type: none"> <li>1. The Financial Controller may agree to terms not exceeding 12 months on amounts less than \$100,000.</li> <li>2. The Revenue Services Lead may agree to terms not exceeding 9 months on amounts less than \$50,000.</li> <li>3. The Senior Rates Officer, Senior Rates Coordinator, Rates Officer and Rates Support Officer may agree to terms not exceeding 9 months on amounts less than \$25,000.</li> </ol> |



## 2.18. Recovery of rates debts

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| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. [s 6.56(1)]</li> <li>2. give notice to a lessee of land in respect of which there is an unpaid rate or service charge requiring the lessee to pay its rent to the local government. [s 6.60(2)]</li> <li>3. recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice. [s 6.60(4)]</li> </ol> |
| These functions can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.56 Rates or service charges recoverable in court</li> <li>• Section 6.60 Local government may require lessee to pay rent</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Corporate Services<br/>           Chief Financial Officer<br/>           Financial Controller<br/>           Revenue Services Lead<br/>           Senior Rates Coordinator</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

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

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

## 2.20. Amendment or Objection to Rate Record

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

## Delegations relating to Governance

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

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

- Clause 51 Application for consent and application fee
- Clause 52 When use of jetty is prohibited
- Clause 56 Restrictions on launching
- Clause 63 Liability for damage to local government property

*City of Perth Parking Local Law 2017*

- Clause 1.4 Application
- Clause 1.11 Establishment of parking facilities
- Clause 1.12 Permitted payment
- Clause 1.13 Alternative method of payment
- Clause 2.3 Stopping or parking generally
- Clause 3.15 Construction site vehicle parking
- Clause 4.4 Expired meter, parking limit
- Clause 4.6 Reserved fee paying zones
- Clause 5.7 Parking restrictions for vehicles with multiple occupants
- Clause 6.1 Classes and application for parking permit
- Clause 8.3 Modified penalty

*City of Perth Public Trading Local Law 2005*

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

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

- Clause 2.1 General prohibitions
- Clause 2.2 Activities allowed with a permit
- Clause 2.5 Temporary crossings – permit required
- Clause 2.6 Removal of redundant crossing
- Clause 2.10 Notice to owner or occupier
- Clause 2.13 Assignment of property numbers
- Clause 2.20 Hand held signs

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|   | <ul style="list-style-type: none"> <li>• Clause 3.6 Waste receptacles</li> <li>• Clause 4.1 Application for permit</li> <li>• Clause 4.2 Decision on application for permit</li> <li>• Clause 4.3 Conditions which may be imposed on a permit</li> <li>• Clause 4.4 Security for restoration and reinstatement</li> <li>• Clause 4.6 Amendment of permit conditions</li> <li>• Clause 4.9 Transfer of permit</li> <li>• Clause 4.11 Cancellation of permit</li> <li>• Clause 6.1 Notice to redirect or repair sprinkler</li> <li>• Clause 6.2 Hazardous plants</li> <li>• Clause 6.3 Notice to repair damage to thoroughfare</li> <li>• Clause 6.4 Notice to remove thing unlawfully placed on thoroughfare</li> </ul> |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. This delegation does not include any function which requires a resolution of Council.</li> </ol>   |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Infrastructure and Operations<br/> General Manager Community Development<br/> General Manager Planning and Sustainability<br/> Alliance Manager Development Approvals<br/> Alliance Manager Operations<br/> Alliance Manager Infrastructure and Assets<br/> Alliance Manager Community Safety and Amenity<br/> Alliance Manager City Events<br/> Community Safety Manager<br/> Coordinator Activity Approvals<br/> Parks and Environment Manager<br/> Waste and Cleaning Manager<br/> General Manager Commercial Services<br/> Alliance Manager Parking Services<br/> Alliance Manager Properties<br/> Principal Building Surveyor<br/> Senior Development Compliance Officer</p>                   |
| The CEO's conditions on this delegation in addition to Council's conditions | <ol style="list-style-type: none"> <li>1. The General Manager Infrastructure and Operations, General Manager Commercial Services, Alliance Manager Properties, Alliance Manager Parking Services and Alliance Manager Operations are only delegated the functions under the <i>City of Perth Parking Local Law 2017</i>, <i>City of Perth Local Government Property Local Law 2005</i> and <i>City of Perth Thoroughfares and Public Places Local Law 2017</i></li> <li>2. The General Manager Planning and Sustainability and Alliance Manager Development Approvals are only delegated the functions</li> </ol>  |

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|  | <p>under the <i>City of Perth Fencing Local Law 2015</i> and <i>City of Perth Thoroughfares and Public Places Local Law 2017</i>.</p> <ol style="list-style-type: none"><li>3. The General Manager Community Development, Alliance Manager Community Safety and Amenity and Community Safety Manager are delegated all the functions under all the local laws in this delegation except the <i>City of Perth Fencing Local Law 2015</i></li><li>4. The Alliance Manager City Events and Coordinator Activity Approvals are only delegated the functions under the <i>City of Perth Thoroughfares and Public Places Local Law 2017</i>, <i>City of Perth Public Trading Local Law 2005</i>, <i>City of Perth Local Government Property Local Law 2005</i> and <i>City of Perth Outdoor Dining Local Law 2019</i>.</li><li>5. The Parks and Environment Manager and Waste and Cleaning Manager are only delegated the functions under the <i>City of Perth Local Government Property Local Law 2005</i> and <i>City of Perth Thoroughfares and Public Places Local Law 2017</i>.</li></ol> |
|--|--|

2.22A. Complaints of Breaches of the Code of Conduct for Council Members, Committee Members and Candidates

|  |  |
|--|--|
| <p>The functions delegated by Council to the CEO</p>                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. approve the form on which a complaint must be made regarding a breach of the behavioural requirements of the City of Perth Code of Conduct for Council Members, Committee Members and Candidates. [Sch 1, clause 11(2)(a)].</li> <li>2. authorise 1 or more persons, in writing, to receive complaints and withdrawals of complaints [Sch 1, clause 11(3)].</li> </ol>                              |
| <p>These functions can be found</p>  | <p><i>Local Government (Model Code of Conduct) Regulations 2021:</i></p> <ul style="list-style-type: none"> <li>• Schedule 1 Clause 11 Complaint about alleged breach</li> <li>• Schedule 1 Clause 12 Dealing with complaint</li> <li>• Schedule 1 Clause 13 Dismissal of complaint</li> <li>• Schedule 1 Clause 14 Other provisions about complaints</li> </ul> <p><i>City of Perth Code of Conduct for Council Members, Committee Members and Candidates</i></p> |
| <p>The Council's conditions on this delegation</p>                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. Should the CEO not authorise a person under function 2 of this delegation, the CEO is the authorised person to receive complaints and withdrawals of complaints.</li> </ol>  |
| <p>The functions delegated by the CEO to employees</p>                             | <p>Function 1.</p>   |
| <p>The employees to whom these functions are sub-delegated</p>                     | <p>Executive Director Governance and Strategy<br/>Alliance Manager Council Governance and Policy</p>   |
| <p>The CEO's conditions on this delegation in addition to Council's conditions</p> | <p>Not applicable.</p>   |



## 2.22. Electoral Roll Eligibility

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | Not a function of Council.   |
| These functions can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 4.32 Eligibility to enrol under s.4.30, how to claim</li> <li>• Section 4.34 Accuracy of enrolment details to be maintained</li> <li>• Section 4.35 Decision that eligibility to enrol under s.4.30 has ended</li> </ul> <p><i>Local Government (Elections) Regulations 1997:</i></p> <ul style="list-style-type: none"> <li>• Reg 11(1a) Nomination of co-owners or co-occupiers — s.4.31</li> <li>• Reg 13(2) &amp; (4) Register - s.4.32(6)</li> </ul>  |
| The Council's conditions on this delegation                                 | Not a function of Council.   |
| The functions delegated by the CEO to employees                             | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. decide whether or not the claimant is eligible under section 4.30(1)(a) and (b) and accept or reject the claim accordingly.</li> <li>2. make any enquiries necessary in order to make a decision on an eligibility claim.</li> <li>3. approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that they are a silent elector.</li> <li>4. amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate.</li> <li>5. ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form.</li> <li>6. decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll and to give notice and consider submissions, before making such determination.</li> <li>7. determine to take any action necessary to give effect to advice received from the Electoral Commissioner.</li> <li>8. decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations.</li> <li>9.</li> </ol> |
| The employees to whom these functions are sub-delegated                     | <p>Executive Director Governance and Strategy<br/> Alliance Manager Council Governance and Policy<br/> Council Governance and Policy Coordinator</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions  |

## 2.23. Destruction of Electoral Papers

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

## 2.24. Public Access to Information

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

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

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | Not a function of Council.   |
| These functions can be found  | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 6.12 Power to defer, grant discounts, waive or write off debts</li> <li>• Section 9.13 Onus of proof in vehicle offences may be shifted</li> <li>• Section 9.19 Extension of time</li> <li>• Section 9.20 Withdrawal of notice</li> </ul>  |
| The Council's conditions on this delegation                                 | Not a function of Council.   |
| The functions delegated by the CEO to employees                             | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Be satisfied that a vehicle has been stolen or unlawfully taken or was being unlawfully used, at the time an offence is alleged to have been committed.</li> <li>2. Extend the period of payment of a modified penalty past 28 days.</li> <li>3. Withdraw an infringement notice by sending the alleged offender notice, in the prescribed form, that the infringement notice has been withdrawn and write off the amount of money which is owed to the City by withdrawing that infringement.</li> </ol> |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Community Development<br/> Alliance Manager Community Safety and Amenity<br/> Alliance Manager City Events<br/> General Manager Commercial Services<br/> Alliance Manager Parking Services<br/> Manager Parking Services<br/> General Manager Planning and Sustainability<br/> Alliance Manager Development Approvals<br/> General Manager Corporate Services<br/> Chief Financial Officer<br/> Supervisor Legal Compliance and Infringement Services<br/> Infringement Services Officer<br/> Legal Compliance Prosecutor</p>                         |
| The CEO's conditions on this delegation in addition to Council's conditions | Functions 1 and 3 can only be exercised by a General Manager, an Alliance Manager, Manager Parking Services, or the Chief Financial Officer.   |

2.28. Appointment of authorised persons (*Local Government Act 1995*)

|   |  |
|---|--|
| The function delegated by Council to the CEO                                | Not a function of Council.   |
| This function can be found  | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• Section 9.10 Appointment of authorised persons</li> </ul>   |
| The Council's conditions on this delegation                                 | Not a function of Council.   |
| The functions delegated by the CEO to employees                             | Authority to: <ol style="list-style-type: none"> <li>1. in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more of the laws specified in s 9.10(1) or specified provisions of 1 or more of those laws – s 9.10(2).</li> <li>2. give to each person appointed under s 9.10(2) an identity card – s 9.10(4).</li> </ol> |
| The employees to whom these functions are sub-delegated                     | General Managers – All   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

### 3. Delegations under the *Building Act 2011*

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

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

Under section 127(6A), the CEO of the City of Perth may delegate to any other employee of the City of Perth a power or duty of the Council of the City of Perth, as the local government, that has been delegated to the CEO under section 127.

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

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

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>• Regulation 26 Approval of new responsible person (s.35(c))</li> <li>• Regulation 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)</li> </ul> |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Planning and Sustainability</p> <p>Alliance Manager Development Approvals</p> <p>Principal Building Surveyor</p> <p>Senior Building Surveyor</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

### 3.2. Building Orders

|  |  |
|--|--|
| <p>The functions delegated by Council to the CEO</p>                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. make Building Orders [s110] in relation to:             <ol style="list-style-type: none"> <li>a. Building work,</li> <li>b. Demolition Work,</li> <li>c. An existing building or incidental structure.</li> </ol> </li> <li>2. give notice of a proposed building order and consider submissions received in response and determine actions (s111)</li> <li>3. revoke a Building Order (s117).</li> <li>4. if there is non-compliance with a building order, cause an authorised person to:             <ol style="list-style-type: none"> <li>a. Take any action specified in the order; or</li> <li>b. Commence or complete any work specified in the order; or</li> <li>c. If any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease (s118(2).</li> </ol> </li> <li>5. take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order (s118).</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i> (s133).</li> </ol> |
| <p>These functions can be found</p>  | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> <li>• Section 110 Building Order</li> <li>• Section 111(1) Notice of proposed building order other than building order (emergency)</li> <li>• Section 117 Revocation of building order</li> <li>• Section 118 Permit authority may give effect to building order if non-compliance</li> <li>• Section 133(1) A permit authority may commence a prosecution for an offence against this Act</li> </ul>   |
| <p>The Council's conditions on this delegation</p>                                 | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>   |
| <p>The functions delegated by the CEO to employees</p>                             | <p>The same functions.</p>   |
| <p>The employees to whom these functions are sub-delegated</p>                     | <p>General Manager Planning and Sustainability<br/>         Alliance Manager Development Approvals<br/>         Principal Building Surveyor<br/>         Senior Development Compliance Officer</p>   |
| <p>The CEO's conditions on this delegation in addition to Council's conditions</p> | <p>No conditions.</p>  |



### 3.3. Inspection and Copies of Building Records

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

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

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. to designate an employee as an authorised person (s96(3)).</li> <li>2. to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person (s99(3)).</li> <li>3. appoint a specified employee to be an approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) (r70).</li> <li>4. appoint an authorised officer for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(b) (r70).</li> </ol>  |
| These functions can be found  | <p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> <li>• Section 96(3) Authorised Persons</li> <li>• Section 99(3) Limitations on powers of authorise person</li> </ul> <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> <li>• Regulation 70 Approved officers and authorised officers</li> </ul>  |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. In function 3, Specified employee means a local government employee who has delegated authority to perform a function under section 9.19 or 9.20 of the <i>Local Government Act 1995</i>.</li> <li>3. A person may only be appointed to be an authorised officer if that person is also appointed under the <i>Local Government Act 1995</i> section 9.10(1) for the purpose of performing functions under section 9.16 of that Act.</li> <li>4. A certificate of authority must be issued to all authorised officers.</li> </ol> |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | General Manager Planning and Sustainability   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

### 3.5. Alternative and Performance Solutions

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

### 3.6. Referrals and Issuing Certificates

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

#### 4. Delegations under the *Bush Fires Act 1954*

Under Section 48 of the *Bush Fires Act 1954* the Council of the City of Perth, as the local government, has the power to delegate to the CEO of the City of Perth its powers and duties, as a local government under that Act. Section 48 does not allow for sub-delegation.

##### 4.1. Functions of the local government

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

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>Regulation 39E Fireworks, use of</li> </ul>                                  |
| The Council's condition on this delegation | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. |

In addition to the powers under section 48, under Section 59 of the *Bush Fires Act 1954* the Council of the City of Perth, as the local government, has the power to delegate to a Bush Fire Control Officer, or other officer the ability to initiate prosecution of offences and issue of infringement notices.

#### 4.2. Prosecution of Offences

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

## 5. Delegations under the *Cat Act 2011*

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

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

### 5.1. Cat Registrations

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

## 5.2. Cat Control Notices

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



### 5.3. Approval to Breed Cats

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

#### 5.4. Waive or Discount Registration Fees

|   |   |
|---|---|
| The function delegated by Council to the CEO                                | Authority to waive or discount prescribed fees in relation to registration of cats (Cat Regs Schedule 3 c1(4)).     |
| This function can be found  | <i>Cat Regulations 2012</i> <ul style="list-style-type: none"> <li>• Schedule 3 – cl. 1(4)</li> </ul>               |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget. |
| The function delegated by the CEO to employees                              | The same function.  |
| The employees to whom these functions are sub-delegated                     | General Manager Community Development<br>Alliance Manager Community Safety and Amenity                              |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 5.5. Applications to keep additional cats

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. require any document or additional information required to determine an application (Cat ULP r.8(3))</li> <li>2. refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application (Cat ULP r.8(4)).</li> <li>3. grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats (Cat ULP r.9).</li> </ol> |
| These functions can be found  | <p><i>Cat (Uniform Local Provisions) Regulations 2013:</i></p> <ul style="list-style-type: none"> <li>• Regulation 8 Application to keep additional number of cats</li> <li>• Regulation 9 Grant of approval to keep additional number of cats</li> </ul>  |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Community Development<br/> Alliance Manager Community Safety and Amenity</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

## 5.6. Infringement Notices – Extensions and Withdrawals

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

## 6. Delegations under the *Dog Act 1976*

Under section 10AA of the *Dog Act 1976* the Council of the City of Perth, as the local government, has the power to delegate to the CEO of the City of Perth its powers and duties, as a local government under that Act. Under section 10AA of the *Dog Act 1976* the CEO may delegate to any employee of the City of Perth the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of that Act. This extends to a power or duty which has been delegated to the CEO, by Council, under section 10AA of that Act where the Council expressly permits it.

### 6.1. Registration of Dogs

|   |   |
|---|---|
| The functions delegated by Council to the CEO                                   | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Direct a registration officer to refuse a dog registration and refund the fee, if any (s16(2)).</li> <li>2. Direct a registration officer to refuse to effect or renew a registration of a dog or cancel an existing registration (s16(3)&amp;17A(2)).</li> <li>3. Determine, for the purposes of assessing whether a dog can be registered or remain registered, that a dog is not, or will not be, appropriately confined (s16(3)&amp;17A(2)).</li> <li>4. Determine, for the purposes of assessing whether a dog can be registered or remain registered, that a dog is destructive, unduly mischievous, or to be suffering from an infectious or contagious disease (s16(3)&amp;17A(2)).</li> <li>5. Apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administrative Tribunal for the decision to be reviewed. And following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed (s17(4)).</li> <li>6. discount or waive a registration fee for any individual dog or any class of dogs within the City excluding a dangerous dog (s15(4A)).</li> </ol> |
| These functions can be found  | <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> <li>• Section 15 Registration periods and fees</li> <li>• Section 16 Registration procedure</li> <li>• Section 17A If no application for registration made</li> </ul>   |
| The Council's conditions on this delegation                                     | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. The Chief Executive Officer may further delegate these functions.</li> </ol>  |
| The functions sub-delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                         | <p>General Manager Community Development<br/>Alliance Manager Community Safety and Amenity</p>  |
| The CEO's conditions on this sub-delegation in addition to Council's conditions | The sub-delegation does not include the power to further sub-delegate the above powers.   |

## 6.2. Licensing of approved kennel establishments

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>grant or refuse to grant an application for a licence to keep an approved kennel establishment in accordance with the <i>City of Perth Dog Local Law 2011</i>, or cancel a licence so granted (s 27).</li> <li>grant an exemption to premises from the need to be an approved kennel establishment where the limit on the keeping of dogs, under the <i>City of Perth Dog Local Law 2011</i>, is exceeded (s 26).</li> </ol> |
| These functions can be found  | <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> <li>Section 26 Limitation as to numbers</li> <li>Section 27 Licensing of approved kennel establishments</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>The Chief Executive Officer may further delegate these functions.</li> </ol>   |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Community Development<br/>Alliance Manager Community Safety and Amenity</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | The sub-delegation does not include the power to further sub-delegate the above powers.  |

### 6.3. Recovery of Moneys Due Under the *Dog Act 1976*

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable (s.29(5)).</li> <li>2. determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under section 15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous (s33H(5)).</li> </ol> |
| These function can be found   | <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> <li>• Section 29 Power to seize dogs</li> <li>• Section 33M(1)(a) Local Government expenses to be recoverable</li> </ul>  |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. The Chief Executive Officer may further delegate these functions.</li> </ol>  |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Community Development<br/>Alliance Manager Community Safety and Amenity</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | The sub-delegation does not include the power to further sub-delegate the above powers.   |

#### 6.4. Dangerous Dog Deal with Objections

|  |   |
|--|---|
| <p>The functions delegated by Council to the CEO</p>                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog (s33F(6)).</li> <li>2. consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog (s33G(4)).</li> <li>3. consider and determine to either dismiss or uphold an objection to a decision to revoke a notice (s33H(5):             <ol style="list-style-type: none"> <li>a. declaring a dog to be dangerous; or</li> <li>b. proposing to cause a dog to be destroyed.</li> </ol> </li> <li>4. revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act (s33H(1).</li> <li>5. before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog (s33H(2)).</li> </ol> |
| <p>These functions can be found</p>  | <p><i>Dog Act 1976</i></p> <ul style="list-style-type: none"> <li>• Section 33F Owners to be notified of making of declaration</li> <li>• Section 33G Seizure and destruction</li> <li>• Section 33H Local government may revoke declaration or proposal to destroy</li> </ul>  |
| <p>The Council's conditions on this delegation</p>                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. The Chief Executive Officer may further delegate these functions.</li> <li>3. A person who determines objection to a declaration of a dangerous dog cannot consider or determine an objection to their decision to revoke that notice.</li> </ol>   |
| <p>The functions delegated by the CEO to employees</p>                             | <p>The same functions.</p>  |
| <p>The employees to whom these functions are sub-delegated</p>                     | <p>General Manager Community Development<br/>Alliance Manager Community Safety and Amenity</p>  |
| <p>The CEO's conditions on this delegation in addition to Council's conditions</p> | <p>The sub-delegation does not include the power to further sub-delegate the above powers.</p>  |



## 7. Delegations under the *Food Act 2008*

Under section 8 of the *Food Act 2008* the City of Perth, as a local government, is an enforcement agency.

Under section 118 of the *Food Act 2008* the Council of the City of Perth, as the enforcement agency, has the power to delegate to the employees of the City of Perth its powers and duties, as an enforcement agency and local government under that Act. The *Food Regulations 2009* do not allow for sub-delegation.

As there is no power of sub-delegation, the delegation must be directly to each relevant employee.

### 7.1. Prohibition orders

|   |  |
|---|--|
| The functions delegated by Council          | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Serve a Prohibition Order on the proprietor of a food business in accordance with section 65 of the <i>Food Act 2008</i> (s65).</li> <li>2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices (s66).</li> <li>3. Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection (s67).</li> </ol> |
| Delegated to                                | <p>Chief Executive Officer<br/>           General Manager Community Development<br/>           Alliance Manager Community Safety and Amenity<br/>           Community Health Manager<br/>           Coordinator Health Approvals<br/>           Coordinator Health Compliance</p>  |
| These functions can be found                | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>• Section 65(1) Prohibition Order</li> <li>• Section 66 Certificate of Clearance</li> <li>• Section 67(4) Certificate of Clearance Refusal Requirement</li> </ul>  |
| The Council's conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>   |

## 7.2. Registration of Food Businesses

|   |   |
|---|---|
| The functions delegated by Council          | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration (s110).</li> <li>2. vary the conditions or cancel the registration of a food business (s112).</li> </ol> |
| Delegated to                                | <p>Chief Executive Officer<br/>           General Manager Community Development<br/>           Alliance Manager Community Safety and Amenity<br/>           Community Health Manager<br/>           Coordinator Health Approvals<br/>           Coordinator Health Compliance</p>   |
| These functions can be found                | <p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>• Section 110 Registration of food businesses</li> <li>• Section 112 Variation of conditions or cancellation of registration of food businesses</li> </ul>  |
| The Council's conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>  |

### 7.3. Appoint authorised officers and designated officer

|  |   |
|--|---|
| <p>The functions delegated by Council to the CEO and General Manager Community Development</p> | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> (s122).</li> <li>2. Appoint a person to be a designated officer for the purposes of the <i>Food Act 2008</i> (s126).</li> <li>3. Appoint an authorised officer to be a designated officer (who is prohibited by s126(13) from also being a designated officer for the purpose of issuing infringements), for the purpose of extending the time for payment modified penalties and determining withdrawal on an infringement notice (s126).</li> <li>4. Provide an authorised officer appointed as an authorised officer for the purposes of the <i>Food Act 2008</i> with a certificate of authority as an authorised officer (s123).</li> </ol> |
| <p>These functions can be found</p>  | <p><i>Food Act 2008</i>:</p> <ul style="list-style-type: none"> <li>• Section 122 Appointment of authorised officers</li> <li>• Section 123 Certificates of authority</li> <li>• Section 126 Infringement Notices</li> </ul>  |
| <p>The Council's conditions on this delegation</p>   | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>  |

#### 7.4. Prosecutions and Debt Recovery

|   |  |
|---|--|
| The functions delegated by Council          | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs and the costs of any subsequent proceedings in a court competent jurisdiction (s54(3)).</li> <li>2. Institute proceedings for an offence under the <i>Food Act 2008</i> (s125).</li> </ol> |
| Delegated to                                | <p>Chief Executive Officer<br/>           General Manager Community Development<br/>           Alliance Manager Community Safety and Amenity<br/>           Community Health Manager<br/>           Coordinator Health Approvals<br/>           Coordinator Health Compliance<br/>           Community Health Officer</p>  |
| These functions can be found                | <p><i>Food Act 2008</i>:</p> <ul style="list-style-type: none"> <li>• Section 54 Cost of destruction or disposal of forfeited item</li> <li>• Section 125 Institution of proceedings</li> </ul>  |
| The Council's conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>   |

## 8. Delegations under the *Graffiti Vandalism Act 2016*

Under Section 16 of the *Graffiti Vandalism Act 2016* the Council of the City of Perth, as the local government, has the power to delegate to the CEO of the City of Perth its powers and duties, as a local government under that Act.

Under Section 17 of the *Graffiti Vandalism Act 2016*, the CEO may delegate to any employee of the local government the exercise of the CEO's powers or the discharge of any of the CEO's duties under another provision of that Act. This extends to a power or duty which has been delegated to the CEO, by Council, under section 16 of that Act.

### 8.1. Give Notice Requiring Obliteration of Graffiti

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority:</p> <ol style="list-style-type: none"> <li>1. to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice (s18).</li> <li>2. where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice (s19).</li> </ol> |
| These functions can be found  | <p><i>Graffiti Vandalism Act 2016</i>:</p> <ul style="list-style-type: none"> <li>• Section 18 Notice requiring removal of graffiti</li> <li>• Section 19 Additional powers when notice is given</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Community Development<br/> Alliance Manager Community Safety and Amenity<br/> Community Safety Manager<br/> Senior Development Compliance Officer</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 8.2. Notices – Deal with Objections and Give Effect to Notices

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority:</p> <ol style="list-style-type: none"> <li>1. to deal with an objection to a notice (s22).</li> <li>2. where an objection has been lodged, to:             <ol style="list-style-type: none"> <li>a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken (s24(1)(b)); and</li> <li>b. to give notice to the affected person, before taking the necessary actions (s24(3)).</li> </ol> </li> </ol> |
| These functions can be found  | <p><i>Graffiti Vandalism Act 2016:</i></p> <ul style="list-style-type: none"> <li>• Section 22 Objection may be lodged</li> <li>• Section 24 Suspension of effect of notice</li> </ul>  |
| The Council’s conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | General Manager Community Development   |
| The CEO’s conditions on this delegation in addition to Council’s conditions | No conditions.  |

### 8.3. Obliterate Graffiti on Private Property

|   |   |
|---|---|
| The function delegated by Council to the CEO                                | Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent (s25).                         |
| This function can be found  | <i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>Section 25 Local government graffiti powers on land not local government property</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>This function is subject to exercising Powers of Entry under section 28.</li> </ol> |
| The function delegated by the CEO to employees                              | The same function.  |
| The employees to whom these functions are sub-delegated                     | General Manager Infrastructure and Operations<br>Alliance Manager Operations<br>Waste and Cleaning Manager  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

#### 8.4. Powers of Entry

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required (s28).</li> <li>2. obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act (s29).</li> </ol> |
| These functions can be found  | <p><i>Graffiti Vandalism Act 2016:</i></p> <ul style="list-style-type: none"> <li>• Section 28 Notice of entry</li> <li>• Section 29 Entry under warrant</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Infrastructure and Operations<br/> Alliance Manager Operations<br/> General Manager Community Development<br/> Alliance Manager Community Safety and Amenity<br/> Community Safety Manager</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |



## 9. Delegations under the *Planning and Development Act 2005*

Under section 5.42 of the *Local Government Act 1995* the Council of the City of Perth, as the local government for the district, has the power to delegate to the CEO of the City of Perth its powers and duties under Section 214(2), (3) and (5) of the *Planning and Development Act 2005*.

Under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the Council of the City of Perth, as the local government for the district, has the power to delegate to the CEO of the City of Perth its powers and duties under a local planning scheme.

### 9.1. Illegal Development

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol> |
| These functions can be found  | <p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> <li>• Section 214 Illegal development, responsible authority's powers as to</li> </ul>   |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.  |
| The functions delegated by the CEO to employees                             | The same functions.  |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Planning and Sustainability<br/> Alliance Manager Development Approvals<br/> Senior Development Compliance Officer</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.   |

## 9.2. Planning Approval – Local Planning Schemes

|  |  |
|--|--|
| <p>The functions delegated by Council to the CEO</p> | <ol style="list-style-type: none"> <li>1. Authority to determine development applications for the commencement or continuation of any development or use of any land or building and apply discretion where provided.</li> <li>2. Authority to require or waive the requirement for an applicant to advertise a proposal.</li> <li>3. Determine, in accordance with clause 77 of the Deemed Provisions, whether to approve, refuse, or approve with conditions an application by an owner to: <ol style="list-style-type: none"> <li>a. to amend an approval so as to extend the period within which any development approved must be substantially commenced;</li> <li>b. to amend or delete any condition to which an approval is subject;</li> <li>c. to amend an aspect of the development approved which, if amended, would not substantially change the development approved; or to cancel an approval.</li> </ol> </li> </ol>   |
| <p>These functions can be found</p>                  | <p><i>City of Perth City Planning Scheme No.2</i><br/><i>City of Subiaco Town Planning Scheme No.4</i></p>   |
| <p>The Council’s conditions on this delegation</p>   | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. In relation to Delegated Authority 1 and 3 above: <ol style="list-style-type: none"> <li>a. An application may not be approved where: <ol style="list-style-type: none"> <li>i. the application is a non-complying application for the purposes of clause 36 of the City of Perth City Planning Scheme No.2 and clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes, where the non-compliance is considered major or involves a request for bonus plot ratio other than in accordance with clause 28(6) of the Scheme; or</li> <li>ii. the application is a non-complying application for the purposes of clauses 28, 42(1) or 42(3) of the City of Subiaco Town Planning Scheme No. 4 and clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> – Schedule 2 Deemed Provisions for Local Planning Schemes, where the non-compliance is considered major; or</li> <li>iii. the application is for development that may have a detrimental impact on a heritage-protected place as defined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</li> </ol> </li> <li>b. Except in relation to a Single House (heritage protected places only) or Grouped Dwelling, where an objection(s) to an application has been received from a landowner/ occupier as a result of public consultation, approval or conditional approval shall only be issued where, in the opinion of the Delegated Officer, the issue(s) raised in the submission(s):</li> </ol> </li> </ol> |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>i. can be resolved through the placement of reasonable conditions on the approval; or</li> <li>ii. does not relate to valid planning and development considerations associated with the proposal.</li> </ul> <p>3. Authority may not be exercised where the Lord Mayor or three Councillors have requested that the application be referred to the Council for determination.</p> <p>4. Details of approvals issued under delegated authority are to be made available to elected members on a weekly basis.</p> |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Planning and Sustainability</p> <p>Alliance Manager Development Approvals</p> <p>Principal Urban Planner</p>   |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

#### 9.4. Issue of Heritage Conservation Notices

|   |   |
|---|---|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. After assessment and having considered any relevant advice, form the view that a heritage place is not being properly maintained and give a written notice requiring the person to carry out specified repairs to the heritage place by a specified time, being a time that is not less than 60 days after the day on which the notice is given;</li> <li>2. If a person fails to comply with a heritage conservation notice, enter the heritage place and carry out the repairs specified in the notice;</li> <li>3. Recover the expenses incurred in carrying out repairs as a debt due from the person to whom the notice was given, in a court of competent jurisdiction;</li> <li>4. Vary a heritage conservation notice to extend the time for carrying out the specified repairs; and</li> <li>5. Revoke a heritage conservation notice.</li> </ol> |
| These functions can be found  | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <ul style="list-style-type: none"> <li>• Clause 13 of Schedule 2</li> </ul>  |
| The Council's conditions on this delegation                                 | The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.   |
| The functions delegated by the CEO to employees                             | The same functions.   |
| The employees to whom these functions are sub-delegated                     | <p>General Manager Community Development<br/>Alliance Manager Arts and Culture</p>  |
| The CEO's conditions on this delegation in addition to Council's conditions | No conditions.  |

## 9.5. *Planning and Development (Local Planning Schemes) Regulations 2015* Authorisations

|  |   |
|--|---|
| The functions authorised by Council            | Not a function of Council   |
| These functions can be found                   | <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <ul style="list-style-type: none"> <li>• Schedule 2, clause 79 Entry and Inspection Powers</li> <li>• Schedule 2, Part 10, Division 2A</li> </ul>  |
| The Council's conditions on this authorisation | Not a function of Council   |
| The functions authorised by the CEO            | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. in writing, designate an officer of the City as an authorised officer for the purposes of Schedule 2, Clause 79.</li> <li>2. perform the development approval functions in relation to single houses (Schedule 2, Part 10, Division 2A)</li> </ol> |
| To the following persons                       | <p>General Manager Planning and Sustainability<br/> Alliance Manager Development Approvals<br/> Principal Urban Planner</p>   |
| The CEO's conditions on this authorisation     | <ol style="list-style-type: none"> <li>1. Only the General Manager Planning and Sustainability is authorised to perform function 1.</li> </ol>  |

## 10. Delegations under the *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911*

Under section 4 of the *Public Health Act 2016* the City of Perth, as a local government, is an enforcement agency.

Under section 21 of the *Public Health Act 2016* the Council of the City of Perth, as an enforcement agency that is a local government for, has the power to delegate to:

- (a) the CEO of the City of Perth, or
- (b) a person designated by the City of Perth as an authorised officer under the *Public Health Act 2016*

its powers and duties under the *Public Health Act 2016*.

It is not permitted to further delegate by the *Public Health Act 2016*.

The General Manager Community Development is designated by Council, as the enforcement agency, as an authorised officer for the purposes of section 21 of the *Public Health Act 2016*.

Under Regulation 15D of the *Health (Asbestos) Regulations 1992* a local government may delegate a power or duty conferred or imposed on it by that regulation to the chief executive officer of the local government.

### 10.1. Appoint authorised officers and approved officers

|   |  |
|---|--|
| The functions delegated by Council to the CEO                               | <p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Appoint a qualified person to be an environmental health officer (s24)</li> <li>2. Designate environmental health officers (either as a person or as a class of persons) to be authorised officers for the purposes of the <i>Public Health Act 2016</i> or another specified Act or for the purposes of the specified provisions of that Act or another specified Act (s24).</li> <li>3. Designate a qualified person (either as a person or as a class of persons) who is not an environmental health officer to be an authorised officer for the purposes of the <i>Public Health Act 2016</i> or another specified Act or for the purposes of the specified provisions of this Act or another specified Act (s24).</li> <li>4. appoint in writing, persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 in relation to the <i>Health (Asbestos) Regulations 1992</i> (r15D(5)).</li> <li>5. Issue to a person designated as an authorised officer under the <i>Public Health Act 2016</i> a certificate of authority as an authorised officer (s30).</li> </ol> |
| The functions delegated by Council to General Manager Community Development | Functions 1, 2, 3, and 5 as above.   |
| These functions can be found  | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> <li>• Section 17 Appointment of environmental health officers</li> <li>• Section 24 Designation of authorised officers</li> <li>• Section 30 Certificates of authority</li> </ul> <p><i>Health (Asbestos) Regulations 1992</i></p> <ul style="list-style-type: none"> <li>• Regulation 15D Infringement Notices</li> </ul>   |
| The Council's conditions on this delegation                                 | <ol style="list-style-type: none"> <li>1. The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> </ol>   |

|  |  |
|--|--|
|  | <ol style="list-style-type: none"><li data-bbox="544 94 1453 241">2. In appointing authorised officers who are not environmental health officers, the delegate must be satisfied that they are suitably qualified for the powers and duties they are authorised for and have regard to any guidelines issues by the Department under section 29.</li><li data-bbox="544 252 1453 357">3. A person cannot be appointed as an Environmental Health Officer unless they meet the qualifications determined and published by the Department under section 18.</li><li data-bbox="544 367 1453 472">4. An officer authorised to issue an infringement ('authorised officer') may not be appointed to withdraw an infringement ('approved officer').</li></ol> |
|--|--|

## 10.2. Enforcement Agency Reports to the Chief Health Officer

|   |   |
|---|---|
| The functions delegated by Council          | <p>Authority to:</p> <ol style="list-style-type: none"> <li>prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City (s22(1)).</li> <li>prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act (s22(2)).</li> </ol> |
| Delegated to                                | <p>Chief Executive Officer<br/>Community Health Manager</p>   |
| These functions can be found                | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> <li>Section 22 Reports by and about enforcement agencies</li> </ul>   |
| The Council's conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p>  |

## 10.3. Commence Proceedings

|   |  |
|---|--|
| The function delegated by Council           | <p>Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> (s280).</p>                    |
| Delegated to                                | <p>Chief Executive Officer<br/>Community Health Manager</p>  |
| This function can be found                  | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> <li>Section 280 Commencing Proceedings</li> </ul>  |
| The Council's conditions on this delegation | <p>The exercise of this delegation must be consistent with the relevant legislation, Council Policy and Annual Budget.</p> |



## Authorisations Given by Council to Employees under various Acts

## 11. Authorisations given by Council to the CEO and other employees

Under various Acts the Council, as the local government of the City of Perth is conferred various functions, but no specific power of delegation is provided. To ensure the efficient and orderly government of the City of Perth, the Council has provided the following authority to the CEO and other employees of the City of Perth.

### 11.1. Execution of documents by employees

|  |   |
|--|---|
| The functions authorised by Council            | Authorisation to execute a document on behalf of the City of Perth, including a deed.   |
| To the following persons                       | any employee who has: <ol style="list-style-type: none"> <li>a. delegated authority,</li> <li>b. statutory authority,</li> <li>c. financial authorisation or</li> <li>d. operational authorisation.</li> </ol>  |
| This function can be found                     | <i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>• Section 9.49A Execution of Documents</li> </ul>  |
| The Council's conditions on this authorisation | <ol style="list-style-type: none"> <li>1. This authorisation can only be used within the limits of the persons: <ol style="list-style-type: none"> <li>a. Delegated authority;</li> <li>b. Statutory authority;</li> <li>c. Financial authorisation; or</li> <li>d. Operational authorisation.</li> </ol> </li> <li>2. The use of this authorisation must be consistent with the relevant decisions and policies of the City and any financial commitment being provided for in Annual Budget or by a Council resolution.</li> <li>3. All documents duly executed are to be maintained as a Local Government Record.</li> <li>4. Only the Chief Executive Officer and General Managers may execute a document by deed.</li> </ol> |

## 11.2. Execution of documents to implement decisions of Council and other bodies

|  |   |
|--|---|
| The functions authorised by Council:           | Authorisation to execute a document on behalf of the City of Perth, including a deed.   |
| To the following persons                       | Chief Executive Officer<br>Chief Financial Officer<br>Chief People Officer<br>Chief Technology Officer<br>General Managers<br>Alliance Managers   |
| This function can be found                     | <i>Local Government Act 1995:</i><br><ul style="list-style-type: none"> <li>• Section 9.49A Execution of Documents</li> </ul>   |
| The Council's conditions on this authorisation | <ol style="list-style-type: none"> <li>1. This authorisation can only be used to give effect to a decision of: <ol style="list-style-type: none"> <li>a. Council;</li> <li>b. City of Perth Local Development Approval Panel;</li> <li>c. Western Australian Planning Commission; or</li> <li>d. A Minister of the Crown.</li> </ol> </li> <li>2. The use of this authorisation must be consistent with the relevant decision.</li> <li>3. All documents duly executed are to be maintained as a Local Government Record.</li> <li>4. Only the Chief Executive Officer may execute a document by deed.</li> </ol> |

### 11.3. Execution of documents by common seal

|   |  |
|---|--|
| The authorisation by Council to any document, including a deed. | To have the common seal affixed.   |
| This function can be found                                      | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>• Section 9.49A Execution of Documents</li> </ul>  |
| The Council's conditions on this authorisation                  | <ol style="list-style-type: none"> <li>1. This authorisation can only be used to give effect to a decision which could be by:             <ol style="list-style-type: none"> <li>a. Resolution of Council;</li> <li>b. City of Perth Local Development Approval Panel</li> <li>c. Western Australian Planning Commission;</li> <li>d. A Minister of the Crown</li> <li>e. Delegated authority;</li> <li>f. Statutory authority;</li> <li>g. Financial authorisation; or</li> <li>h. Operational authorisation.</li> </ol> </li> <li>2. Affixing of common seal should only be used where it is required to execute the document.</li> <li>3. All documents duly executed are to be maintained as a Local Government Record.</li> </ol> |

#### 11.4. Execution of documents – lawyers and conveyancers

|  |   |
|--|---|
| The functions authorised by Council            | Authorisation to execute a document on behalf of the City of Perth, including a deed.   |
| To the following persons                       | Any lawyers and conveyancers appointed by the City to act on its behalf   |
| This function can be found                     | <i>Local Government Act 1995:</i><br><ul style="list-style-type: none"> <li>• Section 9.49A Execution of Documents</li> </ul>   |
| The Council's conditions on this authorisation | <ol style="list-style-type: none"> <li>1. This authorisation can only be used to give effect to a decision which could be by: <ol style="list-style-type: none"> <li>a. Resolution of Council;</li> <li>b. A decision of the City of Perth Local Development Approval Panel or Western Australian Planning Commission;</li> <li>c. Delegated authority;</li> <li>d. Statutory authority;</li> <li>e. Financial authorisation; or</li> <li>f. Operational authorisation.</li> </ol> </li> <li>2. Lawyers, solicitors and conveyancers may only execute a document on the City's behalf, where it receives written instructions from the City to do so.</li> <li>3. This authorisation extends to electronically signing documents through the Property Exchange Australia (PEXA) process</li> <li>4. All documents duly executed are to be maintained as a Local Government Record.</li> </ol> |

11.5. Issue of certificate of compliance under Section 39 of the *Liquor Control Act 1988*

|  |  |
|--|--|
| The function authorised by Council             | Authorisation to issue a certificate of compliance under section 39 of the <i>Liquor Control Act 1988</i> .  |
| To the following persons                       | Chief Executive Officer<br>General Manager Community Development<br>Alliance Manager Community Safety and Amenity<br>Community Health Manager<br>Coordinator Health Approvals<br>Coordinator Health Compliance   |
| This function can be found                     | <i>Liquor Control Act 1988</i> : <ul style="list-style-type: none"> <li>Section 39 Certificate of local government as to whether premises comply with laws</li> </ul>  |
| The Council's conditions on this authorisation | <ol style="list-style-type: none"> <li>The exercise of this authorisation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>All certificates issued are to be maintained as a Local Government Record.</li> </ol> |

11.6. Issue of certificate of compliance under Section 40 of the *Liquor Control Act 1988*

|  |  |
|--|--|
| The function authorised by Council             | Authorisation to issue a certificate of compliance under section 40 of the <i>Liquor Control Act 1988</i> .  |
| To the following persons                       | Chief Executive Officer<br>General Manager Planning and Sustainability<br>Alliance Manager Development Approvals<br>Principal Urban Planner  |
| This function can be found                     | <i>Liquor Control Act 1988</i> : <ul style="list-style-type: none"> <li>Section 40 Certificate of planning authority as to whether premises comply with planning laws</li> </ul>   |
| The Council's conditions on this authorisation | <ol style="list-style-type: none"> <li>The exercise of this authorisation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>All certificates issued are to be maintained as a Local Government Record.</li> </ol> |

11.7. Issue of approval or refusal under section 81C of the *Road Traffic Act 1974*

|                                    |   |
|------------------------------------|---|
| The function authorised by Council | Authorisation to approve or refuse an application to temporarily close a road under section 81C of the <i>Road Traffic Act 1974</i> and advise the Commissioner of Police accordingly.                          |
| To the following persons           | Chief Executive Officer<br>General Manager Community Development<br>Alliance Manager Community Safety and Amenity<br>General Manager Planning and Sustainability<br>Alliance Manager Transport and Urban Design |
| This function can be found         | <i>Road Traffic Act 1974</i> :  |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Section 81C Order for road closure for event, making</li> </ul>   |
| The Council's conditions on this authorisation | <ol style="list-style-type: none"> <li>1. The exercise of this authorisation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. All documents relating to approvals or refusals are to be maintained as a Local Government Record.</li> </ol> |

## 11.8. Comments on development applications

|  |  |
|--|--|
| The function authorised by Council             | To provide a submission or comment to in relation to a development application referred to the City for comment or a submission before a decision is made on the application.  |
| To the following persons                       | Chief Executive Officer<br>General Manager Planning and Sustainability<br>Alliance Manager Development Approvals<br>Principal Urban Planner  |
| This function can be found                     | <p><i>Metropolitan Redevelopment Authority Act 2011</i></p> <ul style="list-style-type: none"> <li>• Section 64 Notice of development application</li> </ul> <p><i>Planning and Development Act 2005</i></p> <ul style="list-style-type: none"> <li>• Section 16 Delegation by Commission</li> <li>• Section 100 Commission to consult local government on some development applications</li> <li>• Section 115 Development in planning control area, applying for approval of</li> <li>• Section 142 Consultation requirements as to proposed subdivision</li> <li>• Section 153 Setting aside land for open space or payment in lieu</li> <li>• Section 276 Consultation, submissions and other input</li> </ul> <p><i>Swan and Canning Rivers Management Act 2006</i></p> <ul style="list-style-type: none"> <li>• Section 73 Consultation with local governments etc. about development application</li> </ul> |
| The Council's conditions on this authorisation | <ol style="list-style-type: none"> <li>1. The exercise of this authorisation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. All comments or submissions are to be maintained as a Local Government Record.</li> <li>3. Authority may not be exercised where the Lord Mayor or three Councillors have requested that the comment or submission on the application be referred to the Council for determination.</li> <li>4. Nothing in this authorisation prevents the persons authorised from refusing to exercise their authority and referring the matter to Council for decision.</li> </ol>   |



11.9. Deputy of the Local Government under the *Health (Miscellaneous Provisions) Act 1911*

|  |  |
|--|--|
| The function authorised by Council             | To be the Deputy of the City of Perth under the <i>Health (Miscellaneous Provisions) Act 1911</i> and in that capacity to exercise and discharge all or any of the powers and functions of the local government under that Act, regulations and local laws made under that Act.  |
| To the following persons                       | <p>Chief Executive Officer</p> <p>General Manager Community Development</p> <p>Alliance Manager Community Safety and Amenity</p> <p>Community Health Manager</p> <p>Coordinator Health Approvals</p> <p>Coordinator Health Compliance</p>  |
| This function can be found                     | <p><i>Health (Miscellaneous Provisions) Act 1911</i></p> <ul style="list-style-type: none"> <li>• Section 26 Powers of local government</li> </ul>   |
| The Council's conditions on this authorisation | <ol style="list-style-type: none"> <li>1. The exercise of this authorisation must be consistent with the relevant legislation, Council Policy and Annual Budget.</li> <li>2. The authorisation granted to the Coordinator Health Approvals under the Act is limited to Part V Division 2, Part VI and Part VII.</li> <li>3. The authorisation granted to the Coordinator Health Compliance under the Act is limited to Part V Division 1, Part VI and Part VII.</li> </ol> |

## 12. Authorisations and Delegations given by the State Government to the Council, CEO and other employees

Under various acts the State Government, through its agencies has delegated to the City of Perth various functions and authorities as set out below.

### 12.1. *Environmental Protection Act 1986* – Noise Control – Serve Environmental Protection Notices ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows -

Powers and duties delegated -

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made –

This delegation is made to any person for the time being holding or acting in the office of the Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the Interpretations Act 1984, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved –

FERNINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

12.2. *Environmental Protection Act 1986* – Noise Control – Keeping of log books, noise control notices, calibration and approval of non-complying events

Government Gazette No.232, 20 December 2013

EV402\*

***ENVIRONMENTAL PROTECTION ACT 1986***

DELEGATION NO.112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* (“the Act”), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to –

- (a) waste collection and other works – noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship – the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities – noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues – noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results – requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events – approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation –
- (i) subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013

JASON BANKS, Acting Chief Executive Officer

Approved by –

JOHN DAY, Acting Minister for Environment; Heritage.

12.3. *Environmental Protection Act 1986* – Noise management plans – Construction sites  
Government Gazette No.232, 20 December 2013

EV405\*

***ENVIRONMENTAL PROTECTION ACT 1986***

DELEGATION NO.119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of –

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

All my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No.111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer

Approved by –

Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage

## 12.4. *Planning and Development Act 2005* – Western Australian Planning Commission – Referral Arrangements

### **Notice of resolution made under clause 32 of the Metropolitan Region Scheme (MRS) regarding development control powers of the Western Australian Planning Commission**

Under clause 32 of the MRS, the WAPC may, by resolution, identify land and require that applications for all or certain classes of development on that land, be referred to the WAPC for determination.

#### **Resolution under clause 32 of the MRS**

On 8 December 2021, pursuant to clause 32 of the MRS, the WAPC RESOLVED—

- A TO REVOKE its resolutions made under clause 32 of the MRS as detailed in a notice published in the Government Gazette of 12 June 2015 at pages 2062 and 2063 and as published in the Government Gazette of 11 December 2011 concerning Lots 202 and 203, Corner Kwinana Freeway, Beeliar Drive and Wentworth Parade, Success.
- B TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of Schedule 1 to the WAPC for determination.
- C TO REQUIRE that local governments specified in clauses 5 to 8 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 8 of Schedule 1 to the WAPC for determination.
- D TO CONFIRM that words used in the schedules to this resolution have the meanings given to them in the *Planning and Development Act 2005* (the Act) and the MRS and, unless the context otherwise requires, the meanings defined in schedule 3. In the case of any inconsistency, the Act prevails;
- E TO DECLARE that this resolution takes effect when notice of it is published in the *Government Gazette*.

SAM FAGAN, Secretary, Western Australian Planning Commission.

### **Schedule 1**

#### **All Local governments in the area covered by the MRS**

##### **1. Development of State or Regional Significance**

Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be the subject of an application determined by the WAPC.

##### **2. Development in the rural zone**

Extractive Industry applications and any other uses which in the opinion of the WAPC or the local government may not be consistent with the rural zone.

##### **3. Poultry Farms**

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

##### **4. Development in Activity Centres**

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

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;

- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy than the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy than the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m<sup>2</sup> of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres; except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

### **Referral arrangements for specific local governments**

#### **5. Stirling and Glendalough Station Precinct**

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

- (a) Applications that include non-residential uses and/or development;
- (b) Applications for 5 or more residential dwellings.

#### **6. Kwinana Industrial Area**

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

#### **7. North Coogee Industrial Area**

The City of Cockburn is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan 4.1622.

#### **8. Parliament House Precinct 6**

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

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

### **Interpretation**

In this notice of resolution, words have the meanings given to them in the Act and the MRS. Unless the context otherwise requires—

“activity centre” is defined in section 9 of State Planning Policy 4.2;

“activity centre hierarchy” means the categories of activity centres set out in Appendix 1 of State Planning Policy 4.2, namely—

- Capital City;

- Strategic centres;
- Specialised centres;
- Secondary centres;
- District centres;
- Neighbourhood centres; and
- Local centres.

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

“Category A activity centre uses” means land uses as defined in section 9 of State Planning Policy 4.2;

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the office of the Department of Planning Lands and Heritage.

“major development” means development as defined in section 9 of State Planning Policy 4.2;

“net lettable area” is defined in section 9 of State Planning Policy 4.2;

“precinct structure plan or equivalent” means a precinct structure plan prepared for an activity centre as required under 7.2 of State Planning Policy 4.2, and includes what were previously referred to as an activity centre plan;

‘Planning approval’ means the planning approval of the WAPC as required under the MRS and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, or officers.

12.5. *Planning and Development Act 2005* – Western Australian Planning Commission – 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 |
|   |   |

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

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

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

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

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

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*

12.6. *Planning and Development Act 2005 – Western Australian Planning Commission – Section 15 of the Strata Titles Act 1985*

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the Strata Titles Act 1985

**Preamble**

Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.

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

**Resolution under section 16 of the Act (delegation)**

On 20 January 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 powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the Strata Titles Act 1985 as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

**Schedule 1**

**1. Applications made under section 15 of the Strata Titles Act 1985**

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - i. a type of development; and/or
  - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

**2. Applications under sections 21 and 22 of the Strata Titles Act 1985**

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

**3. Reporting requirements**

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

**DoL FILE 1738/2002v8; 858/2001v9**

***PLANNING AND DEVELOPMENT ACT 2005***

**INSTRUMENT OF AUTHORISATION**

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2<sup>nd</sup> day of June 2016



**HON DONALD TERRENCE REDMAN MLA  
MINISTER FOR LANDS**





Shire of Nannup  
Shire of Narembeen  
Shire of Narrogin  
Town of Narrogin  
City of Noolbarr  
Shire of Ngalingyjarriku  
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

Shire of Tammin  
Shire of Three Springs  
Shire of Toodyay  
Shire of Trayning  
Shire of Upper Gascoyne  
Town of Victoria Park  
Shire of Victoria Plains  
Town of Vincent  
Shire of Wagin  
Shire of Wandering  
City of Wanneroo  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickepin  
Shire of Williams  
Shire of Wiluna  
Shire of Wongan-Ballidu  
Shire of Woodanilling  
Shire of Wyalkatchem  
Shire of Wyndham-East Kimberley  
Shire of Yalgoo  
Shire of Yilgarn  
Shire of York



HON DONALD TERRENCE REDMAN MLA  
MINISTER FOR LANDS

2<sup>nd</sup>  
..... day of June ..... 2016

12.8. *Road Traffic Code 2000* – Main Roads Western Australia – Main Roads Traffic Management Signs (Temporary related to Maintenance and Road Works)

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**WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)  
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises the **CITY OF PERTH** ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, **SUBJECT ALWAYS** to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Dated: 15.2.2005

THE COMMON SEAL OF THE  
COMMISSIONER OF MAIN ROADS  
WAS AFFIXED BY  
[Signature]  
COMMISSIONER OF MAIN ROADS  
FOR THE TIME BEING IN THE PRESENCE OF:



[Signature]  
Signature of Witness

[Signature]  
Name of Witness

**ACKNOWLEDGMENT BY AUTHORISED BODY**

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

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

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

Dated: 7/12/04

[Signature]  
Frank Edwards  
Chief Executive Officer

Dated: 3/12/04

[Signature]  
Signature of Witness

Dated: 3/12/04

[Signature]  
Name of Witness

**WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)**

**INSTRUMENT OF AUTHORISATION  
RELATING TO  
TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises **CITY OF PERTH** (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

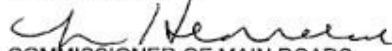
The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Dated: 1/9/08

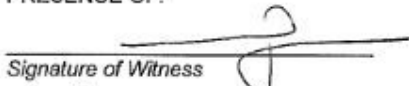
THE COMMON SEAL OF THE  
COMMISSIONER OF MAIN ROADS

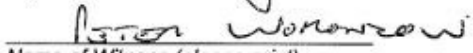
WAS AFFIXED BY

  
COMMISSIONER OF MAIN ROADS



FOR THE TIME BEING IN THE  
PRESENCE OF:

  
Signature of Witness

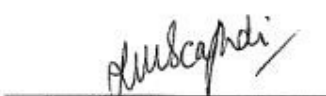
  
Name of Witness (please print)

**ACKNOWLEDGMENT BY AUTHORISED BODY**

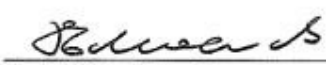
The CITY OF PERTH agrees to unconditionally observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE  
CITY OF PERTH


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

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

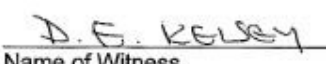
Dated: 5/2/08

  
Frank Edwards  
Chief Executive Officer

Dated: 5/2/08

  
Signature of Witness

Dated: 5/2/08

  
Name of Witness

12.10. *Road Traffic (Vehicles) Act 2012* – Department of Transport – Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia  
Department of Transport  
Driver and Vehicle Services

**ROAD TRAFFIC (VEHICLES) ACT 2012**

*Road Traffic (Vehicles) Regulations 2014*

**RTVR-2017-202046**

**APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES**

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

**CONDITIONS**

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must: