

TOWN OF CLAREMONT  
DELEGATED  
AUTHORITY REGISTER





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## DA3

### Appoint Authorised Persons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, and Subdivision 2 – Certain provisions about land]. s.9.10 Appointment of authorised persons.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i> and its subsidiary legislation, including <i>Local Government Act Regulations</i> , the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the <i>Local Government Act</i> . [s.3.24 and s.9.10]. 2. Authority to appoint authorised person for the purposes of the <i>Graffiti Vandalism Act 2016</i> , which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power [s.15 of the <i>Graffiti Vandalism Act 2016</i> ].
<b>Council Conditions on this Delegation:</b>	a) A register of Authorised Persons is to be maintained as a Local Government Record. b) Only persons who are appropriately qualified and trained may be appointed as Authorised persons.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b>	

## DELEGATED AUTHORITY



<i>Conditions on the original delegation also apply to the sub-delegations:</i>	
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<b>Compliance Links:</b>	<a href="#"><u>Local Government Act 1995:</u></a> s9.10 Appointment of authorised persons
<b>Record Keeping:</b>	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.  A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.

## Version Control

<b>1</b>	OCM 17/7/2018 – Annual Review – No amendment
<b>2</b>	OCM 18/6/2018 – Annual Review – No amendment



## DA4

### Disposing of Property

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.58(2) and (3) Disposing of Property.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to:               <ol style="list-style-type: none"> <li>a) to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>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)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with s.3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> </ol>



<b>Council Conditions on this Delegation:</b>	<p>a) 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.</p> <p>b) In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$100,000 or less.</p> <p>c) When determining the method of disposal:</p> <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal:</li> <li>• Reserve price has been set by independent valuation.</li> <li>• Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:</li> <li>• Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>• Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.</li> </ul> <p>d) Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s. 5.44 CEO may delegate some powers and duties to other employees.</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Manager Engineering
<b>CEO Conditions on this Sub-Delegation:</b>	Applicable to vehicle changeovers only.



## DELEGATED AUTHORITY



Conditions on the original delegation also apply to the sub-delegations:	
<b>Compliance Links:</b>	<a href="#"><u>Local Government Act 1995:</u></a> s.3.58 Disposal of Property. <a href="#"><u>Local Government (Functions and General) Regulations 1996:</u></a> r.30 Dispositions of property excluded from the Act s.3.58. LG510 Disposal Policy Property Management Framework
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment





## DA5A

### Electoral Roll Eligibility Claims and Electoral Roll

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s. 4.32(4), (5A) and (5) Eligibility to enrol under s. 4.30, how to claim. s. 4.34 Accuracy of Enrolment Details to be Maintained. s. 4.35 Decision That Eligibility to Enrol Under s. 4.30 Has Ended. s. 4.37 New Roll for Each Election.  <i>Local Government (Elections) Regulations 1995:</i> 11(1a) Nomination of Co-owners or Co-occupiers — s. 4.31. r. 13(2) and (4) Register – s. 4.32(6)
<b>Delegate:</b>	<b>Director Corporate and Governance</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> </ol>



	10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
<b>Council Conditions on this Delegation:</b>	Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees

<b>Compliance Links:</b>	Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

### Version Control

<b>1</b>	CEO 31/10/2018 D-18- 33050 : New Delegation
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## DA6

### Rate Record – Objections

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s. 6.76 Grounds of Objection.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	a) Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. b) 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)].
<b>Council Conditions on this Delegation:</b>	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Corporate and Governance
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

<b>Compliance Links:</b>	<b>Note –</b> Decisions under this delegation may be referred for review by the State Administration Tribunal.
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<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.
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**Version Control**

<b>1</b>	OCM 17/7/2018 – Annual Review – No amendment
<b>2</b>	CEO 31/10/18 D-18-33050
<b>3</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA7

### Defer, Grant Discounts, Waive or Write Off Debts

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to Defer, Grant Discounts, Waive or Write Off Debts
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Waive a debt which is owed to the Town of Claremont [s.6.12(1)(b)] 2. Grant a concession in relation to money which is owed to the Town of Claremont [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Town of Claremont [s.6.12(1)(c)]
<b>Council Conditions on this Delegation:</b>	a) This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. b) A debt may be waived for charitable or not-for profit community groups c) A concession may only be granted to charitable or not for profit community groups d) 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 Town of Claremont. e) Limited to individual or cumulative debts valued below \$500. Write off of debts greater than these values must be referred for Council decision.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.

## DELEGATED AUTHORITY



<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Corporate and Governance
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

<b>1</b>	OCM 17/7/2018 – Annual Review – No amendment
<b>2</b>	CEO 31/10/18 D-18-33050
<b>3</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA8

### Rate Record Amendment

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate Record
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine any requirement to amend the rate record for the five years preceding the current financial year [s.6.39(2)(b)].
<b>Council Conditions on this Delegation:</b>	1. Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Corporate and Governance
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

<b>Compliance Links:</b>	<a href="#"><i>Local Government Act 1995:</i></a> s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.
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## DELEGATED AUTHORITY



	<b>Note</b> – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

<b>1</b>	OCM 17/7/2018 – Annual Review – Amended
<b>2</b>	CEO 31/10/18 D-18-33050
<b>3</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA9

### Payments of Accounts

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers or duties to the CEO. s. 5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Council Conditions on this Delegation:</b>	Authority to make payments is subject to annual budget limitations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Corporate and Governance Manager Finance
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	In accordance with Bank Accounts and Payments Policy LG530 <ul style="list-style-type: none"> <li>• Director Corporate and Governance may only act as Primary Signatory for payments not exceeding \$150,000</li> <li>• Manager Finance may only act as Primary Signatory for payments not exceeding \$75,000</li> </ul>

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a>
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## DELEGATED AUTHORITY



	<p><a href="#"><u>Local Government (Financial Management) Regulations 1996:</u></a></p> <p>Refer specifically Regulation 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><a href="#"><u>Local Government (Audit) Regulations 1996</u></a></p> <p>Department of Local Government, Sport and Cultural Industries <a href="#"><u>Operational Guideline No.11 – Use of Corporate Credit Cards</u></a></p> <p>Department of Local Government, Sport and Cultural Industries: <a href="#"><u>Accounting Manual</u></a></p>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

<b>1</b>	OCM 17/7/2018 – Annual Review – Amendment
<b>2</b>	CEO 31/10/18 D-18-33050
<b>3</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA10

### Tenders for Goods and Services

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)]</li> <li>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&amp;G r.11(f)].</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget [F&amp;G.r.11(2).</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps</li> </ol>



	<p>to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</p> <p>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</p> <p>9. Authority to accept, or reject tenders, only within the dollar value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)].</p> <p>10. 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 dollar value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</p> <p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</p> <p>12. Authority to decline any tender [F&amp;G r.18(5)].</p> <p>13. 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&amp;G r.20(2)]</p> <p>14. Authority to, vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the contract OR is a renewal or extension that was included in the original tender submission in accordance with r.11(2)(j). [F&amp;G r.21A].</p> <p>15. 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&amp;G r.18(6) &amp; (7)].</p>
<b>Council Conditions on this Delegation:</b>	<p>1. In accordance with s.5.43, tenders may only be accepted where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget. In such cases and prior to exercising this delegation, the CEO is to notify Elected Members and provide details in relation to the tender, submissions, assessment including selection criteria, and scoring outcomes. Elected members will have 72 hours in which to comment and any one Elected Member can in writing stating reasons, call for the tender to be referred to Council for determination.</p> <p>2. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> <li>A detailed specification;</li> <li>The outcomes of market testing of the specification;</li> <li>The reasons why market testing has not met the requirements of the specification; and</li> <li>Rationale for why the supply is unique and cannot be sources through other suppliers;</li> </ol>

## DELEGATED AUTHORITY



	<p>3. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> <li>proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,</li> <li>current supply contract expiry is imminent and</li> <li>value of the proposed new contract has been included in the draft Annual Budget proposed for adoption.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees.</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

<b>Compliance Links:</b>	<p><a href="#"><i>Local Government (Functions and General) Regulations 1996:</i></a></p> <p>LG509 Procurement Policy</p>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

1	OCM 17/7/2018 – Annual Review – Amended
2	OCM 18/6/2019 – Annual Review – No amendment



## DA11

### Variation to Capital Works and Operating Costs

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.2.7(2)(a) Role of Council - oversee allocation of local government finances and resources
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To approve variations to capital works and operating costs to a level plus/minus 15% of the adopted budget for the specific project or operating costs item to the total value of \$500,000.
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>Variations are to be retained within overall annual budget allocation</li> <li>Variations to be reported within monthly financial reports</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a>
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<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.
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**Version Control**

<b>1</b>	OCM 17/7/2018 – Annual Review – amended
<b>2</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA12

### Investments

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	a) 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)]. b) Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
<b>Council Conditions on this Delegation:</b>	i. All investment activity must comply with the Financial Management Regulation 19C and Council's Investment Policy LG511. ii. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. iii. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. iv. 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]
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.

## DELEGATED AUTHORITY



<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Corporate and Governance
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	<ol style="list-style-type: none"> <li>1. All investments are to be signed (indicating use of delegated power) by either the Director Corporate and Governance or the Chief Executive Officer.</li> <li>2. All re-investments are to be signed (indicating use of delegated power) by either the Director Corporate and Governance or the Chief Executive Officer.</li> </ol>
<b>Compliance Links:</b>	<a href="#"><u>Local Government (Financial Management) Regulations 1996:</u></a> Refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy LG511 Investment Policy
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

1	OCM 17/7/2018 – Annual Review – no amendments
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment





## DA22

### Determination of Planning Related Matters

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning &amp; Development (Local Planning Schemes) Regulations 2015:</i> cl.82 Delegations by local government.
<b>Express Power or Duty Delegated:</b>	<i>Planning &amp; Development (Local Planning Schemes)</i> Determination of planning matters
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Council delegates to the Chief Executive Officer its power cl. 82 of the <i>Planning and Development (Local Planning Schemes) 2015</i> to determine: <ol style="list-style-type: none"> <li>All planning related matters inclusive of determination of development applications for all residential, commercial, light industrial, community and recreational development in accordance with the provisions of the Residential Design Codes, Town Planning Scheme No. 3 (TPS3) and any planning related Council Policy or Local Law;</li> <li>Any other planning related matters including preparation of documentation and responses for applications, comments and recommendations to the Western Australian Planning Commission (inclusive of clearances for subdivision conditions), Department of Planning, Swan River Trust, State Heritage Office of Western Australia, and any other government department and instrumentality on matters associated with subdivision/amalgamation and/or the development of land.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<b>Notification to Elected Members</b> That the Chief Executive Officer informs Elected Members about any planning application for which Delegation DA22 is to be exercised, and provides Elected Members with details in relation to the proposal, consultation responses, the validity of any objection, the way in which any objection has been addressed and variations to standards required. The following applications may be determined under this delegation without prior notification to Elected Members, providing a list of the determinations is provided to Elected Members within one week of the delegation being exercised: <ol style="list-style-type: none"> <li>Applications for clearance of subdivision conditions and plans;</li> <li>Applications for Section 40 Certification of liquor licences;</li> <li>Applications for residential development where an automatic refusal is issued due to a lack of discretion (or State Administrative</li> </ol>



	<p>Tribunal review right) to approve the application under TPS3, the Residential Design Codes or a Council Local Law;</p> <ol style="list-style-type: none"> <li>4. Recommendations in regard to an application which is to be determined by another authority where refusal is to be issued due to a lack of discretion (or State Administrative Tribunal review right) to approve the application under TPS3, the Residential Design Codes or a Council Local Law, and</li> <li>5. Any application which is substantively the same as an application which has been previously determined by Council.</li> </ol> <p>Elected Members are to be notified of all other applications for determination and be given 72 hours in which to comment. Any one Elected Member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation DA22.</p> <p><u>Relevant and Non-Relevant Planning Matter(s) for Consideration</u></p> <p>For the purposes of this Delegation, the following matters are a 'relevant planning matter(s)':</p> <ol style="list-style-type: none"> <li>1. Matters to be considered by Council under the Schedule 2 deemed provisions (cl.67) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (LPS Regs.);</li> <li>2. Any development standard or requirement in TPS3;</li> <li>3. Any design element in the Residential Design Codes where the application calls for consideration of the design principles; or</li> <li>4. Any clarification in a Planning Policy adopted under the requirements of TPS3 or Local Law gazetted under the LG Act.</li> </ol> <p>For the purposes of this Delegation, the following matters are not a 'relevant planning matter(s)':</p> <ul style="list-style-type: none"> <li>• Impacts on property price;</li> <li>• Matters that are usually dealt with under a building permit, including (but not limited to) the <i>Dividing Fences Act 1961</i> and <i>Strata Titles Act 1985</i>.</li> <li>• Matters of personal hardship or compassionate issues unrelated to amenity impact and orderly and proper planning;</li> <li>• Incorrect assumptions on technical planning matters;</li> <li>• Any design element in the Residential Design Codes where the application achieves the deemed-to-comply requirements of the Residential Design Codes and the impacts of that design element are not considered to have a detrimental affect the amenity of the locality in accordance with the Schedule 2 deemed provisions (cl.67) of the LPS Regs, or</li> <li>• Any claim for adverse possession of land.</li> </ul> <p><u>Exclusions</u></p> <p>Delegations 1 and 2 above are subject to the following exclusions and accordingly these matters are to be referred to Council for determination:</p> <ul style="list-style-type: none"> <li>• Any development where an objection containing a 'relevant planning matter' has been received and the objection has not been resolved or addressed to the satisfaction of the Town by modifications to the plan, or by the application of conditions of approval, or by refusal of the application;</li> </ul>
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	<ul style="list-style-type: none"> <li>Any development application or request for reconsideration which is to be referred to the Metropolitan West Joint Development Assessment Panel (not including minor variations to plans or conditions of approval determined by Council under Regulation 17A of the <i>Planning and Development (Development Assessment Panels) Amendment Regulations 2016</i>;</li> <li>Any planning application resulting from an application for review to the State Administrative Tribunal where the initial determination was made by Council;</li> <li>Any subdivision application comment to the Western Australian Planning Commission for proposals producing more than two lots or any subdivision of two lots or more which is not consistent with a Council Development Approval or an approved Structure Plan or Local Development Plan/Detailed Area Plan;</li> <li>Any planning related application referred to an advisory committee of the Council.</li> </ul> <p>An application to remove a heritage listed property from the Town's TPS3 Heritage List and Local Government Inventory, or demolish the heritage lists property (unless the officer recommendations is for refusal due to non-compliance with the requirements of Council's Local Planning Policy 2/2015 – Retention of Heritage Places, Heritage Areas and Heritage Precincts).</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Planning &amp; Development (Planning Schemes) Regulations 2015:</i></p> <p>cl.83 Local government CEO may delegate powers.</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	<p>Director Planning and Development</p> <p>Manager Statutory Planning and Building</p>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	<p>No further conditions.</p>

<b>Compliance Links:</b>	<p><a href="#">Local Government Act 1995:</a></p> <p>Schedule 2 deemed provisions (cl. 81-84) of the LPS Regs.</p>
<b>Record Keeping:</b>	<p>Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.</p>





**Version Control**

<b>1</b>	OCM 17/7/2018 – Annual Review – No amendment
<b>2</b>	CEO 1/1/2018 Amended
<b>3</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA23

### Authorisation to do Things on Land that is not Property of the Local Government

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.27 Particular things local governments can do on land that is not local government property s.3.36 Opening fences
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Council delegates its power to the Chief Executive Officer to do any of the things prescribed in Schedule 3.2 even though the land on which it is done is not local government property and the Town does not have consent to do it. The things prescribed are: <ol style="list-style-type: none"> <li>1. Carry out works for the drainage of land.</li> <li>2. Do earthworks or other works on land for preventing or reducing flooding.</li> <li>3. Take from land any native growing or dead timber, earth, stone, sand, or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence, or gate.  <div style="text-align: right;">s3.36 applies s.3.27(3) applies</div> </li> <li>4. Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel, and other material that persons engaged in making or repairing a thoroughfare, bridge, culvert, fence, or gate do not, in the local government's opinion, require.  <div style="text-align: right;">s.3.36 applies s.3.27(3) applies</div> </li> <li>5. Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare.  <div style="text-align: right;">s.3.36 applies s.3.27(3) applies</div> </li> <li>6. Place on land signs to indicate the names of public thoroughfares.</li> </ol>

## DELEGATED AUTHORITY



	7. Make safe a tree that presents serious and immediate danger, without having given the owner the notice otherwise required by regulations.
<b>Council Conditions on this Delegation:</b>	NIL
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Infrastructure
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

<b>Compliance Links:</b>	<a href="#"><u>Local Government Act 1995.</u></a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment



## DA25

### Authority Relating to Building Provisions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.18 Further information s.20 Grant building permit s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose conditions on Permit s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and ((3) Conditions imposed by permit authority s.65(4) Extension of period of duration s.96(3) authorised persons s.99(3) Limitations on powers of authorised person <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.23(3)) r. 26 Approval of new responsible person (s.35(c )) r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65) r.70 Approved and Authorised Officers
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ul style="list-style-type: none"> <li>• Approve or refuse on behalf of Council applications for Building and Demolition Permits;</li> <li>• Approve; extend the period of duration, modify or refuse applications for a Grant of Occupancy Permit and Building Approval Certificate; and</li> </ul>



	<ul style="list-style-type: none"> <li>Appoint such officers or agents as deemed necessary as Authorised Persons</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>Building Permits comply with: <ul style="list-style-type: none"> <li>The Building Code of Australia</li> <li>Council Policies</li> <li>Planning Approval (where applicable)</li> <li>Residential Design Codes.</li> </ul> </li> <li>Demolition Permits where the building, which is the subject of the Demolition Permit, is not included on Council's Municipal Inventory</li> <li>Building Certification services for any uncertified application for a Class 1 or 10 building is to be provided by a Registered Building Surveyor Practitioner in accordance with the Building Act 2011.</li> <li>Refer Notices to Council's Solicitors where it is considered appropriate.</li> <li>Decisions made by authorised persons to be in accordance with r. 5 of the Building Regulations 2012.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011:</i></p> <p>s 127(6A) Delegation: special permit authorities and local governments</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Planning and Development Designated Building Surveyor - City of Nedlands Manager Statutory Planning and Building
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Sub- delegation to the designated Building Surveyor, City of Nedlands does not include the issue of demolition permits. Sub-delegation to Manager Statutory Planning and Building limited to issue of issue of demolition permits only.

<b>Compliance Links:</b>	<p><a href="#"><i>Building Act 2011:</i></a></p> <p>Sections 20, 21, 22, 58, 65, 110, 117 and 127.</p>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

### Version Control

1	OCM 17/7/2018 – Annual Review – Amended
2	CEO 31/10/18 D-18-33050



3	OCM 18/6/2019 – Annual Review – No amendment
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## DA26

### Closure of Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.50 Closing certain thoroughfares to vehicles. s.3.50A Partial closure of thoroughfare for repairs or maintenances. s.3.51 Affected owners to be notified of certain proposals
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to:               <ul style="list-style-type: none"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>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]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions 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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a) 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)].</li> <li>b) Maintain access to adjoining land [s.3.52(3)]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i>



## DELEGATED AUTHORITY



	s.5.44 CEO may delegate some powers and duties to other employees.
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Infrastructure
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Limited to closures for periods of less than four weeks.

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

<b>1</b>	OCM 17/7/2018 – Annual Review – No amendment
<b>2</b>	CEO 31/10/18 D-18-33050
<b>3</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA27

### Control Reserves and Certain Unvested Facilities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.53(3) Control of certain unvested facilities. s.3.54(1) Reserves under control of local government
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

<b>Compliance Links:</b>	Property Management Framework
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<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.
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**Version Control**

<b>1</b>	OCM 17/7/2018 – Annual Review – Amended
<b>2</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA28

### Issue and Revocation of Building Orders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) and (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building orders. s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effects. s.118(2) and (3) Permit authority may give effect to building order if non-compliances. s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to:               <ol style="list-style-type: none"> <li>a) Building work</li> <li>b) Demolition work</li> <li>c) An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to:               <ol style="list-style-type: none"> <li>a) take any action specified in the order ; or</li> <li>b) commence or complete any work specified in the order; or</li> <li>c) if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>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)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol>

## DELEGATED AUTHORITY



	7. Notices to be referred to Council's solicitors where it is considered necessary.
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s 127(6A) Delegation: special permit authorities and local governments)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Planning and Development Designated Building Surveyor - City of Nedlands
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

<b>Compliance Links:</b>	<a href="#"><u>Building Act 2011:</u></a> s.111 Notice of proposed building order other than building order (emergency) s.112 Content of building order s.113 Limitation on effect of building order s.114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

1	OCM 17/7/2018 – Annual Review – No amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment





## DA30A

### Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority DA30B Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Corporate and Governance
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a>
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## DELEGATED AUTHORITY



<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.
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### Version Control

<b>1</b>	OCM 17/7/2018 – Annual Review – New Delegation
<b>2</b>	CEO 31/10/18 D-18-33050
<b>3</b>	OCM 18/6/2019 – Annual Review – No amendment





## DA30B

### Confiscated or Uncollected Goods

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Corporate and Governance
<b>CEO Conditions on this Sub-Delegation:</b>	No further conditions.

## DELEGATED AUTHORITY



Conditions on the original delegation also apply to the sub-delegations:	
<b>Compliance Links:</b>	<i>Local Government Act 1995:</i> Part 3, Division 3, Subdivision 3: s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

1	OCM 17/7/2018 – Annual Review – New Delegation
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment



## DA31

### Parking and Parking Restrictions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Town of Claremont Parking Local Law 2016:</i> cl.1.9 Powers of the local government
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Council delegates its power to the Chief Executive Officer under the Parking and Parking Facilities Local Law 2016: a) to prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or class of vehicle in any part of a parking region (but must do so consistent with the provision of this Local Law), and b) all other functions necessary for the implementation of the Local Law.
<b>Council Conditions on this Delegation:</b>	NIL
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

## DELEGATED AUTHORITY



<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> <a href="#">Town of Claremont Parking Local Law 2016</a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

<b>1</b>	OCM 17/7/2018 – Annual Review – no amendment
<b>2</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA33

### Issuing Strata Titles – Certification of Local Government

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Western Australia Planning Commission Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005</i> Instrument of Delegation DEL 2009/03 – Powers of Local Governments <i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Section 25 of Strata Titles Act 1985</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Functions conferred on local governments, and exercisable by the Town of Claremont, under the <i>Strata Titles Act 1985</i> (other than the functions conferred by sections 23(3) and 24 of that Act.
<b>Council Conditions on this Delegation:</b>	Does not apply to functions under sections 23(4) and 24 of the <i>Strata Titles Act 1985</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Planning and Development
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	

<b>Compliance Links:</b>	<a href="#">Strata Titles Act 1985</a>
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<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.
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**Version Control**

<b>1</b>	OCM 17/7/2018 – Annual Review – no amendment
<b>2</b>	OCM 18/6/2019 – Annual Review – No amendment



## DA35

### Illegal Development – Direction to Stop Work

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> s214(2) Illegal development, responsible authority's powers as to
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Give a written direction to the owner or any other person undertaking a development, or any part of a development, which is in contravention of the Town of Claremont planning scheme, to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme.
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer must report the exercise of this delegation to the Council no later than to the next occurring ordinary meeting of the Council.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Nil
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	



<b>Compliance Links:</b>	<a href="#"><i>Planning and Development Act 2005</i></a> <a href="#"><i>Local Government Act 1995</i></a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

### Version Control

<b>1</b>	OCM 17/7/2018 – Annual Review – no amendment
<b>2</b>	OCM 18/6/2019 – Annual Review – No amendment





## DA36

### Approval of Signage

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO. s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.5 Legislative power of local governments <i>Town of Claremont Local Law relating to Signs</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a précis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Council delegates to the Chief Executive Officer under the Local Law-Relating to Signage its power to give a written determination on applications for Sign Licence.
<b>Council Conditions on this Delegation:</b>	<p><b>Notification to Elected Members</b></p> <p>Where an application for signage proposes a variation to the Local Law – Relating to Signs, or the exercise of discretion under the Council Policy PS202 – Town Centre Zone Signage, the Chief Executive Officer or Executive Manager Planning and Development informs Elected Members about any signage application for which Delegation DA36 is to be exercised, and provides details in relation to the proposal, consultation responses, the validity of any objection, the way in which any objection has been addressed and variations to standards required.</p> <p>Where the sign application involves structural elements (equivalent to details contained in a Building Permit), any approval of the application is to be subject to a condition requiring an application for a Building Permit for separate determination in accordance with the provisions of the Building Act 2011.</p> <p>Elected Members are to be given 72 hours in which to comment. Any one Elected Member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation 36.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i>

## DELEGATED AUTHORITY



	s.5.44 CEO may delegate some powers and duties to other employees.
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Planning and Development Manager Statutory Planning and Building
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> Town of Claremont Local Law Relating to Signs <a href="#">Building Act 2011</a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

1	OCM 17/7/2018 – Annual Review – no amendment
2	CEO 31/10/18 D-18-33050
3	OCM 18/6/2019 – Annual Review – No amendment



## DA37

### Dog Act 1976

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1975:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976</i> <i>Dog Regulations 2013</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a précis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Council delegates to the Chief Executive Officer all the powers and duties of the local government under the <i>Dog Act 1976</i>
<b>Council Conditions on this Delegation:</b>	s.26 Limitation as to numbers – <i>Dog Act 1976</i> cl.3.2 – Limitation on number of dogs - Town of Claremont Dogs Local Law 2012: <ol style="list-style-type: none"> <li>1. An exemption –               <ol style="list-style-type: none"> <li>a) Be granted where no adverse submissions received in relation to an application.</li> <li>b) Applies only to the dogs specified in the exemption</li> <li>c) Be limited to the keeping of up four dogs that have reached three months of age.</li> </ol> </li> <li>2. Notification to Elected Members               <ol style="list-style-type: none"> <li>a) That the Chief Executive Officer informs Elected Members about any exemption application for which Delegation DA13 is to be exercised, and provides Elected Members with details in relation to the proposal and consultation responses.</li> </ol> </li> </ol> <p>Elected Members are to be notified of all applications for determination and be given 72 hours in which to comment. Any one Elected Member can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of Delegation DA13.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

## DELEGATED AUTHORITY



<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Corporate and Governance
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	No further conditions.

<b>Compliance Links:</b>	<a href="#">Dog Act 1976</a> <a href="#">Town of Claremont Dogs Local Law 2012</a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

1	OCM 18/6/2019 – Annual Review – New Delegation (replaces DA 13 & DA29)
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## DA38

### Food Act 2008

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Town of Claremont Council
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.65 Prohibition order s.66 Certificate of clearance to be given in certain circumstances s.67 Request for re-inspection s.110 Registration of food businesses s.112 Variation of conditions or cancellation of registration of food businesses s.122 Appointment of authorised officers s.123 Certificates of authority s.126 Infringement notices
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Director Corporate and Governance</b> <b>Manager Health Services</b> <b>Senior Environmental Health Officer</b>
<b>Function:</b> <i>This is a précis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	That Council: 1. Delegates to the Chief Executive Officer the following powers: <ul style="list-style-type: none"> <li>• Appointment of authorised officers under s. 122 of the Act;</li> <li>• Issue of certificates of authority under s. 123 of the Act;</li> <li>• Appointment of designated officers under s.126(2), (6) and (7) of the Act to issue, extend time for payment or withdraw infringement notices.</li> </ul> 2. Delegates to the Director Corporate & Governance and the Manager Health Services the following powers: <ul style="list-style-type: none"> <li>i. Issue a prohibition order, issue a certificate of clearance; provide written notification not to issue certificate of clearance approval under s. 65, 66 and 67 of the Act.</li> </ul> 3. Delegates to the Director Corporate & Governance, the Manager Health Services and the Senior Environmental Health Officer the following powers: <ul style="list-style-type: none"> <li>i. Grant, apply conditions, refuse, vary or cancel registration of a food business under s.110 and 112 of the Act</li> </ul>
<b>Council Conditions on this Delegation:</b>	The CEO may at their discretion, refer any matter to Council for consideration.

## DELEGATED AUTHORITY



<b>Express Power to Sub-Delegate:</b>	Nil: The <i>Food Regulations 2009</i> do not provide the power to sub delegate.
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Not applicable
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Not applicable

<b>Compliance Links:</b>	<a href="#">Food Act 2008</a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

<b>1</b>	OCM 18/6/2019 – Annual Review – New Delegation
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## DA39

## Environmental Protection Notice

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Department of Water and Environmental Protection
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department
<b>Express Power or Duty Delegated:</b>	<i>Environmental Protection Act 1986:</i> s.65 Environmental protection notices, issue and effect of;
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a précis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Delegates to the CEO the power to issue to the owner, occupier or both of a premises a notice (environmental protection notice) if the CEO suspects on reasonable grounds that <ul style="list-style-type: none"> <li>a. there is, or is likely to be, an emission from any premises, and the emission — <ul style="list-style-type: none"> <li>i. does not comply with or would not if it were emitted comply with a standard required by or under an approved policy or a prescribed standard; or</li> <li>ii. has caused or is likely to cause pollution; or</li> </ul> </li> <li>b. a person is doing, or is likely to do, an act in contravention of section 50A or 50B on the <i>Environmental Protection Act 1986</i> on any premises; or</li> <li>c. an activity on premises does not comply with a standard required by or under an approved policy or a prescribed standard,</li> </ul>
	The CEO may at their discretion, refer any matter to Council for consideration.
<b>Express Power to Sub-Delegate:</b>	Nil: The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.
<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Not applicable

## DELEGATED AUTHORITY



<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Not applicable
<b>Compliance Links:</b>	<a href="#"><i>Environmental Protection Act 1986</i></a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

### Version Control

<b>1</b>	OCM 18/6/2019 – Annual Review – New Delegation
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## DA40

### Noise Control – Noise Management Plans

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Department of Water and Environmental Protection
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department
<b>Express Power or Duty Delegated:</b>	<i>Environmental Protection (Noise) Regulations 1997:</i> Regulation 13 - Construction Sites
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a précis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Delegates to the CEO the power to – <ul style="list-style-type: none"> <li>require and approve a noise management plan in respect of a construction site for works carried out between 7am and 6pm on any day which is not a Sunday or public holiday,</li> <li>require and approve a noise management plan in respect of a construction site for works carried out for hours other than above with requirement to give notice to impacted residents.</li> </ul>
	The CEO may at their discretion, refer any matter to Council for consideration.
<b>Express Power to Sub-Delegate:</b>	Nil: The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Not applicable
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Not applicable

<b>Compliance Links:</b>	<a href="#">Environmental Protection Act 1986</a>
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## DELEGATED AUTHORITY



<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

<b>1</b>	OCM 18/6/2019 – Annual Review – New Delegation
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## DA41

### Noise Control – Waste Collection, Community Activities, Sporting, Cultural and Entertainment Events

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Department of Water and Environmental Protection
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department
<b>Express Power or Duty Delegated:</b>	<i>Environmental Protection (Noise) Regulations 1997:</i> Regulation 14A & 14B Waste Collection Regulation 16 Community Activities Regulation 18 Sporting, Cultural or Entertainment Events
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a précis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Delegates to the CEO the power to – <ul style="list-style-type: none"> <li>• require and approve noise management plans relating to waste collection works under regulation 14A &amp; 14B</li> <li>• issue noise control notices in respect of community noise under regulation 16</li> <li>• approval of events or venues for sporting, cultural and entertainment events under Part 2, Division 7, subject to the following limitation- <ul style="list-style-type: none"> <li>◦ .subregulation 18(13)(b) is not delegated.</li> </ul> </li> </ul>
	The CEO may at their discretion, refer any matter to Council for consideration.
<b>Express Power to Sub-Delegate:</b>	Nil: The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Not applicable
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Not applicable

## DELEGATED AUTHORITY



<b>Compliance Links:</b>	<a href="#"><i>Environmental Protection Act 1986</i></a>
<b>Record Keeping:</b>	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' on TRIM and any other supporting documentation.

## Version Control

<b>1</b>	OCM 18/6/2019 – Annual Review – New Delegation
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