



DELEGATIONS REGISTER 2020-2021

Council to CEO and Employees

VERSION NO. **14.0** Date of Adoption: **15 June 2021**

The delegations contained herein have been adopted by Council at the Ordinary Council Meeting on the 15 June 2021 by an absolute majority decision. In addition to delegations made in accordance with the Local Government Act 1995, a number of delegations are also made to the Chief Executive Officer, or directly to officers, in accordance with the provisions of other legislation.

The aim of the delegated authority register is to assist with improving the time taken to make decisions within the constraints permitted by the relevant legislation.

Each instrument of Delegation contains the following information:

Head of Power:	The title of the legislation under which the delegation is made.
Express Power to Delegate:	The specific legislation reference enabling delegation.
Delegation No.:	This is a numerical number assigned to each delegation by the City.
Delegation Title:	A brief description of the delegation.
Legislative Reference of Power or Duty being Delegated:	The specific legislative reference for the power or duty which is delegated.
Power or Duty being Delegated:	Details of the power or duty being delegated.
Conditions of Delegation:	Conditions or limitations imposed by the Delegator to the Delegate which must be adhered to.
Delegated To	The Person the power or duty is being delegated to.

Delegation No.

1

Delegation Title

APPOINTMENT OF AUTHORISED PERSONS FOR THE ISSUING OF INFRINGEMENT NOTICES UNDER THE BUILDING REGULATIONS 2012 AND ENFORCEMENT OF THE CITY'S LOCAL LAWS

Local Government Act 1995
Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

s9.10, 9.13, 9.16, 9.19, 9.20 and Building Regulations 2012; Regulation 70(1) and (2).

Power or Duty being Delegated

1. Appoint persons or classes of persons to be authorised for the purposes of enforcing the City's Local Laws.
2. Authority to appoint 'authorised officers' s.9.16 of the Local Government Act for the purposes of issuing Building Act 2011 infringement notices in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedures Act 2004.
3. Provide authority to determine to extend time to pay a Building Act Infringement Notice in accordance with Building Regulation 70(1).
4. Provide authority to determine the withdrawal of a Building Act Infringement Notice in accordance with Building Regulation 70(1).

Conditions of Delegation

1. Building Regulations 2012 Form 2 reference to Approved Officer withdrawing notice is limited to an Approved Officer with Delegated Authority.
2. A person appointed as an 'Authorised Officer' to issue infringement notices cannot also be delegated authority to withdraw or extend time to pay an infringement.

Delegated To:
Chief Executive Officer
Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Council to CEO and Employees

Delegation No.

2

Delegation Title

PROVISION OF SERVICES OR FACILITIES

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44**Legislative Reference of Power
or Duty Delegated** S 3.18(2)**Power or Duty being Delegated**

Undertake executive functions relating to the provisions of services or facilities.

Conditions of Delegation

1. Where necessary, prepare Business/Development Plans.
2. New services and/or facilities to be included in forward plans.
3. Have regard to s3.18(3) when considering the provision of services or facilities.

Delegated To: *Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No. 3

Delegation Title **COMPENSATION FOR DAMAGE**

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated S 3.22

Power or Duty being Delegated

1. In accordance with s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].
2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
3. Compensation for damage to personal property may also be paid in instances where the City's insurance has not accepted a claim, or the excess on the insurance policy exceeds the value of the claim. Any such payments would be subject to entering into a deed of settlement.

Conditions of Delegation

Delegation is limited to settlements which do not exceed a value of \$5,000

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Delegation No.

4

Delegation Title

NOTICES TO OWNERS REQUIRING THINGS TO BE DONE

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated s3.25
s3.26(2) and (3)

Power or Duty being Delegated

1. Issue notice requiring things to be done by owner or occupier of land in accordance with Schedule 3.1.
2. Take action to do anything that is considered necessary to achieve so far as is practicable the purpose for which a notice under s3.25 (1) is given.

Conditions of Delegation

Report notices issued to Council under Information Items.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21

Council to CEO and Employees

Delegation No.

7

Delegation Title

POWERS OF ENTRY

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44**Legislative Reference of Power or Duty Delegated** s.3.28, s.3.32, s.3.33, s.3.34, s.3.36**Power or Duty being Delegated**

1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].
2. Authority to give notice of entry [s.3.32].
3. Authority to seek and execute an entry under warrant [s.3.33].
4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].
5. Authority to give notice and effect entry by opening a fence [s.3.36].

Conditions of Delegation**Delegated To:** *Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21

Delegation No.

8

Delegation Title

IMPOUNDING GOODS

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

**Legislative Reference of Power
or Duty Delegated**

s3.39, s3.40, s3.46, s3.48

Power or Duty being Delegated

Undertake the functions and duties under Part 3, Division 3, Subdivision 4 of the Act in respect of:

- S.3.39. – Remove and impound goods that are involved in a contravention.
- ~~S~~.3.40. – Removal of Vehicle and Impounding of Goods.
- S.3.46. – Withholding of goods pending payment of costs.
- S.3.48. – Recovery of costs incurred in the impounding exercise.

Conditions of Delegation

Compliance with regulations 29, 29A and 29B of the Local Government (Functions and General) Regulations 1996.

Delegated To:*Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No. 9
Delegation Title ABANDONED VEHICLES

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated S 3.40A

Power or Duty being Delegated

1. Remove and impound a vehicle that, in the opinion of the person authorised by the local government, is an abandoned vehicle wreck. [3.40A(1)]
2. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].

Conditions of Delegation

Where the owner of the vehicle is identified, ensure a notice in accordance with s3.40A(2) and (3) is complied with.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Council to CEO and Employees

Delegation No.

10

Delegation Title

SALE AND DISPOSAL OF UNCOLLECTED GOODS

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated S 3.47, S 3.43

Power or Duty being Delegated

Sell or otherwise dispose of any goods that have been ordered to be confiscated.

Conditions of Delegation

Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Delegation No.

11

Delegation Title

SICK OR INJURED ANIMALS

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated S 3.47A

Power or Duty being Delegated

Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].

Conditions of Delegation

1. Delegation only to be used where the Delegate’s reasonable efforts to identify and contact an owner have failed.
2. Compliance with policy AD01 - Impounded Companion Animal Management Pro Life Policy.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21

Delegation No.

12

Delegation Title

TEMPORARY ROAD CLOSURES

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44**Legislative Reference of Power or Duty Delegated** S 3.50, 3.50A, 3.51, R 4-6**Power or Duty being Delegated**

1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].
2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to:
 - (a) give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and
 - (b) consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].
3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].
4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]
5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].

Conditions of Delegation

Compliance with Policy ET516.

Compliance with r3 to r6 of the Local Government (Functions and General) Regulations 1996 is required.

If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].

Delegated To: *Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21

Council to CEO and Employees

Delegation No.

16

Delegation Title

CONTROL OF UNVESTED FACILITIES

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44**Legislative Reference of Power
or Duty Delegated** s.3.53**Power or Duty being Delegated**

Manage unvested facilities, (ie a thoroughfare, bridge, jetty, drain or watercourse belonging to the Crown) within the district.

Conditions of Delegation

Compliance with Policies ET508, ET523-525, ET529, RD.01 and RS.02.

Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.

Delegated To: *Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No. 18

Delegation Title **CONTROL AND MANAGEMENT OF RESERVES**

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated s.3.54

Power or Duty being Delegated

Control and manage land which is vested or placed under the control and management of the City.

Conditions of Delegation

Compliance with Policies ET520, ET521, ET526, RS.01 and RS.02.
Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Delegation No.

19

Delegation Title

EXPRESSIONS OF INTEREST

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated S 3.57 and (Functions and General) Regulation 21, 22, 23

Power or Duty being Delegated

- 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21].
- 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].

Conditions of Delegation

- 1. Compliance with Regulation 21.
- 2. Compliance with City Policy AF301.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Council to CEO and Employees

Delegation No. 21

Delegation Title **FUNCTIONS WITH OR FOR OTHER COUNCILS**

Local Government Act 1995

Express Power to Delegate

Legislative Reference of Power or Duty Delegated § 3.68

Power or Duty being Delegated

Perform a function for another local government, or perform a function jointly with another local government.

Conditions of Delegation

Acts of assistance or one-off projects or programs.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21

Delegation No.

25

Delegation Title

TENDERS FOR GOODS AND SERVICES

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

s.3.57

Local Government (Functions and General) Regulations 1996:
r.11, r.13, r.14, r.18, r.20, r.21A**Power or Duty being Delegated**

1. Authority to call tenders [F&G r.11(1)].
2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)].
3. Authority to invite tenders although not required to do so [F&G r.13].
4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)].
5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].
6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].
8. Authority to accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].
9. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].
10. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].
11. Authority to decline any tender [F&G r.18(5)].
12. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]
13. Authority to: i. Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract
ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].
14. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].



Delegation No.

25

Delegation Title

TENDERS FOR GOODS AND SERVICES

Conditions of Delegation

1. For the purposes of s5.43(b), the total consideration under the resulting contract for a publicly invited tender is not to exceed \$750,000 and the expense must be included in the adopted annual budget.
2. The total consideration under a resulting contract for a WALGA Preferred Supplier or State CUA Member, is not to exceed \$1,000,000 and the expense must be included in the adopted annual budget.
3. Contracts for fuel and utilities, as described in cl11(2)(g) of the Regulations, are exempt from the financial conditions listed in 1. and 2. above and may be negotiated and awarded by the CEO.
4. All Tenders including those awarded under delegated authority are to published on the Citys website.
5. Refer to regulation 11(2) for exemptions where tenders do not have to be publicly invited.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

35

Delegation Title

PAYMENT FOR RATES AND SERVICES

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated S 6.49

Power or Duty being Delegated

Authority to make agreements with persons for the payment of rates and service charges.

Conditions of Delegation

Agreements for the payment of rates and service charges must be in writing. Refer CEO Instruction FMC.02 Rates and Service Charges Recovery

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21

Delegation No.

39

Delegation Title
GRANT DISCOUNTS, WAIVE OR REFUND FEES AND CHARGES, MINOR DEBT WRITE-OFF

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

S 6.12
S 6.12(1)(c)
s6.12 (1) (b)

Power or Duty being Delegated

1. Grant concessions in relation to fees, levies or charges by the Council for the use of its facilities and services.
2. Write-Off:
 - a) Rates and Service Charge balances, including interest, up to \$50.
 - b) Sundry Debts up to \$10,000 per item, with a total in any one Financial Year of \$25,000.
3. Waive, reduce or refund the payment of building service and/or planning application fees in the following circumstances:
 - a) Application is cancelled prior to final determination.
 - b) Applicant has requested a renewal of an expired decision.
 - c) For a request for the City to provide a Certificate in respect to a proposed development that is not part of a statutory application.
 - d) Any major development made on behalf of local government or government department where most of the assessment has already been carried out.
 - e) Any partial refund of fees must consider cost for service undertaken by City Officers.

Conditions of Delegation

In relation to 2. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the City.

A summary of debts written-off, including a brief description of the reasons for, and the date of the write-off is to be reported to Council at least quarterly.

Delegated To:
Chief Executive Officer
Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

41

Delegation Title

PROPERTY OWNERSHIP

Local Government Act 1995

Express Power to Delegate

Legislative Reference of Power or Duty Delegated S 6.61

Power or Duty being Delegated

Require from the occupier of a property, or an agent of the owner of the property, the name and address of the owner, or of the person receiving, or authorised to receive, the rent of the property.

Conditions of Delegation

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21

Delegation No.

43

Delegation Title

RATE RECORDS - GROUNDS OF OBJECTION

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44**Legislative Reference of Power
or Duty Delegated** S 6.76(4)(5)**Power or Duty being Delegated**

1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].
2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].

Conditions of Delegation

A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.

Delegated To: *Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No.

46

Delegation Title

PRIVATE WORKS IN PUBLIC PLACES

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

S 9.60, Sch 9.1, Cl 8, R 17

Power or Duty being Delegated

Grant permission to construct anything on, over, or under a public thoroughfare, or other public place that is City property, and impose conditions in respect to the permission.

Conditions of Delegation

1. Compliance with Policies ET508, RS.01 and RS.02,
2. Compliance with the Consolidated Local Laws Part XII - Verge Treatments.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Council to CEO and Employees

Delegation No.

47

Delegation Title

COMMENCE A PROSECUTION FOR AN OFFENCE

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated s.9.24(1)(c)

Power or Duty being Delegated

Authority to initiate prosecutions on behalf of Council under the Local Government Act 1995, all Regulations made under the Local Government Act 1995 and Council’s Local Laws made under the Local Government Act 1995.

Conditions of Delegation

The CEO is authorised to sub delegate this function.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Delegation No.

48

Delegation Title

WARD BOUNDARIES AND REPRESENTATION REVIEW

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

Schedule 2.2 cl 6

Power or Duty being Delegated

Initiate and prepare a review of Ward Boundaries and Representation of Council Members for each Ward, with a view to achieving equalisation of the number of Councillors elected to each Ward from time to time, so that not more than 8 years elapses between successive reviews.

Conditions of Delegation

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21



Delegation No.

51

Delegation Title

APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

Local Government Act 1995

Express Power to Delegate s5.39(1a)

Legislative Reference of Power or Duty Delegated S 5.42

Power or Duty being Delegated

Appoint a City Director as Acting CEO when the CEO is absent on leave.

Conditions of Delegation

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? NO **Date Adopted** 15-Jun-21

Delegation No.

58

Delegation Title

INVESTMENTS

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44**Legislative Reference of Power
or Duty Delegated** S 6.14**Power or Duty being Delegated**

1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].
2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].

Conditions of Delegation

1. All investment activity must comply with the Financial Management Regulation 19C and Council Policy AF306 – Investments.
2. Procedures are to be administratively reviewed for continuing compliance and confirmed as ‘fit for purpose’ and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17]

Delegated To: *Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No.

61

Delegation Title

MINOR AMENDMENTS TO DELEGATIONS REGISTER AND POLICIES

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

Power or Duty being Delegated

Make amendments to format, spelling, grammar, titling and minor errors within the text of Delegations and Policies that have already been endorsed by Council.

Conditions of Delegation

Such changes must not alter the intent of these documents.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Delegation No.

67

Delegation Title

PANELS OF PRE-QUALIFIED SUPPLIERS FOR GOODS AND SERVICES

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

r.24AB, r.24AC(1)(b), r.24AD(3) & (6) r.24AH(2), (3), (4) and (5) Local Government (Functions and General) Regulations 1996

Power or Duty being Delegated

1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)].
2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)].
3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)].
4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)].
5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)].
6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)].
7. Authority to decline to accept any application [F&G r.24AH(5)].
8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].

Conditions of Delegation

1. The total estimated contract value of the pre-qualified panel of suppliers should not exceed \$750,000.
2. No single contract awarded once the panel has been formed should exceed a total contract value of \$750,000, be for a term of more than 12 months, or have an extension option.
3. Any contract awarded to a pre-qualified supplier in excess of \$150,000 is to be reported on a quarterly basis.
4. Have regard to Council Policy FM09 - Pre-Qualified Panel of Suppliers.

Delegated To:*Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No.

69

Delegation Title

PAYMENTS FROM MUNICIPAL OR TRUST FUNDS

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

Financial Management Regulation r.12(1)(a)
s6.10(d)

Power or Duty being Delegated

Authority to make payments from the municipal or trust funds.

Conditions of Delegation

1. Regulation 5, 8, 11 and 13 of the Local Government (Financial Management) Regulations 1996 must be complied with.
Monthly reporting to Council is to be in accordance with Regulation 13.
2. The CEO’s authority to make payments is unlimited, subject to annual budget limitations.
3. This authority pertains to payments for EFT transactions, including Creditors and Payroll, Investments and transfers between trust and municipal funds.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Delegation No.

70

Delegation Title

DISPOSING OF PROPERTY

Local Government Act 1995

Express Power to Delegate s.5.42 & s.5.44**Legislative Reference of Power or Duty Delegated** s.3.58(2) & (3)**Power or Duty being Delegated**

1. Authority to dispose of property to:

(a) to the highest bidder at public auction [s.3.58(2)(a)].

(b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)]

2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].

Conditions of Delegation

1. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.

2. For the purposes of the administration of leases, administer any option(s) available under the lease for established leases in accordance with Policy BR.01 Tenancy Management and policy CM.109 Executing Documents.

3. Exempt Dispositions (as prescribed by Functions and General Regulation 30) are to be undertaken to ensure that the best value return is achieved. Where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.

4. For the purposes of s5.43(d) disposal of property identified in 1 and 2 above is limited to a maximum value of \$350,000.

Delegated To:*Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No.

200

Delegation Title

DEMOLITION PERMITS

Building Act 2011

Express Power to Delegate

s127(1) & (3)

Legislative Reference of Power or Duty Delegated

Sections 21, 22, Building Regulations r23, r24, r26

Power or Duty being Delegated

1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].
2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22].
3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].
4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].
 - i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]
 - ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].
5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].

Conditions of Delegation

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Delegation No.

201

Delegation Title

GRANT A BUILDING PERMIT

Building Act 2011**Express Power to Delegate**

s127(1) & (3)

**Legislative Reference of Power
or Duty Delegated**Sections 18, 20, 22, 23 & 27
Building Regulations r23, r24, r26**Power or Duty being Delegated**

1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].
2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22].
3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].
4. Authority to determine an application to extend time during which a building permit has effect [r.23].
 - i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]
 - ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].
5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].

Conditions of Delegation**Delegated To:***Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21

Delegation No.

202

Delegation Title

BUILDING ORDERS

Building Act 2011

Express Power to Delegate s127(1) & (3)**Legislative Reference of Power or Duty Delegated** Sections 110(1), 111, 117(1) and (2), 118(2) & (3), 133**Power or Duty being Delegated**

1. Authority to make Building Orders in relation to:
 - a. Building work, b. Demolition work, c. An existing building or incidental structure [s.110(1)].
2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].
3. Authority to revoke a building order [s.117].
4. If there is non-compliance with a building order, authority to cause an authorised person to:
 - a. take any action specified in the order ; or
 - b. commence or complete any work specified in the order; or
 - c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].
5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].
6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.

Conditions of Delegation

In undertaking the functions of this delegation, Building Surveyors (registered) must be employed by the City of Canning in accordance with section 127(3) of the Building Act 2011.

Delegated To: *Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No.

203

Delegation Title

OCCUPANCY PERMIT AND BUILDING APPROVAL CERTIFICATES

Building Act 2011

Express Power to Delegate

s127(1) & (3)

Legislative Reference of Power or Duty Delegated

Sections 55, 58, 62

Power or Duty being Delegated

1. Grant or modify an Occupancy Permit and impose conditions on the granting or modification of an Occupancy Permit.
2. Grant or modify a Building Approval Certificate and impose conditions on the granting or modification of a Building Approval Certificate .

Conditions of Delegation

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

204

Delegation Title

EXTENDING PERMITS AND APPROVAL CERTIFICATES

Building Act 2011

Express Power to Delegate

s127(1) & (3)

Legislative Reference of Power or Duty Delegated

Sections 65(4) and Building Regulations r40

Power or Duty being Delegated

Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].

Conditions of Delegation

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Delegation No.

205

Delegation Title

ALTERNATIVE SWIMMING POOL BARRIERS

Building Act 2011

Express Power to Delegate

s127(1) & (3)

**Legislative Reference of Power
or Duty Delegated**

Building Regulations r50 & 51

Power or Duty being Delegated

1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]
2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]
3. Authority to approve alternative solutions to a Building Code pool barrier requirement if satisfied that the alternative solution complies with the relevant performance requirement [r.51(5)].

Conditions of Delegation

The proposed method of enclosure must not provide a lesser standard of protection than would otherwise have been provided through adherence to the provisions of Australian Standard 1926.1.

Delegated To:*Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21

Delegation No.

207

Delegation Title

SMOKE ALARMS - ALTERNATIVE SOLUTIONS

Building Act 2011

Express Power to Delegate

s127(1) & (3)

**Legislative Reference of Power
or Duty Delegated**

Building Regulations r55, r61

Power or Duty being Delegated

1. Authority to approve alternative building solutions which meet the performance requirement of the Building code relating to fire detection and early warning (r51).
2. Approve or refuse the use of a battery powered smoke alarm in a dwelling, or part of a dwelling. (r61)

Conditions of Delegation**Delegated To:***Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No.

209

Delegation Title

STRATA TITLE CERTIFICATES

Strata Titles Act 1985

Express Power to Delegate

General

Legislative Reference of Power or Duty Delegated

S.25 Form 24 and Form 26

Power or Duty being Delegated

NOTE: THIS IS A DELEGATION FROM THE WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC), NOT COUNCIL.

Determine applications for the issuing of Certificates of Approval under Section 15 of the Strata Titles Act 1995, in accordance with the Instrument Delegation DEL2020/01 Powers of Local Governments/

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED:

To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.

Schedule 1

1. Applications made under section 15 of the Strata Titles Act 1985, except those applications that;

- a) Propose the creating of vacant lot;
- b) propose vacant air strata’s in multi-tiered strata scheme development;
- c) propose the creating or postponement of a leasehold scheme
- d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing. Relate to -
 - i. A type of development; and/or
 - ii. Land within an area, which is of state or regional significance, or in respect of which the WAPC has determined if otherwise in the public interest for the WAPC to determine the application.

Conditions of Delegation

Reporting Requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

Delegated To:

Chief Executive Director
**Director Canning Development*
**Manager City Planning*



Council to CEO and Employees

Delegation No.

209

Delegation Title

STRATA TITLE CERTIFICATES

**Manager Regulatory Services*

**Manager Build Canning*

**Leader Statutory Planning*

**Senior Building Surveyor*

**Senior Planning Projects Officer*

**Building Surveyor*

**Senior Planning Officer*

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21

Delegation No.

213

Delegation Title

DEVELOPMENT APPROVAL

Town Planning Scheme No 42**Express Power to Delegate**Planning & Development (Local Planning Scheme) Regulations 2015
Schedule 2 (Deemed Provisions) Cl 82 & 83**Legislative Reference of Power
or Duty Delegated**

Clause 83(1)-(3)

Power or Duty being Delegated

All powers and duties are delegated under the City of Canning Local Planning Scheme No.42 (the Scheme), and the Deemed Provisions (Schedule 2) of the Planning and Development (Local Planning Scheme) Regulations 2015, including the assessment and determination of applications with the following exceptions:

1. Clauses 3-6 (inclusive), 8-10 (inclusive), 20, 29, 36, 45, 52, 59, 78 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Scheme) Regulations 2015.
2. Determination of applications for Development Approval which are classed as a significant development under the City of Canning Local Planning Policy LP.06 and proposes a variation to building height requirements of the applicable state or local planning framework.
3. Determination of applications for development and/or use which do not accord with a Local Planning Policy, and there is no discretion available under such Policy.
4. Determination of applications involving telecommunications infrastructure proposals (which are not low impact facilities under the Telecommunications Act 1997), which are required to be advertised and valid objections received.
5. Amendments to applications previously determined by Council, where the amendments result in additional valid planning matters for consideration.

Conditions of Delegation

1. All decisions made under Delegated Authority are to be circulated to Elected Members.
2. Where an application is determined by Council, any subsequent amendments to that approval that do not involve additional valid planning matters, may be assessed and determined under the delegated authority.
3. Where an objection from a landowner/occupier has been received to the application as a result of the public consultation requirements, approval or conditional approval shall only be issued where, in the opinion of the Delegated Officer, the issue:
 - (a) can be resolved through the placement of conditions on the approval; or
 - (b) does not relate to valid planning and development considerations associated with the proposal; or
 - (c) involves a home based activity, and the concerns raised are not considered to adversely affect the amenity of the relevant locality; or
 - (d) addresses the relevant Design Principles, as stipulated within the Residential Design Codes.

Delegated To:*Chief Executive Officer*



Council to CEO and Employees

Delegation No.

213

Delegation Title

DEVELOPMENT APPROVAL

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

214

Delegation Title

VARIATIONS TO TOWN PLANNING SCHEMES 17A AND 21 MAPS

Town Planning Scheme No 42

Express Power to Delegate

Planning & Development (Local Planning Scheme) Regulations 2015 Schedule 2 (Deemed Provisions) CI 82 & 83

Legislative Reference of Power or Duty Delegated

CI 3.1.3 (TPS 17A), CI C33 (TPS 21)

Power or Duty being Delegated

Grant variations under Town Planning Schemes 17A and 21 Maps, except where the variations are advertised and objections are received from affected landowners.

Conditions of Delegation

1. The variations do not involve changes to the location and provision of Public Open Space or Proposed Roads where in the opinion of the Delegate it would not be consistent with the objectives and intent of TPS 17A and TPS 21.
2. The variations relating to density are in accordance with the base zoning identified in Local Planning Scheme No.42.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Delegation No.

215

Delegation Title
APPLICATIONS FOR REVIEW

State Administrative Tribunal Act 2004

Express Power to Delegate

SAT Act

Legislative Reference of Power or Duty Delegated

s.31

Power or Duty being Delegated

Respond to applications for review lodged with the State Administrative Tribunal, including preparation of statements by respondent, liaison with the State Administrative Tribunal, representation of the Council at review hearings, and engage independent professional advice, including legal advice, where necessary.

Conditions of Delegation

1. Only where an application for a review of a decision made by Council, or a condition or conditions associated with that decision, is substantively in accordance with the Responsible Officer's recommendation.
2. Outcome of State Administrative Tribunal determinations to be reported in the Information Report.

Delegated To:

*Chief Executive Officer
 Director Canning Development
 Manager City Planning
 Manager Regulatory Services
 Manager Build Canning
 Manager Community Safety
 Senior Building Surveyor
 Senior Planning Officer
 Senior Compliance Officer
 Senior Strategic Projects Planner
 Senior Planning Projects Officer
 Senior Building Surveyor
 Leader Amenity Services
 Leader Statutory Planning
 Compliance Officer
 Environmental Health Officer*

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21

Delegation No.

301

Delegation Title

SUBDIVISION CONDITIONS

Planning and Development Act 2005

Express Power to DelegatePlanning & Development (Local Planning Scheme) Regulations 2015
Town Planning Schemes Nos.17A, 21, 23, 24, 29, 30, 38, 39 and 42**Legislative Reference of Power
or Duty Delegated****Power or Duty being Delegated**

1. Make recommendations to the Western Australian Planning Commission (WAPC) in support of applications for land subdivision, amalgamation or survey strata subdivision under the Act, consistent with the following:
 - (a) Lot size, frontage width, and configurations that comply with any applicable Local Planning Scheme and the 'Deemed to Comply' provisions of the State Planning Policy 7.3 Vol 1 (Residential Design Codes).
 - (b) Residential subdivision involving variation to 'Site Area' requirements under performance criteria of Clause 5.1.1, subject to the proposed variation satisfying the listed criteria.
 - (c) Approve applications involving access way widths in accordance with the Residential Design Codes.
2. Make recommendations to WAPC to refuse applications which are not consistent with 1(a), (b) and (c), or where proposals are not in accordance with any other applicable Town Planning Scheme requirement, Local Planning Policy, or other statutory town planning provisions.
3. Clear subdivisional plans and diagrams.

Conditions of Delegation

Planning officer is delegated authority to undertake Functions 1 and 3 only.

Make recommendations to the WAPC to support proposals that are consistent with a) and c) and approve applications for the clearance of conditions of subdivision, where all conditions have been met.

Delegated To:*Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No.

302

Delegation Title

RECOMMENDATIONS TO EXTERNAL AUTHORITIES

Planning and Development Act 2005

Express Power to Delegate

Regulation 82 of Planning & Development (Local Planning Scheme) Regulations 2015
Town Planning Scheme No 42

Legislative Reference of Power or Duty Delegated

Power or Duty being Delegated

Providing comments and recommendations to an external authority where that authority is responsible for making determinations on applications for development approval or relevant approval permits.

Conditions of Delegation

1. Where possible, inform Elected Members of applications and invite their comment prior to submission to JDAP.
2. Applications for development approval classed as 'significant development' under City of Canning Local Planning Policy LP.06 - Design Review Panel and Assesment of Significant Developments, are to be assessed by the City of Canning Design Review Panel.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Delegation No.

303

Delegation Title

UNAUTHORISED DEVELOPMENT

Planning and Development Act 2005**Express Power to Delegate**Planning and Development Act 2005 via
Local Government Act 1995
s5.42(1)(b)**Legislative Reference of Power
or Duty Delegated**

S 214(2), (3) and (5)

Power or Duty being Delegated

1. Delegated authority to issue written direction to stop unauthorised development [s.214 (2)].
2. Delegated authority to issue written direction to require the unauthorised development to be brought into compliance by removing, pulling down, taking up or altering the unauthorised development and by restoring the land to how it was prior to the development [s.214(3)].
3. Delegated authority to execute work to have unauthorised development brought into compliance [s.214 (5)].

Conditions of Delegation

1. Compliance with the express provisions of the Planning and Development Act 2005.
2. The person to whom the direction is given being advised of objection and/or appeal rights.

Delegated To:*Chief Executive Officer*
**Director Canning Development*
Manager Regulatory Services*Is Subdelegation permitted?**

NO

Date Adopted

15-Jun-21

Delegation No.

321

Delegation Title
APPOINT AUTHORISED OFFICES AND DESIGNATED OFFICERS UNDER THE FOOD ACT 2008

Food Act 2008

Express Power to Delegate

s118

Legislative Reference of Power or Duty Delegated

S122(1), s126(6), (7) and (13)

Power or Duty being Delegated

1. The Chief Executive Officer is delegated authority to appoint persons to undertake the functions of an enforcement agency under this Act. [s.118(1)]
2. The Chief Executive Officer is delegated authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(1)].
3. The Chief Executive Officer is delegated authority to appoint an Authorised Officer appointed under s.122(1) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].
4. The Chief Executive Officer is delegated authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].

Conditions of Delegation

1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:
 - a) Appointment of Authorised Officers as Meat Inspectors
 - b) Appointment of Authorised Officers
 - c) Appointment of Authorised Officers – Designated Officers only
 - d) Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.
2. A register of authorised officers appointed is to be maintained. [s.122(3)]

Delegated To:

Chief Executive Officer
**Manager Regulatory Services*

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21



Delegation No.

322

Delegation Title

LIQUOR CERTIFICATES

Liquor Control Act 1988 and Gaming and Wagering Commission Act 1987

Express Power to Delegate

S 39 and S 40 (LC Act) and S 55 (GWC Act)

Legislative Reference of Power or Duty Delegated

S 39 and 40 (LC Act) and S 55(GWC Act)

Power or Duty being Delegated

Issue certificates pursuant to Sections 39 and 40 of the Liquor Control Act 1988, and Section 55 of the Gaming and Wagering Commission Act 1987.

Conditions of Delegation

Delegated To:

- Director Canning Development*
- Chief Executive Director*
- Manager City Planning*
- Manager Regulatory Services*
- Leader Statutory Planning*
- Senior Planning Officer*
- Senior Environmental Health Officer*
- Environmental Health Officer*

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21

Delegation No.

323

Delegation Title

APPOINTMENT OF AUTHORISED OFFICERS - PUBLIC HEALTH ACT 2016

Public Health Act 2016

Express Power to Delegate

s.21

Legislative Reference of Power or Duty Delegated

Part 2, Divisions 2 and 4

Power or Duty being Delegated

1. The Chief Executive Officer is delegated authority to designate a person or class of persons as authorised officers (s24.1)
2. The Chief Executive Officer is delegated authority to designate under subsection (1) —
 - (a) an environmental health officer or environmental health officers as a class; or
 - (b) a person who is not an environmental health officer or a class of persons who are not environmental health officers; or
 - (c) a mixture of the two. [s.24(3)].

Conditions of Delegation

1. Persons to be appointed as authorised environmental health officers must satisfy the criteria published in Government Gazette No 22 of 24 January 2017 - Public Health Act 2016 – Guidelines on the Designation of Authorised Officer.
2. A certificate of authority as an authorised officer must be issued [s.30]

Delegated To:*Chief Executive Officer***Is Subdelegation permitted?**

NO

Date Adopted

15-Jun-21

Council to CEO and Employees

Delegation No.

324

Delegation Title

PROHIBITION ORDERS

Food Act 2008

Express Power to Delegate s.118**Legislative Reference of Power
or Duty Delegated** s.65(1), s.66, s.67(4)**Power or Duty being Delegated**

1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].
2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].
3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].

Conditions of Delegation

Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Food Act 2008 does not provide for sub-delegation.

Delegated To:

*Chief Executive Officer
Manager Regulatory Services
Senior Environmental Health Officer
Environmental Health Officer*

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21



Delegation No. 325

Delegation Title **FOOD BUSINESS REGISTRATIONS**

Food Act 2008

Express Power to Delegate s.118

Legislative Reference of Power or Duty Delegated s.110(1) and (5) and s.112

Power or Duty being Delegated

1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].
2. Authority to vary the conditions or cancel the registration of a food business [s.112].

Conditions of Delegation

In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.

Delegated To: *Chief Executive Officer
Manager Regulatory Services
Senior Environmental Health Officer
Environmental Health Officer*

Is Subdelegation permitted? NO **Date Adopted** 15-Jun-21

Delegation No.

350

Delegation Title

PROSECUTIONS FOR OFFENCES AND INFRINGEMENT NOTICES

Bush Fires Act 1954

Express Power to Delegate S 59(3)**Legislative Reference of Power
or Duty Delegated** S 59, S 59A**Power or Duty being Delegated**

1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].
2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
3. Authority to withdraw an infringement notice [s59A(5)].

Conditions of Delegation

Functions 1 and 3 delegated to the CEO and Manager Community Safety only.
Function 2 delegated to remaining delegates.

Delegated To:

Chief Executive Officer
Manager Community Safety
Leader Community Safety
Senior Community Safety Officer
Ranger
Community Safety Officer

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21

Delegation No.

352

Delegation Title

BUSH FIRES ACT FUNCTIONS

Bush Fires Act 1954

Express Power to Delegate s.48**Legislative Reference of Power
or Duty Delegated** s.38**Power or Duty being Delegated**

1. Authority to exercise the performance of any of the functions under the Bush Fires Act 1954 and Regulations.
2. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954 [s38(1)].

Conditions of Delegation

The local government shall cause notice of an appointment made under the provisions of s38(1) to be published at least once in a newspaper circulating in its district.

A bush fire control officer appointed by a local government under the provisions of section 38 shall be issued with a certificate of appointment by the local government [s38(2E)].

Delegated To: *Chief Executive Officer***Is Subdelegation permitted?**

NO

Date Adopted

15-Jun-21



Delegation No.

360

Delegation Title

WITHDRAWAL OF LITTER INFRINGEMENTS

Litter Act 1979

Express Power to Delegate

Litter Regulations 1981

Legislative Reference of Power or Duty Delegated

S 30(4), Regulations Schedule 2, Form 2

Power or Duty being Delegated

Authority to withdraw Litter Infringement Notices issued under the Litter Act 1981.

Conditions of Delegation

A Withdrawal notice is to be in the form as prescribed in Litter Regulations 1981 Schedule 2, Form 2

Delegated To:

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21



Delegation No. 380
Delegation Title CAT CONTROL

Cat Act 2011

Express Power to Delegate s44, s48

Legislative Reference of Power or Duty Delegated Cat Act 2011

Power or Duty being Delegated

Authority to exercise any of the local government's powers or discharge any of its duties under the Cat Act and Regulations.

Conditions of Delegation

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Delegation No.

381

Delegation Title

DESIGNATE EMPLOYEES AS AUTHORISED PERSONS

Building Act 2011

Express Power to Delegate s.127(1) & (3)

Legislative Reference of Power or Duty Delegated S.96(3), s.99(3)

Power or Duty being Delegated

1. Authority to designate an employee as an authorised person [s.96(3)].
2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]

Conditions of Delegation

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Delegation No.

400

Delegation Title

FENCING APPROVALS AND REFUSALS

Local Laws

Express Power to Delegate

Local Government Act 1995 s.910

Legislative Reference of Power or Duty Delegated

Cl 14

Power or Duty being Delegated

1. Approve or refuse the erection and construction of fences:

- Within front setbacks to a height of 1.8m;
- Behind the front setback to a height not exceeding 2.1m and 3.6m in the case of a tennis court;
- Within driveway or street corner visual truncations.

2. Approve or refuse the use of:

- Second-hand materials in the erection and construction of a fence; and
- Electrified fences in industrial and commercial zoned land.

Conditions of Delegation

In cases of refusals the applicants being advised of their objection and/or appeal rights.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

401

Delegation Title

NOTICES TO OWNERS OR OCCUPIERS

Local Laws

Express Power to Delegate

Local Government Act 1995 s.9.10

Legislative Reference of Power or Duty Delegated

Part XIV, Division 3, Clause 14.3.2

Power or Duty being Delegated

Serve Notices relating to fencing erected contrary to the provisions of City’s Local Law Relating to Fencing.

Conditions of Delegation

1. Compliance with the provisions of the City’s Policy SRS-207 and/or specific resolutions of Council.
2. The owner/s being advised of objection and/or appeal rights.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

402

Delegation Title

SERVE NOTICES ON SIGNS AND HOARDINGS

Local Laws

Express Power to Delegate

Local Government Act 1995 s.9.10

Legislative Reference of Power or Duty Delegated

Part XVI, Clause 16.40.4

Power or Duty being Delegated

Serve Notices relating to signs erected contrary to the provisions of Council's Local Law Relating to Signs, Hoarding and Bill Postings.

Conditions of Delegation

1. Compliance with the provisions of the City's Policy SRS-206 and/or specific resolutions of Council.
2. The offender/s being advised of objection and/or appeal rights.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

403

Delegation Title

REFUND DEPOSITS AND HIRE FEES

Local Laws

Express Power to Delegate

Local Government Act 1995 s9.10

Legislative Reference of Power or Duty Delegated

City of Canning Consolidated Local Law CI 4.3.9 and CI 4.3.11

Power or Duty being Delegated

Refund Fees and/or deposits due to cancellation of bookings for the hire of Council facilities and/or equipment, and to determine the portion of the Fees and/or deposit to be refunded.

Conditions of Delegation

1. The applicant to be advised in conjunction with the determination of their right to seek reconsideration by the Council should they be dissatisfied with the decision on their application.
2. When determining the portion of the fees and/or deposit to be returned, the Officers are to ensure that the Council is reimbursed for actual costs or expenses incurred as a result of the booking.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

404

Delegation Title

REMOVAL OF SIGNS AND HOARDINGS

Local Laws

Express Power to Delegate

Local Government Act 1995 s.910

Legislative Reference of Power or Duty Delegated

Part XVI, Clause 16.40.5, 16.40.6, 16.40.7

Power or Duty being Delegated

Dispose of, remove or return signs erected contrary to the provisions of the City’s Local Law Relating to Signs, Hoarding and Bill Postings.

Conditions of Delegation

1. The offender/s being advised of objection and/or appeal rights.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Delegation No.

405

Delegation Title

HAWKERS STALLHOLDERS STREET TRADERS

Local Laws**Express Power to Delegate**

Local Government Act 1995 s.910

**Legislative Reference of Power
or Duty Delegated**

Part XI

Power or Duty being Delegated

Determine new applications for licences, and renew existing licences, for Stallholders, Street Traders and Hawkers.

Conditions of Delegation

1. Compliance with Council's Local Laws relating to Hawkers and Stallholders.
2. The applicant providing evidence of \$10 million Personal Liability Insurance Cover.
3. The stall not obstructing a footpath.
4. The stall being located at least 400 metres from a commercial shop selling primarily the same product, unless no objection to the application is provided by the landowner.
5. Written permission being obtained from the landowner.

Delegated To:*Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Council to CEO and Employees

Delegation No.

406

Delegation Title

LICENSE AND PERMIT APPLICATIONS FOR SIGNS AND HOARDINGS

Local Government Act 1995

Express Power to Delegate

s.5.44 & s.910

Legislative Reference of Power or Duty Delegated

Power or Duty being Delegated

Approve or refuse applications for sign licences and temporary sign permits in accordance with cl 16.8 and 16.9 of the local law. Issue and Revoke sign licences and temporary sign permits in accordance with cl 16.5 of the local law.

Conditions of Delegation

Applicants are to be advised of their objection and/or appeal rights.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

440

Delegation Title

NEGOTIATE PAYMENT OF SCHEME COSTS FOR TOWN PLANNING SCHEMES 17A, 21 AND 24

Town Planning Schemes 17A, 21 and 24

Express Power to Delegate

PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015
CI 82 & 83

Legislative Reference of Power or Duty Delegated

Clauses 17(4), 29(2), 29(9), 29(11) and 33((1) of TPS 21; Clause 3.3.5 and 4.5.1(b) and (j) of TPS 17A; and Clause 58(b) and (j) of TPS 24.

Power or Duty being Delegated

Authorise deferral or waiving of Scheme contributions required under the City's Town Planning Schemes 17A, 21 and 24.

Conditions of Delegation

Deferral of Scheme Contributions is only applicable to the balance lot created via a staged subdivision process, subject to the land owner entering into a legal agreement with the City to pay the costs at the time when the balance lot is further subdivided.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.	441
Delegation Title	ANNUAL REVIEW OF TOWN PLANNING SCHEME 21 SCHEME COSTS

Town Planning Schemes 17A, 21 and 24

Express Power to Delegate PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015
CI 82 & 83

Legislative Reference of Power or Duty Delegated

Power or Duty being Delegated

Undertake and approve the annual review of the estimate of scheme costs for the City of Canning Town Planning Scheme No 21 in accordance with the provisions of that Scheme.

Conditions of Delegation

Elected Members are to be informed of the results of the review.

Delegated To: *Chief Executive Officer*

Is Subdelegation permitted? YES **Date Adopted** 15-Jun-21



Delegation No.

470

Delegation Title

PURCHASE LAND FOR PLANNING SCHEMES

Land Administration Act 1997

Express Power to Delegate

Legislative Reference of Power or Duty Delegated

Power or Duty being Delegated

Authorise the purchase of land in accordance with the City's Planning Schemes.

Conditions of Delegation

1. Undertake subdivision, improvement works, or make use of the land to progress the Planning Scheme.
2. Undertake the completion of all documentation necessary to complete such transactions via the established operational process.
3. Delegation to be exercised where there is an approved budget to undertake the work.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21

Delegation No.

471

Delegation Title

ACQUISITION OF PRIVATELY OWNED LAND AS CROWN LAND

Land Administration Act 1997

Express Power to Delegate**Legislative Reference of Power
or Duty Delegated** s52**Power or Duty being Delegated**

1. Initiate the giving of notice procedure to acquire privately owned land in accordance with s52(3).
2. Request the Minister to acquire land as Crown land in accordance with s52 (1) and (2).

Conditions of Delegation

1. If the City's Officers believe appropriate, request the Minister to transfer the subject land to the City in fee simple and free of costs for public use purposes.

Delegated To: *Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21

Delegation No.

472

Delegation Title

CLOSURE OF RIGHT OF WAYS OR PEDESTRIAN ACCESS WAYS

Land Administration Act 1997

Express Power to Delegate**Legislative Reference of Power
or Duty Delegated****Power or Duty being Delegated**

1. Facilitate the closure of right of ways or pedestrian access ways by undertaking the following steps:
 - a) Commence the consultation process in relation to a proposed closure and refer the proposed closure to all relevant stakeholders for comments and or advice.
 - b) Request the Western Australian Planning Commission to endorse the proposed closure.
3. Prepare the Request to the Department of Land to proceed with the closure in accordance with Cl9(a) of the Land Administration Regulations 1998.

Conditions of Delegation

1. Council are to make the final decision on the closure request following the advertising period, irrespective of whether submissions have been received.

Delegated To:*Chief Executive Officer***Is Subdelegation permitted?**

YES

Date Adopted

15-Jun-21



Delegation No.

473

Delegation Title

DEDICATION OF LAND AS ROAD RESERVATION

Land Administration Act 1997

Express Power to Delegate

s.56

Legislative Reference of Power or Duty Delegated

Power or Duty being Delegated

1. Commence the procedure for road dedication in accordance with the standard practice.
2. Prepare the Request to the Department of Land to proceed with the road dedication in accordance with Cl8(a) of the Land Administration Regulations 1998.

Conditions of Delegation

Council are to make the final decision on the road reservations request in accordance with cl8(a) of the Land Administration Regulations 1998.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Delegation No.

474

Delegation Title

PERMANENT ROAD CLOSURE

Land Administration Act 1997

Express Power to Delegate

Legislative Reference of Power or Duty Delegated

Power or Duty being Delegated

1. Commence the procedure for road closure in accordance with standard practice.
2. Prepare the Request to the Department of Land to proceed with the closure in accordance with Cl9(a) of the Land Administration Regulations 1998.

Conditions of Delegation

Council are to make the final decision on the closure request following the advertising period, irrespective of whether submissions have been received.

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21



Council to CEO and Employees

Delegation No.

475

Delegation Title

Setting of discounts to the City's adopted Schedule of Fees and Charges

Local Government Act 1995

Express Power to Delegate

s.5.42 & s.5.44

Legislative Reference of Power or Duty Delegated

Section 6.12(1)(b)

Power or Duty being Delegated

Setting of discounts to the adopted Schedule of Fees and Charges, to facilitate discounting of non-imposed fees and charges

Conditions of Delegation

Delegated To:

Chief Executive Officer

Is Subdelegation permitted?

Date Adopted

15-Jun-21



Delegation No.

476

Delegation Title

Appointment of employees

Local Government Act 1995

Express Power to Delegate Section 5.44

Legislative Reference of Power or Duty Delegated Section 5.41(g)

Power or Duty being Delegated

The CEO grants authority to:

1. Appoint successful candidates to advertised positions.
2. Initiate and execute employment contracts for advertised positions.
3. Approve and execute variations to existing employee contracts.

Conditions of Delegation

1. Appointment of a successful candidate is only to be exercised where a fair recruitment process has occurred.
2. This delegation excludes the appointment of, or variation of a contract, for a Director.

Delegated To:

Is Subdelegation permitted?

NO

Date Adopted

15-Jun-21

Delegation No.

476

Delegation Title

Appointment of employees

Local Government Act 1995

Express Power to Delegate

Section 5.44

**Legislative Reference of Power
or Duty Delegated**

Section 5.41(g)

Power or Duty being Delegated

The CEO grants authority to:

1. Appoint successful candidates to advertised positions.
2. Initiate and execute employment contracts for advertised positions.
3. Approve and execute variations to existing employee contracts.

Conditions of Delegation

1. Appointment of a successful candidate is only to be exercised where a fair recruitment process has occurred.
2. This delegation excludes the appointment of, or variation of a contract, for a Director.

Delegated To:**Is Subdelegation permitted?**

NO

Date Adopted

15-Jun-21



Delegation No.

900

Delegation Title

LAND REQUIRED FOR PUBLIC WORKS

Public Works Act 1902

Express Power to Delegate

Planning and Development Act 2005

Legislative Reference of Power or Duty Delegated

Local Government Act 1995

Power or Duty being Delegated

The power to:

1. Acquire land or land rights by agreement for public works.
2. Dispose or swap land for the direct purpose of public works.
3. Negotiate and execute all agreements, deeds, and conveyancing instruments required to carry out such land transactions.

Conditions of Delegation

1. The payments involved in such actions must be equal to or less than \$150,000.
2. Payments greater than \$150,000 must be an approved budget allocation, or otherwise presented to Council for consideration.

Delegated To:

Chief Executive Officer
Director Corporate & Commercial
Leader Land Assets
Leader Land Projects

Is Subdelegation permitted?

YES

Date Adopted

15-Jun-21