

**M20/5749 2020 REVIEW OF THE CITY OF MELVILLE COUNCIL DELEGATIONS OF
AUTHORITY**

Attachment 8 – Amended delegations (absolute majority required)

Key to amendments:

Blue, underlined = new text

~~Red, strike-through = deleted text~~

DA-007 Leasing/Licensing of Property

Delegator: Council Process Owner: Exec Manager Governance and Legal Services		Delegation No. DA – 007 Last Review Date: 16 June 2020	
Description	Authority to dispose of property by way of lease/licence or hire agreement including to advertise disposal in accordance with section 3.58 of the Act; negotiate , execute and administer lease and contractual documents for the purposes of a lease, licence or hire agreement, including assignment, extension and renewal .		
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 3.58(2) and (3) - Disposing of property		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 - CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	Delegation to CEO limited to disposal of an interest in land/property by leasehold or licence or a hire agreement to an annual property rental value of \$100,000 per annum (excl. GST) and a maximum lease term of ten years. Sub-delegation is limited to disposal of property by way of lease/licence or hire agreement to a value of \$50,000 per annum (excl. GST) and a maximum term of five years.		
Compliance links	<i>Local Government (Functions & General) Regulations 1996</i> Regulation 30 - Dispositions of property with market value less than \$20,000 excluded from section 3.58 of Act.		
Policy Reference	CP-005 – Land and Property Retention, and Disposal and Acquisition Related Delegation: DA-008 Disposition of Land and Other Assets		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: PROPERTY MANAGEMENT – Leases-Licences-Agreements-Contracts 22.07 7D COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Confirmed by Council	Ordinary Meeting of Council	15 May 2007	C07/5007
Substantive Amendments	Ordinary Meeting of Council	16 June 2020	M20/5749 Amended to incorporate delegations previously recorded in DA009, DA011 and DA-087

DA-015 Bonds for **Uncompleted Works**

Delegator: Council		Delegation No. DA – 015	
Process Owner: Director Urban Planning		Last Review Date: 16 June 2020	
Description	Authority to determine the value of and conditions associated with the lodgement of cash bonds or other performance bonds for uncompleted works associated with the subdivision or development of land that may affect thoroughfares and public places ; and to approve the return or payment of such bonds upon the completion of the works or event.		
Statutory Power or Duty Delegated	Local Government (Uniform Local Provisions) Regulations 1996 Regulation 6(4)(c) and (d) Obstruction of public thoroughfare Regulation 11(6)(b) and (c) Dangerous excavation in or near public thoroughfare Regulation 17(5) Private works on, over, or under public places		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers and duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	None		
Compliance links	<i>Local Government Act 1995</i> Schedule 9.1 Local Government (Uniform Local Provisions) Regulations 1996		
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Adopted by Council	Technical Services Committee	5 November 1996	T96/8030
Substantive Amendments	Ordinary Meeting of Council	16 June 2020	M20/5749 Amend to clarify circumstances when delegation exercised.

DA-016 Approvals under Administration of Local Laws

Delegator: Council	Delegation No. DA – 016
Process Owner: Chief Executive Officer	Last Review Date: 16 June 2020
Description	Authority to administer City of Melville Local Laws.
Statutory Power or Duty Delegated	<p>Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and to exercise discretion as provided for and pursuant to any City of Melville Local Laws:</p> <ol style="list-style-type: none"> 1. Activities in Thoroughfares, Public Places and Trading Local Law 2014 2. By-laws relating to Fences 1966 3. Dog Local Law 2005 4. Health Local Laws 1997 5. Local Government Property Local Law 2010 6. Local Law relating to Firebreaks 1997 7. Local Law relating to Street Numbering 2006 8. Parking Local Law 2016
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 Delegation of some powers and duties to the CEO
Delegated to	Chief Executive Officer
Statutory Power to sub delegate:	Local Government Act 1995 Section 5.44 CEO may delegate powers and duties to other employees
Sub Delegated to:	
Conditions on Delegation/Sub Delegation	Sub-delegates hold delegated authority only with respect to specific local laws as prescribed in the sub-delegation matrix.
Compliance links	<i>Local Government Act 1995</i> Part 9 Division 1 Objections and Review Part 9 Division 2 Enforcement and Legal Proceedings
Policy Reference	CP - 068: - Street Numbering Policy Australian Standard AS/NZS 4819: 2003: Geographic Information - Rural and Urban Addressing Local Law relating to Street Numbering SPP 7.3 Residential Design Codes CP – 078 - Residential Development Policy LPP 2.2 Outdoor Advertisements and Signage Policy CP-097 Parking Permit Policy
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P
Period of Validity	Ongoing
Adopted by Council	Planning & Development Services Committee 12 November 1996 P96/7023

Substantive Amendments	Ordinary Meeting of Council 16 June 2020 M/5749 Amended to align with legislative provisions, add policy and legislative references
-------------------------------	--

DA-020 Planning and Related Matters

Delegator: Council Process Owner: Chief Executive Officer	Delegation No. DA – 020 Last Review Date: 16 June 2020
Description	<p>Authority to:</p> <ul style="list-style-type: none"> • consider and determine all planning applications for approval to commence and carry out development within the district under the City of Melville's local planning scheme and other related matters and appeals received; and • amend or cancel development approval; and • make recommendations to the Western Australian Planning Commission, Department of Planning, Lands and Heritage Department of Parks and Wildlife (for Swan River Trust), Heritage Council, State Heritage Office, Joint Metro Central Development Assessment Panel and other government departments and instrumentalities on matters associated with the subdivision and/or development of land; and • determine the extent and nature of public consultation required for all planning matters having regard for the statutory requirements of Local Planning Scheme No. 6, the Residential Design Codes of Western Australia and Local Planning Policy.
Statutory Power or Duty Delegated	Planning and Development (Local Planning Scheme) Regulations 2015 – Powers and duties of local government provided for in: Schedule 2 Part 8 Applications for development approval Schedule 2 Part 9 Dealing with applications for development approval
Statutory Power to Delegate	Planning and Development (Local Planning Schemes) Regulations 2015 <ul style="list-style-type: none"> • Schedule 2 Part 10 Division 2 Clause 82 – Delegations by local government
Delegated to	Chief Executive Officer
Statutory Power to sub delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 <ul style="list-style-type: none"> • Schedule 2 Part 10 Division 2 Clause 83 – Local government CEO may delegate powers
Sub Delegated to:	In accordance with the sub-delegation matrix approved by the CEO.

<p>Conditions on Delegation/Sub Delegation</p>	<p>Exercise of delegation subject to the following restrictions and conditions:</p> <ol style="list-style-type: none"> 1. The provisions of Local Planning Policy 1.1 Planning Process and Decision Making apply. 2. Delegation to determine an application under clause 68 of the Planning and Development (Local Planning Scheme) Regulations is not to be exercised where the delegated officer has undertaken the assessment of the application unless the assessment and recommendation is first checked by another appropriate delegated officer listed in this delegation. <p>This delegation excludes the following powers</p> <ul style="list-style-type: none"> • Adopt or amend a Local Planning Policy other than minor administrative changes to reflect grammatical or numbering changes • Amend the Local Planning Scheme • Determine an application for the modification or closure of a Public Access Way • Adopt or amend a Local Development Plan
<p>Compliance links</p>	<ul style="list-style-type: none"> • Local Planning Scheme # 6 • Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2; • <i>Planning and Development Act 2005</i>; • Planning and Development Regulations 2009; • State Planning Policies; • WAPC Delegation 2017/02, as amended (development on land zoned under the MRS); and • WAPC Delegation 2009/03 (s25 of the <i>Strata Titles Act 1985</i>). • Local Law relating to Street Numbering 2006 • By-laws relating to Fences 1996
<p>Policy Reference</p>	<p>All Local Planning Policies. State Planning Policies</p>
<p>Recordkeeping</p>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P And relevant subject index</p>
<p>Period of Validity</p>	<p>Ongoing</p>
<p>Adopted by Council</p>	<p>Planning & Development Services Committee 12 November 2007 P96/7023</p>
<p>Substantive Amendments</p>	<p>Ordinary Meeting of Council 16 June 2020 M20/5749</p> <p>Amended to align description to WAPC delegation and to relevant legislative provisions.</p>

DA-027 Rejecting and Accepting Tenders ~~Expressions of Interest~~ and/or Applications for Pre-Qualified Supplier Panels

Delegator: Council Process Owner: Chief Executive Officer	Delegation No. DA – 027 Last Review Date: 16 June 2020
Description	<p>Authority to accept tenders, expressions of interest and applications for pre-qualified supplier panels for capital projects, up to the value of \$550,000 (excluding GST), including any minor variations applied in accordance with the legislation, per tender or application</p> <p>Authority to accept tenders, expressions of interest and applications for pre-qualified supplier panels for capital projects, up to the value of \$550,000 (excluding GST), including any minor variations applied in accordance with the legislation, per tender or application, per contract year.</p> <p>Authority to decline to accept any tender and to accept the withdrawal of a tender once awarded.</p>
Statutory Power or Duty Delegated	Local Government Act 1995 Section 3.57 Tenders for providing goods and services Section 9.49B Contract formalities
Statutory Power to Delegate	Local Government Act 1995 Section 5.42 - Delegation of some powers or duties to the CEO
Delegated to	Chief Executive Officer
Statutory Power to sub delegate:	Local Government Act 1995 Section 5.44 CEO may delegate powers and duties to other employees
Sub Delegated to:	
Conditions on Delegation/Sub Delegation	Maximum threshold \$550,000 (excluding GST) per contract year. Decision to be made following receipt and consideration of a recommendation from the Contracts and Tenders Advisory Unit (CTAU).
Compliance links	<p>Local Government (Functions and General) Regulations 1996</p> <ul style="list-style-type: none"> Regulation 11 When tenders have to be publicly invited Regulation 13 Requirements when a local government invites tenders though not required to do so Regulation 14 Publicly inviting tenders, requirements for Regulation 15 Minimum time to be allowed for submitting tenders Regulation 18 Rejecting and accepting tenders Regulation 20 Variation of requirements before entry into contract Regulation 21 Limiting who can tender, procedure for Regulation 22 Minimum time to be allowed for submitting EoI Regulation 24AH Rejecting and accepting applications to join panel of pre-qualified suppliers Regulation 23 Rejecting and accepting expressions of interest to be acceptable tenderer <p>DA-028 Minor Contract Variations and Selection of Next Successful Tenderer</p>
Policy Reference	CP - 023 – Procurement Policy

Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P
Period of Validity	Ongoing
Confirmed by Council	Ordinary Meeting of Council 15 May 2007 C07/5007
Substantive Amendments	Ordinary Meeting of Council 16 June 2020 M20/5749 Amended to remove reference to expressions of interest (covered in DA-030) and unnecessary reference to “capital projects”

DA-028 Contract Variations and Selection of Next Successful Tenderer

Delegator: Council Process Owner: Director Corporate Services		Delegation No. DA – 028 Last Review Date: 16 June 2020
Description	<p>Pre Award</p> <ol style="list-style-type: none"> 1. Power to make a minor variation to the goods and services specified and enter into a contract with the chosen tenderer for the supply of the varied requirement. 2. Power to select the next most advantageous tenderer if the chosen tenderer does not agree on a contract with the varied requirements. <p>The authorised officer, after having invited tenders for the supply of goods or services and chosen a successful tenderer, but before having entered into a contract, may, without again inviting tenders, make a minor variation,[†] if required, to the goods or services specified, and then enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.</p> <p>If the chosen tenderer does not want to accept the contract with the variation or the authorised officer and the tenderer cannot reach an agreement, the authorised officer can select the next most advantageous tenderer (if any).</p> <p>Post Award Following acceptance of a tender and having entered into a contract for the supply of products or services, authorise variations which are unforeseen may be authorised, following the contract variation procedure</p>	
Statutory Power or Duty Delegated	Local Government (Functions and General) Regulations 1996 Regulation 20 Variation of requirements before entry into the contract Regulation 21A Varying a contract for the supply of goods or services	
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO	
Delegated to	Chief Executive Officer	
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 CEO may delegate powers and duties to other employees	
Sub Delegated to:		
Conditions on Delegation/Sub Delegation	A minor variation means a variation that does not significantly increase the risk to the City associated with the terms and conditions, and does not fundamentally alter the scope of works and/or the goods or services that tenderers were invited to supply. Post-contract variations are to be made following the post award contract variation procedure	

Compliance links	Local Government (Functions and General) Regulations 1996 Regulation 11 When tenders have to be publicly invited Regulation 20 Variation of requirements before entry into contract Regulation 21A Varying a contract for the supply of goods or services Post Award Contract Variation Directorate Procedure DA – 027 Rejecting and Accepting Tenders and/or Applications for Pre-Qualified Supplier Panels
Policy Reference	CP - 023 Procurement Policy
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P
Period of Validity	Ongoing
Confirmed by Council	Ordinary Meeting of Council 15 May 2007 C07/5007
Substantive Amendments	Ordinary Meeting of Council 16 June 2020 M20/5749 Simplified description.

DA-032 Granting of a Concession or Writing off Debts Owed to the Council

Delegator: Council		Delegation No. DA – 032	
Process Owner: Director Corporate Services		Last Review Date: 16 June 2020	
Description	<ol style="list-style-type: none"> 1. Authority to determine what conditions apply to the granting of a concession proposed to be undertaken (except for rates & service charges). 2. Authority to waive or grant concessions in relation to any amount of money except for rates & service charges; or 3. Write off any amount of money that is owed to the local government (including rates & service charges). 		
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 6.12(1)(b) – waive or grant concessions and (c) – write off any amount of money Section 6.12(3) – grant of concession under s.6.12(1)(b) may be subject to any conditions		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	Chief Executive Officer – Limit \$10,000 for any one item Any write offs in accordance with function 3 above are to be notified to the Council in the next available Council meeting in the CEO report that presents the monthly Statements of Financial Activity. This delegation does not apply to waiving fees or granting concessions in relation to the Community Partnership Fund, which is to be done under delegation DA-115.		
Compliance links			
Policy Reference	CP - 025 Accounting Policy		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Confirmed by Council	Ordinary Meeting of Council	15 May 2007	C07/5007
Substantive Amendments	Ordinary Meeting of Council	16 June 2020	M20/5749 Amended conditions to differentiate from waivers and concessions granted under the Community Partnership Fund under DA-115.

DA-036 Release of Confidential Information

Delegator: Council Process Owner: Chief Executive Officer		Delegation No. DA – 036 Last Review Date: 16 June 2020
Description	Authority to release information prescribed as confidential that where under the <i>Local Government Act 1995</i> Section 5.95 (7) and <i>Local Government (Administration) Regulations 1996</i> Clause 29A (2), Council has resolved the information may be available for inspection without specifying a release date if a local government so resolves .	
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 5.95 (7)	
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO	
Delegated to	Chief Executive Officer	
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 - CEO may delegate powers and duties to other employees	
Sub Delegated to:	None	
Conditions on Delegation/Sub Delegation	None	
Compliance links	<i>Local Government (Administration) Regulations 1996</i> 29A(2)	
Policy Reference		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P	
Period of Validity	Ongoing	
Adopted by Council	Ordinary Meeting of Council 15 May 2007 C07/5007	
Substantive Amendments	Ordinary Meeting of Council 16 June 2020 M20/5749 Amended to clarify circumstances under which delegation may be exercised.	

DA-044 Disputes between Multiple Local Governments

Delegator: Council Process Owner: Chief Executive Officer		Delegation No. DA – 044 Last Review Date: 16 June 2020
Description	Authority to refer a matter to the Minister to resolve a dispute between two or more Local Governments	
Statutory Power or Duty Delegated	<i>Local Government Act 1995 Section 9.63(1)</i>	
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO	
Delegated to	Chief Executive Officer	
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 - CEO may delegate powers and duties to other employees	
Sub Delegated to:	None	
Conditions on Delegation/Sub Delegation	Chief Executive Officer must consult with the Mayor prior to referring a dispute to the Minister. Sub-delegation is not permitted.	
Compliance links	None	
Policy Reference	None	
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P	
Period of Validity	Ongoing	
Adopted by Council	Ordinary Meeting of Council 15 May 2007 C07/5007	
Substantive Amendments	Ordinary Meeting of Council 16 June 2020 M20/5749 Amended to insert a requirement to consult with Mayor before referring a dispute and to prohibit sub-delegation.	

DA-046 Notice to Owner or Occupier Requiring Certain Actions to be Undertaken

Delegator: Council Process Owner: Director Community Development	Delegation No. DA – 046 Last Review Date: 16 June 2020
Description	<ol style="list-style-type: none"> 1. Power to give a person who is the owner or occupier of land, a notice in writing relating to the land requiring the person to do a thing that - <ol style="list-style-type: none"> (a) is prescribed in Schedule 3.1 Division 1, or (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2. 2. In the event of non-compliance with a notice given under s.3.25, do anything necessary to achieve the purpose for which the notice was given and recover the cost of anything done under s.3.26(2) from the person who failed to comply with the notice given under s.3.25.
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 3.25 Notice requiring certain things be done by owner or occupier of land Subsection 3.26(2) local government may do anything necessary to achieve the purpose for which the notice was given Subsection 3.26(3) local government may recover the cost of anything it does under s.3.26(2) from the person who failed to comply with the notice
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO
Delegated to	Chief Executive Officer
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 – CEO may delegate powers and duties to other employees
Sub Delegated to:	
Conditions on Delegation/Sub Delegation	
Compliance links	<i>Local Government Act 1995</i> Section 3.24 – Authorising persons under this Subdivision. Section 3.26 Additional powers when notices given Section 3.27 – Particular things local government can do on land that is not local government property. Schedule 3.1 Powers under notices to owners or occupiers of land
Policy Reference	Nil
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P
Period of Validity	Ongoing
Confirmed by Council	Ordinary Meeting of Council 15 May 2007 C07/5007

Substantive Amendments	Ordinary Meeting of Council Amended to consolidate delegated powers under s.3.25 and 3.26 by transferring records of delegation from DA-047 and DA-048 to this instrument.	16 June 2020	M20/5749
-------------------------------	---	--------------	----------

DA-050 Entry onto Private Land

Delegator: Council Process Owner: Director Community Development		Delegation No. DA – 050 Last Review Date: 16 June 2020	
Description	Power to give notice and authorise persons to enter land, premises or thing in accordance with Part 3 Division 3 Subdivision 3 of the Local Government Act 1995		
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 3.32 Notice of entry Section 3.34 Entry in emergency		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 – CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	None		
Compliance links	<i>Local Government Act 1995</i> Part 3 Division 3 Subdivision 3 - Powers of entry		
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Confirmed by Council	Ordinary Meeting of Council	15 May 2007	C07/5007
Substantive Amendments	Ordinary Meeting of Council	16 June 2020	M/5749

DA-051 Making an Opening in a Fence

Delegator: Council		Delegation No. DA –	
Process Owner: Director Technical Services		Last Review Date: 16 June 2020	
Description	Authority to make an opening in a fence to do prescribed works on property subject to providing the owner or occupier with 3 days written notice.		
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 3.36 Opening fences		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 – CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	None		
Compliance links	<i>Local Government Act 1995</i> Schedule 3.2 Particular things local government can do on land that is not local government property		
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Confirmed by Council	Ordinary Meeting of Council	15 May 2007	C07/5007
Substantive Amendments			

DA-053 Abandoned Vehicle Wreck

Delegator: Council Process Owner: Director Community Development		Delegation No. DA – 053 Last Review Date: 16 June 2020	
Description	Power to authorise a person to remove and impound an abandoned vehicle wreck. 3.40A (1) Authority to declare that a vehicle is an abandoned vehicle wreck		
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 3.40A(4)		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 – CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	None		
Compliance links			
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Confirmed by Council	Ordinary Meeting of Council	15 May 2007	C07/5007
Substantive Amendments	Ordinary Meeting of Council	16 June 2020	M20/5749 Amended to remove reference to authorising officers to remove and impound wreck.

DA-054 Sale and Disposal of Impounded and Confiscated Goods

Delegator: Council Process Owner: Director Community Development	Delegation No. DA – 054 Last Review Date: 16 June 2020
Description	<ol style="list-style-type: none"> 1. Authority to withhold goods impounded or removed under sections 3.39, 3.40 and 3.40A until the costs of removing, impounding and keeping them have been paid. 2. Authority to sell or otherwise dispose of any goods that have been ordered to be confiscated by a court under section 3.43. 3. Authority to sell or otherwise dispose of any vehicle that has not been collected within two months of a notice having been given under section 3.40(3) or seven days of a declaration being made that a vehicle is an abandoned vehicle wreck. 4. Authority to sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44. 5. Authority to humanely destroy an impounded animal and dispose of the carcass if it is ill or injured to such an extent that treating it is not practicable. If an impounded animal is ill or injured to such an extent that treating it is not practicable, the authorised person(s) may humanely destroy the animal and dispose of the carcass
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 3.46 Goods may be withheld until costs paid Section 3.47 Confiscated or uncollected goods, disposal of Section 3.48(1) Sick or injured animals, disposal of
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO
Delegated to	Chief Executive Officer
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 – CEO may delegate powers and duties to other employees
Sub Delegated to:	
Conditions on Delegation/Sub Delegation	None
Compliance links	None
Policy Reference	None
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P
Period of Validity	Ongoing
Confirmed by Council	Ordinary Meeting of Council 15 May 2007 C07/5007
Substantive Amendments	Ordinary Meeting of Council 16 June 2020 M20/5749 Amended to delegate power under s.3.46.

DA-055 Authorised Persons (Local Government Act)

Delegator: Council Process Owner: Chief Executive Officer		Delegation No. DA – 055 Last Review Date: 16 June 2020
Description	Authority to appoint persons or classes of persons to be authorised to perform certain functions and exercise certain powers under the Local Government Act and regulations and local laws made thereunder.	
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 9.10(1) – Appointment of authorised persons for the purposes of performing particular functions.	
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO Public Health Act 2016 Section 21(1)(b)(i)	
Delegated to	Chief Executive Officer	
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 - CEO may delegate powers and duties to other employees	
Sub Delegated to:		
Conditions on Delegation/Sub Delegation	Persons authorised must be issued with a certificate or card stating they are authorised in accordance with the requirements of Section 9.10(2)	
Compliance links	<i>Local Government Act 1995</i> Section 3.24 Authorising persons under this subdivision. Section 3.31(2) General Procedure for entering property Section 3.39 Power to remove and impound Section 3.40(A)(1) Abandoned vehicle wreck may be taken Section 9.11 Persons to give name on demand Section 9.13 Onus of proof in vehicle offences may be shifted Section 9.16 Notice, giving to alleged offender Section 9.24 Prosecutions, commencing Section 9.49A(3)(b) Execution of documents	
Policy Reference	None	
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P	
Period of Validity	Ongoing	
Substantive Amendments	Ordinary Meeting of Council 15 May 2007 C07/5007	
Substantive Amendments	Ordinary Meeting of Council 13 May 2016 P16/3733 Amended to add delegation to designate authorised officers under s.24 of the Public Health Act 2016 Ordinary Meeting of Council 16 June 2020 M20/5749 Amended to remove delegation under s.24 of the Public Health Act and transfer it to new instrument of delegation.	

DA-061 ~~Prosecutions,~~ Notices and Legal Proceedings – Urban Planning Matters

Delegator:	Council (as responsible authority)	Delegation No. DA – 061
		Last Review Date: 16 June 2020
Process Owner:	Director Urban Planning	
Description	<p style="color: red;">Authority to commence and have the carriage and conduct of legal proceedings and other matters pursuant to the <i>Planning and Development Act 2005</i> and to:</p> <ol style="list-style-type: none"> 1. Give written directions; 2. Prosecute an offence; 3. Seek an injunction; 4. Issue an infringement; and 5. Generally undertake the powers and functions of a responsible authority set out in Part 13 of the <i>Planning and Development Act 2005</i> <p style="color: blue;"><u>Authority to give written directions under section 214(2), (3) and (5) of the the <i>Planning and Development Act 2005</i> and issue notices under Part 10 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i></u></p>	
Statutory Power or Duty Delegated	<p><i>Planning and Development Act 2005</i> – Part 13 Section 214(2), (3) and (5) Illegal development, responsible authority's powers <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2 Part 10 Division 1 Powers of local government</p>	
Statutory Power to Delegate	<p><i>Local Government Act 1995</i> Section 5.42(1)(b) Delegation to CEO of powers and duties under the <i>Planning and Development Act 2005</i> section 214(2), (3) or (5). <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 (Deemed provisions for local planning schemes) Clause 82 Delegations by local government</p>	
Delegated to	Chief Executive Officer	
Statutory Power to sub delegate:	<p><i>Local Government Act 1995</i> Section 5.44 CEO may delegate powers and duties to other employees. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 (Deemed provisions for local planning schemes) Clause 83 Local government CEO may delegate powers (including those delegated to the CEO under clause 82)</p>	
Sub Delegated to:		
Conditions on Delegation/Sub Delegation		
Compliance links	<p><i>Planning and Development Act 2005</i> Part 13 Enforcement and Legal Proceedings <i>Criminal Procedure Act 2004</i> Part 3 Prosecutions in Courts of</p>	

	Summary Jurisdiction
Policy Reference	Planning Compliance – Directorate Procedure and Work Instruction
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P And relevant subject index
Period of Validity	Ongoing
Adopted by Council	Ordinary Meeting of Council 12 May 2015 M15/5418
Substantive Amendments	Ordinary Meeting of Council 16 June 2020 M20/5749 Amended to remove non-delegable powers

DA-062 Notices & Permissions – ~~Objections and Appeals~~

Delegator: Council Process Owner: Chief Executive Officer		Delegation No. DA – 062 Last Review Date: 16 June 2020	
Description	Authority to grant, vary or renew permissions and issue notices pursuant to Part 3, Division 3, Subdivision 2 of the Local Government Act 1995 and the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>		
Statutory Power or Duty Delegated	Powers and duties of the local government under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 - CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	<i>Local Government Act 1995</i> Part 3 Division 3 Subdivision 2 Certain provisions about land Part 9 Division 1 Objections and Review		
Compliance links	<i>Local Government Act 1995</i> Part 3 Division 3 Subdivision 2 Certain provisions about land Part 9 Division 1 Objections and Review		
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Adopted by Council	Administration & Community Services Committee 4 November 1996 A96/1031		
Substantive Amendments	Ordinary Meeting of Council 16 June 2020 M20/5749 Amended to restrict to notices and permissions under the <i>Local Government (Uniform Local Provisions) Regulations</i>		

DA-077 Actions in Respect to Land Where Rates or Service Charges are Unpaid After Three Years

Delegator: Council Process Owner: Director Corporate Services		Delegation No. DA – 077 Last Review Date: 16 June 2020	
Description	Take possession of rateable land for which rates or service charges have been unpaid for at least three years		
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 6.64 If rates or service charges in respect of any rateable land have been unpaid for at least 3 years the local government may take possession of the land and: (a) from time to time lease the land; or (b) sell the land; or (c) cause the land to be transferred to the Crown; or (d) cause the land to be transferred to [the City of Melville] (e) where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it and in accordance with the relevant provisions of the Local Government Act, set a time at which the land, in respect of which there are outstanding rates or service charges, may be offered for sale by public auction		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation			
Compliance links	<i>Local Government Act 1995</i> Part 6, Division 6, Subdivision 6 – Actions against land where rates or service charges unpaid Schedule 6.2 – Provisions relating to lease of land where rates or service charges unpaid Schedule 6.3 – Provisions relating to sale or transfer of land where rates or service charges unpaid		
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Confirmed by Council	Ordinary Meeting of Council	15 May 2007	C07/5007

**Substantive
Amendments**

Ordinary Meeting of Council 16 June 2020 M20/5749
Amended to remove reference to lodging caveats which is covered
in DA-076.

DA-081 Closure of Thoroughfares

Delegator: Council		Delegation No. DA – 081	
Process Owner: Director Technical Services		Last Review Date: 16 June 2020	
Description	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare to vehicles, wholly or partially for a period not exceeding four weeks (s.3.50(1)). 2. Authority, after providing public notice of its intention and reasons, inviting submissions and then considering submissions, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding four weeks (s.3.50(1a)). 3. Authority to revoke an order to close a thoroughfare. (s.3.50(6)) 4. Authority to partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare (s.3.50A). 		
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 3.50 Closing certain thoroughfares to vehicles Section 3.50A Partial closure of thoroughfare for repairs and maintenance		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 - CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation			
Compliance links			
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: PLANNING AND DEVELOPMENT - Road Closures 20.18 7D COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Confirmed by Council	Ordinary Meeting of Council	15 May 2007	C07/5007
Substantive Amendments			

DA-085 Parking Control Schemes

Delegator: Council Process Owner: Director Technical Services		Delegation No. DA – 081 Last Review Date: 16 June 2020	
Description	Authority to prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region, in accordance with the provisions of the Parking Local Law.		
Statutory Power or Duty Delegated	City of Melville Parking Local Law 2016 Clause 1.10 – Powers of the local government		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	None		
Compliance links	City of Melville Parking Local Law 2016		
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Adopted by Council	Technical Services Committee	5 September 2000	T00/8028
Substantive amendment by Council or CEO	Ordinary Meeting of Council	16 June 2020	M20/5749 Amended title and description to align with the power stated in the Parking Local Law.

**DA-115 Non-Monetary Grants (waive or grant concessions on fees)
– Community Partnership Fund**

Delegator:	Council	Delegation No. DA – 115	
Process Owner:	Director Community Development	Last Review Date: 16 June 2020	
Description	Authority to waive or grant a concession in relation to hire fees for City of Melville owned equipment and facilities as approve a non-monetary or in-kind grant as part of the existing Community Partnership Fund program		
Statutory Power or Duty Delegated	<i>Local Government Act 1995</i> Section 6.12(1)(b) waive or grant concessions in relation to any amount of money (other than money owing in respect of rates or service charges) Section 6.12(3) Determine conditions to apply to the grant of any concession		
Statutory Power to Delegate	<i>Local Government Act 1995</i> Section 5.42 - Delegation of some powers or duties to the CEO		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Local Government Act 1995</i> Section 5.44 CEO may delegate powers and duties to other employees		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	Financial limits: Chief Executive Officer – Limit of \$500 for any one item Exercise of this delegation is to be in accordance with the Community Partnership Funding Directorate Procedure.		
Compliance links	DA-032 – Granting of a Concession or Writing Off Debts Owed to the Council		
Policy Reference	CP-025 Accounting Policy CP-095 Non-Monetary Grants Policy Community Partnership Fund		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Adopted by Council	Ordinary Meeting of Council	16 June 2015	CD15/8073
Substantive Amendments	Ordinary Meeting of Council	16 June 2020	M20/5749 Amended to clarify statutory power being delegated.

DA-121 Graffiti Vandalism

Delegator: Council Process Owner: Director Technical Services		Delegation No. DA – 121 Last Review Date: 16 June 2020	
Description	The Administration, Service of Notices, Enforcement and Prosecutions relating to The exercise of local government powers and the discharge of local government duties under Part 3 of the Graffiti Vandalism Act 2016.		
Statutory Power or Duty Delegated	<i>Graffiti Vandalism Act 2016</i> Section 18 Notice requiring removal of graffiti Section 19 Additional powers when notice is given Section 25 Local government graffiti powers on land not local government property Section 28 Notice of entry		
Statutory Power to Delegate	<i>Graffiti Vandalism Act 2016</i> Section 16 Delegation by local government		
Delegated to	Chief Executive Officer		
Statutory Power to sub delegate:	<i>Graffiti Vandalism Act 2016</i> Section 17 Delegation by CEO of local government		
Sub Delegated to:			
Conditions on Delegation/Sub Delegation	This delegation excludes Section 22(3) Dealing with objection to decision to give a notice, which is a matter reserved to Council.		
Compliance links	<i>Graffiti Vandalism Act 2016</i> Section 15 Application Division 4 Powers of entry Local Government Act 1995 Part 9 Division 1 Objections and review		
Policy Reference	None		
Recordkeeping	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
Period of Validity	Ongoing		
Adopted by Council	Ordinary Meeting of Council	20 June 2017	M17/5552
Substantive Amendments	Ordinary Meeting of Council	16 June 2020	M20/5749 Amended to cover all Part 3 powers and duties of local government.