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Delegations

Under section 5.42 of the *Local Government Act 1995* (Act), a local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the Act (other than those referred to in section 5.43), or section 214(2),(3) or (5) of the *Planning and Development Act 2005*.

The *Local Government (Miscellaneous Provisions) Act 1960*, the *Strata Titles Act 1985* and the *Bush Fires Act 1954* also provide for a local government to delegate power.

Section 5.44 of the Act permits the CEO to then delegate to any employee of the local government, the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under the Act (other than the power of delegation).

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government’s powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.’

Section 5.43(i) of the Act provides for regulations to prescribe further powers or duties which cannot be delegated to the CEO.

Delegations to the CEO and employees must then be reviewed every financial year and records must be kept in relation to the exercise of the power or the discharge of the duty.

The principal consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local government’s operations whilst ensuring that its policies are consistently implemented.

A local government may, by absolute majority, delegate authority to exercise any of its statutory functions (except the power to delegate) to Committees or the Chief Executive Officer (CEO). The CEO can delegate the exercise of any of his/her powers or duties (other than the power to delegate) to employees.
Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, a delegation made under the *Local Government Act 1995* has effect for the period of time specified in the delegation or where no period is specified, indefinitely.

A decision to amend or revoke a delegation to a Committee or the CEO by a local government must be made by absolute majority.
Delegation from Council DC115
Granting Fee Waiver – City Reserves and Facilities

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<tr>
<th>Responsible Business Unit/s</th>
<th>Chief Executive Office</th>
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<td>Responsible Officer</td>
<td>Chief Executive Officer</td>
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<tr>
<td>Affected Business Unit/s</td>
<td>Chief Executive Officer</td>
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Delegation to: The Chief Executive Officer


Powers and Duties: The delegate is authorised under section 6.12(1)(b), 6.12(1)(c) and 6.12(3) of the Local Government Act 1995 to grant full or partial concessions of fees outlined in the Schedule of Fees and Charges, in relation to the use and hire of City reserves and facilities by community groups and others; with particular reference to assessing requests for hire fee waivers or reductions.

Conditions: The organisation must be:
- A non-incorporated community group or
- An incorporated not-for-profit or
- Educational institution;
- Operate within the City of South Perth; and
- The majority of its services should provide a benefit to the community in the City of South Perth.

Exclusions:
- An organisation that has a negotiated partnership or monetary agreement in place with the City
- An organisation that has a negotiated lease or management licence with the City of South Perth
- Applications for a waiver after the event or activity has occurred
- Commercial projects or events
- Reimbursement for utility charges such as water and electricity
- Fees associated with any statutory obligations or bonds levied by the City

Delegation Number: DC115
Council Adoption: 28/06/2016
Reviewed/Modified: 08/16, 08/17, 03/19
Relevant Management Practice: M115 Granting Fee Waiver – City Reserves and Facilities
Relevant Policy: N/A
Relevant Delegation: N/A
## Delegation from Council DC401
### Graffiti Vandalism Act – Local Government Functions

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<tr>
<td>Affected Business Unit/s</td>
<td>Governance and Ranger Services</td>
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</table>

**Delegation to:** Chief Executive Officer

**Statutory Reference:** Section 16 of the *Graffiti Vandalism Act 2016*

**Powers and Duties:** Perform any power or duty of the ‘local government’ under the *Graffiti Vandalism Act 2016*.

**Conditions:** Not Applicable
Delegation from Council DC511
Partial Closure of a Thoroughfare for Repair or Maintenance

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<tr>
<th>Responsible Business Unit/s</th>
<th>Engineering Infrastructure</th>
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<tr>
<td>Responsible Officer</td>
<td>Manager Engineering Infrastructure</td>
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<tr>
<td>Affected Business Unit/s</td>
<td>Infrastructure Services</td>
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</tbody>
</table>

Delegation to: The Chief Executive Officer


Powers and Duties: The authority to allow for the partial and temporary closure of a thoroughfare for the purpose of carrying out repairs or maintenance under section 3.50 and 3.50A of the Local Government Act 1995.

Conditions:
(a) The closure is unlikely to have a significant adverse impact on users of the thoroughfare; and
(b) Written notice of the partial closure will be given to the occupier of any property who gains access to the property from that part of the thoroughfare which is to be closed.
Strategic Direction

Leadership

Delegation from Council DC601

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Delegation to: Chief Executive Officer


Powers and Duties: The authority to:

(a) review the City’s Long Term Financial Plan in accordance with section 5.56 of the Act and regulations 19C & 19D of the Local Government (Administration) Regulations;

(b) prepare the City’s Annual Budget in accordance with section 6.2 of the Act and Part 3 of the Local Government (Financial Management Regulations; and

(c) prepare the Annual Financial Report for the preceding financial year in accordance with section 6.4 of the Act and Part 4 of the Local Government (Financial Management) Regulations.

Conditions: The Long Term Financial Plan and Annual Budget are to be consistent with the City’s:

- Strategic Community Plan
- Corporate Business Plan
- Departmental Business Plans
- Approved Financial Parameters
- Relevant Management Plans
- Relevant Policies and Management Practices

Delegation Number: DC601
Relevant Management Practice: M601 Preparation of Strategic Financial Plan & Annual Budget
Council Adoption: 27/03/07
Relevant Policy: P601 Preparation of Strategic Financial Plan & Annual Budget
Reviewed/Modified: 09/08, 03/10, 02/11, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 06/18, 03/19

City of South Perth

City of South Perth
Delegation from Council DC602
Authority to Make Payments from the Municipal and Trust Funds

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Delegation to: Chief Executive Officer

Statutory Reference: Section 5.42 of the *Local Government Act 1995*

Powers and Duties: The authority to make payments on behalf of the City from the Municipal Fund and the Trust Fund pursuant to Sections 6.7 and 6.9 of the Act and Regulation 12 of the Local Government (Financial Management) Regulations 1996.

Conditions: Before a payment is made, the following procedure must be followed:
(a) Expenditure must be previously approved by Council and be included in the annual budget;
(b) Each expenditure item must have correct authorisation in accordance with the parameters of the DM605 Attachment 2 - Purchasing Authority Limits Matrix; and
(c) Expenditure due for payment must be accompanied by sufficient documentation as to allow the signatories to confirm correct procedures have been followed.

Delegation Number: DC602
Council Adoption: 27/03/07
Reviewed/Modified: 09/08, 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 06/18, 03/19

Relevant Management Practice: N/A
Relevant Policy: P602 Appointment of Bank Signatories
Relevant Delegation: DM602 Authority to make payments from the Municipal and Trust Funds
Delegation from Council DC603
Investment of Surplus Funds

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<td>Financial Services</td>
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Delegation to: Chief Executive Officer


Powers and Duties: The authority to invest money held in the Municipal Fund or the Trust Fund that is not for the time being required for any other purpose, in accordance with section 6.14 of the Local Government Act 1995 and regulation 19 of the Local Government (Financial Management) Regulations 1996.

Conditions:

(a) the funds may be invested in any of the Australian Prudential Regulation Authority regulated and listed, Authorised Deposit-taking Institutions (ADIs) being corporations as authorised under the Banking Act 1959.

ADIs include the following institutions:
- Banks,
- Building Societies, and
- Credit Unions.

(b) the funds may only be invested in those authorised financial instruments which are set out in Policy P603 - Investment of Surplus Funds.

Delegation Number: DC603
Council Adoption: 27/03/07
Reviewed/Modified: 08, 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 06/18, 03/19

Relevant Management Practice: M603 Investment Procedures
Relevant Policy: P603 Investment of Surplus Funds
Relevant Delegation: N/A
Delegation from Council DC607
Acceptance of Tenders / E-Quotes / Common Use Agreements

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Delegation to: Chief Executive Officer

Statutory Reference: Section 5.42 of the *Local Government Act 1995*

Powers and Duties:
In accordance with sections 3.57 of the *Local Government Act 1995*, and Part 4 of the Local Government (Functions and General) Regulations 1996 authority to accept:

a) All tenders to a maximum value of $250,000.00 (inclusive of GST); and

b) Undertake purchases of goods and services which are, or expected to be up to the value of up to $500,000 (inclusive of GST) where the supply of products or services is procured through the Western Australian Local Government Association (WALGA), State or Commonwealth Governments or any of its agencies that provide preferred supplier contracts or arrangements.

Conditions:
Acceptance of tender is conditional upon the Chief Executive Officer being satisfied that -

a) The tender evaluation process has been conducted in accordance with the Regulations, the City’s Tendering Manual and Management Practice 607;

b) The specifications set out in the tender match the specifications of the Request for Tender;

c) The tender represents the best overall value for the City; and

d) The tender is within budget.
Delegation from Council DC607B
Non Acceptance of Tenders

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Delegation to: Chief Executive Officer

Statutory Reference: Section 5.42 of the *Local Government Act 1995*

Powers and Duties:

The authority to not accept any expressions of interest received, under section 3.57 of the *Local Government Act 1995* and Part 4 of the Local Government (Functions and General) Regulations 1996.

The delegate is authorised to not accept any tender received, having previously exercised the delegation to invite public tenders;

1. If in the opinion of the delegate the number of tenders received is insufficient as to provide for a reasonable assessment of the merits of the tenders received.
2. If the delegate decides that it would disadvantageous to the Local Government to accept any tender.
3. If on assessment of the tenders received the contract value would exceed the budget provision for the invited service.
4. If in the opinion of the delegate no person is capable of satisfactorily supplying the requested goods or services.

Conditions:
The delegate must ensure that:

i. The tender evaluation process has been carried out in accordance with the Act, the Regulations and the City’s *Tendering Manual and Management Practice 607*.

ii. The tenders register records that no Tender or Expression of Interest received was accepted.

iii. The Council is informed whenever the delegation has been exercised.

Delegation Number: DC607
Relevant Management Practice: M607 Tenders and Expressions of Interest

Council Adoption: 27/03/07
Relevant Policy: P607 Tenders and Expressions of Interest

Reviewed/Modified: 09/08, 03/10, 02/11, 03/12, 03/13, 03/15, 03/16, 03/17, 06/18, 03/19
Relevant Delegation: DM607 Acceptance of Tenders
Delegation from Council DC608
Acceptance of Contract Variations Relating to Tenders Approved by Council

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Delegation to: Chief Executive Officer

Statutory Reference: Section 5.42 of the *Local Government Act 1995*

Powers and Duties: In accordance with Part 4 of the Local Government (Functions and General) Regulations 1996 authority is conferred on the delegate to accept:

a) Aggregate total of contract variations relating to tenders approved by Council to a maximum value of 15% of the contract value or $100,000, whichever is lesser (exclusive of GST).

Conditions: Acceptance of the contract variation is conditional upon the Chief Executive Officer being satisfied that;

a) The contract enables the contract to be varied, and the variation is in accordance with variation provisions of the contract;

b) Additional goods or services that were not, or could not have been, foreseen at the time the contract was executed;

c) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; and

d) Sufficient funds are available in the appropriate capital or operating budget to meet the additional cost.

Delegation Number: DC608
Council Adoption: 27/11/2018
Reviewed/Modified: 03/19

Relevant Management Practice: M607 Tenders and Expressions of Interest
Relevant Policy: P607 Tenders and Expressions of Interest
Relevant Delegation: DM607 Acceptance of Tenders
Delegation from Council DC609

Leases and Licences

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<td>Responsible Officer</td>
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**Delegation to:**  
Chief Executive Officer

**Statutory Reference:**  
Section 5.42 of the *Local Government Act 1995*

**Powers and Duties:**  
In accordance with section 3.58(3) of the Local Government Act 1995, authority is given to the CEO to enter into agreements to lease or licence property that the City owns or that it controls under a management order which confers the power to lease or licence.

**Conditions:**  
The CEO may exercise this power in relation to a lease or licence subject to:

a) Meeting the requirements of section 3.58 of the *Local Government Act 1995*;

b) Leases being for a maximum term of twenty one years for: Not for Profit Sporting Organisations, Not for Profit Organisations, Community Associations, Government Bodies, Committees and Associations, Preschools, Kindergartens and residential homes.

c) Leases for commercial organisations being for a maximum term of five years.

d) All new leases for commercial organisations being bought to Council for consideration.

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**Delegation Number:**  
DC609

**Council Adoption:**  
03/05, 03/19

**Reviewed/Modified:**  
06/06, 09/08, 03/10, 02/11, 06/12, 03/13, 03/14, 03/15, 06/16, 03/17, 03/18
Delegation from Council DC612
Disposal of Surplus Property

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<th>Responsible Business Unit/s</th>
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Delegation to: Chief Executive Officer

Statutory Reference: Section 5.42 of the *Local Government Act 1995*

Powers and Duties: The authority to dispose of property other than land, pursuant to section 3.58 of the *Local Government Act 1995*, which is considered to be no longer required for the performance of the City’s functions and the exercise of its powers.

Conditions:
- In accordance with Regulation 30 (3) of the *Local Government (Functions & General) Regulations* - this delegation only applies to property;
  - a) which has a market value of less than $20,000; or
  - b) the entire consideration received by the Local Government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than $75,000.

Delegation Number: DC612
Relevant Management Practice: N/A
Council Adoption: 27/03/07
Relevant Policy: DC612 Disposal of Surplus Property
Reviewed/Modified: 09/08, 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 06/18, 03/19
Relevant Delegation: DM612 Disposal of Surplus Property
Delegation from Council DC616
Write-off Debts

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Delegation to: Chief Executive Officer


Powers and Duties:
Authority is conferred on the delegate under section 6.12 of the Local Government Act 1995 to write-off any single amount of money owing to the City less than $2,000 (GST exclusive) where:

a) The amount is too small to warrant collection;
b) It is considered that the cost of collection is likely to be disproportionate to the amount which is owed; and
c) The amount has not been previously identified and provided for in the Provision for Doubtful Debts.

Authority is conferred on the delegate to write-off any amount of money previously specifically identified and provided for in the Provision for Doubtful Debts where:

d) The amount is found to be uncollectable; and
e) Compliance with applicable Australian Accounting Standards or other professional pronouncements require the debt to be removed from the City’s accounts.

Conditions: A record of any amounts written-off under this delegation is required to be kept and made available for external audit purposes

Delegation Number: DC616
Council Adoption: 27/03/07
Reviewed/Modified: 09/08, 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 08/15, 03/16, 03/17, 06/18, 03/19

Relevant Management Practice: N/A
Relevant Policy: N/A
Relevant Delegation: DM616 Write off Debts
Delegation from Council DC642
Appointment of Acting CEO

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Delegation to: The Chief Executive Officer


Powers and Duties: Authority to appoint an employee as Acting CEO under section 5.39(1a)(a) of the Local Government Act 1995.

Conditions:

1. The CEO may appoint an Acting CEO of up to four weeks and must be satisfied that the Acting CEO is capable of performing the functions of the CEO for the period of absence; and

2. The Council shall appoint an Acting CEO in any instance where the CEO is to be absent for a period longer than four weeks.
Delegation from Council DC678  
Appointment of Authorised Officers

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Delegation to: Chief Executive Officer

Statutory Reference: Sections 5.42, of the *Local Government Act 1995*

Powers and Duties: Authority under section 9.10 of the *Local Government Act 1995* to appoint persons or classes of persons to be authorised for the purpose of performing particular functions.

Conditions: Not Applicable

Delegation Number: DC678  
Council Adoption: 26/03/08  
Reviewed/Modified: 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 03/18, 03/19  
Relevant Management Practice: N/A  
Relevant Policy: N/A  
Relevant Delegation: N/A
Delegation from Council DC679
Administer the City’s Local Laws

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**Delegation to:** The Chief Executive Officer

**Statutory Reference:** Sections 5.42 *Local Government Act 1995.*

**Powers and Duties:** The authority to administer the City’s local laws and to do all other things that are necessary or convenient to be done for or in connection with performing the functions of the City under section 3.18 of the *Local Government Act 1995.*

**Conditions:** Not Applicable

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Delegation Number: DC679  
Council Adoption: 26/03/08  
Reviewed/Modified: 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 03/18, 03/19  
Relevant Management Practice: N/A  
Relevant Policy: N/A  
Relevant Delegation: N/A
Delegation from Council DC684
Sealed Documents

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Delegation to: Chief Executive Officer


Powers and Duties: Authorise the affixing of the Common Seal of the City to any document that needs the City’s Common Seal to be legally effective.

Conditions: Not Applicable
Delegation from Council DC685
Inviting Tenders or Expressions of Interest

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Delegation to: The Chief Executive Officer


Powers and Duties: In accordance with section 3.57 and 3.58 of the *Local Government Act 1995* and Part 4 of the Local Government (Functions & General) Regulations 1996, authority is conferred on the delegate to invite tenders or to seek expressions of interest for the provision of goods and services to the City and for the disposal of property.

Conditions:

Delegation Number: DC685
Council Adoption: 27/03/07
Reviewed/Modified: 09/08, 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 03/18, 06/18, 03/19
Relevant Management Practice: M607 Tenders and Expressions of Interest
Relevant Policy: P607 Tenders and Expression of Interest
Relevant Delegation: DM685 Inviting Tenders & Expressions of Interest
Delegation from Council DC686
Granting Fee Concessions – Development Applications

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</table>

Delegation to: The Chief Executive Officer


Powers and Duties: The delegate, under section 6.12 of the *Local Government Act 1995*, is authorised to waive or grant concessions in relation to any amount of money which is owed to the City in relation to a development application, where it is considered inappropriate to charge the full amount.

For example, a person may have previously paid a fee for the approval of a development application; it may be inappropriate to charge the full fee if the applicant submits a new proposal that is substantially similar to the earlier application.

This delegation does not apply to an amount of money owing in respect of rates or service charges.

Conditions:

1. The delegate may only grant a concession in proportion to the reduction in the assessment workload; that is, the concession must reflect the proportion of the fee that relates to the assessment work that the City would not have to perform because of the work previously done on the first assessment.

2. The delegate must not exercise this delegation with respect to development applications for projects where the estimated value of the project exceeds $10 million.

3. Council shall be informed of the details whenever this delegation is exercised.

Delegation Number: DC686
Relevant Management Practice: N/A
Council Adoption: 27/03/07
Relevant Policy: N/A
Reviewed/Modified: 09/08, 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 06/16, 03/17, 03/18, 03/19
Relevant Delegation: N/A
Delegation from Council DC370
Approve or Refuse Granting of a Building Permit

<table>
<thead>
<tr>
<th>Responsible Business Unit/s</th>
<th>Development Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Officer</td>
<td>Manager Development Services, Senior Building Surveyor</td>
</tr>
<tr>
<td>Affected Business Unit/s</td>
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</tr>
</tbody>
</table>

Delegation to:
Senior Building Surveyor Building Surveyor
Chief Executive Officer
Director Development and Community Services
Manager Development Services
Manager Governance and Marketing

Statutory Reference:
Section 127 of the Building Act 2011.

Powers and Duties:
The authority to grant or refuse to grant building permits under section 20 & 22 of the Building Act 2011.

Conditions:
- Keep a register in the approved form of all building permits granted by the Local Authority.
- Make the register available for inspection by members of the public during normal office hours.
- Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure.
- Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the Financial Management Act 2006 Part 5 by the accountable authority, as defined in section 3 of that Act, of the Department as defined in the Building Services (Complaint Resolution and Administration) Act 2011 section 3.
- Allow interested persons to inspect a building record and provide to the interested person a copy of the building record.

Delegation Number: DC370
Council Adoption: 27/11/2012
Reviewed/Modified: 03/10, 02/11, 03/12, 07/12, 11/12, 03/13, 07/13, 03/14, 03/15, 03/16, 06/17, 03/19
Relevant Management Practice: N/A
Relevant Policy: N/A
Relevant Delegation: N/A
Delegation from Council DC371
Approve or Refuse Granting of a Demolition Permit

<table>
<thead>
<tr>
<th>Responsible Business Unit/s</th>
<th>Development Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Officer</td>
<td>Manager Development Services, Senior Building Surveyor</td>
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<tr>
<td>Affected Business Unit/s</td>
<td>Development Services</td>
</tr>
</tbody>
</table>

Delegation to: 
Senior Building Surveyor
Building Surveyor
Chief Executive Officer
Director Development and Community Services
Manager Development Services
Manager Governance and Marketing

Statutory Reference: 
Section 127 of the Building Act 2011.

Powers and Duties: 
The authority to grant or refuse to grant building permits under section 21 & 22 of the Building Act 2011.

Conditions:

- Keep a register in the approved form of all demolition permits made by Local Authority.
- Make the register available for inspection by members of the public during normal office hours.
- Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure.
- Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the Financial Management Act 2006 Part 5 by the accountable authority, as defined in section 3 of that Act, of the Department as defined in the Building Services (Complaint Resolution and Administration) Act 2011 section 3.
- Allow interested persons to inspect a building record and provide to the interested person a copy of a building record.

Delegation Number: DC371
Council Adoption: 27/11/2012
Reviewed/Modified: 03/10, 02/11, 03/12, 07/12, 11/12, 03/13, 07/13, 03/14, 03/15, 03/16, 06/17, 03/19
Relevant Management Practice: N/A
Relevant Policy: N/A
Relevant Delegation: N/A
Delegation from Council DC372
Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates

<table>
<thead>
<tr>
<th>Responsible Business Unit/s</th>
<th>Development Services</th>
</tr>
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<tbody>
<tr>
<td>Responsible Officer</td>
<td>Manager Development Services, Senior Building Surveyor</td>
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<td>Affected Business Unit/s</td>
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</tbody>
</table>

Delegation to:
Senior Building Surveyor
Building Surveyor
Chief Executive Officer
Director Development and Community Services
Manager Development Services
Manager Governance and Marketing

Statutory Reference: Section 127 of the *Building Act 2011*.

Powers and Duties: The authority to grant, modify or refuse to grant occupancy permits or building approval certificates under section 58 of the *Building Act 2011*.

Conditions:
- Keep a register in the approved form of all occupancy permits and building approval certificates made by the Local Authority.
- Make the register available for inspection by members of the public during normal office hours.
- Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure.
- Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the *Financial Management Act 2006* Part 5 by the accountable authority, as defined in section 3 of that Act, of the Department as defined in the *Building Services (Complaint Resolution and Administration) Act 2011* section 3.
- Allow interested persons to inspect a building record and provide to the interested person a copy of a building record.

Delegation Number: DC372

Council Adoption: 27/11/2012

Reviewed/Modified: 03/10, 02/11, 03/12, 07/12, 11/12, 03/13, 07/13, 03/14, 03/15, 03/16, 06/17, 03/19

Relevant Management Practice: N/A
Relevant Policy: N/A
Relevant Delegation: N/A
Delegation from Council DC373

Approve or refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates

<table>
<thead>
<tr>
<th>Responsible Business Unit/s</th>
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<tbody>
<tr>
<td>Responsible Officer</td>
<td>Manager Development Services, Senior Building Surveyor</td>
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<tr>
<td>Affected Business Unit/s</td>
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</tr>
</tbody>
</table>

Delegation to: Senior Building Surveyor
Building Surveyor
Manager Development Services


Powers and Duties: The authority under section 65 of the Building Act 2011 to extend the time in which an occupancy permit that has been granted or modified for a limited period or a building approval certificate that has been granted for a limited period only has effect.

Conditions:

- Keep a register in the approved form of all occupancy permits and building approval certificates made by the Local Authority.
- Make the register available for inspection by members of the public during normal office hours.
- Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure.
- Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the Financial Management Act 2006 Part 5 by the accountable authority, as defined in section 3 of that Act, of the Department as defined in the Building Services (Complaint Resolution and Administration) Act 2011 section 3.
- Allow interested persons to inspect a building record and provide to the interested person a copy of a building record.

Delegation Number: DC353

Council Adoption: 26/03/2008

Reviewed/Modified: 03/10, 02/11, 03/12, 03/13, 07/13, 03/14, 03/15, 03/16, 06/17, 03/19

Relevant Management Practice: N/A
Relevant Policy: N/A
Relevant Delegation: N/A
Delegation from Council DC374
Appoint Authorised Officers for the purposes of the *Building Act 2011*

<table>
<thead>
<tr>
<th>Responsible Business Unit/s</th>
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<tr>
<td>Responsible Officer</td>
<td>Manager Development Services, Senior Building Surveyor</td>
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<tr>
<td>Affected Business Unit/s</td>
<td>Development Services</td>
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</tbody>
</table>

**Delegation to:**
Chief Executive Officer

**Statutory Reference:**
Section 127 of the *Building Act 2011*.

**Powers and Duties:**
The authority to appoint authorised officers under section 96 of the *Building Act 2011* for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.

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**Delegation Number:** DC374  
**Council Adoption:** 26/03/2008  
**Reviewed/Modified:** 03/10, 02/11, 03/12, 03/13, 07/13, 03/14, 03/15, 03/16, 06/17, 03/19  
**Relevant Management Practice:** N/A  
**Relevant Policy:** N/A  
**Relevant Delegation:** N/A
Delegation from Council DC375

Issue or Revoke Building Orders

<table>
<thead>
<tr>
<th>Responsible Business Unit/s</th>
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<tr>
<td>Responsible Officer</td>
<td>Manager Development Services, Senior Building Surveyor</td>
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<tr>
<td>Affected Business Unit/s</td>
<td>Development Services</td>
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</tbody>
</table>

**Delegation to:**
- Senior Building Surveyor
- Building Surveyor
- Chief Executive Officer
- Director Development & Community Services
- Manager Development Services
- Manager Governance

**Statutory Reference:**
Section 127 of the *Building Act 2011*.

**Powers and Duties:**
The authority to issue or revoke building orders under section 110 and 117 of the *Building Act 2011*.

**Conditions:**
Keep a register in the approved form of all building orders issued by the Local Authority.
Delegation from Council DC690
Town Planning Scheme 6

<table>
<thead>
<tr>
<th>Responsible Business Unit/s</th>
<th>Chief Executive Officer, Development Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Officer</td>
<td>Chief Executive Officer, Director Development and Community Services</td>
</tr>
<tr>
<td>Affected Business Unit/s</td>
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</tbody>
</table>

**Delegation to:**

Officers occupying the following positions as determined by the delegation from Chief Executive Officer to Officers.

- Director Development and Community Services
- Manager Development Services
- Manager Strategic Planning
- Urban Planning Coordinator
- Senior Urban Planner
- Urban Planner

**Statutory Reference:**

Clause 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Powers and Duties:**

The exercise of any of the City’s powers or the discharge of any of the City’s duties under the Planning and Development (Local Planning Schemes) Regulations 2015, other than this power of delegation.

**Conditions:**

The exercise of these powers and duties is subject to the conditions outlined in *Schedule 1* which is attached to this instrument of delegation.
SCHEDULE 1

CONDITIONS OF DELEGATION

The exercise of power under delegation DC690 is subject to the following conditions:

1. **Specific Uses**
   This power of delegation does not extend to determining applications for development approval relating to the following uses:
   
   (a) Child Day Care Centres.
   (b) High Level Residential Aged Care Facilities, or substantial additions to existing High Level Residential Aged Care Facilities.
   (c) Residential Buildings.
   (d) Student Housing.
   (e) Telecommunications Infrastructure that is not classified as a low-impact facility under the *Telecommunications Act 1997*.
   (f) Tourist Accommodation.
   (g) Non-residential “DC” uses within the Residential zone, except Family Day Care where the City does not receive objections during consultation.
   (h) Uses not listed in Table I of the Scheme being considered under Clause 3.3(7) of the Scheme, except Display Homes where the City does not receive objections during consultation.
   (i) Temporary Uses being considered under Schedule A (Part 9) Clause 72. (1) of the Scheme, except where the City does not receive objections during consultation.
   (j) Change of Non-Conforming Use being considered under Clause 8.1(3) of the Scheme.
   (k) Any fence which:
      
      (A) requires Schedule A (Part 7) approval under Clause 61.(1) (k) of the Scheme; and
      (B) on Non-residential sites where fencing exceeds a height of 2.0 metres along any part of its length, measured to the top of infill panels between supporting piers.

2. **Major developments**
   This power of delegation does not extend to approving applications for development approval in the following categories:
   
   (a) Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the City;
   (b) Residential development which is 9.0 metres high or higher, or comprises 10 or more dwellings;
   (c) Development of the kind referred to in items (a) and (b) above, comprising a mixture of non-residential and residential components; and
   (d) Development not of the kind referred to in items (a) to (c) above, which, in the opinion of the delegated officer, is contentious and is the subject of significant community interest.

3. **Developments involving the exercise of a discretionary power**
   This power of delegation does not extend to approving applications for development approval involving the exercise of a discretionary power in the following categories:
   
   (a) Applications in areas situated within Precinct 13 - Salter Point which:
      
      (i) have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres; and
      (ii) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.1A(9) of the Scheme;
   (b) Applications which propose variations to Policy P306 “Development of Properties Abutting River Way”
   (c) Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the R-Codes or relevant Local Planning Policies; and
   (d) Applications involving the exercise of discretion under Clauses 6.2A or Schedule A (Part 3) clause 7A & 12. (4) of the Scheme.
4. **Applications previously considered by Council**
   This power of delegation does not extend to applications for development approval previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for development approval.

5. **Subdivision applications**
   This power of delegation does not extend to subdivision applications involving the creation of a new Local Road.

6. **Amenity impact**
   In considering any application for development approval, the delegated officer shall take into consideration the impact of the proposal on the general amenity of the area. If, in the opinion of the delegated officer, any significant doubt exists, the application shall be referred to Council for determination.

7. **Neighbour comments**
   In considering an application for development approval, the delegated officer shall fully consider any comments made by any affected land owner or occupier before determining the application.

8. **Footnote**
   The delegated officer shall apply the following footnote to all discretionary refusals of development approval issued under delegated authority:

   **FOOTNOTE:**
   The above decision has been made by a delegated officer under authority conferred by a Council resolution in order to expedite the decision-making process. If you are aggrieved by the decision you may submit a new development application and request that the matter be determined at a Council meeting.
Delegation from Council DC664
Dogs – Local Government Functions

<table>
<thead>
<tr>
<th>Responsible Business Unit/s</th>
<th>Chief Executive Officer</th>
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<tbody>
<tr>
<td>Responsible Officer</td>
<td>Chief Executive Officer</td>
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<tr>
<td>Affected Business Unit/s</td>
<td>Governance and Ranger Services</td>
</tr>
</tbody>
</table>

Delegation to: The Chief Executive Officer

Statutory Reference: Sections 10AA of the *Dog Act 1976*

Powers and Duties: The authority to form any power or duty of the ‘local government’ under the *Dog Act 1976*.

Conditions: Not Applicable

Delegation Number: DC664
Council Adoption: 26/03/2019
Relevant Management Practice: N/A
Relevant Policy: N/A
Relevant Delegation: N/A
Delegation from Council DC665
Cats – Local Government Functions

<table>
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<tr>
<th>Responsible Business Unit/s</th>
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<tr>
<td>Affected Business Unit/s</td>
<td>Governance and Ranger Services</td>
</tr>
</tbody>
</table>

Delegation to: Chief Executive Officer

Statutory Reference: Section 44 of the *Cat Act 2011*

Powers and Duties: Perform any power or duty of the ‘local government’ under the *Cat Act 2011*.

Conditions: Not Applicable

Delegation Number: DC665

Council Adoption: 26/03/2019

Reviewed/Modified: N/A

Relevant Management Practice: N/A

Relevant Policy: N/A

Relevant Delegation: N/A
Delegation from Council DC677

Bush Fires Act – Local Government Functions

<table>
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<tr>
<th>Responsible Business Unit/s</th>
<th>Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Officer</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Affected Business Unit/s</td>
<td>All business units</td>
</tr>
</tbody>
</table>

**Delegation to:**  
Chief Executive Officer

**Statutory Reference:**  
Section 48 of the *Bush Fires Act 1954*

**Powers and Duties:**  
The authority to form any power or duty of the ‘local government’ under the *Bush Fires Act 1954*.

**Conditions:**  
Not Applicable