

DELEGATED AUTHORITY REGISTER

2023

City of
South Perth



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Local Government Act 1995

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Delegations

Under section 5.42 of the *Local Government Act 1995* (Act), a local government may delegate to the Chief Executive Officer (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 of the council;
- (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;
- (ha) The power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (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 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 DC102 Community Funding Program

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Chief Executive Officer

Delegation To: Chief Executive Officer

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

Powers and Duties: To approve funding requests submitted under the Community Funding Program in accordance with Policy 102: Community Funding Program and Management Practice 102: Community Funding Program.

Conditions: The types of funding available are:

- Level 1: Community Partnerships – The City may enter into partnerships with organisations that intend to deliver programs and services that will contribute and assist in meeting the objectives of the City’s Strategic Community Plan.
- Level 2: Community Grants – These grants provide assistance for minor non-recurrent projects that contribute to community development in the City of South Perth. The City will assess these opportunities as they arise.
- Level 3: Individual Development Grants – These grants are open to residents of the City of South Perth who have been selected to represent the state or nation in interstate or international championships, competitions or significant cultural, academic or community service programs. The grant is for travel and/or accommodation costs only and is set at a maximum of \$200 for interstate travel and \$300 for international travel.

Delegation Number: DC102

Relevant Management Practice: M102 Community Funding Program

Council Adoption: 26/06/2018

Relevant Policy: P102 Community Funding Program

Reviewed/Modified: 03/19, 08/21, 03/22, 03/23

Relevant Delegation: N/A

Delegation from Council DC115 Granting Fee Waiver – City Reserves and Facilities

Responsible Business Unit/s	Chief Executive Office
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Chief Executive Officer

Delegation to: Chief Executive Officer

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

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	Relevant Management Practice:	M115 Granting Fee Waiver – City Reserves and Facilities
Council Adoption:	28/06/2016	Relevant Policy:	N/A
Reviewed/Modified:	08/16, 08/17, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC702
Granting Fee Waiver – Collier Park Golf Course

Responsible Business Unit/s	Chief Executive Office
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Chief Executive Officer

Delegation to: Chief Executive Officer

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

Powers and Duties: The delegate is authorised under section 6.12 of the *Local Government Act 1995* to vary the Schedule of Fees and Charges for the Collier Park Golf Course to undertake promotional offers, charity events and other concessional rates.

Delegation Number:	DC702	Relevant Management Practice:	N/A
Council Adoption:	23/08/2022	Relevant Policy:	N/A
Reviewed/Modified:	03/23	Relevant Delegation:	N/A

Delegation from Council DC401 Graffiti Vandalism Act – Local Government Functions

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Governance and Ranger Services

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 Number:	DC401	Relevant Management Practice:	N/A
Council Adoption:	26/03/2019	Relevant Policy:	N/A
Reviewed/Modified:	08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC511 Partial Closure of a Thoroughfare for Repair or Maintenance

Responsible Business Unit/s	Programs Delivery
Responsible Officer	Manager Programs Delivery
Affected Business Unit/s	Infrastructure Services

Delegation to: Chief Executive Officer

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

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.

Delegation Number:	DC511	Relevant Management Practice:	N/A
Council Adoption:	26/03/08	Relevant Policy:	N/A
Reviewed/Modified:	03/10, 02/11, 03/13, 03/14, 03/15, 03/16, 11/16, 12/17, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC601 Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units

Delegation to: Chief Executive Officer

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

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, 08/21, 03/22, 03/23		

Delegation from Council DC602 Authority to Make Payments from the Municipal and Trust Funds

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units

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

Relevant Management Practice: N/A

Council Adoption: 27/03/07

Relevant Policy: P602 Appointment of Bank Signatories

Reviewed/Modified: 09/08, 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 06/18, 03/19, 08/21, 03/22, 03/23

Relevant Delegation: DM602 Authority to make payments from the Municipal and Trust Funds

Delegation from Council DC603 Investment of Surplus Funds

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Financial Services

Delegation to: Chief Executive Officer

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

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

Relevant Management Practice: M603 Investment Procedures

Council Adoption: 27/03/07

Relevant Policy: P603 Investment of Surplus Funds

Reviewed/Modified: 08, 03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 06/18, 03/19, 08/21, 03/22, 03/23

Relevant Delegation: N/A

Delegation from Council DC607

Acceptance of Tenders /E-Quotes/Common Use Agreements

Responsible Business Unit/s	All business units
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All business units

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 (exclusive 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 (exclusive 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 process has been conducted in accordance with the Act, Regulations, the City's Policies and Management Practices;
- 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 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, 03/14, 03/15, 03/16, 03/17, 04/18, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	DM607 Acceptance of Tenders

Delegation from Council DC607B Non Acceptance of Tenders

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units

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 be 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 process has been carried out in accordance with the Act, the Regulations and the City's Policies and Management Practices.
- 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, 08/21, 03/22, 03/23 Relevant Delegation: DM607 Acceptance of Tenders

Delegation from Council DC608

Acceptance of Contract Variations Relating to Tenders Approved by Council

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units

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

Relevant Management Practice: M607 Tenders and Expressions of Interest

Council Adoption: 27/11/2018

Relevant Policy: P607 Tenders and Expressions of Interest

Reviewed/Modified: 03/19, 08/21, 03/22, 03/23

Relevant Delegation: DM607 Acceptance of Tenders

Delegation from Council DC609 Leases

Responsible Business Unit/s	All business units
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All business units

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 property that the City owns or that it controls under a management order which confers the power to lease.

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

- Meeting the requirements of section 3.58 of the *Local Government Act 1995*;
- 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, educational institutions and residential homes.
- Leases for commercial organisations being for a maximum term of five years.
- All new leases for commercial organisations being brought to Council for consideration.
- Collier Park Village Rental Agreements of less than two years, including changes to the terms, conditions and fees.

Delegation Number: DC609

Relevant Management Practice: M609 Leases and Licences

Council Adoption: 03/05

Relevant Policy: P609 Leases and Licences

Reviewed/Modified: 06/06, 09/08, 03/10, 02/11, 06/12, 03/13, 03/14, 03/15, 06/16, 03/17, 03/18, 03/19, 03/20, 08/21, 03/22, 03/23

Relevant Delegation: DM609 Leases and Licences

Delegation from Council DC612 Disposal of Surplus Property

Responsible Business Unit/s	Financial Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All Business Units

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, 08/21,
03/22, 03/23

Relevant Delegation: DM612 Disposal of Surplus Property

Delegation from Council DC616 Write-off Debts

Responsible Business Unit/s	Financial Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Financial Services

Delegation to: Chief Executive Officer

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

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:

- The amount is too small to warrant collection;
- It is considered that the cost of collection is likely to be disproportionate to the amount which is owed; and
- 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:

- The amount is found to be uncollectable; and
- 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	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, 08/15, 03/16, 03/17, 06/18, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	DM616 Write off Debts

Delegation from Council DC642 Appointment of Acting CEO

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All business units

Delegation to: Chief Executive Officer

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

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 Number:	DC642	Relevant Management Practice:	N/A
Council Adoption:	26/03/08	Relevant Policy:	N/A
Reviewed/Modified:	03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 03/18, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC678 Appointment of Authorised Officers

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All business units

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	Relevant Management Practice:	N/A
Council Adoption:	26/03/08	Relevant Policy:	N/A
Reviewed/Modified:	03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 03/18, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC679
Administer the City's Local Laws

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All business units

Delegation to: 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

Delegation Number:	DC679	Relevant Management Practice:	N/A
Council Adoption:	26/03/08	Relevant Policy:	N/A
Reviewed/Modified:	03/10, 02/11, 03/12, 03/13, 03/14, 03/15, 03/16, 03/17, 03/18, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC684 Sealed Documents

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All business units

Delegation to: Chief Executive Officer

Statutory Reference: Section 9.49A(2) of the *Local Government Act 1995*

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 Number:	DC665	Relevant Management Practice:	N/A
Council Adoption:	26/03/2019	Relevant Policy:	N/A
Reviewed/Modified:	08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC685 Inviting Tenders or Expressions of Interest

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Chief Executive Officer

Delegation to:	Chief Executive Officer
Statutory Reference:	Sections 5.42 of the <i>Local Government Act 1995</i> .
Powers and Duties:	In accordance with section 3.57 and 3.58 of the <i>Local Government Act 1995</i> 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:	Not Applicable

Delegation Number:	DC685	Relevant Management Practice:	M607 Tenders and Expressions of Interest
Council Adoption:	27/03/07	Relevant Policy:	P607 Tenders and Expression of Interest
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, 08/21, 03/22, 03/23	Relevant Delegation:	DM685 Inviting Tenders & Expressions of Interest

Delegation from Council DC686 Granting Fee Concessions – Development Applications

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Chief Executive Officer

Delegation to: Chief Executive Officer

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

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, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC370 Approve or Refuse Granting of a Building Permit

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services, Principal Building Surveyor
Affected Business Unit/s	Development Services

Delegation to: Principal Building Surveyor
Chief Executive Officer
Director Development and Community Services
Manager Development Services
Manager Governance
Assistant Building Surveyor

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

Relevant Management Practice: N/A

Council Adoption: 27/11/2012

Relevant Policy: N/A

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, 08/21, 03/22, 03/23

Relevant Delegation: N/A

Delegation from Council DC371
Approve or Refuse Granting of a Demolition Permit

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services, Principal Building Surveyor
Affected Business Unit/s	Development Services

Delegation to: Principal Building Surveyor
Chief Executive Officer
Director Development and Community Services
Manager Development Services
Manager Governance
Assistant Building Surveyor

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	Relevant Management Practice:	N/A
Council Adoption:	27/11/2012	Relevant Policy:	N/A
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, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC372
Grant, or Refuse to Grant Occupancy Permits or Building Approval Certificates

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services, Principal Building Surveyor
Affected Business Unit/s	Development Services

Delegation to: Principal Building Surveyor
Chief Executive Officer
Director Development and Community Services
Manager Development Services
Manager Governance
Assistant Building Surveyor

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	Relevant Management Practice:	N/A
Council Adoption:	27/11/2012	Relevant Policy:	N/A
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, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC373

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

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services, Principal Building Surveyor
Affected Business Unit/s	Development Services

Delegation to: Principal Building Surveyor
Manager Development Services
Assistant Building Surveyor

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

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:	DC373	Relevant Management Practice:	N/A
Council Adoption:	26/03/2008	Relevant Policy:	N/A
Reviewed/Modified:	03/10, 02/11, 03/12, 03/13, 07/13, 03/14, 03/15, 03/16, 06/17, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC374

Appoint Authorised Officers for the purposes of the *Building Act 2011*

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services, Principal Building Surveyor
Affected Business Unit/s	Development Services

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.

Delegation Number: DC374

Relevant Management Practice: N/A

Council Adoption: 26/03/2008

Relevant Policy: N/A

Reviewed/Modified: 03/10, 02/11, 03/12, 03/13, 07/13, 03/14,
03/15, 03/16, 06/17, 03/19, 08/21, 03/22,
03/23

Relevant Delegation: N/A

Delegation from Council DC375 Issue or Revoke Building Orders

Responsible Business Unit/s	Development Services
Responsible Officer	Manager Development Services, Principal Building Surveyor
Affected Business Unit/s	Development Services

Delegation to: Principal Building Surveyor
Chief Executive Officer
Director Development & Community Services
Manager Development Services
Manager Governance
Assistant Building Surveyor

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 Number:	DC375	Relevant Management Practice:	N/A
Council Adoption:	26/03/2008	Relevant Policy:	N/A
Reviewed/Modified:	03/10, 02/11, 03/12, 03/13, 07/13, 03/14, 03/15, 03/16, 06/17, 03/19, 08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC376
Infringement Notices under the Building Regulations 2012

Responsible Business Unit/s	Development Services
Responsible Officer	Director Development and Community Services
Affected Business Unit/s	Development Services

Delegation to: Director Development and Community Services
Manager Development Services

Statutory Reference: Regulation 70(1) of the Building Regulations 2012.

Powers and Duties: The authority extend the time to pay or withdraw infringement notices.

Delegation Number: DC376

Relevant Management Practice: N/A

Council Adoption: 15/10/2019

Relevant Policy: N/A

Reviewed/Modified: 08/21, 03/22, 03/23

Relevant Delegation: N/A

Delegation from Council DC690
Local Planning Scheme No.7

Responsible Business Unit/s	Chief Executive Officer, Development Services
Responsible Officer	Chief Executive Officer, Director Development and Community Services
Affected Business Unit/s	Development Services

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
- Coordinator Urban Planning
- Senior 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.

Delegation Number: DC690

Relevant Management Practice: N/A

Council Adoption: 26/03/24

Relevant Policy: N/A

Reviewed/Modified:

Relevant Delegation: N/A

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 approving development applications relating to the following uses:

- (a) Child Care Premises.
- (b) New Residential Aged Care Facilities.
- (c) Residential Building.
- (d) Telecommunications Infrastructure that is not classified as a low-impact facility under the *Telecommunications Act 1997*.
- (e) Holiday house and Holiday accommodation.
- (f) Non-residential 'A' uses within the Residential zone, where objections are received during advertising.
- (g) Use not listed.
- (h) Change to a Non-Conforming Use.

2. **Major developments**

This power of delegation does not extend to approving development applications 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 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 development applications involving the exercise of a discretionary power in the following categories:

- (a) Applications which require an assessment of significant obstruction of views in accordance with the Salter Point escarpment Local Planning Policy.
- (b) Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, or relevant State and Local Planning Policies.
- (c) Applications for Heritage Listed properties or within a Heritage Area except, in the opinion of the delegated officer, the proposal is minor in nature.
- (d) Applications on or involving City owned or managed land by a private entity which propose significant works or a change of land use; and
- (e) Applications for illuminated signage opposite (directly or diagonally) to or adjoining a residential zone.

4. Applications previously considered by Council

This delegation does not extend to development applications previously determined by Council. All subsequent applications relating to the same proposal are to be presented to Council for determination unless in the opinion of a delegated officer, it is of a minor nature or satisfies the requirements of the planning framework.

5. 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.

Delegation from Council DC692
Enforcement and Legal Proceedings – Illegal Development

Responsible Business Unit/s	Chief Executive Officer, Development Services
Responsible Officer	Chief Executive Officer, Director Development and Community Services
Affected Business Unit/s	Development Services

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

Statutory Reference:

Section 5.42 of the *Local Government Act 1995*
Section 214 (2), (3) and (5) of the *Planning and Development Act 2005*

Powers and Duties:

To issue a direction to a person contravening section 214 of the *Planning and Development Act 2005*.

Functions:

- (1) Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.
- (2) Give a written direction to the owner or any other person who undertook an unauthorised development:
 - a) to remove, pull down, take up or alter the development; and
 - b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
- (3) Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.

Delegation Number: DC692

Relevant Management Practice: N/A

Council Adoption: 26/03/24

Relevant Policy: N/A

Reviewed/Modified:

Relevant Delegation: N/A

Delegation from Council DC664
Dogs – Local Government Functions

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Governance and Ranger Services

Delegation to: 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

Relevant Management Practice: N/A

Council Adoption: 26/03/2019

Relevant Policy: N/A

Reviewed/Modified: 08/21, 03/22, 03/23

Relevant Delegation: N/A

Delegation from Council DC665
Cats – Local Government Functions

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Governance and Ranger Services

Delegation to:	Chief Executive Officer
Statutory Reference:	Section 44 of the <i>Cat Act 2011</i>
Powers and Duties:	Perform any power or duty of the ‘local government’ under the <i>Cat Act 2011</i> .
Conditions:	Not Applicable

Delegation Number:	DC665	Relevant Management Practice:	N/A
Council Adoption:	26/03/2019	Relevant Policy:	N/A
Reviewed/Modified:	08/21, 03/22, 03/23	Relevant Delegation:	N/A

Delegation from Council DC677
Bush Fires Act 1954– Local Government Functions

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	All business units

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

Delegation Number: DC677

Relevant Management Practice: N/A

Council Adoption: 26/03/2019

Relevant Policy: N/A

Reviewed/Modified: 08/21, 03/22

Relevant Delegation: N/A

Delegation from Council DC703 Minor Amendments to Delegations Register and Policies

Responsible Business Unit/s	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Governance

Delegation to: Chief Executive Officer

Statutory Reference: Sections 5.42 and 5.44 of the *Local Government Act 1995*

Powers and Duties: The delegate is authorised to make amendments to format, spelling, grammar, titling, responsible/affected business units/officers and minor errors within the text of Delegations and Policies that have already been endorsed by Council.

Conditions: Such changes must not alter the intent of the documents.

Delegation Number:	DC703	Relevant Management Practice:	N/A
Council Adoption:	13/12/2022	Relevant Policy:	N/A
Reviewed/Modified:	03/23	Relevant Delegation:	N/A