



City of  
**Melville**

# **City of Melville Statutory Delegation and Authorisation Manual**

## **Including Registers of Delegations**

---

### **2024-2025**

**To search for a particular delegation, use  
CTRL+F on your keyboard to open the  
Find function.**

Updated 17 September 2024

# Statutory Delegation and Authorisation Manual Including Registers of Delegations

---

<b>Part 1 - Introduction</b> .....	<b>1</b>
1.1 - Structure of this Document .....	2
1.2 - Background .....	2
1.3 - Legislated Register of Delegations .....	3
1.4 - Statutory Delegation by Local Governments .....	3
1.5 - Alternatives to Delegation: Appointments, Authorisation and Acting Through .....	5
1.6 - Statutory Delegations and Authorisations by External Agencies .....	6
<b>Part 2 - Register of Statutory Delegations by Council</b> .....	<b>7</b>
Division 1 - <i>Local Government Act 1995</i> and Regulations and Local Laws .....	8
DA-006 Unvested Facilities in Two or More Districts .....	10
DA-007 Leasing/Licensing of Property .....	11
DA-008 Disposition of Land and Other Assets .....	12
DA-015 Bonds for Works .....	14
DA-016 Administration of Local Laws .....	15
DA-024 Senior Employees .....	18
DA-026 Determination of Criteria for Acceptance of Tenders and Pre-Qualified Supplier Panels .....	19
DA-027 Rejecting and Accepting Tenders and/or Applications for Pre-Qualified Supplier Panels .....	20
DA-028 Contract Variations and Selection of Next Successful Tenderer .....	21
DA-030 Consideration of Expressions of Interest to Supply Products or Services .....	22
DA-031 Reimbursement of Expenses for Employee Committee Members .....	23
DA-032 Granting of a Concession or Writing off Debts Owed to the Council .....	24
DA-033 Power to Invest .....	25
DA-035 Payment of Accounts from Municipal or Trust Funds .....	26
DA-038 District Boundary Adjustment .....	27
DA-044 Disputes between Local Governments .....	28
DA-046 Notice to Owner or Occupier Requiring Certain Actions to be Undertaken .....	29
DA-049 Power to Carry Out Works on Private Land .....	30
DA-050 Entry on to Private Land .....	31
DA-051 Making an Opening in a Fence .....	32
DA-053 Declare Abandoned Vehicle Wreck .....	33
DA-054 Sale and Disposal of Impounded and Confiscated Goods .....	34
DA-062 Notices & Permissions .....	35
DA-063 Management of Vested Land .....	36
DA-074 Due Date of Rates and Service Charges .....	37
DA-075 Actions Against Lessees of Land Where Rates or Service Charges Are Unpaid .	38

DA-076 Lodgement of Caveats Against Land Where Rates or Service Charges Are Unpaid .....	39
DA-077 Actions in Respect to Land Where Rates or Service Charges are Unpaid After Three Years .....	40
DA-079 Compensation to the Owners of Property.....	41
DA-081 Closure of Thoroughfares.....	42
DA-083 Consultation Regarding Fixing, Altering or Realigning a Public Thoroughfare .....	43
DA-085 Parking Control .....	44
DA-088 Severance Payment to Employees.....	45
DA-115 Non-Monetary Grants (Grant Concessions or Waive Fees) – Community Partnership Fund.....	46
DA-129 Appoint Officer/s to Receive and Withdraw Complaints (Elected Members Code of Conduct) .....	47
Division 2 - <i>Building Act 2011</i> and Regulations.....	48
DA-098 Authorised Persons (Building Act).....	49
DA-103 Inspection and Copies of Building Information.....	51
DA-105 Prosecutions and Legal Proceedings – Building Matters.....	53
DA-126 Building and Demolition Permits.....	54
DA-127 Occupancy Permits and Building Approval Certificates .....	55
DA-128 Building Orders .....	57
Division 3 - <i>Bush Fires Act 1954</i> and Regulations .....	59
DA-022 Legal Proceedings – Bush Fires.....	60
DA-023 Performance of Functions Under the Bush Fires Act 1954 .....	61
Division 4 <i>Cat Act 2011</i> and Regulations .....	62
DA-125 Delegation of Duties and Powers under the Cat Act 2011 .....	63
Division 5 - <i>Dog Act 1976</i> and Regulations.....	64
DA-122 Delegation of Duties and Powers under the Dog Act 1976 .....	65
Division 6 - <i>Food Act 2008</i> and Regulations .....	66
DA-073 Delegations Under the Food Act 2008.....	67
Division 7 - <i>Graffiti Vandalism Act 2016</i> and Regulations.....	68
DA-121 Graffiti Vandalism.....	69
Division 8 - <i>Health (Miscellaneous Provisions) Act 1911</i> and ( <i>Health (Asbestos) Regulations 1992</i> ) .....	70
DA-123 Authority to Appoint Approved and Authorised Officers for the Purposes of the Criminal Procedure Act .....	71
Division 9 - <i>Planning and Development Act 2005</i> and Planning and Development (Local Planning Schemes) Regulations 2015 .....	72
DA-020 Planning and Related Matters .....	75
DA-061 Enforcement and Legal Proceedings – Planning Matters .....	79
Division 10 - <i>Public Health Act 2016</i> and Regulations.....	80
DA-124 Designation of Authorised Officers (Public Health Act).....	81
<b>Part 3 - Register of Statutory Delegations by the CEO (excluding sub-delegations) .....</b>	<b>82</b>
Division 1 - <i>Local Government Act 1995</i> and Regulations and Local Laws .....	83

DA-003C Destruction of Records .....	85
DA-004C Rates or Service Charge Payment Agreements.....	86
DA-006C Authority to Approve Deputations .....	87
DA-007C Access to Electoral or Ratepayer Details .....	88
DA-008C Authority to Extend Time to Pay and to Withdraw Infringement Notices.....	89
DA-009C Appointment of Authorised Persons (Local Government Act) .....	90
<b>Part 4 - Statutory Authorisations and Appointments by Council .....</b>	<b>91</b>
Division 1 - <i>Local Government Act 1995</i> and Regulations and Local Laws .....	92
Persons Authorised by Council to Sign Documents on Behalf of the City.....	93
Division 2 - <i>Health (Miscellaneous Provisions) Act 1911</i> and Regulations and Local Laws made thereunder .....	95
Appointment of Deputies under the Health (Miscellaneous Provisions) Act 1911 .....	96
Division 3 - <i>Litter Act 1979</i> .....	98
Appointment of Person Authorised to Withdraw Infringement Notices Issued under Part V of the <i>Litter Act 1979</i> .....	99
<b>Part 5 - Statutory Delegations and Authorisations to the City of Melville from External Agencies .....</b>	<b>100</b>
Division 1 - Environmental Protection Act 1986 .....	101
5.1.1 Noise Control – Environmental Protection Notices .....	101
5.1.2 Noise Management Plans in relation to Specific Works or Venues, Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events .....	102
5.1.3 Noise Management Plans .....	103
Division 2 - Planning and Development Act 2005 .....	104
5.2.1 Instrument of Authorisation – Sign Development Applications for Crown Land as Owner .....	104
5.2.2 Development Control Powers – Metropolitan Region Scheme.....	107
5.2.2A WA Planning Commission – Resolution under Clause 32 of the Metropolitan Region Scheme .....	112
5.2.3 WA Planning Commission – Section 25 of the Strata Titles Act 1985 .....	115
Division 3 - Main Roads Act 1930 .....	117
5.3.1 Parking Regulation on Verges of Main Roads and Highways .....	118
5.3.2 Traffic Management Signs – Road Works .....	120
5.3.3 Traffic Management Signs – Events on Roads.....	123
5.3.4 Removal of Unattended Animals and Unattended Vehicles from the Main Roads Network.....	126
<b>Part 6 - Guidance Notes for the Granting and Exercise of Delegations of Authority .....</b>	<b>130</b>
<b>Revoked Delegations .....</b>	<b>132</b>

# Part 1 - Introduction

## 1.1 - Structure of this Document

Part 1 provides general background to delegations and authorisations in the City of Melville, including the statutory context.

Parts 2 and 3 comprise the City's Register of Delegations as required by section 5.46 of the *Local Government Act 1995*, section 47 of the *Cat Act 2011*, section 10AB of the *Dog Act 1976*, and Clause 84 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Part 2 contains instruments of delegation from the Council to the CEO. These instruments include sub-delegations from the CEO to other employees where relevant. Each Division under this Part deals with a specific primary statute, and the specific enabling provisions and any limitations or conditions on the power of delegation are described at the beginning of the division.

Part 3 contains delegations from the CEO to employees of powers and duties assigned to the CEO by legislation. All current CEO delegations are made under the *Local Government Act 1995* section 5.44. This part excludes sub-delegations from the CEO to other officers of delegated powers, which are included in the instrument of delegation from Council listed in Part 2.

Part 4 contains statutory authorisations and appointments by the Council relating to the CEO or any other officer. Currently Council has made an authorisation under the *Local Government Act 1995* and an appointment under the *Health (Miscellaneous Provisions) Act 1911*. Each Division under this Part deals with a specific primary statute. The specific enabling provisions and any limitations or conditions on the authorisation power are described at the beginning of each division.

Part 5 lists delegations and authorisations granted to the local government, the CEO or to specified local government employees by State agencies that are primarily responsible for assisting in the administration of the relevant legislation. These delegations may contain conditions regarding the officers who may exercise the delegation. The officers or classes of officers who have been allocated responsibility for the exercise of the delegated or authorised functions are listed below the copy of the instrument of delegation or authorisation.

Part 6 provides guidance notes for the use of delegations and authorisations.

## 1.2 - Background

Council is responsible for the overall government of the City's affairs and the performance of the City's functions. The CEO is responsible, among other functions, for the management of the day-to-day administration of the operations of the City, including the management of other employees, for advising Council and for implementing the decisions of Council.

Legislation applicable to local government may reserve specific powers and duties to the Council, the CEO or a defined authorised person or class of persons. Where legislation grants a power or imposes a duty on 'local government', this is conventionally interpreted to mean the Council unless otherwise specified even if the power or duty is operational in nature.

The functions and powers allocated to local governments by legislation are so many and so diverse that it would be unrealistic to expect any Council to make every discretionary decision itself. The business of local government could not be carried out under such conditions.

## Part 1 - Introduction

Where permitted by legislation, delegation of authority is a practical and prudent mechanism to facilitate timely decisions within legislative constraints and to ensure decisions are made lawfully by a delegate with appropriate technical expertise or experience. Delegations are made by the Council where permitted under relevant legislation in order to enable the efficient and orderly governance of the City. Under some legislation, the CEO may also delegate statutory or delegated powers to another person.

Safeguards may be incorporated into delegations such as limiting the circumstances in which a delegation can be exercised or imposing financial or other limits to the delegated power.

The delegation of a power or duty does not preclude a delegator from exercising or performing that power or duty itself or by acting through any employee authorised, by job description or otherwise, to carry out a function as the agent of, and on behalf of, the local government in accordance with approved policies.

A person granted a delegation is not obliged to exercise the delegated power and may, if circumstances indicate, refer the decision back to the delegator.

Legislation varies in how delegation of authority is provided for, including limitations, conditions and reporting or review requirements. Reviews of delegations, where required by law, are the responsibility of the delegator.

Under the *Local Government Act 1995* and some other legislation, persons affected by specified decisions made under delegated authority have a right under Part 9 Division 1 of the *Local Government Act 1995* to lodge an objection to the decision, which must be considered by Council, and/or to seek a review of the decision by the State Administrative Tribunal.

### 1.3 - Legislated Register of Delegations

Section 5.46 of the *Local Government Act 1995* requires:

- (1) The CEO to keep a register of the delegations made to the CEO and to employees under Part 5 Division 4 of that Act;
- (2) Delegations made under Part 5 Division 4 of that Act to be reviewed by the delegator at least once every financial year; and
- (3) Every person to whom a power or duty is delegated under that Act to keep prescribed records in relation to the exercise of the delegated authority.

Similar requirements apply to delegations under the *Cat Act 2011*, *Dog Act 1976* and *Planning and Development Act 2005*.

Other Acts conferring powers and duties on local governments do not specify such requirements for recording and review, but for the purposes of consistency and convenience, all delegations are listed in this register.

### 1.4 - Statutory Delegation by Local Governments

Delegation provisions in legislation are generally stated in the form 'a local government may delegate to [specified delegate(s)] its powers and duties under this Act'. Sometimes the delegation power may relate only to a part of the Act and sometimes it may refer to 'functions'. Under the *Interpretation Act 1984*, a 'function' includes powers, duties, responsibilities, authorities and jurisdictions.

A Council delegation is unnecessary where the legislation has conferred a specified function or power directly on the CEO or on another defined class of authorised persons. Section 50(1)

of the *Interpretation Act 1984* specifies that *'Where a written law confers upon a person power to do or enforce the doing of any act or thing, all such powers shall also be deemed to be conferred on the person as are reasonably necessary to enable him to do or to enforce the doing of the act or thing.'*

Delegations are therefore restricted to the statutory powers, duties and functions explicitly conferred or imposed on the delegator by legislation, and are often referred to as statutory delegations. Broadly, sections 58 and 59 of the *Interpretation Act 1984* provide for how delegations are to be made and exercised.

Delegation is appropriate for functions requiring the broad exercise of independent discretion in decision-making. A delegate is not expected to seek approval for their decisions under delegation. Section 58 of the *Interpretation Act 1984* clarifies this independence:

*'Where under a written law the performance of a function by a person is dependent upon the opinion, belief, or state of mind of that person in relation to a matter and that function has been delegated under a written law, the function may be performed by the delegate upon the opinion, belief, or state of mind of the delegate in relation to that matter.'*

This does not preclude the use of policies that guide decision-making to ensure consistency and alignment with certain principles and outcomes.

Section 59 of the *Interpretation Act 1984* states that *'where a written law confers power upon a person to delegate the exercise of any power or the performance of any duty conferred or imposed upon him under a written law... such a delegation may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of office.'*

It is more efficient and effective to delegate to positions rather than individuals so that anyone appointed to or acting in that position may undertake the functions/duties or exercise the powers without a new delegation being required.

Some legislation may restrict the local government to delegating a power or function only to the local government CEO, although some Acts provide for the local government to delegate to persons other than the CEO, such as other local government employees or committees. The CEO may further delegate those powers to other officers only if sub-delegation is permitted by the legislation.

Delegations are required to be made in writing, and for Council delegations, this normally takes the form of a resolution that is recorded in the Council Minutes. The City has adopted a standard form for instruments of delegation that also provides for recording sub-delegations, specifying recordkeeping obligations, and listing relevant policies and legislation to guide the delegates in exercising the delegated authority.

Under the *Local Government Act 1995*, *Cat Act 2011*, *Dog Act 1976*, *Graffiti Vandalism Act 2016* and *Planning and Development (Local Planning Schemes) Regulations 2015*, delegations by Council must be made by absolute majority resolution. Other legislation does not require an absolute majority to grant, amend or revoke a delegation by Council.

Under section 5.71 of the *Local Government Act 1995*, an employee may not exercise a delegated power or discharge a delegated duty if they have a financial interest in the matter. Non-financial interests must be declared and managed.



A person who holds delegated powers or duties under Part 5 Division 4 of the Local Government Act is classified as a designated employee and a relevant person for the purposes of lodging primary and annual returns under sections 5.75 and 5.76. The [Local Government Operational Guideline on Primary and Annual Returns](#) specifies that if a designated employee ceases to hold that position within three months of the start date, no primary return is required. Short-term acting arrangements in a position holding relevant delegations therefore may not trigger a requirement for a primary return, but acting arrangements exceeding three months will do so.

Further information on delegations in local government can be found in the [Local Government Operational Guideline on Delegations](#).

### 1.5 - Alternatives to Delegation: Appointments, Authorisation and Acting Through

#### 1.5.1 Appointments

Some legislation, particularly that with a strong enforcement element, provides for the local government (or its delegate) to appoint authorised persons to undertake certain functions and duties, and to exercise powers, that are imposed or conferred on authorised persons by that legislation. They may also be called authorised officers, or approved officers, or designated officers, or a legislation-specific term. Once appointed under a specific Act, an authorised person does not need any further delegation to exercise the powers conferred on authorised persons by that legislation.

Section 26 of the *Health (Miscellaneous Provisions) Act 1911* is a special case in that it provides for the local government to appoint and authorise a person to be its deputy to exercise the powers and perform the functions of the local government under that Act and the regulations and local laws made under it. The Act does not grant local governments a delegation power but in practice the role of a deputy is equivalent to that of a delegate.

#### 1.5.2 Authorisation

Some legislative provisions may specify that a power may be exercised or a function performed only by a person specifically authorised to do so by the local government. While the power to authorise a person may be delegated, this authorisation is not itself a delegation. The person authorised acts as an agent of the local government within operational parameters such as a policy, procedure or work instruction and may be required to seek approval for their decisions.

Where a power is required under the Act to be exercised by a person authorised to do so, an authorisation rather than a delegation is required. The Council may authorise specified persons directly or delegate the power to the CEO to authorise persons to perform functions. Authorisation is usually granted to position titles and anyone employed or acting in that position may exercise the authorisation.

One example of authorisation is section 9.49A of the *Local Government Act 1995*, which provides for a local government, by resolution, to authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government.

#### 1.5.3 Acting Through

Section 5.45(2) of the *Local Government Act 1995* clarifies that regardless of delegations in place, a local government may perform any of its functions by acting through a person other

than the CEO, and the CEO may perform any of their functions by acting through another person.

[Operational Guideline 17 – Delegations](#), published by the Department of Local Government, Sport and Cultural Industries, provides guidance as to when delegation is appropriate and when a function may be effectively undertaken by acting through authorised employees.

The *Local Government Act 1995* does not define 'acting through', but generally where the legislation provides little or no discretion in carrying out a function or duty, then the function or duty may be undertaken by the local government acting through an employee operating in the normal course of their duties. For example, the legislation may state that a local government 'must' or 'shall' do or not do something under specified circumstances, or set out clear rules about how or when something must be done.

Conversely, where the legislation states the local government 'may' do something and allows for substantial discretion on the part of the decision maker, particularly if the decision will have a significant impact on the City or on the person affected, the function must be:

- delegated;
- where specified in the legislation, undertaken by a person authorised to exercise the power or undertake the function within specified parameters; or
- be subject to a formal policy and/or procedure that provides sufficient control and accountability about how the decisions are made by officers required to administer the function as part of their normal duties.

Where considered appropriate and effective in operation, Council may approve policies about particular functions of the local government. This may remove the need for a delegation as it is the role of the organisation to implement the Council's policies. The CEO has explicit authority to implement the City's decisions through the relevant employees.

'Acting through' may better suit certain operational processes, reduce additional recording and reduce reporting requirements compared with the exercise of delegated authority.

## **1.6 - Statutory Delegations and Authorisations by External Agencies**

Some powers and duties exercised or discharged by the City may be a result of delegation by a State authority or public officer, generally the CEO of the department or statutory officer responsible for assisting the responsible minister in the administration of a specific Act.

Such delegations may be to the local government, or to the local government CEO or to specified officers or classes of officers in local governments. None of the State delegations currently held by the City provide for sub-delegation.

A State agency exercising a power or discharging a duty under a statute may also authorise a local government to undertake specified functions under legislation for which it has responsibility.

Currently, the City or its officers hold delegated authority or authorisations from the CEO of the Department of Water and Environmental Regulation, the Western Australian Planning Commission and the Commissioner of Main Roads.

## Part 2 - Register of Statutory Delegations by Council

Previously reviewed in accordance with *Local Government Act 1995* section 5.46(2), *Cat Act 2011* section 47(2), *Dog Act 1976* section 10AB(2) and *Planning and Development (Local Planning Scheme) Regulations 2015* clause 84:

Ordinary Meeting of Council	21 June 2011	C/11/5187
Ordinary Meeting of Council	17 April 2012	C/12/5217
Ordinary Meeting of Council	21 May 2013	C/13/5291
Ordinary Meeting of Council	17 June 2014	M14/5369
Ordinary Meeting of Council	12 May 2015	M15/5418
Ordinary Meeting of Council	17 May 2016	M16/5477
Ordinary Meeting of Council	16 May 2017	M17/5549
Ordinary Meeting of Council	19 June 2018	M18/5618
Ordinary Meeting of Council	18 June 2019	M19/5691
Ordinary Meeting of Council	16 June 2020	M20/5749
Ordinary Meeting of Council	15 June 2021	M21/5842
Ordinary Meeting of Council	19 July 2022	M22/5920
Ordinary Meeting of Council	20 June 2023	C23/25
Ordinary Meeting of Council	18 June 2024	C24/157

## Division 1 - Local Government Act 1995 and Regulations and Local Laws

### 2.1.1 Enabling legislative provisions

Council may delegate to:

- a) A committee (section 5.16(1))
  - i) Comprising council members and employees – only powers and duties that may be delegated to the CEO (section 5.17(b)); or
  - ii) Including people who are neither council members nor employees, as described in section 5.9(c), (d) and (e) – only powers and duties related to management of the property or events in which the committee is involved (section 5.17(c)).
- b) The CEO (section 5.42 (1)(a) – all powers and duties of the local government under the Act except those listed in section 5.43 or prescribed by regulations.

### 2.1.2 Matters that may not be delegated

1) To committees:

- a) Comprising council members only – no power or duty that requires an absolute majority decision or that is prescribed (section 5.17(a)); and
- b) If the committee contains no members who are council members or employees, then no delegation is permitted (section 5.17(d)).

2) To the CEO:

Section 5.43 of the Act states that a local government cannot delegate to a CEO any of the following powers and duties

- (a) Any power or duty that requires a decision of an absolute majority of the council;
- (b) Accepting a tender which exceeds an amount determined by the local government;
- (c) Appointing an auditor;
- (d) Acquiring or disposing of any property valued at an amount exceeding that determined by the local government;
- (e) Any of the local government's powers under sections 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act (fees, allowances and payments to Council members);
- (f) Borrowing money on behalf of the local government;
- (g) Hearing or determining an objection of a kind referred to in section 9.5 (objection to certain local government decisions);
- (ha) The power under section 9.49A(4) to authorise the CEO, another employee or an agent to sign documents on behalf of the local government;
- (h) Any power or duty that requires the approval of the Minister or Governor; or
- (i) Such other duties or powers that may be prescribed by regulation.

With respect to the last point (i) above:

1. Regulation 18G of the *Local Government (Administration) Regulations 1996* prohibits the delegation to a CEO of the powers and duties under:
  - (a) Sections 7.12(a), 7.12A(3)(a) and 7.12A(4) of the *Local Government Act 1995* (relating to meetings with auditors); and
  - (b) Regulations 18C and 18D (relating to the selection and appointment of CEO's and reviews of their performance).
2. Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

### **2.1.3 Sub-delegation**

1. The CEO may delegate to any employee a power or duty that has been delegated to the CEO under section 5.42 (section 5.44(1) and (3)).
2. A delegation must be made in writing (section 5.44(2)) and is subject to any conditions imposed by the local government on its delegation to the CEO (section 5.44(3)).
3. The CEO may impose further conditions on a delegation that is sub-delegated (section 5.44(4)).

### **2.1.4 Making delegations**

1. An absolute majority decision of Council is required to delegate powers and duties to the CEO (section 5.42(1)).
2. A delegation made under section 5.42 must be in writing and can be general or as otherwise provided (s.5.42(2)).
3. A delegation has effect indefinitely unless otherwise specified in the delegation (section 5.45(1)(a)).
4. Any decision to amend or revoke a delegation made by a local government is to be by an absolute majority decision (section 5.45(1)(b)).

### **2.1.5 Recording and Review Obligations**

1. The CEO to keep a register of the delegations made under Part 5 Division 4 to the CEO and to employees (section 5.46(1)).
2. At least once every financial year delegations made under Part 5 Division 4 are to be reviewed by the delegator (section 5.46(2)).
3. Every person to whom a power or duty is delegated under the *Local Government Act 1995* is to keep records in accordance with the *Local Government (Administration) Regulations 1996* in relation to the exercise of the power or discharge of the duty (section 5.46(3)).

Regulation 19 of the *Local Government (Administration) Regulations 1996* specifies that where a power or duty has been delegated under the *Local Government Act 1995* to the CEO or any other employee, the person to whom the power or duty has been delegated must keep a written record of:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

### **2.1.6 Other obligations on delegates**

Under section 5.71, an employee who has been delegated a power or duty under Part 5 Division 4 relating to a matter, must not exercise that power or discharge that duty if they have an interest in the matter as defined in sections 5.60A or 5.60B, and must disclose the nature of the interest to the Mayor (if the CEO) or to the CEO (any other employee).

Employees holding delegated authority (including sub-delegations) under Part 5 Division 4 of the *Local Government Act 1995* must lodge a primary financial return under section 5.75 of the Act within three months of receiving the delegation and must thereafter, while holding the delegated authority, lodge an annual return under section 5.76 of the Act.

**DA-006 Unvested Facilities in Two or More Districts**

<b>Delegator: Council</b> <b>Process Owner: CEO</b>		<b>Delegation: DA – 006</b> <b>Last Review Date: 18 June 2024</b>
<b>Description</b>	Authority to agree on the control and management of an unvested facility if it lies within two or more Local Government districts.	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.53</u> : Control of certain unvested facilities	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	None	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	None	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Property/Land Administration 5.48 6D COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended title to clarify function.	

**DA-007 Leasing/Licensing of Property**

<b>Delegator: Council</b>		<b>Delegation: DA – 007</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to: <ul style="list-style-type: none"> <li>Dispose of property by way of lease/licence or hire agreement including to advertise disposal in accordance with section 3.58 of the Act; and</li> <li>Negotiate, execute and administer lease and other contractual documents for the purposes of a lease, licence or hire agreement, including assignment, extension and renewal.</li> </ul>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.58(2)-(3)</u> : Disposing of property		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>Director Community Development (restricted to leases and management licences with community, sporting groups, government agencies, artists and cultural organisations, and to commercial parking leases)</li> <li>Director Corporate Services (any lease/ licence)</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	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.		
<b>Compliance links</b>	<i>Local Government (Functions &amp; General) Regulations 1996</i> <u>Regulation 30</u> : Dispositions of property with market value less than \$20,000 excluded from section 3.58 of Act. <i>Property Law Act 1969</i> <i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>		
<b>Policy Reference</b>	CP-005 – Land and Property Retention, Disposal and Acquisition Related Delegation: DA-008 Disposition of Land and Other Assets		
<b>Recordkeeping</b>	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		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		



Part 2 - Register of Statutory Delegations by Council

<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to incorporate delegations previously recorded in DA009, DA011 and DA-087.
-------------------------------	---

**DA-008 Disposition of Land and Other Assets**

<b>Delegator: Council</b>		<b>Delegation: DA – 008</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to initiate and conclude the disposal (excluding disposal by way of lease) of land and property up to \$500,000.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.58</u> : Disposing of property <u>Section 3.59</u> : Commercial enterprises by local government		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Community Development</li> <li>• Director Corporate Services</li> <li>• Manager Financial Services</li> <li>• Director Environment and Infrastructure</li> <li>• Manager City Buildings and Projects</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<p>Delegation thresholds per transaction:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer – up to \$500,000</li> <li>• Director Community Development- \$19,999/ \$74,999</li> <li>• Director Corporate Services – \$19,999 / \$74,999</li> <li>• Manager Financial Services – \$5,000 / \$19,999</li> <li>• Director Environment and Infrastructure – \$19,999 / \$74,999</li> <li>• Manager City Buildings and Projects – \$5,000/\$19,999</li> </ul> <p>Note the \$74,999 above relates to property which is provided as consideration for the purchase of other property up to the value of \$75,000, e.g., a motor vehicle trade in. This is in accordance with Regulation 30(3)(b).</p>		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Section 5.43(d)</u> : Limit on value of disposed property <i>Local Government (Functions and General) Regulations 1996</i> <u>Regulation 8A</u> : Amount prescribed for major land transactions, exempt land transactions <u>Regulation 8</u> : Exempt land transactions <u>Regulation 30</u> : Dispositions of property excluded from Act section 3.58		
<b>Policy Reference</b>	CP-005 Land and Property Retention, Disposal and Acquisition Related Delegation: DA-007 Leasing/Licensing of Property		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P STRATEGIC PROPERTY MANAGEMENT – Land and Property		



Part 2 - Register of Statutory Delegations by Council

	Acquisition / Disposal / Development 20.71 5A
<b>Period of Validity</b>	Ongoing
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 15 June 2021 – M21/5842 Amended sub-delegation thresholds for Manager Financial Services and Manager City Buildings.  8 August 2023 Amended sub-delegation to extend to Director Community Development.

### DA-015 Bonds for Works

<b>Delegator: Council</b>		<b>Delegation: DA – 015</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to determine the value of and conditions associated with the lodgement of cash bonds or other performance bonds for 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.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> <u>Regulation 6(4)(c)-(d)</u> : Obstruction of public thoroughfare <u>Regulation 11(6)(b)-(c)</u> : Dangerous excavation in or near public thoroughfare <u>Regulation 17(5)</u> : Private works on, over, or under public places		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers and duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Environment and Infrastructure</li> <li>• Manager Engineering</li> <li>• Director Planning</li> <li>• Manager Environmental Health and Compliance</li> <li>• Manager Statutory Planning and Building</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<i>Local Government Act 1995</i> , Schedule 9.1 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P PROPERTY MAINTENANCE – Security Deposits/Bonds/Retention Money 21.09 7D		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Technical Services Committee – 5 November 1996 – T96/8030		
<b>Substantive Amendments</b>	<p>Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amend to clarify circumstances when delegation exercised.</p> <p>Ordinary Meeting of Council – 18 June 2024 – C24/157 Amended sub-delegation to extend to Manager Environmental Health and Compliance.</p>		

## DA-016 Administration of Local Laws

<b>Delegator: Council</b>		<b>Delegation: DA – 016</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to administer City of Melville Local Laws.		
<b>Statutory Power or Duty Delegated</b>	<p>Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and exercise discretion under the following local laws:</p> <ol style="list-style-type: none"> <li>1. <i>Activities in Thoroughfares, Public Places and Trading Local Law 2014</i></li> <li>2. <i>By-laws Relating to Fences 1996</i></li> <li>3. <i>Dog Local Law 2021</i></li> <li>4. <i>Health Local Laws 1997</i></li> <li>5. <i>Local Government Property Local Law 2010</i></li> <li>6. <i>Local Law relating to Street Numbering 2006</i></li> <li>7. <i>Parking Local Law 2023</i></li> </ol>		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers and duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	See attached sub-delegation matrix		
<b>Conditions on Delegation/Sub Delegation</b>	Infringements may only be issued by persons authorised for the purposes of section 9.16 of the <i>Local Government Act 1995</i> .		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Part 9, Division 1</u> : Objections and Review <u>Part 9, Division 2</u> : Enforcement and Legal Proceedings		
<b>Policy Reference</b>	CP-068 Street Numbering Policy Australian Standard AS/NZS 4819:2011: Geographic Information - Rural and Urban Addressing <i>Local Law relating to Street Numbering 2006</i> SPP 7.3 Residential Design Codes CP-078 - Residential Development Policy LPP 2.2 Outdoor Advertisements and Signage Policy CP-097 Parking Permit Policy CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate subject index for decision		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Planning & Development Services Committee – 12 November 1996 – P96/7023		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to align with legislative provisions, add policy and		

Part 2 - Register of Statutory Delegations by Council

	<p>legislative references.</p> <p>Ordinary Meeting of Council 15 June 2021 – M21/5842 Updated sub-delegate position titles, add sub-delegation for purposes of Parking Local Law to Manager Engineering, and sub-delegation for purposes of Thoroughfares Local Law to Manager Cultural Services; revoke sub-delegation to Manager Natural Areas and Parks in relation to Street Numbering Local Law.</p> <p>22 August 2024 Amended sub-delegation for the Thoroughfares, Fencing and Street Numbering local laws in accordance with re-structure in Planning directorate.</p> <p>3 September 2024 Amended sub-delegation for Activities in Thoroughfares, Public Places and Trading and Health Local Laws to extent to Senior Environmental Health Officer</p>
--	---

**DA – 016 SUB-DELEGATION MATRIX**

**Key to Local Laws:**

1. *Activities in Thoroughfares, Public Places and Trading Local Law 2014*
2. *By-laws relating to Fences 1966*
3. *Dog Local Law 2021*
4. *Health Local Laws 1997*
5. *Local Government Property Local Law 2010*
6. *Local Law relating to Street Numbering 2006*
7. *Parking Local Law 2023*

Position	1	2	3	4	5	6	7
Director Community Development	√		√		√		√
Manager Community Safety	√		√		√		√
Coordinator Rangers and Emergency Management	√		√		√		√
Manager Healthy Melville	√			√	√		
Manager Cultural Services	√						
Director Corporate Services	√				√		
Director Environment and Infrastructure	√				√		√
Manager Engineering	√				√		√
Manager Natural Areas and Parks	√				√		
Director Planning	√	√				√	
Manager Environmental Health and Compliance	√	√		√			
Building Services Coordinator	√	√					
Senior Building Surveyor		√					
Coordinator Compliance Services	√	√				√	
Senior Building Surveyor - Compliance	√	√					

Part 2 - Register of Statutory Delegations by Council

Coordinator Environmental Health	√			√			
Senior Environmental Health Officer	√			√			
Manager Statutory Planning and Building		√				√	
Principal Statutory Planner		√				√	
Senior Statutory Planner		√				√	

## DA-024 Senior Employees

<b>Delegator: Council</b>		<b>Delegation: DA –024</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to designate any employees or persons belonging to a class of employee to be a senior employee; and</li> <li>2. Authority to advertise the vacant position of a designated senior employee.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> Section 5.37 (1), (3)-(4)		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	None		
<b>Conditions on Delegation/Sub Delegation</b>	An advertisement is to be in the manner and contain such information with respect to the position as is prescribed.		
<b>Compliance links</b>	<i>Local Government (Administration) Regulations 1996</i> <u>Regulation 18A</u> : Vacancy in position of CEO or senior employee to be advertised		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P ORGANISATIONAL DEVELOPMENT POSITION DESCRIPTIONS – Employee Services 60.1 2D		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

## DA-026 Determination of Criteria for Acceptance of Tenders and Pre-Qualified Supplier Panels

<b>Delegator: Council</b>		<b>Delegation: DA – 026</b>
<b>Process Owner: Director Corporate Services</b>		
<b>Description</b>	Before tenders and/or applications for pre-qualified supplier panels are publicly invited, authority to determine in writing the criteria for deciding which tender should be accepted.	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government (Functions &amp; General) Regulations 1996 Regulation 14(2a): Publicly inviting tenders, requirements for Regulation 24AD(3): Requirements when inviting persons to join panel of pre-qualified suppliers</i>	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995 Section 5.42: Delegation of some powers or duties to the CEO</i>	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995 Section 5.44: CEO may delegate powers and duties to other employees</i>	
<b>Sub Delegated to:</b>	All Directors	
<b>Conditions on Delegation/Sub Delegation</b>	Directors may only exercise this sub-delegation with respect to tenders and/or prequalified supplier panels emanating from their Directorate.	
<b>Compliance links</b>	None	
<b>Policy Reference</b>	CP-023 Procurement Policy	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COUNCIL ADMINISTRATION – Procurement – Tenders 5.36 5A	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>		

## DA-027 Rejecting and Accepting Tenders and/or Applications for Pre-Qualified Supplier Panels

<b>Delegator: Council</b>		<b>Delegation: DA – 027</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to accept tenders and applications for pre-qualified supplier panels, up to the value of \$550,000 (excluding GST), including pre award minor variations but excluding post award variations, per tender or application, per contract year; and</li> <li>2. Authority to decline to accept any tender and to accept the withdrawal of a tender once awarded.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.57</u> : Tenders for providing goods and services <u>Section 9.49B</u> : Contract formalities		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	Sub-delegation is not permitted		
<b>Sub Delegated to:</b>	Not applicable		
<b>Conditions on Delegation/Sub Delegation</b>	Maximum threshold \$550,000 (excl. GST) per tender, per contract year.  Decision to be made following receipt and consideration of a recommendation from the Contracts and Tenders Advisory Unit.		
<b>Compliance links</b>	<i>Local Government (Functions and General) Regulations 1996</i> <u>Regulation 11</u> : When tenders have to be publicly invited <u>Regulation 13</u> : Requirements when a local government invites tenders though not required to do so <u>Regulation 14</u> : Publicly inviting tenders, requirements for <u>Regulation 15</u> : Minimum time to be allowed for submitting tenders <u>Regulation 18</u> : Rejecting and accepting tenders <u>Regulation 20</u> : Variation of requirements before entry into contract <u>Regulation 21</u> : Limiting who can tender, procedure for <u>Regulation 22</u> : Minimum time to be allowed for submitting EoI <u>Regulation 24AH</u> : Rejecting and accepting applications to join panel of pre-qualified suppliers  DA-028 – Contract Variations and Selection of Next Successful Tenderer		
<b>Policy Reference</b>	CP-023 Procurement Policy		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COUNCIL ADMINISTRATION – Procurement – Tenders 5.36 5A		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	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

<b>Delegator: Council</b>		<b>Delegation: DA – 028</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<p><b>Pre-Award</b></p> <ol style="list-style-type: none"> <li>1. Power to make a minor variation to the goods and services specified and enter a contract with the chosen tenderer for the supply of the varied requirement; and</li> <li>2. Power to select the next most advantageous tenderer if the chosen tenderer does not agree on a contract with the varied requirements.</li> </ol> <p><b>Post Award</b></p> <p>Following acceptance of a tender and having entered into a contract for the supply of products or services, authorise variations which are unforeseen.</p>		
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government (Functions and General) Regulations 1996</i>  <u>Regulation 20</u>: Variation of requirements before entry into the contract  <u>Regulation 21A</u>: Varying a contract for the supply of goods or services</p>		
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.42</u>: Delegation of some powers or duties to the CEO</p>		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44</u>: CEO may delegate powers and duties to other employees</p>		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors</li> <li>• All Managers</li> <li>• Research and Liaison Advisor</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<p>Directors/Managers may only exercise the sub-delegated power with respect to tenders and contracts originating in their directorate.</p> <p>A minor variation means a variation that has 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.</p> <p>Post-contract variations are to be made following the post award contract variation procedure.</p>		
<b>Compliance links</b>	<p><i>Local Government (Functions and General) Regulations 1996</i>  <u>Regulation 11</u>: When tenders have to be publicly invited  <u>Regulation 20</u>: Variation of requirements before entry into contract  <u>Regulation 21A</u>: Varying a contract for the supply of goods or services</p> <p>Post Award Contract Variation Directorate Procedure            DA-027 – Rejecting and Accepting Tenders and/or Applications for Pre-Qualified Supplier Panels</p>		
<b>Policy Reference</b>	CP-023 Procurement Policy		

Part 2 - Register of Statutory Delegations by Council

<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COUNCIL ADMINISTRATION – Procurement – Tenders 5.36 5A
<b>Period of Validity</b>	Ongoing
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Simplified description.  22 August 2024 Addition of Research and Liaison Advisor, which is a new position.

### DA-030 Consideration of Expressions of Interest to Supply Products or Services

<b>Delegator: Council</b>		<b>Delegation: DA – 030</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to consider expressions of interest that have been called in accordance with the <i>Local Government Act (Functions &amp; General) Regulations 1996</i> and decide which, if any, of those expressions of interest are from persons capable of satisfactorily supplying the products or services.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government (Functions and General) Regulations 1996 Regulation 23(3)</i> : Rejecting and accepting expressions of interest to be acceptable tenderer		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995 Section 5.42</i> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995 Section 5.44</i> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	All Directors		
<b>Conditions on Delegation/Sub Delegation</b>	Directors may only exercise the sub-delegated power in respect to expressions of interest originating in their Directorate.		
<b>Compliance links</b>	<i>Local Government (Functions and General) Regulations 1996 Regulation 23</i> : Rejecting and accepting expressions of interest to be acceptable tenderer		
<b>Policy Reference</b>	CP-023 Procurement Policy		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

## DA-031 Reimbursement of Expenses for Employee Committee Members

<b>Delegator: Council</b>		<b>Delegation: DA – 031</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to reimburse an employee on a committee for an expense that was incurred in relation to a matter affecting the City of Melville.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 5.101(2)</u> : Payments for employee committee members		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors</li> <li>• All Managers</li> <li>• Research and Liaison Advisor</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	Delegates and sub-delegates are not authorised to approve payments to themselves.		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Section 5.102</u> : Expense may be funded before actually incurred		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate financial records		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 15 June 2021 – M21/5842  22 August 2024 Addition of Research and Liaison Advisor, which is a new position.		

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

<b>Delegator: Council</b>		<b>Delegation: DA – 032</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to determine what conditions apply to the granting of a concession proposed to be undertaken (except for rates &amp; service charges);</li> <li>2. Authority to waive or grant concessions in relation to any amount of money except for rates &amp; service charges; and</li> <li>3. Authority to write off any amount of money that is owed to the local government (including rates &amp; service charges).</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government Act 1995</i>  <u>Section 6.12(1)(b)-(c)</u>: waive and grant concessions; write off any amount of money  <u>Section 6.12(3)</u>: grant of a concession under section 6.12(1)(b) may be subject to any conditions</p>		
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.42</u>: Delegation of some powers or duties to the CEO</p>		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44</u>: CEO may delegate powers and duties to other employees</p>		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors in relation to concessions or write offs emanating from their Directorate</li> <li>• Manager Financial Services</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<p>Delegation thresholds:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer – Limit \$10,000 for any one item</li> <li>• All Directors – Limit \$5,000 for any one item</li> <li>• Manager Financial Services – Limit \$1,000 for any one item</li> </ul> <p>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.</p> <p>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.</p>		
<b>Compliance links</b>	None		
<b>Policy Reference</b>	CP-025 Accounting Policy		
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:  COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P  Appropriate financial records</p>		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	<p>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.</p>		

### DA-033 Power to Invest

<b>Delegator: Council</b>		<b>Delegation: DA – 033</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<p>Authority to invest money held in the Municipal or Trust funds that is not, for the time being, required for any other purpose, in accordance with the <i>Trustees Act 1962</i>, Part III.</p> <p><b>Note:</b> The Municipal Fund includes the Reserve Accounts which form part of what is commonly known as the City of Melville Reserve Fund.</p>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 6.14(1)</u> : Power to invest		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Corporate Services</li> <li>• Director Environment and Infrastructure</li> <li>• Manager Financial Services</li> <li>• Senior Accountant (Management) (position ID 2041 only)</li> <li>• Management Accountant (position ID 2042A only)</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<p>Investment must be in accordance with Part III of the <i>Trustees Act 1962</i>, the <i>Local Government Act 1995</i>, the <i>Local Government (Financial Management) Regulations 1996</i> and Council Policy.</p> <p>All investment transactions are required to be authorised by two of the delegated officers of which at least one of whom will be a Category A authorised signatory as outlined in DA-035.</p>		
<b>Compliance links</b>	<i>Trustees Act 1962</i> , Part III Investments <i>Local Government (Financial Management) Regulations 1996</i> <u>Regulation 19</u> : Investments, control procedures for <u>Regulation 19C</u> : Investment of money, restrictions on		
<b>Policy Reference</b>	CP-009 Investment of Funds		
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:            COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P            Appropriate financial records</p>		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	<p>Ordinary Meeting of Council – 15 June 2021 – M21/5842            Ordinary Meeting of Council – 20 June 2023 – C23/25            Manager Organisational Development removed as position no longer exists</p>		

## DA-035 Payment of Accounts from Municipal or Trust Funds

<b>Delegator: Council</b> <b>Process Owner: Director Corporate Services</b>		<b>Delegation: DA – 035</b> <b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Power to authorise payments from the Municipal and Trust Funds and all transactions on Municipal, Trust and Reserve Bank Accounts.		
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government Act 1995</i>  <u>Section 6.7(2)</u>: Money held in the municipal fund may be applied towards the performance of functions and exercise of powers of the local government</p> <p><u>Section 6.9(2)</u>: Money or property held in the trust fund is to be applied for the purposes of, and in accordance with, the trusts affecting it</p>		
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.42</u>: Delegation of some powers or duties to the CEO</p>		
<b>Delegated to</b>	Chief Executive Officer (Category A signatory)		
<b>Statutory Power to sub delegate:</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44</u>: CEO may delegate powers and duties to other employees</p>		
<b>Sub Delegated to:</b>	<b>Position (Signatory)</b>	<b>Signatory category</b>	
	Director Corporate Services	Category A	
	Manager Financial Services	Category A	
	Director Community Development	Category A	
	Director Environment and Infrastructure	Category A	
	Director Planning	Category A	
	Senior Accountant (Management) (position ID 2041 only)	Category B	
	Management Accountant (position ID 2042A only)	Category B	
<b>Conditions on Delegation/Sub Delegation</b>	<p>The <i>Local Government (Financial Management) Regulations 1996</i> Regulation 13 requires a list of accounts detailing payments made under delegated authority from the Municipal Fund or the Trust Fund to be prepared each month and submitted to the Council showing for each account paid since the last such list was prepared — (a) the payee’s name; (b) the amount of the payment; (c) the date of the payment; and (d) sufficient information to identify the transaction.</p> <p>Two signatures of the ‘authorised signatories’ shown above are required with at least one signatory being a category A signatory.</p>		
<b>Compliance links</b>	<p><i>Local Government Act 1995</i>  <u>Section 6.8</u>: Expenditure from the municipal fund</p> <p><i>Local Government (Financial Management) Regulations 1996</i>  <u>Regulation 11</u>: Payments, procedures for making  <u>Regulation 12</u>: Payments from municipal fund or trust fund, restrictions on making  <u>Regulation 13</u>: Payments from municipal fund or trust fund by CEO, CEO’s duties as to</p> <p>City of Melville Procurement Authorisation Limits</p>		



Part 2 - Register of Statutory Delegations by Council

<b>Policy Reference</b>	CP-025 Accounting Policy
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate financial records
<b>Period of Validity</b>	Ongoing
<b>Adopted by Council</b>	Ordinary Meeting of Council – 19 December 2006 – C06/6024
<b>Substantive Amendments</b>	

### DA-038 District Boundary Adjustment

<b>Delegator: Council</b>		<b>Delegation: DA – 038</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to negotiate as to any adjustment or transfer of property, rights and liabilities with an adjoining local government where an order to amend a District Boundary is made.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> Schedule 2.1, Clause 11, subclauses (1)-(2)		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	Director Corporate Services		
<b>Conditions on Delegation/Sub Delegation</b>	Negotiated matters are subject to final ratification by the Council.		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Schedule 2.1</u> : Provisions about creating, changing the boundaries of, and abolishing districts <i>Local Government (Constitution) Regulations 1998</i>		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COUNCIL ADMINISTRATION – District Boundaries 5.16 5A		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

**DA-044 Disputes between Local Governments**

<b>Delegator: Council</b>		<b>Delegation: DA – 044</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to refer a matter to the Minister to resolve a dispute between two or more local governments.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> Section 9.63(1)		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	Not applicable		
<b>Conditions on Delegation/Sub Delegation</b>	Chief Executive Officer must consult with the Mayor prior to referring a dispute to the Minister.  Sub-delegation is not permitted.		
<b>Compliance links</b>	None		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	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

<b>Delegator: Council</b>		<b>Delegation: DA – 046</b>	
<b>Process Owner: Director Community Development</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Power to give a person who is the owner or occupier of land, a notice in writing requiring the person to do a thing required under Schedule 3.1 of the <i>Local Government Act 1995</i>.</li> <li>2. In the event of non-compliance with a notice given under section 3.25 of the Act, do anything necessary to achieve the purpose for which the notice was given, and recover the cost of anything done under section 3.26(2) of the Act from the person who failed to comply with the notice given under section 3.25.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.25</u> : Notice requiring certain things be done by owner or occupier of land <u>Section 3.26</u> : Additional powers when notices given		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors</li> <li>• Managers in Environment and Infrastructure, Community Development and Planning directorates</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	Operational managers may exercise the powers provided under section 3.26(2) only.		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Section 3.24</u> : The powers given to a local government by this subdivision can only be exercised on behalf of the local government by a person expressly authorised to exercise those powers <u>Schedule 3.1</u> : Powers under notices to owners or occupiers of land <u>Section 9.3</u> : Rights of affected person extended to certain owners <u>Section 9.4</u> : Advice of objection and review rights		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMIN – Delegated Authority – Exercises 5.119 P Appropriate subject index for decision		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to consolidate delegated powers under sections 3.25 and 3.26 by incorporating powers previously recorded in DA-047 and DA-048		

## DA-049 Power to Carry Out Works on Private Land

<b>Delegator: Council</b>		<b>Delegation: DA – 049</b>	
<b>Process Owner: Director Environment and Infrastructure</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Power to carry out works on private land in the circumstances prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> , even if such works do not have the consent of the owner.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.27(1)</u> : Particular things local government can do on land that is not local government property <u>Schedule 3.2</u> : Works prescribed for the purposes of section 3.27		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Environment and Infrastructure</li> <li>• Manager Engineering</li> <li>• Manager Natural Areas and Parks</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Section 3.21</u> : Duties when performing functions <u>Section 3.24</u> : Authorising persons – the powers given to a local government by this subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers <u>Part 9, Division 1</u> : Objections and Review		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P CONSTRUCTION AND MAINTENANCE PROGRAMS – Land Access Notices 25.21 7D		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

### DA-050 Entry on to Private Land

<b>Delegator: Council</b>		<b>Delegation: DA – 050</b>
<b>Process Owner: Director Community Development</b>		<b>Last Review Date: 18 June 2024</b>
<b>Description</b>	Power to give notice and enter land, premises or thing in accordance with Part 3, Division 3, Subdivision 3 of the <i>Local Government Act 1995</i> .	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.32</u> : Notice of entry <u>Section 3.34</u> : Entry in emergency	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	All Directors	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Part 3, Division 3, Subdivision 3</u> : Powers of entry	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P CONSTRUCTION AND MAINTENANCE PROGRAMS – Land Access Notices 25.21 7D	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Added power to enter in an emergency under section 3.34.	

## DA-051 Making an Opening in a Fence

<b>Delegator: Council</b>		<b>Delegation: DA – 051</b> <b>Last Review Date: 18 June 2024</b>
<b>Process Owner: Director Environment and Infrastructure</b>		
<b>Description</b>	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.	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.36</u> : Opening fences	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Environment and Infrastructure</li> <li>• Manager Engineering</li> <li>• Manager Natural Areas and Parks</li> </ul>	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Schedule 3.2</u> : Particular things local government can do on land that is not local government property	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P CONSTRUCTION AND MAINTENANCE PROGRAMS – Land Access Notices 25.21 7D	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>		

**DA-053 Declare Abandoned Vehicle Wreck**

<b>Delegator: Council</b>		<b>Delegation: DA – 053</b>	
<b>Process Owner: Director Community Development</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to declare that a vehicle is an abandoned vehicle wreck.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> Section 3.40A(4)		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Community Development</li> <li>• Head of Community Safety</li> <li>• Coordinator Rangers and Emergency Management</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	None		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COMMUNITY SAFETY, SECURITY AND LAW ENFORCEMENT – Abandoned and Impounded Vehicles & Lost Property 4.11 7D		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to remove redundant reference to authorising officers. Ordinary Meeting of Council – 15 June 2021 – M21/5842 Amended to restrict sub-delegates to coordinator / manager level and above.		

## DA-054 Sale and Disposal of Impounded and Confiscated Goods

<b>Delegator: Council</b>		<b>Delegation: DA – 054</b>	
<b>Process Owner: Director Community Development</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to withhold goods impounded or removed under sections 3.39, 3.40 and 3.40A of the <i>Local Government Act 1995</i> until the costs of removing, impounding and keeping them have been paid.</li> <li>2. Authority to sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43 of the Act.</li> <li>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) of the Act, or seven days of a declaration being made that a vehicle is an abandoned vehicle wreck.</li> <li>4. Authority to sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) a notice given under sections 3.42(1)(b) or 3.44 of the Act.</li> <li>5. Authority to arrange, if the animal is ill or injured to such an extent that treating it is not practicable, humane euthanasia and disposal of the carcass.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.46:</u> Goods may be withheld until costs paid <u>Section 3.47:</u> Confiscated or uncollected goods, disposal of <u>Section 3.48(1):</u> Sick or injured animals, disposal of		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42:</u> Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44:</u> CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors</li> <li>• Head of Community Safety</li> <li>• Coordinator Rangers and Emergency Management</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	None		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMIN – Delegated Authority – Exercises 5.119 P COMMUNITY SAFETY, SECURITY AND LAW ENFORCEMENT – Abandoned and Impounded Vehicles & Lost Property 4.11 7D		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to delegate power under section 3.46. Ordinary Meeting of Council – 15 June 2021 – M21/5842		

Part 2 - Register of Statutory Delegations by Council

	Amended to restrict sub-delegates to coordinator / manager level and above.
--	---

### DA-062 Notices & Permissions

<b>Delegator: Council</b>		<b>Delegation: DA – 062</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to grant, vary or renew permissions and issue notices pursuant to the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .		
<b>Statutory Power or Duty Delegated</b>	Powers and duties of the local government under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Environment and Infrastructure</li> <li>• Director Planning</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<i>Local Government Act 1995</i> <u>Part 3, Division 3, Subdivision 2</u> : Certain provisions about land <u>Part 9, Division 1</u> : Objections and Review		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Part 3, Division 3, Subdivision 2</u> : Certain provisions about land <u>Part 9, Division 1</u> : Objections and Review		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate subject index for specific decision		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Administration & Community Services Committee – 4 November 1996 – A96/1031		
<b>Substantive Amendments</b>	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> . Ordinary Meeting of Council – 15 June 2021 – M21/5842 Approved sub-delegations.		



**DA-063 Management of Vested Land**

<b>Delegator: Council</b>		<b>Delegation: DA – 063</b>	
<b>Process Owner: Director Environment and Infrastructure</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to do anything a local government could do under the <i>Parks and Reserves Act 1895</i> if it were a Board appointed under that Act, to control and manage any land reserved under the <i>Land Administration Act 1997</i> and vested in or placed under the control and management of the local government.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.54(1)</u> : Reserves under control of local government		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• All Directors</li> <li>• Manager Engineering</li> <li>• Manager Natural Areas and Parks</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<i>Parks and Reserves Act 1895</i>		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P ENVIRONMENTAL MANAGEMENT – Bushland Management 9.05 30D Appropriate subject index for specific property		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			



## DA-074 Due Date of Rates and Service Charges

<b>Delegator: Council</b>		<b>Delegation: DA – 074</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to determine the date that rates and service charges become due and payable and any instalment due dates.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 6.50</u> : Rates or service charges due and payable		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer (Category A signatory)		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	Director Corporate Services		
<b>Conditions on Delegation/Sub Delegation</b>	In accordance with the provisions of the <i>Local Government Act 1995</i> , the date determined is not to be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued (section b6.50 (2)), and that the period between instalments is not permitted to be less than two months (section 6.50 (3)).		
<b>Compliance links</b>	<i>Local Government (Financial Management) Regulations 1996</i> <u>Regulation 64</u> : Instalments, when to be paid		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P FINANCIAL MANAGEMENT – Rates		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

## DA-075 Actions Against Lessees of Land Where Rates or Service Charges Are Unpaid

<b>Delegator: Council</b>		<b>Delegation: DA – 075</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to seek payment of rates or service charges from lessees of land in respect to rent that would be otherwise payable to the lessor, to satisfy rates or service charges imposed on the land that are due and payable.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 6.60(2)</u> : Local government may require lessee to pay rent		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer (Category A signatory)		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	Director Corporate Services		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	None		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate subject index for specific decision		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

## DA-076 Lodgement of Caveats Against Land Where Rates or Service Charges Are Unpaid

<b>Delegator: Council</b>		<b>Delegation: DA – 076</b>
<b>Process Owner: Director Corporate Services</b>		
<b>Description</b>	Authority to lodge a caveat in respect of any land for which rates and service charges are outstanding or withdraw such caveats when the arrears are cleared.	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 6.64(3)</u> : Local government may lodge caveats over land for which rates or service charges are in arrears and may withdraw caveats so lodged	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	Director Corporate Services	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	None	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate subject index for specific decision	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>		

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

<b>Delegator: Council</b>		<b>Delegation: DA – 077</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Take possession of rateable land for which rates or service charges have been unpaid for at least three years.		
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government Act 1995</i>  <u>Section 6.64:</u> 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:</p> <p>(a) from time to time lease the land;  (b) sell the land;  (c) cause the land to be transferred to the Crown; or  (d) cause the land to be transferred to [the City of Melville].</p>		
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.42:</u> Delegation of some powers or duties to the CEO</p>		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44:</u> CEO may delegate powers and duties to other employees</p>		
<b>Sub Delegated to:</b>	Director Corporate Services		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<p><i>Local Government Act 1995</i>  <u>Part 6, Division 6, Subdivision 6:</u> Actions against land where rates or service charges unpaid  <u>Schedule 6.2:</u> Provisions relating to lease of land where rates or service charges unpaid  <u>Schedule 6.3:</u> Provisions relating to sale or transfer of land where rates or service charges unpaid</p>		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:  COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P  Appropriate subject index for specific decision</p>		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to remove reference to lodging caveats which is covered in DA-076.		

## DA-079 Compensation to the Owners of Property

<b>Delegator: Council</b>		<b>Delegation: DA – 079</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	The power to compensate the owners or occupiers of land, if the person requests compensation, to which uninsured damage has been caused through the performance of the City of Melville’s functions.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.22</u> : Compensation		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	All Directors		
<b>Conditions on Delegation/Sub Delegation</b>	Financial limits to delegation: <ul style="list-style-type: none"> <li>• Chief Executive Officer – Limit \$10,000 per claim</li> <li>• All Directors – Limit \$5,000 per claim</li> </ul>		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Section 3.22(5)</u> : compensation is not payable for damage sustained as a result of certain functions <u>Section 3.23</u> : Arbitration <u>Schedule 3.1</u> : Powers under notices to owners or occupiers of land <u>Schedule 3.2</u> : Particular things local governments can do on land even though it is not local government property		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate subject index for specific decision		
<b>Period of Validity</b>	Ongoing		
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007		
<b>Substantive Amendments</b>			

## DA-081 Closure of Thoroughfares

<b>Delegator: Council Process Owner: Director Environment and Infrastructure</b>		<b>Delegation: DA – 081 Last Review Date: 18 June 2024</b>
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare to vehicles, wholly or partially for a period not exceeding four weeks (section 3.50(1)).</li> <li>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 (section 3.50(1a)).</li> <li>3. Authority to revoke an order to close a thoroughfare. (section 3.50(6))</li> <li>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 (section 3.50A).</li> </ol>	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.50:</u> Closing certain thoroughfares to vehicles <u>Section 3.50A:</u> Partial closure of thoroughfare for repairs and maintenance	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42:</u> Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44:</u> CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Environment and Infrastructure</li> <li>• Manager Engineering</li> </ul>	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	None	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P PLANNING AND DEVELOPMENT - Road Closures 20.18 7D	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>		

## DA-083 Consultation Regarding Fixing, Altering or Realigning a Public Thoroughfare

<b>Delegator: Council Process Owner: Director Environment and Infrastructure</b>		<b>Delegation: DA – 083 Last Review Date: 18 June 2024</b>
<b>Description</b>	Authority to give notice of proposal, invite submissions and consider those submissions before fixing, altering or realigning a public thoroughfare or draining water onto adjoining land.	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 3.51(3)-(4)</u> : Affected owners to be notified of certain proposals	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Environment and Infrastructure</li> <li>• Manager Engineering</li> </ul>	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	None	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate index for specific project	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 15 May 2007– C07/5007	
<b>Substantive Amendments</b>		

## DA-085 Parking Control

<b>Delegator: Council</b>		<b>Delegation: DA – 085</b>
<b>Process Owner: Director Environment and Infrastructure</b>		<b>Last Review Date: 18 June 2024</b>
<b>Description</b>	Authority to prohibit, restrict or regulate by signs or otherwise, the stopping or parking of any vehicle, class of vehicle, or any class of person or vehicle, or both, in any part of the parking region, in accordance with the provisions of the Parking Local Law.	
<b>Statutory Power or Duty Delegated</b>	<i>City of Melville Parking Local Law 2023</i> <u>Clause 5.1</u> : Powers of the local government	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Environment and Infrastructure</li> <li>• Manager Engineering</li> </ul>	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	<i>City of Melville Parking Local Law 2023</i>	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COMMUNITY SAFETY, SECURITY AND LAW ENFORCEMENT – Parking Schemes 4.14 2D	
<b>Period of Validity</b>	Ongoing	
<b>Adopted by Council</b>	Technical Services Committee – 5 September 2000 – T00/8028	
<b>Substantive amendment by Council or CEO</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended title and description to align with the power as described in the Parking Local Law.	



## DA-088 Severance Payment to Employees

<b>Delegator: Council</b>		<b>Delegation: DA – 088</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to determine and approve severance payments to employees consistent with the provisions of Council policy		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 5.50(2)</u> : Make a payment to an employee whose employment is finishing and that is more than the additional amount set out in policy		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Sub Delegated to:</b>	None		
<b>Conditions on Delegation/Sub Delegation</b>	Financial limits to delegation: <ul style="list-style-type: none"> <li>• Chief Executive Officer – Limit \$10,000 per payment</li> <li>• Sub-delegates – Limit \$10,000 per payment</li> </ul>		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Section 5.50(2)</u> : local public notice to be given <i>Local Government (Administration) Regulations 1996</i> <u>Regulation 19A</u> : Payments in addition to contract or award, limits of		
<b>Policy Reference</b>	CP-027 Severance Policy		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate employee files		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Ordinary Meeting of Council – 21 June 2011 – C11/5187		
<b>Substantive Amendments</b>			

## DA-115 Non-Monetary Grants (Grant Concessions or Waive Fees) – Community Partnership Fund

<b>Delegator: Council</b>		<b>Delegation: DA – 115</b>
<b>Process Owner: Director Community Development</b>		<b>Last Review Date: 18 June 2024</b>
<b>Description</b>	Authority to waive or grant a concession in relation to hire fees for City of Melville owned equipment and facilities as a non-monetary or in-kind grant as part of the existing Community Partnership Fund program.	
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government Act 1995</i>  <u>Section 6.12(1)(b)</u>: waive or grant concessions in relation to any amount of money (other than money owing in respect of rates or service charges)  <u>Section 6.12(3)</u>: Determine conditions to apply to the grant of any concession</p>	
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.42</u>: Delegation of some powers or duties to the CEO</p>	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44</u>: CEO may delegate powers and duties to other employees</p>	
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Community Development</li> <li>• Manager Customer and Community Participation</li> </ul>	
<b>Conditions on Delegation/Sub Delegation</b>	<p>Financial limits:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer – Limit of \$500 for any one item</li> <li>• Director Community Development – Limit \$500</li> <li>• Manager Customer and Community Participation – Limit \$500</li> </ul> <p>Exercise of this delegation is to be in accordance with the Community Partnership Funding Directorate Procedure.</p>	
<b>Compliance links</b>	DA-032 – Granting of a Concession or Writing Off Debts Owed to the Council	
<b>Policy Reference</b>	<p>CP-025 Accounting Policy  CP-095 Non-Monetary Grants Policy Community Partnership Fund</p>	
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:  COUNCIL ADMIN – Delegated Authority – Exercises 5.119 P  COMMUNITY DEVELOPMENT – Community Partnership Funding – Non-Monetary 14.38 7D</p>	
<b>Period of Validity</b>	Ongoing	
<b>Adopted by Council</b>	Ordinary Meeting of Council – 16 June 2015 – CD15/8073	
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to clarify statutory power being delegated.	

**DA-129 Appoint Officer/s to Receive and Withdraw Complaints  
(Elected Members Code of Conduct)**

<b>Delegator: Council Process Owner: CEO</b>		<b>Delegation: DA – 129 Last Review Date: 18 June 2024</b>
<b>Description</b>	Authority to appoint officers to receive and withdraw complaints in accordance with clause 11(3) of the <i>Local Government (Code of Conduct) Regulations 2021</i> .	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government (Code of Conduct) Regulations 2021</i> <u>Regulation 11</u> : Complaint about alleged breach	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42</u> : Delegation of some powers or duties to the CEO	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Sub Delegated to:</b>	None	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Part 5, Division 9</u> : Conduct	
<b>Policy Reference</b>	Code of Conduct for Elected Members, Committee Members and Candidates (adopted at Special Meeting of Council 3 May 2021)	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: Delegated Authority – Exercised 5.119	
<b>Period of Validity</b>	Ongoing	
<b>Confirmed by Council</b>	Ordinary Meeting of Council – 16 March 2021 – M21/5810	
<b>Substantive Amendments</b>		

## **Division 2 - Building Act 2011 and Regulations**

### **2.2.1 Enabling legislative provisions**

Council may delegate any of its powers or duties as a permit authority to an employee of the local government (section 127(1) and (3)).

Section 127(7) clarifies that delegation does not limit the ability of the delegator to perform a function through an officer or agent.

### **2.2.2 Matters that may not be delegated**

Other than the CEO under section 127(6A), a person to whom a power or duty is delegated cannot sub-delegate that power or duty (section 127(5)).

### **2.2.3 Sub-delegation**

The CEO may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO (subject to any conditions, qualifications, limitations or exceptions imposed by the original delegation) (section 127(6A)).

### **2.2.4 Making delegations**

The delegation must be in writing executed by or on behalf of the delegator (section 127(4)).

The Act does not require delegations by the Council to be made, amended or revoked by absolute majority.

### **2.2.5 Recording and Review Obligations**

None specified.

### **2.2.6 Other obligations**

The exercise of a delegated authority to appoint an authorised person is subject to the person to be authorised having the appropriate experience or qualifications where this is prescribed in regulations (section 96(4)).

## DA-098 Authorised Persons (Building Act)

<b>Delegator: Council (as permit authority)</b>		<b>Delegation: DA – 098</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to: <ol style="list-style-type: none"> <li>1. Designate an employee as an authorised person for the purposes of the <i>Building Act 2011</i> in relation to buildings and incidental structures located or proposed to be located in the district, and</li> <li>2. Appoint authorised and approved officers for the purposes of issuing and dealing with infringements under sections 6(a) and 6(b) of the <i>Criminal Procedure Act 2004</i> pursuant to the requirements of the <i>Building Regulations 2012</i>.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Building Act 2011</i> <u>Section 96(3)</u> : A local government may designate an employee as an authorised person for the purposes of the Act <i>Building Regulations 2012</i> <u>Regulation 70</u> : Approved officers and authorised officers (for the purposes of the <i>Criminal Procedure Act 2004</i> )		
<b>Statutory Power to Delegate</b>	<i>Building Act 2011</i> <u>Section 127(1)</u> : A local government may delegate any of its powers or duties as a permit authority <u>Section 127(3)</u> : A local government may only delegate its powers or duties to a local government employee <i>Local Government Act 1995</i>		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Building Act 2011</i> <u>Section 127(6A)</u> : CEO of a local government may delegate to any other employee a power or duty that has been delegated to the CEO		
<b>Sub Delegated to:</b>	Director Planning		
<b>Conditions on Delegation/Sub Delegation</b>	<ol style="list-style-type: none"> <li>1. A person may only be appointed as an approved officer under regulation 70(1) of the <i>Building Regulations 2012</i> if they hold a delegation from the CEO under section 5.44(1) of the <i>Local Government Act 1995</i> to perform functions under sections 9.19 or 9.20 of that Act.</li> <li>2. A person may only be appointed as an authorised officer under regulation 70(2) of the <i>Building Regulations 2012</i> if they have been appointed and authorised under section 9.10(1) of the <i>Local Government Act 1995</i> for the purpose of performing functions under section 9.16 of that Act.</li> <li>3. All authorised officers must be issued with identification showing proof of authorisation.</li> </ol>		
<b>Compliance links</b>	<i>Building Act 2011</i> <u>Section 97</u> : Identity cards <u>Section 99</u> : Limitations on powers of authorised persons <u>Part 8, Division 3</u> : Powers of authorised persons <i>Building Regulations 2012</i> <u>Regulation 5A</u> : Authorised persons <u>Schedule 6</u> : Prescribed Offences and Modified Penalties <i>Local Government Act 1995</i> <u>Section 5.36</u> : Local government employees <u>Section 9.10</u> : Appointment of authorised persons (see DA-055)		

Part 2 - Register of Statutory Delegations by Council



	<p><u>Section 9.16</u>: Notice to alleged offender  <u>Section 9.19</u>: Extension of time  <u>Section 9.20</u>: Withdrawal of notice  <i>Criminal Procedure Act 2004</i>, Part 2  Building Code of Australia</p>
<b>Policy Reference</b>	
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:  COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P</p>
<b>Period of Validity</b>	Ongoing
<b>Adopted by Council</b>	Special Meeting of Council – 27 March 2012 – P12/3298
<b>Substantive Amendments</b>	<p>Ordinary Meeting of Council – 16 June 2020 – M20/5749  Amended to incorporate delegation of appointment of approved and authorised officers under regulation 70 of the <i>Building Regulations 2012</i>, previously recorded in DA-123.</p>

## DA-103 Inspection and Copies of Building Information

<b>Delegator: Council as permit authority</b>		<b>Delegation: DA – 103</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to: <ol style="list-style-type: none"> <li>1. Provide a copy of a permit, building approval certificate or building order kept in the register specified in section 128; and</li> <li>2. Allow an <b><i>interested person</i></b> (as defined) to inspect and be provided with a copy of a building record as defined in section 130 of the <i>Building Act 2011</i>.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Building Act 2011</i> <u>Section 129(2)</u> : Copies of permits, certificates in register <u>Section 131(2)</u> : Inspection, copies of building records		
<b>Statutory Power to Delegate</b>	<i>Building Act 2011</i> <u>Section 127(1)</u> : A local government may delegate any of its powers or duties as a permit authority <u>Section 127(3)</u> : A local government may only delegate its powers or duties to a local government employee		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Building Act 2011</i> <u>Section 127(6A)</u> : CEO of a local government may delegate to any other local government employee a power or duty that has been delegated to the CEO		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Planning</li> <li>• Manager Environmental Health and Compliance</li> <li>• Building Services Coordinator</li> <li>• Senior Building Surveyor</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	The City may, on application provide copies of a permit, building approval certificate, building order or building records as described in Section 129 (2) of the Building Act 2011 to include the following: <ol style="list-style-type: none"> <li>(a) The owner of the building or incidental structure to which the building record relates; or</li> <li>(b) A person who has the written consent of the owner mentioned in paragraph (a), to inspect or receive a copy of a building record related to the owner; or</li> <li>(c) A person or person(s) defined by Regulation 13 of the Building Regulations 2012, or;</li> <li>(d) A potentially affected property owner.</li> </ol> For the purposes of point (d), a potentially affected property owner is defined below:		



Part 2 - Register of Statutory Delegations by Council

	 <p><i>Diagram 1 – Typical 'potentially affected' properties for a development located within the middle of a street block.</i></p>  <p><i>Diagram 2 – Typical 'potentially affected' properties for a development located within a corner property.</i></p>
<b>Compliance links</b>	<p><i>Building Regulations 2012</i>  <u>Regulation 12:</u> Building records to be kept  <u>Regulation 13:</u> Inspection, copies of building records</p>
<b>Policy Reference</b>	None
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:          COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P          PLANNING AND DEVELOPMENT – General Enquiries – 20.115 10D</p>
<b>Period of Validity</b>	Ongoing
<b>Adopted by Council</b>	Special Meeting of Council – 27 March 2013 – P12/3298
<b>Substantive Amendments</b>	<p>Ordinary Meeting of Council – 16 June 2020 – M20/5749          Amended to include authority under section 129 to provide copies of documents on register.</p>

## DA-105 Prosecutions and Legal Proceedings – Building Matters

<b>Delegator: Council as permit authority</b>		<b>Delegation: DA – 105</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to commence and have the carriage and conduct of legal proceedings and other matters pursuant to the <i>Building Act 2011</i> and <i>Building Regulations 2012</i> and exercise the powers set out in section 133.		
<b>Statutory Power or Duty Delegated</b>	<i>Building Act 2011</i> <u>Section 133(1)(b)</u> : Prosecutions may be commenced by a local government or a person authorised to do so by the local government		
<b>Statutory Power to Delegate</b>	<i>Building Act 2011</i> <u>Section 127(1)</u> : A local government may delegate any of its powers or duties as a permit authority <u>Section 127(3)</u> : A local government may only delegate its powers or duties to a local government employee		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Building Act 2011</i> <u>Section 127(6A)</u> : CEO of a local government may delegate to any other local government employee a power or duty that has been delegated to the CEO		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Corporate Services</li> <li>• Director Planning</li> <li>• Manager Environmental Health and Compliance</li> <li>• Senior Building Surveyor</li> <li>• Senior Building Surveyor – Compliance</li> <li>• Coordinator Compliance Services</li> <li>• Building Services Coordinator</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<i>Building Act 2011</i> Part 12 Legal Proceedings		
<b>Policy Reference</b>	Building Compliance Work Instruction CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P PLANNING AND DEVELOPMENT – Building Inspections – prosecutions, notices, complaints, demolition 20.69 10D		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Ordinary Meeting of Council – 21 May 2013 – C13/5291		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to remove redundant matters and provide for authorising a person to commence prosecution in accordance with s 133. Ordinary Meeting of Council – 15 June 2021 – M21/5842 Approved sub-delegation to Building Compliance Officer. Ordinary Meeting of Council – 18 June 2024 – C24/157 Amended sub-delegation to extend to Building Compliance		

Part 2 - Register of Statutory Delegations by Council

	<p>Coordinator and Building Services Coordinator.</p> <p>22 August 2024 Amended sub-delegation to include Coordinator Compliance Services and Senior Building Surveyor - Compliance in accordance with re-structure in Planning directorate. Also revoked delegation to Building Compliance Officer.</p> <p>3 September 2024 Amended sub-delegation to include Senior Building Surveyor.</p>
--	--

**DA-126 Building and Demolition Permits**

<b>Delegator: Council as permit authority</b>		<b>Delegation: DA – 126</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to grant or refuse to grant a building permit or demolition permit; to impose, vary, and revoke permit conditions and extend the time of during which permit has effect.		
<b>Statutory Power or Duty Delegated</b>	<i>Building Act 2011</i> <u>Section 18</u> : Seek further information <u>Section 20</u> : Grant of building permit <u>Section 21</u> : Grant of demolition permit <u>Section 22</u> : Refuse to grant a building permit or demolition permit <u>Section 27</u> : Impose, add, vary or revoke conditions on a building permit or demolition permit <u>Section 88</u> : Impose a condition specifying the finish of a close wall <i>Building Regulations 2012</i> <u>Regulation 24</u> : Extension of time during which permit has effect		
<b>Statutory Power to Delegate</b>	<i>Building Act 2011</i> <u>Section 127(1)</u> : A local government may delegate any of its powers or duties as a permit authority		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Building Act 2011</i> <u>Section 127(6A)</u> : CEO of a local government may delegate to any other local government employee a power or duty that has been delegated to the CEO		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Manager Environmental Health and Compliance</li> <li>• Building Services Coordinator</li> <li>• Senior Building Surveyor</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<i>Building Act 2011</i> <u>Section 127(3)</u> : A local government may only delegate its powers or duties to a local government employee		
<b>Compliance links</b>	<i>Building Act 2011, Part 2, Division 2</i> <i>Building Regulations 2012, Part 3 and Schedule 2</i> <i>Building Services (Registration Act) 2011, Section 7</i> <i>Home Building Contracts Act 1991, Part 3A, Division 2</i> <i>Building Services (Complaint Resolution and Administration) Act 2011, Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index:		

Part 2 - Register of Statutory Delegations by Council

	COUNCIL ADMIN – Delegated Authority – Exercises 5.119 P PLANNING & DEVELOPMENT – Building Licence Applications 20.112 P
<b>Period of Validity</b>	Ongoing
<b>Adopted by Council</b>	Special Meeting of Council – 27 March 2012 – P12/3298
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to incorporate delegations formerly recorded in DA-089, DA-090, DA-091, DA-092, DA-097, DA-104, add delegation of power to seek further information under section 18.

### DA-127 Occupancy Permits and Building Approval Certificates

<b>Delegator: Council as permit authority</b>		<b>Delegation: DA – 127</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to grant or to refuse to grant an occupancy permit or a building approval certificate; to impose, vary and revoke conditions, and to extend duration.		
<b>Statutory Power or Duty Delegated</b>	<i>Building Act 2011</i> <u>Section 55</u> : Seek further information from applicant <u>Section 58</u> : Grant of occupancy permit or building approval certificate (including power to refuse under section 58(3)) <u>Section 62</u> : Impose, add, vary or revoke conditions on an occupancy permit or building approval certificate <u>Section 65</u> : Extend the duration of an occupancy permit or building approval certificate.		
<b>Statutory Power to Delegate</b>	<i>Building Act 2011</i> <u>Section 127(1)</u> : A local government may delegate any of its powers or duties as a permit authority. <u>Section 127(3)</u> : A local government may only delegate its powers or duties to a local government employee		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Building Act 2011</i> <u>Section 127(6A)</u> : CEO of a local government may delegate to any other local government employee a power or duty that has been delegated to the CEO		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Manager Environmental Health and Compliance</li> <li>• Manager Statutory Planning and Building</li> <li>• Building Services Coordinator</li> <li>• Senior Building Surveyor</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<i>Building Act 2011, Part 2, Division 3</i> <i>Building Regulations 2012, Part 5 and Schedule 2</i> <i>Building Services (Registration Act) 2011, Sections 3 and 11</i> <i>Home Building Contracts Act 1991, Part 3A, Division 2</i> <i>Building Services (Complaint Resolution and Administration) Act 2011, Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i>		
<b>Policy Reference</b>	None		

Part 2 - Register of Statutory Delegations by Council

<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMIN – Delegated Authority – Exercises 5.119 P Appropriate index relevant to decision
<b>Period of Validity</b>	Ongoing
<b>Adopted by Council</b>	Special Meeting of Council – 27 March 2012 – P12/3298
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to incorporate delegations formerly recorded in DA-093, DA-094, DA-095, DA-096. Ordinary Meeting of Council – 18 June 2024 – C24/157 Amended sub-delegation to extend to Manager Statutory Planning and Building.

## DA-128 Building Orders

<b>Delegator: Council as permit authority</b>		<b>Delegation: DA – 128</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to issue building orders, give notice of a building order, revoke a building order and give notice to that effect; and</li> <li>2. In the event of non-compliance with a building order, cause an authorised person to take any action, or commence or complete any work, specified in the order or to take reasonable steps to cause specified action to cease, and recover the reasonable costs in giving effect to the building order.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Building Act 2011</i> <u>Section 110(1)</u> : Building orders <u>Section 111</u> : Notice of proposed building order <u>Section 117</u> : Revocation of building order <u>Section 118</u> : Give effect to building order if non-compliance <u>Section 88(3)</u> : Specify the finish of a close wall in a building order		
<b>Statutory Power to Delegate</b>	<i>Building Act 2011</i> <u>Section 127(1)</u> : A local government may delegate any of its powers or duties as a permit authority <u>Section 127(3)</u> : A local government may only delegate its powers or duties to a local government employee		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Building Act 2011</i> <u>Section 127(6A)</u> : CEO of a local government may delegate to any other local government employee a power or duty that has been delegated to the CEO		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Manager Environmental Health and Compliance</li> <li>• Coordinator Compliance Services</li> <li>• Senior Building Surveyor - Compliance</li> <li>• Manager Statutory Planning and Building</li> <li>• Building Services Coordinator</li> <li>• Senior Building Surveyor</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	The Senior Building Surveyor is delegated the power to give notice of a building order only (section 111).		
<b>Compliance links</b>	<i>Building Act 2011</i> , Part 8, Division 5		
<b>Policy Reference</b>	CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P PLANNING & DEVELOPMENT – Building & Planning Compliance 20.107 5A		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Special Meeting of Council – 27 March 2012 – P12/3298		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to incorporate delegations recorded in instruments DA-097, DA-099, DA-100, DA-101, DA-102. Ordinary Meeting of Council – 18 June 2024 – C24/157		

Part 2 - Register of Statutory Delegations by Council

	<p>Amended sub-delegation to extend to Building Compliance Coordinator and Manager Statutory Planning and Building.</p> <p>22 August 2024</p> <p>Amended sub-delegation to include Coordinator Compliance Services and Senior Building Surveyor - Compliance in accordance with re-structure in Planning directorate.</p>
--	---



## **Division 3 - Bush Fires Act 1954 and Regulations**

### **2.3.1 Enabling legislative provisions**

Council may delegate to:

- a) The CEO any of its functions under the Bush Fires Act (section 48(1)).
- b) Its bush fire control officer, or other officer, the authority generally or in any case or class of cases, to consider allegations of offences against the Act and to institute and carry on legal proceedings in the name of the local government if they see fit (section 59(3)).
- c) The Mayor and the Chief Bush Fire Control Officer, jointly, its powers and duties in relation to varying prohibited burning times under s.17(7) and (8) (section 17(10)).

Sections 48(4) provides that such delegation does not limit the ability of the local government to act through its council, members of staff or agents in the normal course of business.

Sections 59(5) and 17(11) provide that despite any delegation under section 59(3) or section 17(10), the local government is not precluded from exercising its powers or discharging its duties under those sections.

### **2.3.2 Matters that may not be delegated**

A delegation to the CEO made under section 48(1) may not be sub-delegated (section 48(3)).

### **2.3.3 Sub-delegation**

Not permitted (section 48(3)).

### **2.3.4 Making delegations**

A delegation by the Council must be in writing (section 48(1), section 59(3)) but there is no requirement for an absolute majority to make, amend or cancel an instrument of delegation.

### **2.3.5 Recording and Review Obligations**

None specified.

## DA-022 Legal Proceedings – Bush Fires

<b>Delegator: Council</b>		<b>Delegation: DA –022</b>	
<b>Process Owner: Director Community Development</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to commence and carry on legal proceedings against a person for alleged offences against the <i>Bush Fires Act 1954</i> .		
<b>Statutory Power or Duty Delegated</b>	<i>Bush Fires Act 1954</i> <u>Section 59(1)</u> : Prosecution of offences		
<b>Statutory Power to Delegate</b>	<i>Bush Fires Act 1954</i> <u>Section 59(3)</u> : A local government may delegate authority to its bush fire control officer or other officer to consider allegations of offences and if they see fit to institute proceedings against the person		
<b>Delegated to</b>	<ul style="list-style-type: none"> <li>• Chief Bush Fire Control Officer appointed under section 38(1) of the <i>Bush Fires Act 1954</i></li> <li>• Deputy Chief Bush Fire Control Officer appointed under section 38(1) of the <i>Bush Fires Act 1954</i></li> </ul>		
<b>Statutory Power to sub delegate:</b>	None. Section 48(3) does not permit sub-delegation		
<b>Sub Delegated to:</b>	Not applicable		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<i>Bush Fires Act 1954</i> <u>Section 59A</u> : Alternative procedure – infringement notices <u>Section 65</u> : Proof of certain matters <u>Section 66</u> : Proof of ownership or occupancy <i>Bush Fires (Infringements) Regulations 1978</i>		
<b>Policy Reference</b>	CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate index relevant to decision		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Administration & Community Services Committee – 5 November 1996 – A96/1017		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to remove delegation from CEO and grant it to the Chief and Deputy Chief Bush Fire Control Officers in accordance with section 59(3).		

**DA-023 Performance of Functions Under the Bush Fires Act 1954**

<b>Delegator: Council</b>		<b>Delegation No. DA – 023</b>
<b>Process Owner: Director Community Development</b>		
<b>Description</b>	Authority to perform any of the functions of a Local Government contained in the <i>Bush Fires Act 1954</i> .	
<b>Statutory Power or Duty Delegated</b>	All operational functions of a local government under the Act.	
<b>Statutory Power to Delegate</b>	<i>Bush Fires Act 1954</i> <u>Section 48(1)</u> : Delegation by local governments	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	None. Section 48(3) does not permit sub-delegation	
<b>Sub Delegated to:</b>	Not applicable	
<b>Conditions on Delegation/Sub Delegation</b>	None	
<b>Compliance links</b>	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Bush Fires (Infringement) Regulations 1978</i>	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P ENVIRONMENTAL MANAGEMENT – Bushfire Management 9.04 7D	
<b>Period of Validity</b>	Ongoing	
<b>Adopted by Council</b>	Ordinary Meeting of Council – 15 May 2007 – C07/5007	
<b>Substantive Amendments</b>		

## Division 4 *Cat Act 2011* and Regulations

### 2.4.1 *Enabling legislative provisions*

- 1) Council may delegate to:  
The CEO the exercise of any of its powers or the discharge of any of its duties under the *Cat Act 2011* (section 44(1)).
- 2) The CEO may delegate to:  
Any employee of the local government – the exercise of any of the CEO's powers or discharge of any of the CEO's duties under the *Cat Act 2011* (section 45(1)).

The delegation of a power or duty does not prevent the Council from performing its functions by acting through a person other than the CEO or the CEO from acting through another person (section 46(2)).

### 2.4.2 *Matters that may not be delegated*

Section 79 deals with the making of local laws, which under the *Local Government Act 1995* must be made by Council by absolute majority.

A power or duty under sections 63, 64 and 65 cannot be delegated to an authorised person appointed under section 9.5 of the *Local Government Act 1995* (section 45(6)).

### 2.4.3 *Sub-delegation*

The CEO's power to delegate under section 45(1) extends to the delegation of any powers and duties delegated to the CEO, subject to any conditions imposed in the delegation to the CEO (section 45(3)).

### 2.4.4 *Making delegations*

1. An absolute majority decision of Council is required to delegate powers and duties to the CEO (section 44(3)).
2. A delegation made under sections 44(1) or 45(1) must be in writing, and may be general or as otherwise provided (section 44(2), section 45(2)).
3. A delegation has effect indefinitely unless otherwise specified in the delegation (section 46(1)(a)).
4. Any decision to amend or revoke a delegation made by a local government is to be by an absolute majority decision (section 46(1)(b)).

### 2.4.5 *Recording and Review Obligations*

1. The CEO to keep a register of the delegations made under Part 4, Division 2 to the CEO and to employees (s47(1)).
2. At least once every financial year delegations made under Part 4 Division 2 are to be reviewed by the delegator (s.47(2)).
3. Every person to whom a power or duty is delegated under the *Local Government Act 1995* is to keep records in accordance with the regulations in relation to the exercise of the power or discharge of the duty (section 47(3)).

There are currently no regulations under the *Cat Act 2011* prescribing the form of records to be kept of the exercise of delegated authority.

## DA-125 Delegation of Duties and Powers under the Cat Act 2011

<b>Delegator: Council</b>		<b>Delegation: DA – 125</b>	
<b>Process Owner: Director Community Development</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Perform any function or duty and exercise any power of the local government under the <i>Cat Act 2011</i> , <i>Cat Regulations 2012</i> and <i>Cat (Uniform Local Provisions) Regulations 2013</i> .		
<b>Statutory Power or Duty Delegated</b>	All operational powers and duties of the local government under the <i>Cat Act 2011</i> other than those excluded below.		
<b>Statutory Power to Delegate</b>	<i>Cat Act 2011</i> <u>Section 44</u> : Delegation by local government		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Cat Act 2011</i> <u>Section 45</u> : Delegation by CEO of local government		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Community Development</li> <li>• Head of Community Safety</li> <li>• Coordinator Rangers and Emergency Services</li> <li>• Senior Ranger (limited to sections 9(5) &amp; (6), 26(1))</li> <li>• Rangers (limited to sections 9(5) &amp; (6), 26(1))</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<p>This delegation excludes functions in the Act reserved to Council, specifically:</p> <ul style="list-style-type: none"> <li>• <u>Section 44(1)</u>: Delegation of powers and duties to the CEO;</li> <li>• <u>Section 46(1)(b)</u>: Decision to amend or revoke a delegation;</li> <li>• <u>Section 70</u>: Dealing with objections to decisions made under sections 9, 10, 37 or 38; and</li> <li>• <u>Section 79</u>: Making local laws.</li> </ul> <p>This delegation must be exercised in accordance with any relevant Council policies or local laws as approved from time to time. Sub-delegations to certain officers are limited as listed above.</p>		
<b>Compliance links</b>	<i>Cat Regulations 2012</i> <i>Cat (Uniform Local Provisions) Regulations 2013</i>		
<b>Policy Reference</b>	CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate subject index relevant to decision		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Ordinary Meeting of Council –16 June 2020 – M20/5749 Replaces former DA-106, DA-107, DA-108, DA-109, DA-110, DA-111, DA-112, DA-113, DA-114.		
<b>Substantive Amendments</b>			

## Division 5 - Dog Act 1976 and Regulations

### 2.5.1 Enabling legislative provisions

Council may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under the *Dog Act 1976* (section 10AA(1)).

Nothing in section 10AA limits the ability of the CEO to perform a function through an officer or agent.

### 2.5.2 Matters that may not be delegated

The following powers must be exercised by Council by absolute majority and therefore cannot be delegated:

- Section 31(2B) – specify a public place under the care, control or management of the local government to be a place where dogs are prohibited.
- Section 31(3A) – specify a public place under the care, control or management of the local government to be a dog exercise area.
- Section 31(3B) – specify a public place under the care, control or management of the local government to be a rural leashing area.
- Sections 26, 27(3), 49 and 51 deal with the making of local laws, which under the *Local Government Act 1995* must be made by Council by absolute majority.

### 2.5.3 Sub-delegation

The CEO may delegate to another person the exercise of any of the powers or discharge of any of the duties delegated to the CEO (section 10AA(1)) provided the instrument of delegation expressly authorises that the power or duty may be further delegated (section 10AA(3)).

### 2.5.4 Making delegations

1. An absolute majority decision of Council is required to delegate powers and duties to the CEO (section 10AA(1)).
2. A delegation made under section 10AA(1) must be in writing (section 10AA(2)).

### 2.5.5 Recording and Review Obligations

1. The CEO is to keep a register of the delegations made under section 10AA(1) and any further delegations made under the authority of such delegations (section 10AB(1)).
2. At least once every financial year delegations made under section 10AA(1) and further delegations made under the authority of such delegations are to be reviewed by the delegator (section 10AB(2)).

## DA-122 Delegation of Duties and Powers under the Dog Act 1976

<b>Delegator: Council</b>		<b>Delegation: DA – 122</b>	
<b>Process Owner: Director Community Development</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Perform any function or duty and exercise any power of the local government under the <i>Dog Act 1976</i> and the <i>Dog Regulations 2013</i> .		
<b>Statutory Power or Duty Delegated</b>	All operational powers and duties of the local government under the <i>Dog Act 1976</i> other than those excluded below.		
<b>Statutory Power to Delegate</b>	<i>Dog Act 1976</i> <u>Section 10AA</u> : Delegation of local government powers and duties		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Dog Act 1976</i> <u>Section 10AA(3)</u> : The delegation may expressly authorise the delegate to further delegate  Council permits sub-delegation of delegated powers and duties under the <i>Dog Act 1976</i>		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Community Development</li> <li>• Head of Community Safety</li> <li>• Coordinator Rangers and Emergency Services</li> <li>• Senior Ranger</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	<p>This delegation excludes functions in the Act reserved to Council, specifically:</p> <ul style="list-style-type: none"> <li>• Delegation of powers and duties to the CEO (section 10AA(1));</li> <li>• Specifying a public place where dogs are prohibited (section 31(2B));</li> <li>• Specifying a public place to be a dog exercise area (section 31(3A)); and</li> <li>• Making local laws (section 49A).</li> </ul> <p>This delegation must be exercised in accordance with the <i>City of Melville Dog Local Law 2021</i> and any relevant Council Policies as approved from time to time.</p>		
<b>Compliance links</b>	<i>Dog Regulations 2013</i> <i>City of Melville Dog Local Law 2021</i>		
<b>Policy Reference</b>	CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Appropriate subject index relevant to decision		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Ordinary Meeting of Council – 10 December 2019 – M19/5722		
<b>Substantive Amendments</b>			



## Division 6 - Food Act 2008 and Regulations

### 2.6.1 *Enabling legislative provisions*

- 1) The CEO of the administering State agency may:
  - a) delegate any power or duty of the CEO under another provision of the *Food Act 2008* to a local government (section 117(1)(c)) with the written consent of the enforcement agency (section 117(6)); and
  - b) expressly authorise the delegate to further delegate the power or duty to another person specified in section 117(1) (section 117(4)).
- 2) The local government as an enforcement agency may delegate a function conferred or imposed on it subject to section 117(3)-(4) and in accordance with the *Food Act Regulations 2009* (section 118(2)(b)).

### 2.6.2 *Matters that may not be delegated*

Sub-delegation is permitted only where expressly provided for in the *Food Act Regulations 2009*. The Regulations do not currently prescribe any functions that may be sub-delegated.

### 2.6.3 *Sub-delegation*

Permitted only if prescribed in regulations (section 118(4)). No sub-delegation has currently been prescribed.

### 2.6.4 *Making delegations*

A delegation made by the CEO of the administering State agency must be in writing signed by the CEO (section 117(3)).

A delegation made by an enforcement agency under section 118(2)(b) is subject to conditions or limitations on those functions imposed on it under section 119 and the performance of those functions in accordance with guidelines required by the CEO of the administering State agency under section 120, and in accordance with the *Food Act Regulations 2009* (section 118(2)(b)).

### 2.6.54 *Recording and Review Obligations*

None specified.

## DA-073 Delegations Under the Food Act 2008

<b>Delegator: Council as enforcement agency</b>		<b>Delegation: DA – 073</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Any function conferred or imposed on the local government as an enforcement agency under the <i>Food Act 2008</i> .		
<b>Statutory Power or Duty Delegated</b>	All functions conferred or imposed on the local government as an enforcement agency under the <i>Food Act 2008</i> , subject to limitations or conditions below.		
<b>Statutory Power to Delegate</b>	<i>Food Act 2008</i> <u>Section 118(2)(b)</u> : A function conferred or imposed on an enforcement agency may be delegated		
<b>Delegated to</b>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Manager Environmental Health and Compliance (sections 65, 66; 110 and 112 only)</li> <li>• Coordinator Environmental Health</li> <li>• Senior Environmental Health Officer</li> </ul>		
<b>Statutory Power to sub delegate:</b>	Not permitted. The <i>Food Regulations 2009</i> do not allow for sub-delegation		
<b>Sub Delegated to:</b>	Not applicable		
<b>Conditions on Delegation/Sub Delegation</b>	Any conditions or limitations imposed on the performance of functions by the enforcement agency by the Chief Executive Officer of the department principally assisting in the administration of the Act		
<b>Compliance links</b>	<p>Any guidelines required to be adopted by enforcement agencies under section 120(1) (food standards) or section 122(2) (qualifications of authorised officers) of the Act.</p> <p><u>Section 53(2)</u>: Destroy, sell or dispose of forfeited item</p> <p><u>Section 56</u>: Compensation for seized item</p> <p><u>Section 65(1)</u>: Prohibition order</p> <p><u>Section 66</u>: Certificate of clearance to be given</p> <p><u>Section 70</u>: Determine application for compensation</p> <p><u>Section 100</u>: Priority classification system and frequency of auditing</p> <p><u>Section 110(1)</u>: Registration of food businesses</p> <p><u>Section 112</u>: Variation of conditions or cancellation of registration of food businesses</p> <p><u>Part 10, Division 2</u>: Functions of enforcement agencies</p> <p><u>Section 122(1)</u>: Appointment of authorised officers</p> <p><u>Section 126(13)</u>: Appointment of designated officers</p>		
<b>Policy Reference</b>	CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P PUBLIC HEALTH – Food (subject index relevant to the decision)		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Ordinary Meeting of Council – 15 June 2010 – C10/5116		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to extend delegation to Manager Environmental Health and Compliance, Coordinator Environmental Health and Senior Environmental Health Officer.		

## Division 7 - Graffiti Vandalism Act 2016 and Regulations

### 2.7.1 *Enabling legislative provisions*

- 1) Council may delegate to:  
The CEO the exercise of any of its powers or the discharge of any of its duties under another provision of Part 3 of the *Graffiti Vandalism Act 2016* (section 16(1)).
- 2) *The CEO may delegate to:*  
Any employee of the local government – the exercise of any of the CEO’s powers or discharge of any of the CEO’s duties under the *Graffiti Vandalism Act 2016* (section 17(1)).

### 2.7.2 *Matters that may not be delegated*

Section 17(1) provides that the CEO may not delegate the power of delegation.

### 2.7.3 *Sub-delegation*

The CEO’s power to delegate under section 17(1) extends to the delegation of any powers and duties delegated to the CEO, subject to any conditions imposed in the delegation to the CEO (section 17(3)).

### 2.7.4 *Making delegations*

1. An absolute majority decision of Council is required to delegate powers and duties to the CEO (section 16(3)).
2. A delegation made under sections 16(1) or 17(1) must be in writing, and may be general or as otherwise provided (section 16(2), section 17(2)).

### 2.7.5 *Recording and Review Obligations*

None specified.

## DA-121 Graffiti Vandalism

<b>Delegator: Council</b>		<b>Delegation: DA – 121</b>	
<b>Process Owner: Director Environment and Infrastructure</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	The exercise of local government powers and the discharge of local government duties under Part 3 of the <i>Graffiti Vandalism Act 2016</i> .		
<b>Statutory Power or Duty Delegated</b>	<i>Graffiti Vandalism Act 2016</i> <u>Section 18</u> : Notice requiring removal of graffiti <u>Section 19</u> : Additional powers when notice is given <u>Section 25</u> : Local government graffiti powers on land not local government property <u>Section 28</u> : Notice of entry		
<b>Statutory Power to Delegate</b>	<i>Graffiti Vandalism Act 2016</i> <u>Section 16</u> : Delegation by local government		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Graffiti Vandalism Act 2016</i> <u>Section 17</u> : Delegation by CEO of local government		
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Environment and Infrastructure</li> <li>• Manager City Buildings</li> </ul>		
<b>Conditions on Delegation/Sub Delegation</b>	This delegation excludes section 22(3), which is a matter reserved to Council		
<b>Compliance links</b>	<i>Graffiti Vandalism Act 2016</i> <i>Local Government Act 1995, Part 9, Division 1</i> : Objections and review		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P PROPERTY MAINTENANCE – Graffiti 21.02 7D		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Ordinary Meeting of Council 20 June 2017 M17/5552		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to cover all Part 3 powers and duties of local government.		

## **Division 8 - Health (Miscellaneous Provisions) Act 1911 and (Health (Asbestos) Regulations 1992**

### **2.8.1 Enabling legislative provisions**

The *Health (Miscellaneous Provisions) Act 1911* does not explicitly provide for local governments to have the power of delegation.

Section 26(1) of the Act authorises and directs every local government to carry out within its district the provisions of that Act and the regulations, local laws and orders made under it.

Section 26(2) provides that a local government may 'appoint and authorise any person to be its deputy and in that capacity exercise and discharge all or any of the functions of the local government'. Section 26(2) is technically a statutory appointment, not a delegation.

Since there is no power of delegation, there is no capacity within this Act to sub-delegate. The appointment of deputies is set out in Part 4.

Section 344(2) of the Act provides for a regulation or local law made under the Act to be made so as to delegate or confer a discretionary authority on a specified person or body or class of person or body.

Regulation 15D(7) of the *Health (Asbestos) Regulations 1992* provides that a local government may delegate a power or duty conferred or imposed on it by regulation 15D (Infringement Notices) to its CEO. No sub-delegation power is provided.

### **2.8.2 Matters that may not be authorised for performance by a deputy**

Council is not fettered in the functions or powers it may authorise any deputy to carry out.

### **2.8.3 Recording and Review Obligations**

None specified with respect to appointment of deputies. Local governments are required to report annually to the Health Department on the performance of their functions under the *Health (Miscellaneous Provisions) Act 1911*.

## DA-123 Authority to Appoint Approved and Authorised Officers for the Purposes of the Criminal Procedure Act

<b>Delegator: Council</b>		<b>Delegation: DA – 123</b>	
<b>Process Owner: Director Planning</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to appoint authorised and approved officers for the purposes of issuing and dealing with infringements under section 6 of the <i>Criminal Procedure Act 2004</i> , in accordance with the requirements of the <i>Health (Asbestos) Regulations 1992</i> .		
<b>Statutory Power or Duty Delegated</b>	<i>Health (Asbestos) Regulations 1992</i> <u>Regulation 15D(5)</u> : A local government may appoint persons or classes of persons to be authorised or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2.		
<b>Statutory Power to Delegate</b>	<i>Health (Miscellaneous Provisions) Act 1911</i> <u>Section 26</u> : A local government may appoint and authorise any person to exercise and discharge its powers and functions <i>Health (Asbestos) Regulations 1992</i> <u>Regulation 15D(7)</u> : A local government may delegate a power or duty under this regulation to the chief executive officer of the local government		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	No sub-delegation power		
<b>Sub Delegated to:</b>	Not applicable		
<b>Conditions on Delegation/Sub Delegation</b>	None		
<b>Compliance links</b>	<i>Criminal Procedure Act 2004</i> , Part 2 <i>Health (Asbestos) Regulations 1992</i> , Schedule 1		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
<b>Period of Validity</b>	Ongoing		
<b>Adopted by Council</b>	Ordinary Meeting of Council – 17 March 2020 – M20/5724		
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to remove delegation under regulation 70 of the <i>Building Regulations 2012</i> (transferred to DA-098).		

## **Division 9 - Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015**

### **2.9.1 Enabling legislative provisions**

The *Planning and Development Act 2005* does not grant any powers of delegation to local governments.

- 1) Council may delegate to:
  - a) The CEO:
    - (i) the exercise of any of its powers or the discharge of any of its duties under the *Planning and Development Act 2005*, section 214(2), (3) or (5) (*Local Government Act 1995* section 5.42(1)(b));
    - (ii) the exercise of any of the local government's powers or discharge of any of the local government's duties under its Local Planning Scheme (*Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, clause 82(1)).
  - (b) A committee – the exercise of any of the local government's powers or discharge of any of the local government's duties under its Local Planning Scheme (*Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, clause 82(1)).
  - (c) A Development Assessment Panel – the power of the local government to determine a development application of a class prescribed under regulation 19(1) and to amend or cancel determinations of applications of that kind (*Planning and Development (Development Assessment Panels) Regulations 2011*, regulation 19(2)).
- 2) The CEO may delegate to any employee of the local government – the exercise of any of the CEO's powers or discharge of any of the CEO's duties under its Local Planning Scheme other than the power of delegation (*Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, clause 83(1)).

### **2.9.2 Matters that may not be delegated**

The CEO may not delegate the power of delegation (*Local Government Act 1995*, section 5.44(1); *Planning and Development (Local Planning Schemes) Regulations*, Schedule 2, clause 83(1)).

### **2.9.3 Sub-delegation**

- 1) The CEO may delegate to any employee of the local government the power or duty delegated by a local government under section 5.42 of the *Local Government Act 1995*, subject to any conditions imposed in the original delegation related to section 214(2), (3) or (5) of the *Planning and Development Act* (section 5.44(3)).
- 2) The CEO's power to delegate to an employee under clause 83(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* extends to the delegation of any powers and duties delegated to the CEO under clause 82(1), subject to any conditions imposed in the original delegation to the CEO.



#### **2.9.4 Making delegations**

1. The power to delegate can only be exercised by a Council by or in accordance with a decision of an absolute majority (*Local Government Act 1995*, section 5.42(1); *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, clause 82(2); *Planning and Development (Development Assessment Panels) Regulations 2011*, regulation 19(3)).
2. Delegations must be in writing (*Local Government Act 1995*, section 5.42(2); *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, clause 82(3); *Planning and Development (Development Assessment Panels) Regulations 2011*, regulation 19(2)).
3. Delegations made under the *Local Government Act 1995*, section 5.42 and the *Planning and Development (Local Planning Schemes) Regulations 2015* have effect indefinitely unless otherwise specified (*Local Government Act 1995*, section 5.45(1)(a); *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, clause 84).
4. Delegations made under the *Local Government Act 1995*, section 5.42 and the *Planning and Development (Local Planning Schemes) Regulations 2015* can only be amended or revoked by absolute majority (*Local Government Act 1995*, section 5.45(1)(b); *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, clause 84).

#### **2.9.5 Recording and Review Obligations**

1. The CEO is to keep a register of the delegations made under Part 5 Division 4 to the CEO and to employees (*Local Government Act 1995*, section 5.46(1)).
2. At least once every financial year delegations made under Part 5 Division 4 are to be reviewed by the delegator (*Local Government Act 1995*, section 5.46(2)).
3. Every person to whom a power or duty is delegated under the *Local Government Act 1995* is to keep records in accordance with the *Local Government (Administration) Regulations 1996* in relation to the exercise of the power or discharge of the duty (*Local Government Act 1995*, section 5.46(3)).

Regulation 19 of the *Local Government (Administration) Regulations 1996* specifies that where a power or duty has been delegated under the *Local Government Act 1995* to the CEO or any other employee, the person to whom the power or duty has been delegated must keep a written record of:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, clause 84 provides that *Local Government Act 1995* sections 5.45 and 5.46 apply to any delegation made under clauses 82 and 83 of those regulations.

#### **2.9.6 Other obligations on delegates**

The following requirements apply to employees who hold a delegation or sub-delegation given under section 5.42 of the *Local Government Act 1995* to exercise the powers or discharge the duties of the local government under section 214(2), (3) or (5) of the *Planning and Development Act 2005* (i.e., DA-061).



## Part 2 - Register of Statutory Delegations by Council

Under section 5.71, an employee who has been delegated a power or duty under Part 5 Division 4 relating to a matter, must not exercise that power or discharge that duty if they have an interest in the matter as defined in sections 5.60A or 5.60B, and must disclose the nature of the interest to the Mayor (if the CEO) or to the CEO (any other employee).

Employees holding delegated authority (including sub-delegations) under Part 5 Division 4 of the *Local Government Act 1995* must lodge a primary financial return under section 5.75 of the Act within three months of receiving the delegation and must thereafter, while holding the delegated authority, lodge an annual return under section 5.76 of the Act.

The above requirements do not apply to employees only holding delegations (including (sub-delegations) granted under the *Planning and Development (Local Planning Scheme) Regulations 2015*.

## DA-020 Planning and Related Matters

<b>Delegator: Council</b>		<b>Delegation: DA – 020</b>	
<b>Process Owner: CEO</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to: <ul style="list-style-type: none"> <li>• 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;</li> <li>• Consider and provide recommendations on all applications relating to liquor licence and gambling compliance, in accordance with local planning requirements;</li> <li>• amend or cancel development approval on application by the landowner;</li> <li>• make recommendations to the Western Australian Planning Commission, Department of Biodiversity, Conservation and Attractions (for Swan River Trust), Heritage Council, State Heritage Office, Metro Inner Development Assessment Panel and other government departments and instrumentalities on matters associated with the subdivision and/or development of land; and</li> <li>• 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 relevant Local Planning Policy.</li> </ul>		
<b>Statutory Power or Duty Delegated</b>	Powers and duties of local government provided for in Schedule 2 Part 8 and Schedule 2 Part 9 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>		
<b>Statutory Power to Delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <u>Schedule 2, clause 82: Delegations by local government</u>		
<b>Delegated to</b>	Chief Executive Officer		
<b>Statutory Power to sub delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <u>Schedule 2, clause 83: Local government CEO may delegate powers</u>		
<b>Sub Delegated to:</b>	See attached sub-delegation matrix		
<b>Conditions on Delegation/Sub Delegation</b>	The exercise of delegation is subject to the following restrictions and conditions: <ol style="list-style-type: none"> <li>1. The provisions of Local Planning Policy 1.1 Planning Process and Decision Making apply (excluding Single House development as per Part 4 s.257C of Planning and Development Amendment Act 2023 and Planning and Development (Local Planning Schemes) Amendment (Single House Development) Regulations 2024);</li> <li>2. The delegation to determine an application under clause 68 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> 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;</li> </ol>		

Part 2 - Register of Statutory Delegations by Council

	<p>3. The delegation is limited in accordance with the following Delegated Authority (Sub-Delegation) Matrix for Planning Matters; and</p> <p>4. Should a development application be called up by Council, the Chief Executive Officer may not make recommendations to the Metro Inner Development Assessment Panel without first seeking Council's comment on the application and the planning officer's recommendations in the Responsible Authority Report, and attaching to the RAR the Council's comments as approved by Council.</p> <p>This delegation excludes the following powers:</p> <ul style="list-style-type: none"> <li>• Adopting or amending a Local Planning Policy other than minor administrative changes to reflect grammatical or numbering changes;</li> <li>• Amendments to the Local Planning Scheme;</li> <li>• Determination of an application for the modification or closure of a Public Access Way; and</li> <li>• Adopting or amending a Local Development Plan.</li> <li>• Providing comment on a development application which is to be determined by the Statutory Planning Committee under Part 11B of the Planning and Development Act 2005.</li> </ul>
<b>Compliance links</b>	<p>Local Planning Scheme #6  <i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2</i>  <i>Planning and Development Act 2005</i>  <i>Planning and Development Regulations 2009</i>            State Planning Policies            WAPC Delegation 2017/02, as amended (development on land zoned under the MRS)            WAPC Delegation 2009/03 (section 25 of the <i>Strata Titles Act 1985</i>)  <i>City of Melville Local Law Relating to Street Numbering 2006</i>  <i>City of Melville By-Laws Relating to Fences 1996</i></p>
<b>Policy Reference</b>	<p>All Local Planning Policies            State Planning Policies</p>
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:            COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P            Relevant subject index according to decision</p>
<b>Period of Validity</b>	<p>Ongoing</p>
<b>Adopted by Council</b>	<p>Planning &amp; Development Services Committee – 12 November 2007 – P96/7023</p>
<b>Substantive Amendments</b>	<p>Ordinary Meeting of Council – 10 December 2019 – M19/5723            Amended with respect to RAR submitted to JDAP.            Ordinary Meeting of Council – 16 June 2020 – M20/5749            Amended to align description to WAPC delegation and to relevant legislative provisions.            Ordinary Meeting of Council – 15 June 2021 – M21/5842            Amended sub-delegation matrix to remove redundant entries            Ordinary Meeting of Council – 18 June 2024 – C24/157            Amended sub-delegation matrix to reflect changes to the decision-making pathway for single house developments, and to add a new</p>

Part 2 - Register of Statutory Delegations by Council

	line in regards to liquor licensing and gaming compliance.
--	--

**DA-020 Delegated Authority (Sub-delegation) Matrix for Planning Matters**

	Director Planning	Manager Statutory Planning and Building	Principal Statutory Planner	Senior Statutory Planners
Applications which satisfy all of the requirements of LPS6, the Deemed-to Comply provisions of the Residential Design Codes Volume 1 (R-Codes Volume 1) and Local Planning Policies.	✓	✓	✓	✓
Provide recommendations and information on applications pertaining to liquor licence and gaming compliance.	✓	✓		
Development which involves departures from the requirements of LPS6, the Deemed-to-Comply provisions of the R-Codes Volume 1 and Local Planning Policies and where no objection(s) which raise relevant planning matters have been received.	✓	✓	✓	✓
Development which involves departures from the requirements of LPS6 the Deemed-to-Comply provisions of the R-Codes Volume 1 and Local Planning Policies and where objection(s) which raise relevant planning matters have been received.	(DAU**)	(DAU)		
Development which satisfies the Element Objectives and Acceptable Outcomes contained in Residential Design Codes Volume 2 Apartments (R-Codes Volume 2)	✓	✓	✓	✓
Development which satisfies the Element Objectives and Acceptable Outcomes contained in R-Codes Volume 2 and where objection(s) which raise relevant planning matters have been received.	(DAU)	(DAU)		
Refusal of applications which do not satisfy all of the requirements of LPS6, the Deemed-to-Comply provisions of the R-Codes, the element objectives and acceptable outcomes of R-Codes Volume 2 and Local Planning Policies.	✓	✓	✓	
SAT matters relating to attendance at Directions Hearings, Mediations, Hearings, and the preparation of Witness Statements and other documents ordered by the SAT.	✓	✓	✓	
Reconsideration requests made by the SAT.	✓*	✓*	✓*	
Recommendations to the WAPC relating to subdivisions resulting in less than 10 lots (approvals and refusals).	✓	✓	✓	✓
Subdivision clearances.	✓	✓	✓	✓

Part 2 - Register of Statutory Delegations by Council

	Director Planning	Manager Statutory Planning and Building	Principal Statutory Planner	Senior Statutory Planners
Recommendations to government agencies (whether to approve or refuse) where no objection(s) which raise relevant planning matters have been received.	✓	✓	✓	✓
Single House Development which meets the design principles and objectives of relevant Local Planning Policies where objections have been received (noting Single House development as per Part 4 s.257C of Planning and Development Amendment Act 2023 and Planning and Development (Local Planning Schemes) Amendment (Single House Development) Regulations 2024 is automatically delegated to the CEO)	✓	✓		
Recommendations to other government agencies (whether to approve or refuse) where objection(s) which raise relevant planning matters have been received.	✓	✓		
Allocation of new or amending existing street numbers.	✓	✓	✓	✓
Modification or removal of existing restrictive covenants.	✓	✓	✓	✓
To make minor administrative changes to local planning policies to reflect grammatical or numbering changes to the State Planning framework.	✓	✓		

\* Where the State Administrative Tribunal requests that the City reconsider its previous decision the matter is to be reconsidered at the same level at which the previous determination was made, i.e., if the matter was refused by the Council, the application returns to the Council for determination; if the matter was determined by the Manager Statutory Planning and Building, the application returns to the Manager Statutory Planning and Building for determination.

\*\* Delegation following consideration by Development Advisory Unit (DAU) in accordance with Council Policy.

Note: Single House development must be dealt with in accordance with the Planning and Development Amendment Act 2023 and the Planning and Development (Local Planning Schemes) Amendment (Single House Development) Regulations 2024.

## DA-061 Enforcement and Legal Proceedings – Planning Matters

<b>Delegator: Council (as responsible authority)</b> <b>Process Owner: Director Planning</b>		<b>Delegation: DA – 061</b> <b>Last Review Date: 18 June 2024</b>
<b>Description</b>	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> .	
<b>Statutory Power or Duty Delegated</b>	<i>Planning and Development Act 2005</i> – Part 13 <u>Section 214(2), (3) and (5)</u> : 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	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.42(1)(b)</u> : 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, clause 82: Delegations by local government	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, clause 83: Local government CEO may delegate powers	
<b>Sub Delegated to:</b>	<ul style="list-style-type: none"> <li>• Director Planning</li> <li>• Manager Environmental Health and Compliance</li> <li>• Manager Statutory Planning and Building</li> <li>• Senior Statutory Planner</li> </ul>	
<b>Conditions on Delegation/Sub Delegation</b>		
<b>Compliance links</b>	<i>Planning and Development Act 2005</i> , Part 13 <i>Criminal Procedure Act 2004</i> , Part 3	
<b>Policy Reference</b>	Planning Compliance – Directorate Procedure Planning Compliance – Work Instruction CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P Relevant subject index according to decision	
<b>Period of Validity</b>	Ongoing	
<b>Adopted by Council</b>	Ordinary Meeting of Council – 12 May 2015 – M15/5418	
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Amended to remove non-delegable powers  Ordinary Meeting of Council – 18 June 2024 – C24/157	

	Amended sub-delegation to extend to Manager Environmental Health and Compliance.  3 September 2024 Amended sub-delegation to extent to Senior Statutory Planner
--	--

## Division 10 - *Public Health Act 2016* and Regulations

### **2.10.1 Enabling legislative provisions**

- 1) Council may delegate to:
  - a) The CEO:
    - (i) A power or duty imposed on the local government as an enforcement agency (section 21(1)(b)(i)); and
  - b) An authorised officer designated by the local government:
    - (i) A power or duty imposed on the local government as an enforcement agency (section 21(1)(b)(ii)).

### **2.10.2 Matters that may not be delegated**

Section 21(4) provides that sub-delegation is permitted only when the regulations expressly authorise a delegable power or duty to be further delegated. No sub-delegation has been authorised in the *Public Health Regulations 2017*.

### **2.10.3 Sub-delegation**

Permitted only if expressly authorised in regulations in relation to a delegated power or duty (section 21(4)). No sub-delegation has currently been authorised.

### **2.10.4 Making delegations**

1. A delegation must be in writing (section 21(2)).
2. The delegation may be subject to any condition or restriction imposed on the exercise or performance of the enforcement agency by the Chief Health Officer under section 20 (section 21(3)).
3. The Act does not require that a delegation must be made by absolute majority.

### **2.10.5 Recording and Review Obligations**

Section 22 requires reporting, at intervals determined by the Chief Health Officer, by an enforcement agency on the performance of its functions under the Act, including those performed under delegated authority.

**DA-124 Designation of Authorised Officers (Public Health Act)**

<b>Delegator: Council Process Owner: CEO</b>		<b>Delegation: DA – 124 Last Review Date: 18 June 2024</b>
<b>Description</b>	Authority to designate persons or classes of persons under the <i>Public Health Act 2016</i> as authorised officers for the purposes of certain Acts.	
<b>Statutory Power or Duty Delegated</b>	<i>Public Health Act 2016</i> <u>Section 24</u> : Designation of authorised officers for the purposes of specified Acts	
<b>Statutory Power to Delegate</b>	<i>Public Health Act 2016</i> <u>Section 21(1)(b)</u> : Local government as enforcement agency may delegate to the CEO or a designated authorised officer	
<b>Delegated to</b>	Chief Executive Officer	
<b>Statutory Power to sub delegate:</b>	No sub-delegation permitted under <i>Public Health Act 2016</i> .	
<b>Sub Delegated to:</b>	Not applicable	
<b>Conditions on Delegation/Sub Delegation</b>	Persons designated as authorised officers must be issued with a certificate or card stating they are authorised in accordance with section 30 of the <i>Public Health Act 2016</i> .	
<b>Compliance links</b>	<i>Public Health Act 2016</i> Sections 18, 24(4), 25-32	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P	
<b>Period of Validity</b>	Ongoing	
<b>Adopted by Council</b>	Ordinary Meeting of Council – 13 May 2016 – P16/3733	
<b>Substantive Amendments</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Record of delegation transferred from instrument DA-055 to DA-124.	



## **Part 3 - Register of Statutory Delegations by the CEO (excluding sub-delegations)**

Reviewed annually by the CEO under section 5.46(2) of the *Local Government Act 1995*.

Powers delegated to the CEO by the Council and further delegated by the CEO to other officers are included as sub-delegations in the Register of Council delegations in Part 2 of this document.

## Division 1 - Local Government Act 1995 and Regulations and Local Laws

### 3.1.1 Enabling legislative provisions

Section 5.44(1) permits the CEO to delegate to any employee of the local government the exercise of any of the CEO's powers or discharge of any of the CEO's duties under the Act, other than the power of delegation. This extends to powers and duties delegated to the CEO, subject to any conditions imposed by the local government on its delegation to the CEO.

The power to delegate does not prevent the CEO from performing any of their functions by acting through another person.

### 3.1.2 Matters that may not be delegated

Regulation 6 of the *Local Government (Financial Management) Regulations 1996* prohibits the delegation of the duty to conduct an internal audit to an employee (including a CEO) who has been delegated the duty of maintaining the local government's day to day accounts or financial management operations.

Section 5.44(1) of the Act provides that the CEO may not delegate the power of delegation.

### 3.1.3 Making delegations

1. A delegation made under section 5.44 must be in writing and may be general or as otherwise provided (section 5.44(2)).
2. A delegation has effect indefinitely unless otherwise specified in the delegation (section 5.45(1)(a)).

### 3.1.4 Recording and Review Obligations

1. The CEO to keep a register of the delegations made under Part 5 Division 4 to the CEO and to employees (section 5.46(1)).
2. At least once every financial year delegations made under Part 5 Division 4 are to be reviewed by the delegator (section 5.46(2)).
3. Every person to whom a power or duty is delegated under the *Local Government Act 1995* is to keep records in accordance with the *Local Government (Administration) Regulations 1996* in relation to the exercise of the power or discharge of the duty (section 5.46(3)).

Regulation 19 of the *Local Government (Administration) Regulations 1996* specifies that where a power or duty has been delegated under the *Local Government Act 1995* to the CEO or any other employee, the person to whom the power or duty has been delegated must keep a written record of:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

### **3.1.5 Other obligations**

Under section 5.71, an employee who has been delegated a power or duty under Part 5 Division 4 relating to a matter, must not exercise that power or discharge that duty if they have an interest in the matter as defined in sections 5.60A or 5.60B, and must disclose the nature of the interest to the Mayor (if the CEO) or to the CEO (any other employee).

Employees holding delegated authority (including sub-delegations) under Part 5 Division 4 of the *Local Government Act 1995* must lodge a primary financial return under section 5.75 of the Act within three months of receiving the delegation and must thereafter, while holding the delegated authority, lodge an annual return under section 5.76 of the Act.

**DA-003C Destruction of Records**

<b>Delegator: CEO</b> <b>Process Owner: Director Corporate Services</b>		<b>Delegation: DA – 003C</b> <b>Last Review Date: 18 June 2024</b>
<b>Description</b>	Authority to approve the destruction of records in accordance with the 2010 General Disposal Authority for Local Government Records (RD 2010046), published by the State Records Office of Western Australia.	
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 5.41</u> : Functions of CEO – ... (h) ensure that records and documents of the local government are properly kept; and (i) any other function imposed under any other written law	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Delegated to</b>	<ul style="list-style-type: none"> <li>• Director Corporate Services</li> <li>• Chief Information Officer</li> </ul>	
<b>Conditions on Delegation</b>	None	
<b>Compliance links</b>	<i>State Records Act 2000</i>	
<b>Policy Reference</b>	City of Melville Recordkeeping Plan 2019 as approved by the State Records Commission under section 23 of the <i>State Records Act 2000</i>	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P COUNCIL ADMINISTRATION – Records Management	
<b>Period of Validity</b>	Ongoing	
<b>Granted by CEO</b>	16 June 2009	
<b>Substantive Amendments</b>		

## DA-004C Rates or Service Charge Payment Agreements

<b>Delegator: CEO</b>		<b>Delegation: DA – 004C</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 6.49</u> : Agreement as to payment of rates and service charges <i>Local Government (Financial Management) Regulations 1996</i> <u>Regulation 5(1)(a)</u> : Proper collection of all money owing to the local government		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Delegated to</b>	<ul style="list-style-type: none"> <li>• Director Corporate Services – up to \$100,000 outstanding for each ratepayer</li> <li>• Manager Financial Services – up to \$50,000 outstanding for each ratepayer</li> </ul>		
<b>Conditions on Delegation</b>	The agreed re-payment amount and period must ensure that the amount paid over a 12-month period substantially exceeds the estimated value of rates and service charges that will become due over the ensuing 12-month period.		
<b>Compliance links</b>	<i>Local Government Act 1995</i> <u>Section 5.41(d)</u> : Functions of the CEO – ... (d) day to day operations <i>Local Government (Financial Management) Regulations 1996</i> <u>Regulation 5(1)(a)</u> : CEO’s duties - proper collection of all money owing to the local government		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P FINANCIAL MANAGEMENT – Rates Payment Arrangements 11.53 7D		
<b>Period of Validity</b>	Ongoing		
<b>Granted by CEO</b>	16 June 2009		
<b>Substantive Amendments</b>	19 June 2020 – Delegates restricted to Director Corporate Services and Manager Financial Services. Function performed by acting through other staff.		

## DA-006C Authority to Approve Deputations

<b>Delegator: CEO</b> <b>Process Owner: Director Corporate Services</b>		<b>Delegation: DA – 006C</b> <b>Last Review Date: 18 June 2024</b>
<b>Description</b>	Authority to approve applications for deputations.	
<b>Statutory Power or Duty Delegated</b>	<i>City of Melville Local Government (Meeting Procedures) Local Law 2022</i> <u>Clause 6.12(5)</u> : The CEO may approve the request to make a deputation or refer the request to the Mayor or Presiding Member for decision.	
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees	
<b>Delegated to</b>	<ul style="list-style-type: none"> <li>• Director Corporate Services</li> <li>• Head of Governance</li> </ul>	
<b>Conditions on Delegation</b>	A deputation must be relevant to a report on the agenda.	
<b>Compliance links</b>	<i>City of Melville Local Government (Meeting Procedures) Local Law 2022</i> <u>Clause 1.5</u> : <b>deputation</b> means an oral submission by one or more members of the public at an agenda briefing forum or at a Council or committee meeting on an item listed on the agenda of that meeting	
<b>Policy Reference</b>	None	
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P	
<b>Period of Validity</b>	Ongoing	
<b>Granted by CEO</b>	1 November 2010	
<b>Substantive Amendments</b>	19 June 2020 – Amended to apply to all meetings to which deputations may be made.	

**DA-007C Access to Electoral or Ratepayer Details**

<b>Delegator: Chief Executive Officer</b>		<b>Delegation: DA – 007C</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to determine that information requested relating to the provision of rate record, electoral or ratepayer details will not be used for a commercial purpose.		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government (Administration) Regulations 1996 Regulation 29B(b):</i> Copies of certain information not to be provided unless the CEO of the local government is satisfied that information requested under section 5.94(m) or (s) of the <i>Local Government Act 1995</i> will not be used for commercial purposes		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995 Section 5.44:</i> CEO may delegate powers and duties to other employees		
<b>Delegated to</b>	<ul style="list-style-type: none"> <li>• Director Corporate Services</li> <li>• Manager Financial Services</li> </ul>		
<b>Conditions on Delegation</b>	None		
<b>Compliance links</b>	<i>Local Government Act 1995 Section 5.94:</i> Public can inspect certain information – ... (m) any rate record (s) any register of owners and occupiers under section 4.32(6) <i>Section 5.95(2),(6):</i> Limits on right to inspect		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
<b>Period of Validity</b>	Ongoing		
<b>Granted by CEO</b>			
<b>Substantive Amendments</b>	19 June 2020 – Amended to limit delegates to Manager level and above.		

## DA-008C Authority to Extend Time to Pay and to Withdraw Infringement Notices

<b>Delegator: CEO</b>		<b>Delegation: DA – 008C</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which a modified penalty may be paid; and</li> <li>2. Authority to withdraw an infringement notice within one year of the notice being given, whether or not the modified penalty has been paid.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<p><i>Local Government Act 1995</i>  <u>Section 9.19</u>: Extension of time  <u>Section 9.20</u>: Withdrawal of notice  <i>Cat Act 2011</i>  <u>Section 64</u>: Extension of time  <u>Section 65</u>: Withdrawal of notice</p>		
<b>Statutory Power to Delegate</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.44</u>: CEO may delegate powers and duties to other employees</p>		
<b>Delegated to</b>	<ul style="list-style-type: none"> <li>• Director Community Development</li> <li>• Head of Community Safety</li> <li>• Coordinator Rangers and Emergency Management</li> <li>• Director Environment and Infrastructure</li> <li>• Director Planning</li> <li>• Manager Environmental Health and Compliance</li> <li>• Coordinator Compliance Services</li> <li>• Coordinator Environmental Health</li> <li>• Manager Statutory Planning and Building</li> </ul>		
<b>Conditions on Delegation</b>	<p>Each delegate may exercise these powers only with respect to infringements issued by officers who report directly or indirectly to them.</p> <p>Delegates may not issue infringement notices.</p>		
<b>Compliance links</b>	None		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	<p>Records of exercise of delegated authority and associated contracts to be retained in ECM index:  COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P  COMMUNITY SAFETY, SECURITY AND LAW ENFORCEMENT – Infringement Notices 4.13 7D</p>		
<b>Period of Validity</b>	Ongoing		
<b>Granted by CEO</b>	13 November 2019		
<b>Substantive Amendments</b>	<p>24 March 2020 – Added Director Technical Services.  Ordinary Meeting of Council – 18 June 2024 – C24/157  Amended delegation to extend to Manager Statutory Planning and Building and Building Compliance Coordinator.</p> <p>22 August 2024  Amended sub-delegation to include Coordinator Compliance Services in accordance with re-structure in Planning directorate.</p>		



## DA-009C Appointment of Authorised Persons (Local Government Act)

<b>Delegator: CEO</b>		<b>Delegation: DA – 009C</b>	
<b>Process Owner: Director Corporate Services</b>		<b>Last Review Date: 18 June 2024</b>	
<b>Description</b>	Authority to appoint authorised persons under: <ol style="list-style-type: none"> <li>1. the <i>Local Government Act 1995</i>;</li> <li>2. the <i>Caravan Parks and Camping Grounds Act 1995</i></li> <li>3. the <i>Cat Act 2011</i>;</li> <li>4. the <i>Cemeteries Act 1986</i>;</li> <li>5. the <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>6. the <i>Dog Act 1976</i>;</li> <li>7. Any subsidiary legislation made under the above Acts; and</li> <li>8. Any written law prescribed for the purposes of section 9.10 of the <i>Local Government Act 1995</i>.</li> </ol>		
<b>Statutory Power or Duty Delegated</b>	<i>Local Government Act 1995</i> <u>Section 9.10(2)</u> : The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws		
<b>Statutory Power to Delegate</b>	<i>Local Government Act 1995</i> <u>Section 5.44</u> : CEO may delegate powers and duties to other employees		
<b>Delegated to</b>	<ul style="list-style-type: none"> <li>• All Directors for functions for which they are responsible.</li> <li>• Head of Community Safety and Coordinator Rangers and Emergency Management for authorisation for the purposes of appointing authorised persons for sections 3.39 and 3.40A(1) of the <i>Local Government Act 1995</i>.</li> </ul>		
<b>Conditions on Delegation</b>	Persons appointed as authorised persons must be issued with an identity card in accordance with the requirements of section 9.10(4) of the <i>Local Government Act 1995</i> .		
<b>Compliance links</b>	<i>Local Government Act 1995</i> , section 9.10 <i>Caravan Parks and Camping Grounds Act 1995</i> , section 17 <i>Cat Act 2011</i> , section 3(1) <i>Cemeteries Act 1986</i> , section 64 <i>Control of Vehicles (Off-road Areas) Act 1978</i> , section 38 <i>Dog Act 1976</i> , section 11A		
<b>Policy Reference</b>	None		
<b>Recordkeeping</b>	Records of exercise of delegated authority and associated contracts to be retained in ECM index: COUNCIL ADMINISTRATION – Delegated Authority – Exercises 5.119 P		
<b>Period of Validity</b>	Ongoing		
<b>Granted by CEO</b>	22 June 2022 – Note this delegation replaced Council delegation DA-055 revoked on 15 June 2021 as a result of amendments to section 9.10 of the <i>Local Government Act 1995</i> .		
<b>Substantive Amendments</b>			

## **Part 4 - Statutory Authorisations and Appointments by Council**

## Division 1 - *Local Government Act 1995* and Regulations and Local Laws

### 4.1.1 *Legislative provisions*

Certain powers and functions may only be exercised or performed by persons explicitly authorised by the local government to do so.

Two types of authorisation of persons to perform functions are reserved to the Council:

1. Section 9.6(1) – authorisation of a committee to deal with an objection to a local government decision made by Council or under delegated authority regarding:
  - a) A licence, permit, approval or other authorisation granted, renewed, varied or cancelled under Part 3 of the Act;
  - b) A notice given under section 3.25 of the Act; and
  - c) A decision made under a local law which states that it is one to which Part 9 Division 1 of the Act applies and that the person specified in it is an affected person as defined in section 9.2 of the Act.

There are no committees that currently hold this authorisation. Council will authorise a committee under section 9.6(1) as required on receipt of an objection under Part 9 Division 1 of the Act.

2. Section 9.49A(4) – authorisation, by resolution, of the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, including (if specified) deeds. Section 5.43(ha) specifically prohibits this power being delegated to the CEO.

For other functions and powers that are required to be performed by persons specifically authorised to exercise them, section 9.10(2) of the *Local Government Act 1995* provides that the CEO of the local government may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of one or more specified laws or specified provisions of one or more specified laws as defined in section 9.10(1):

- (a) the *Local Government Act 1995*;
- (b) the *Caravan Parks and Camping Grounds Act 1995*;
- (c) the *Cat Act 2011*;
- (d) the *Cemeteries Act 1986*;
- (e) the *Control of Vehicles (Off-road Areas) Act 1978*;
- (f) the *Dog Act 1976*;
- (g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f); and
- (h) a written law prescribed for the purposes of this section.

The Act also separately provides for the CEO to authorise employees to certify certain documents as being true copies or statements of fact (sections 9.31, 9.41 and 9.48).

## Persons Authorised by Council to Sign Documents on Behalf of the City

<b>Authorising Body: Council</b> <b>Process Owner: CEO</b>	<b>Statutory Authorisation: CSA-Local-01</b> <b>Last Reviewed: 18 June 2024</b>
<b>Function Authorised</b>	Sign documents of behalf of the local government.
<b>Statutory power to authorise</b>	<i>Local Government Act 1995</i> <u>Section 9.49A(4)</u> : A local government may, by resolution, authorise the Chief Executive Officer, another employee or an agent of the local government to sign documents on behalf of the local government.
<b>Authorised officer(s)</b>	<ul style="list-style-type: none"> <li>• Chief Executive Officer – any document that is necessary or appropriate to sign in carrying out the CEO’s functions under any written law.</li> <li>• Director Community Development - any document where the matter is specifically resolved by Council, inclusive of a resolution to execute the document under the Common Seal, or any document necessary for the betterment of the daily operations of the City, under the guidance of the CEO.</li> <li>• Director Corporate Services - any document where the matter is specifically resolved by Council, inclusive of a resolution to execute the document under the Common Seal, or any document necessary for the betterment of the daily operations of the City, under the guidance of the CEO.</li> <li>• Director Environment and Infrastructure – any document where the matter is specifically resolved by Council, inclusive of a resolution to execute the document under the Common Seal, or any document necessary for the betterment of the daily operations of the City, under the guidance of the CEO.</li> <li>• Manager Engineering – signing/initialling construction plans and pages of accepted tenders and related contract documents.</li> <li>• Manager Natural Areas and Parks – signing/initialling construction plans and pages of accepted tenders and related contract documents.</li> <li>• Manager City Buildings and Projects - signing/initialling construction plans and pages of accepted tenders and related contract documents.</li> <li>• Director Planning - any document where the matter is specifically resolved by Council, inclusive of a resolution to execute the document under the Common Seal, or any document necessary for the betterment of the daily operations of the City, under the guidance of the CEO.</li> </ul>
<b>Conditions on authorisation</b>	<ol style="list-style-type: none"> <li>1. A person authorised by this instrument to sign a document that may be classified as a deed is authorised to execute that document as a deed (section 9.49A(5)).</li> <li>2. For the purposes of this authorisation, <b>document</b> means any paper or electronic document, including communications such as letters and emails, which:</li> </ol>

Part 4 - Statutory Authorisations and Appointments

	<p>(a) conveys a decision;                  (b) establishes an obligation on the City; or                  (c) is ceremonial.</p> <p>3. Where a City employee holds a delegated authority, a statutory authority or an operational authorisation, to make a decision, that person also has the authority to sign documents which give effect to that decision.</p>
<b>Compliance references</b>	<p><i>Local Government Act 1995</i>  <u>Section 5.41(d)</u>: CEO's duty to manage day to day operations  <u>Section 9.38</u>: Evidence of documents coming from local government  <u>Section 9.49A(1)(b)</u>: Execution of documents  <u>Section 9.49A(5)</u>: Document not regarded as deed unless executed as a deed  <u>Section 9.49B</u>: Contract formalities  <u>Section 9.49</u>: Documents, how authenticated  <u>Section 9.54</u>: Defects in documents</p>
<b>Policy reference</b>	
<b>Recordkeeping</b>	All records to be retained in ECM under appropriate subject index
<b>Resolved by Council</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749 Delegations DA-012 and DA-117 were revoked and replaced by this authorisation.
<b>Term of Authorisation</b>	Ongoing

## **Division 2 - Health (Miscellaneous Provisions) Act 1911 and Regulations and Local Laws made thereunder**

### **4.2.1 Enabling legislative provisions**

Section 26(1) of the *Health (Miscellaneous Provisions) Act 1911* authorises and directs every local government to carry out within its district the provisions of that Act and the regulations, local laws and orders made under it.

Section 26(2) provides that a local government may 'appoint and authorise any person to be its deputy and in that capacity exercise and discharge all or any of the functions of the local government, subject to such conditions and limitations (if any) that the local government shall see fit to prescribe'.

The appointment of a deputy or deputies does not affect the exercise or discharge by the local government itself of any power or function (section 26(2)).

Section 26(2) is technically not a delegation power, although in practice the role of a deputy and the role of a delegate are essentially the same. There is no capacity within this Act to sub-delegate or sub-deputise.

Section 344(2) of the Act provides for a regulation or local law made under the Act to be made so as to delegate or confer a discretionary authority on a specified person or body or class of person or body.

Section 374 of the Act provides for a local government to authorise by resolution any officer or member to appear before any court or in any legal proceeding.

### **4.2.2 Matters that may not be undertaken by deputy**

Council is not fettered in the functions or powers it may authorise any deputy to carry out.

### **4.2.3 Recording and Review Obligations**

None specified with respect to appointment of deputies.

Local governments are required to report annually to the Health Department on the performance of their functions under the Act.

## Appointment of Deputies under the Health (Miscellaneous Provisions) Act 1911

<b>Appointing Body: Council</b> <b>Process Owner: Chief Executive Officer</b>	<b>Statutory Appointment: CSA-Health-01</b> <b>Last Reviewed: 18 June 2024</b>
<b>Statutory power to appoint and authorise</b>	<i>Health (Miscellaneous Provisions) Act 1911</i> <u>Section 26:</u> A local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government granted or imposed under <i>Health (Miscellaneous Provisions) Act 1911</i> and the regulations, local laws and orders made thereunder.
<b>Persons appointed and authorised as deputies</b>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director Corporate Services (section 353 – take possession of land)</li> <li>• Director Environment and Infrastructure (Part IV – Sanitary provisions)</li> <li>• Coordinator Environmental Health</li> <li>• Senior Environmental Health Officer</li> </ul>
<b>Statutory powers and functions authorised to be exercised and discharged by deputies</b>	<i>Health (Miscellaneous Provisions) Act 1911</i> <u>Section 38:</u> Report annually to the Chief Health Officer <u>Part IV:</u> Sanitary provisions <u>Part V:</u> Dwellings <u>Part VI:</u> Public buildings <u>Part VII:</u> Nuisances and offensive trades <u>Section 353:</u> Take possession of land where expenses are due and unpaid for 3 years <u>Section 357:</u> Suspend or cancel any licence or registration of persons convicted for any offence under the Act <u>Section 358(1):</u> Prosecution of offences <u>Section 374:</u> Appearance of local government in legal proceedings
<b>Conditions and limitations on appointment</b>	<p>The authority held by the deputies appointed above excludes the following powers reserved to Council:</p> <ul style="list-style-type: none"> <li>• <u>Part III:</u> Financial</li> <li>• <u>Section 342:</u> Make, repeal, amend or suspend local laws with the consent or at the direction of the Chief Health Officer</li> <li>• <u>Section 344C:</u> Fix fees and charges</li> </ul>
<b>Compliance references</b>	<i>Health (Miscellaneous Provisions) Act 1911</i> <u>Section 36:</u> Review of orders and decisions by local governments by SAT <u>Section 354:</u> Service of notice <i>Health (Asbestos) Regulations 1992</i> <i>Health (Offensive Trades Fees) Regulations 1976</i> <i>Health (Public Buildings) Regulations 1992</i> <i>City of Melville Health Local Laws 1997</i>
<b>Policy reference</b>	
<b>Recordkeeping</b>	All records to be retained in ECM under appropriate subject index
<b>Appointment Approved by Council</b>	Ordinary Meeting of Council – 16 June 2020 – M20/5749

Part 4 - Statutory Authorisations and Appointments

	Delegations DA-065, DA-067, DA-069, DA-070 and DA-071 were revoked and replaced by this appointment of deputies on 16 June 2020.
<b>Term of Appointment</b>	Ongoing



### Division 3 - *Litter Act 1979*

#### 4.3.1 *Enabling legislative provisions*

Section 30(4) of the *Litter Act 1979* provides that an infringement notice issued under section 30(1) of the Act may be withdrawn at any time within 28 days after the service of the notice by sending a notice in the prescribed form advising that the infringement notice has been withdrawn.

Section 30(4a) specifies that a withdrawal notice sent under section 30(4) must be signed by 'a person appointed in writing to withdraw infringement notices by the public authority on behalf of which the infringement notice was served.'

The definition of the term 'public authority' under the *Litter Act 1979* includes 'a local government within its district'. By convention, unless otherwise specified or made obvious by the context, the term 'local government' in legislation is generally interpreted as referring to the Council when it is used in relation to a decision-making power.

The *Litter Act 1979* does not confer a delegation power on local governments, so an appointment under section 30(4a) giving authority to sign withdrawal notices must be made by the Council.

## Appointment of Person Authorised to Withdraw Infringement Notices Issued under Part V of the *Litter Act 1979*

<b>Authorising Body: Council Process Owner: Director Community Development</b>		<b>Statutory Appointment: CSA-Litter-01 Last Reviewed: 18 June 2024</b>
<b>Function or Power Authorised</b>	<i>Litter Act 1979</i> <u>Section 30(4)</u> : Withdraw infringement notices issued under section 30(1) of the <i>Litter Act 1979</i> .	
<b>Statutory power to authorise</b>	<i>Litter Act 1979</i> <u>Section 30(4)(a)</u> : A withdrawal notice sent under subsection (4) shall be signed by a person appointed in writing to withdraw infringement notices by the public authority on behalf of which the infringement notice was served	
<b>Person(s) appointed</b>	<ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director Community Development</li> <li>• Head of Community Safety</li> <li>• Coordinator Rangers and Emergency Management</li> </ul>	
<b>Conditions on appointment</b>		
<b>Compliance references</b>	<i>Litter Act 1979</i>	
<b>Policy reference</b>	CP-114 Compliance and Enforcement Policy Compliance and Enforcement Guideline	
<b>Recordkeeping</b>	All records to be retained in ECM under appropriate subject index	
<b>Appointment approved by Council</b>	Ordinary Meeting of Council – 20 September 2022 – C22/5931	
<b>Term of Appointment</b>	Ongoing	

## **Part 5 - Statutory Delegations and Authorisations to the City of Melville from External Agencies**

## Division 1 - Environmental Protection Act 1986

### 5.1.1 Noise Control – Environmental Protection Notices

19 March 2004

GOVERNMENT GAZETTE, WA

919

---

---

## ENVIRONMENT

---

---

EV401

### ENVIRONMENTAL PROTECTION ACT 1986

#### SECTION 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.  
Dr JUDY EDWARDS MLA, Minister for the Environment.

#### EXERCISE OF THIS DELEGATION WITHIN THE CITY OF MELVILLE

The Chief Executive Officer to whom powers and duties have been delegated in this instrument nominates the holders from time to time of the following positions (including under acting arrangements) to exercise those powers and discharge those duties on the Chief Executive Officer's behalf and under his authority:

- Coordinator Environmental Health
- Senior Environmental Health Officer

Note that section 114(4) of the *Environmental Protection Act 1986* states that

(4) *If the CEO has delegated a power under section 65(1) to a local government or the chief executive officer or an employee of a local government, a prosecution for an offence under section 65(5) in respect of a failure to comply with a requirement contained in an environmental protection notice caused to be served under section 65(1) by that local government, chief executive officer or employee may be instituted by the chief executive officer of the local government.*

## 5.1.2 Noise Management Plans in relation to Specific Works or Venues, Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

6282

GOVERNMENT GAZETTE, WA

20 December 2013

EV402\*

### ENVIRONMENTAL PROTECTION ACT 1986 DELEGATION NO. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to—

- (a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities—noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation—
  - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by—

JOHN DAY, Acting Minister for Environment; Heritage.

#### EXERCISE OF THIS DELEGATION WITHIN THE CITY OF MELVILLE

The Chief Executive Officer to whom powers and duties have been delegated in this instrument nominates the holders from time to time of the following positions (including under acting arrangements) to exercise those powers and discharge those duties on the Chief Executive Officer's behalf and under his authority:

- Coordinator Environmental Health
- Senior Environmental Health Officer

### 5.1.3 Noise Management Plans

1548

GOVERNMENT GAZETTE, WA

16 May 2014

EV405\*

**ENVIRONMENTAL PROTECTION ACT 1986**  
**DELEGATION NO. 119**

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of—

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Approved by—

Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage.

**EXERCISE OF THIS DELEGATION WITHIN THE CITY OF MELVILLE**

The powers and duties delegated Delegation 119 may only be exercised and discharged by the Chief Executive Officer and City employees holding the following positions provided they have been appointed as Authorised Persons under section 87 of the *Environmental Protection Act 1986*:

- Coordinator Environmental Health
- Senior Environmental Health Officer
- Environmental Health Officers

## Division 2 - Planning and Development Act 2005

### 5.2.1 Instrument of Authorisation – Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

#### *PLANNING AND DEVELOPMENT ACT 2005*

#### INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the *2<sup>nd</sup>* day of *June* 2016



**HON DONALD TERRENCE REDMAN MLA  
MINISTER FOR LANDS**



# Part 5 Statutory Delegations and Authorisations from External Agencies

## SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brooking Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chitterling Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Halla Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojoonup Shire of Kondinin Shire of Koorda Shire of Kulin City of Kwinana Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Manjimup Shire of Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>



## Part 5 Statutory Delegations and Authorisations from External Agencies

Shire of Nannup  
Shire of Narembeen  
Shire of Narrogin  
Town of Narrogin  
City of Nedlands  
Shire of Ngaanyatjaraku  
Shire of Northam  
Shire of Northampton  
Shire of Nungarin  
Shire of Peppermint Grove  
Shire of Perenjori  
City of Perth  
Shire of Pingelly  
Shire of Plantagenet  
Town of Port Hedland  
Shire of Quairading  
Shire of Ravensthorpe  
City of Rockingham  
Shire of Roebourne  
Shire of Sandstone  
Shire of Serpentine Jarrahdale  
Shire of Shark Bay  
City of South Perth  
City of Stirling  
City of Subiaco  
City of Swan

Shire of Tammin  
Shire of Three Springs  
Shire of Toodyay  
Shire of Trayning  
Shire of Upper Gascoyne  
Town of Victoria Park  
Shire of Victoria Plains  
Town of Vincent  
Shire of Wagin  
Shire of Wandering  
City of Wanneroo  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickapi  
Shire of Williams  
Shire of Wiluna  
Shire of Wongan-Ballidu  
Shire of Woodanilling  
Shire of Wyalkatchem  
Shire of Wyndham-East Kimberley  
Shire of Yalgoo  
Shire of Yalgarn  
Shire of York



HON DONALD TERRENCE REDMAN MLA  
MINISTER FOR LANDS

2<sup>nd</sup> day of June 2016

### EXERCISE OF THIS AUTHORISATION WITHIN THE CITY OF MELVILLE

Consistent with the Minister's Instrument of Authorisation, only the Chief Executive Officer or an officer given explicit written authority to sign on the CEO's behalf in these matters may exercise the powers in Column 1 of this Instrument.

## 5.2.2 Development Control Powers – Metropolitan Region Scheme

**NOTE: WAPC Delegation 2022/03 must be read in conjunction with the conditions set out in WAPC Resolution 2021/01 (reproduced in section 5.2.2A of this document).**

18 January 2022

GOVERNMENT GAZETTE, WA

111

PL405

**PLANNING AND DEVELOPMENT ACT 2005**  
**INSTRUMENT OF DELEGATION**

Del 2022/03 Powers of Local Governments Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme.

**Preamble**

Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the Local Government Act 1995 or an employee of a local government

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 8 December 2021, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2017/02 Powers of local governments (MRS)” published in the *Government Gazette* on 30 May 2017, to give effect to this delegation.

SAM FAGAN, Secretary, Western Australian Planning Commission.

---

**PLANNING AND DEVELOPMENT ACT 2005**  
**INSTRUMENT OF DELEGATION**  
**SECTION A—Types of Development**

**1. Development on zoned land**

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or

- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area and the Swan River Trust objects to the proposal, or a referral body recommends refusal; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

## 2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road.

### SECTION B—Conditions

#### 1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning, Lands and Heritage, as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning, Lands and Heritage

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
  - Category 1 road means that frontage access is not allowed (control of access);
  - Category 2 road means that frontage access may be allowed subject to approval; and
- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
  - Category 3 road means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

**Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>1. Where a development application has one or more of the following characteristics—</p> <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</li> </ul>	<ul style="list-style-type: none"> <li>1. Where the local government first decides to refuse the application under the MRS; or</li> <li>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</li> </ul>

**Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>1. Where a development application has one or more of the following characteristics—</p> <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</li> <li>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</li> <li>(e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> <li>• all or part of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$50 000; or</li> </ul> </li> <li>(f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> <li>• none of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$250 000</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>1. Where the local government first decides to refuse the application under the MRS; or</li> <li>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</li> </ul>



**Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

(1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<http://www.DPLH.wa.gov.au/1212.asp>).

(2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.

(<http://www.DPLH.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)

(3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's *Transport Impact Assessment Guidelines*. <http://www.DPLH.wa.gov.au/publications/1197.asp>

(4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.DPLH.wa.gov.au/publications/1182.asp>)

**2. Referral requirements for development on land abutting the Swan River Trust Development Control Area**

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

**3. Referral requirements for development on land abutting other reservations**

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning, Lands and Heritage before being determined by the local government.

**4. For the purpose of this Instrument of Delegation**

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.

**Interpretation**

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".

- “development” has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or “development means the development or use of any land, including—
  - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
  - (b) the carrying out on the land of any excavation or other works;
  - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
    - (i) is likely to change the character of that place or the external appearance of any building; or
    - (ii) would constitute an irreversible alteration of the fabric of any building”.
- “local road” means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- “not acceptable” means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- “regional road” means any road designated under the region Scheme as follows—
  - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
  - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- “reserved land” means land reserved under Part II of the MRS.
- “road reservation” means land reserved for the purposes of a regional road in the MRS.
- “significant increase in traffic” means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission’s *Transport Impact Assessment Guidelines*

#### **EXERCISE OF THIS DELEGATION WITHIN THE CITY OF MELVILLE**

Consistent with Clause 4(c) of WAPC Instrument of Delegation 2022/03, the powers delegated in this instrument, as gazetted on 18 January 2022, may only be exercised by the Chief Executive Officer, Director Planning, Manager Statutory Planning and Building, Principal Statutory Planner and Senior Statutory Planners, in accordance with the delegated authority matrix listed in Council Instrument of Delegation DA-020.

## 5.2.2A WA Planning Commission – Resolution under Clause 32 of the Metropolitan Region Scheme

The following resolution by the WA Planning Commission is not a delegation to the local government but places conditions on the preceding WAPC Delegation 2022/03 in accordance with clause 1(a) of that delegation:

INSTRUMENT OF DELEGATION  
**SECTION A Types of Development**

**1. Development on zoned land**

Applications for development on land zoned under the MRS except  
(a) where the land is subject to a resolution under Clause 32 of the MRS;

18 January 2022

GOVERNMENT GAZETTE, WA

115

PL406

**PLANNING AND DEVELOPMENT ACT 2005**  
**NOTICE OF RESOLUTION**  
Resolution under Clause 32 of the MRS  
RES 2021/01

**Notice of resolution made under clause 32 of the Metropolitan Region Scheme (MRS) regarding development control powers of the Western Australian Planning Commission**

Under clause 32 of the MRS, the WAPC may, by resolution, identify land and require that applications for all or certain classes of development on that land, be referred to the WAPC for determination.

**Resolution under clause 32 of the MRS**

On 8 December 2021, pursuant to clause 32 of the MRS, the WAPC RESOLVED—

- A TO REVOKE its resolutions made under clause 32 of the MRS as detailed in a notice published in the *Government Gazette* of 12 June 2015 at pages 2062 and 2063 and as published in the *Government Gazette* of 11 December 2011 concerning Lots 202 and 203, Corner Kwinana Freeway, Beeliar Drive and Wentworth Parade, Success.
- B TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of Schedule 1 to the WAPC for determination.
- C TO REQUIRE that local governments specified in clauses 5 to 8 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 8 of Schedule 1 to the WAPC for determination.
- D TO CONFIRM that words used in the schedules to this resolution have the meanings given to them in the *Planning and Development Act 2005* (the Act) and the MRS and, unless the context otherwise requires, the meanings defined in schedule 3. In the case of any inconsistency, the Act prevails;
- E TO DECLARE that this resolution takes effect when notice of it is published in the *Government Gazette*.

SAM FAGAN, Secretary, Western Australian Planning Commission.



**Schedule 1****All Local governments in the area covered by the MRS****1. Development of State or Regional Significance**

Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be the subject of an application determined by the WAPC.

**2. Development in the rural zone**

Extractive Industry applications and any other uses which in the opinion of the WAPC or the local government may not be consistent with the rural zone.

**3. Poultry Farms**

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square metres to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS

**4. Development in Activity Centres**

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop-retail purposes—

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;
- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m<sup>2</sup> of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres;

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

**Referral arrangements for specific local governments****5. Stirling and Glendalough Station Precinct**

Unless a structure plan is in place for the areas defined in WAPC plan No. 4.1495/1, the City of Stirling is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—

- (a) Applications that include non-residential uses and/or development;
- (b) Applications for 5 or more residential dwellings.

**6. Kwinana Industrial Area**

The City of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

**7. North Coogee Industrial Area**

The City of Cockburn is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan 4.1622.

**8. Parliament House Precinct 6**

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—

- (a) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (b) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.



**Interpretation**

In this notice of resolution, words have the meanings given to them in the Act and the MRS. Unless the context otherwise requires—

“activity centre” is defined in section 9 of State Planning Policy 4.2;

“activity centre hierarchy” means the categories of activity centres set out in Appendix 1 of State Planning Policy 4.2, namely—

- Capital City;
- Strategic centres;
- Specialised centres;
- Secondary centres;
- District centres;
- Neighbourhood centres; and
- Local centres.

‘Advice agency’ means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRs as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

“Category A activity centre uses” means land uses as defined in section 9 of State Planning Policy 4.2;

‘Forward to the WAPC’ and similar expressions mean convey by mail, by hand or electronically to the office of the Department of Planning Lands and Heritage.

“major development” means development as defined in section 9 of State Planning Policy 4.2;

“net lettable area” is defined in section 9 of State Planning Policy 4.2;

“precinct structure plan or equivalent” means a precinct structure plan prepared for an activity centre as required under 7.2 of State Planning Policy 4.2, and includes what were previously referred to as an activity centre plan;

‘Planning approval’ means the planning approval of the WAPC as required under the MRS and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, or officers.

## 5.2.3 WA Planning Commission – Section 25 of the Strata Titles Act 1985

29 January 2021

GOVERNMENT GAZETTE, WA

449

PL402

### PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION

#### Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

#### Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

#### Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;
- C. TO AMEND “Del 2020/01—Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

#### Schedule 1

##### 1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - i. a type of development; and/or
  - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

##### 2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

**3. Reporting requirements**

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

---

**EXERCISE OF THIS DELEGATION WITHIN THE CITY OF MELVILLE**

The powers delegated in WAPC Instrument of Delegation 2020/01, gazetted on 29 January 2021, may only be exercised by the Chief Executive Officer, Director Planning, Manager Statutory Planning and Building, Principal Statutory Planner and Senior Statutory Planners.

The Director Planning is responsible for meeting the reporting requirements.

## Division 3 - Main Roads Act 1930

### 1. Parking

Section 15(2) of the *Main Roads Act 1930* provides that the Commissioner (of Main Roads) has the care, control and management of the land over which a highway or main road is declared.

Section 16(2) of the *Main Roads Act 1930* states that the exercise of any local government over any highway or main road shall be subject to the control and direction of the Commissioner.

### 2. Signs and Signals

Under clause 297(1) of the *Road Traffic Code 2000*, the Commissioner of Main Roads may erect, establish, or display, alter or take down any road sign or traffic signal signals on the State's road network.

Under clause 297(2) of the Code, the Commissioner can delegate this authority to 'Authorised Bodies' such as local governments, subject to the conditions set out in an Instrument of Authorisation.

### 3. Unattended Animals and Vehicles

Clause 275(3) of the Code provides for local government officers to seize and impound any stock that are unattended on or obstructing any portion of a road.

### 4. Advertisements

Section 33B of the *Main Roads Act 1930* provides for regulations to control or prohibit the erection of hoardings or other advertising structures on or in the vicinity (including on private land) of highways, main roads and controlled-access roads; and to enforce the removal of those deemed hazardous or exceptionable.

Section 33C of the *Main Roads Act 1930* permits the Commissioner of Main Roads to delegate powers under section 33B to a local government.

Main Roads WA has published a [Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves](#) which provides a framework for the Commissioner's powers under s.33B to be delegated to local governments. At the time of preparing this manual, the Commissioner had not delegated these powers to the City of Melville.

## 5.3.1 Parking Regulation on Verges of Main Roads and Highways

Enquiries: Theo Hazebroek on 9323 4545  
Our Ref: 04/9019 (D04#23029)  
Your Ref:

29 October 2004

Mr J. J. McNally  
Chief Executive Officer  
City Of Melville  
Locked Bag 1  
BOORAGOON WA 6954

Dear Mr McNally

### VEHICLES PARKED ON VERGES OF MAIN ROADS AND HIGHWAYS.

Recently I have been approached by more than one metropolitan Local Government for a delegation to enable those local governments to issue parking infringements for vehicles offered for sale on Main Roads and Highways verges (where these form part of the Main Road or Highway).

I understand that the Local Laws of most Metropolitan Local Governments for regulating parking exclude from the Parking Region to which those Local Laws apply:

*"...any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road has been delegated by the Commissioner of Main Roads to the local government."*

I understand that this exclusion is based on Schedule 1 of the Model Local Laws for Parking developed in conjunction with WALGA. Those Model Local Laws have been enacted by most, if not all of the metropolitan Local Governments.

Subsection 16(2) of the Main Roads Act provides:

*"Subject to the provisions of section 15[\*], the powers of any local government over any highway or main road shall not be deemed to be taken away by this Act, but the exercise of such powers shall be subject to the control and direction of the Commissioner."*

\* Section 15 doesn't appear to have any impact in the current scenario.

The effect of section 16(2) of the Main Roads Act is that the Commissioner may control and direct the powers of Local Governments in respect of highways and main roads but the provision does not otherwise prohibit the exercise of such powers. The power of local governments to regulate parking on Main Roads or Highways is one of those powers.

There has been some confusion between some Metropolitan Local Governments and Main Roads about whether a delegation is actually required under 16(2) of the Main Roads Act. Main Roads officers have discussed this issue with WALGA with a view to resolving the confusion in so far as section 16(2) relates to parking.

Don Aitken Centre, Waterloo Crescent, East Perth or PO Box 6202 EAST PERTH Western Australia 6892  
Telephone: (08) 9323 4111 Facsimile: (08) 9323 4136 TTY: (08) 9428 2230  
Email: [dac@mainroads.wa.gov.au](mailto:dac@mainroads.wa.gov.au) Website: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



## Part 5 Statutory Delegations and Authorisations from External Agencies

In order to clarify the powers of your Local Government in relation to regulating parking on Main Roads or Highways and to avoid the need for amendment of each metropolitan local government's local laws on parking, a direction under section 16(2) of the Main Roads Act is warranted.

Please accept this as a direction under section 16(2) of the Main Roads Act that:

- a) Council may control parking on the verges of any Main Roads and Highways in your district (where these verges form part of the Main Road or Highway) other than those mentioned in paragraph "b" below but only for the purposes of:
  - i) prohibiting parking on those verges including any parked vehicles offered for sale on those verges; and
  - ii) enforcing any such prohibition.
- b) Council may not control parking on any part of any freeways in your district.

This direction is not intended to affect any existing arrangements Council has for the regulation of parking on the carriageway of any Main Roads or Highways in your district.

Please note that I do not mean to suggest that any Local Government is required to exercise any relevant powers.

If you require any further information please contact Theo Hazebroek on 9323 4545. In reply please quote file reference 04/9019 (D04#23029).

Yours faithfully

M Henneveld  
COMMISSIONER OF MAIN ROADS

### 5.3.2 Traffic Management Signs – Road Works



ARN 40 663 674 021

Enquiries: Kamal Weeratunga on (08) 9323 4604  
Our Ref: 04/1706-02  
Your Ref:

13 October 2004

CITY OF MELVILLE	
City of Melville Council	
102-108 The Esplanade	
Melville WA 6185	
Phone: (08) 9426 2230	
Fax: (08) 9426 2230	
Web: www.cityofmelville.wa.gov.au	
E-mail: info@cityofmelville.wa.gov.au	
916454	
Date	
Time	
Day	
Month	
Year	

Chief Executive Officer  
City of Melville  
Locked Bag 1  
BOORAGOON WA 6954

Dear Sir/Madam

**AUTHORITY TO USE TRAFFIC SIGNS AND DEVICES AT ROADWORKS  
NEW INSTRUMENT OF AUTHORISATION**

Please find herewith enclosed an Instrument of Authorisation executed by the Commissioner of Main Roads, for your retention. This Instrument of Authorisation enables the City of Melville and its Representatives to use traffic signs and devices for works on roads within its jurisdiction, subject to the conditions attached to the Instrument of Authorisation, without further approval from Main Roads. The City of Melville will be added to the list of Authorised Bodies on Main Roads' website at [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) (Traffic < Roadworks < Administration).

I thank you for taking the opportunity to become an Authorised Body by signing the Instrument of Authorisation and trust that the City of Melville will use traffic signs and devices for works on roads in a safe and appropriate manner as per the Main Roads' Traffic Management for Works on Roads Code of Practice.

If you require any further information please contact Kamal Weeratunga on (08) 9323 4604. In reply please quote file reference 04/1706-02.

Yours faithfully

Kamal Weeratunga  
ROAD SAFETY ENGINEER

Enc - Instrument of Authorisation executed by the Commissioner of Main Roads

Don Atkin Centre, Waterloo Crescent, East Perth or PO Box 6232 EAST PERTH Western Australia 6892  
Telephone: (08) 9323 4111 Facsimile: (08) 9323 4182 TTY: (08) 9426 2230  
Email: [dec@mainroads.wa.gov.au](mailto:dec@mainroads.wa.gov.au) Website: [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)  
X:\RP&ELetters\Letters Out\_2004\RS&E\_118\_CoMelv.doc

**WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)  
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises City of Melville ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

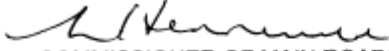
This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

File No. 04/1706  
Document No. DOW# 23142  
Date Recd. NA  
Action Officer. NA



Dated: 24/9/04

THE COMMON SEAL OF THE  
COMMISSIONER OF MAIN ROADS  
WAS AFFIXED BY

  
COMMISSIONER OF MAIN ROADS  
FOR THE TIME BEING IN THE PRESENCE OF: )



  
Signature of Witness


Neville Binning A/EDFS  
Name of Witness

**ACKNOWLEDGMENT BY AUTHORISED BODY**

City of Melville agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE  
CITY OF MELVILLE  
WAS AFFIXED PURSUANT TO A RESOLUTION  
OF THE COUNCIL IN THE PRESENCE OF



  
JOHN McNALLY  
Chief Executive Officer

  
KATHERINE JACKSON JP  
MAYOR

  
Witness

**EXERCISE OF THIS AUTHORISATION WITHIN THE CITY OF MELVILLE**

The powers delegated in this Instrument of Authorisation dated 24 September 2004 may only be exercised by the Chief Executive Officer and the officers from time to time holding the following positions:

- Director Environment and Infrastructure
- Manager Engineering

### 5.3.3 Traffic Management Signs – Events on Roads



Enquiries: John Moore on 9323 4604  
Our Ref: 06/7845 (D07#11342)  
Your Ref: 1596009

ABN: 50 860 675 021

10 April 2007

Mr R Willis  
Director Technical and Development Services  
City of Melville  
Locked Bag 1  
BOORAGOON WA 6954

Dear Sir

#### **AUTHORITY TO USE TRAFFIC SIGNS AND DEVICES AT EVENTS INSTRUMENT OF AUTHORISATION**

I refer to your letter of 19 January 2007 regarding the above.

Please find enclosed an Instrument of Authorisation executed by the Commissioner of Main Roads, for your retention. This Instrument of Authorisation enables the City of Melville and its Representatives to use traffic signs and devices on roads within its jurisdiction for the purposes of managing traffic for events, subject to the conditions attached to the Instrument of Authorisation, without further approval from Main Roads. The City of Melville will be added to the list of Authorised Bodies on Main Roads' website at [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) (go to 'Traffic' > 'Events').

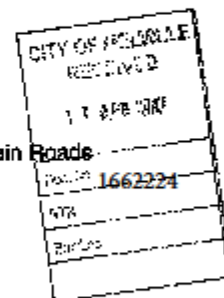
I thank you for taking the opportunity to become an Authorised Body relating to traffic management for events by signing the Instrument of Authorisation and trust that the City of Melville will use traffic signs and devices in a safe and appropriate manner as per Main Roads' Traffic Management for Events Code of Practice.

If you require any further information please contact me on 9323 4604. In reply please quote file reference 06/7845.

Yours faithfully

  
J A Moore  
ROAD SAFETY OFFICER

Enc – Instrument of Authorisation executed by the Commissioner of Main Roads



Don Aiken Centre, Waterloo Crescent, East Perth or PO Box 6202 EAST PERTH Western Australia 6862  
Telephone: (08) 9323 4111 Facsimile: (08) 9323 4174 TTY: (08) 9428 2230  
Email: roadtraff@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au  
C:\Documents and Settings\1375\Local Settings\Application Data\POWER Software\TRIM\TEMP\CONTEXT 46810\WV\LB.DOC

**WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)  
INSTRUMENT OF AUTHORISATION**

**RELATING TO  
TRAFFIC MANAGEMENT FOR EVENTS**

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises ....*City of Melville*..... (Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Dated: 27 MAR 2007


THE COMMON SEAL OF THE  
COMMISSIONER OF MAIN ROADS

WAS AFFIXED BY

  
COMMISSIONER OF MAIN ROADS



FOR THE TIME BEING IN THE  
PRESENCE OF:

  
Signature of Witness

  
Name of Witness (please print)

**ACKNOWLEDGMENT BY AUTHORISED BODY**

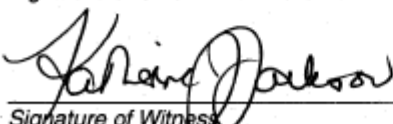
City of Melville agrees to unconditionally observe,  
perform and be bound by the above conditions.

THE COMMON SEAL of

City of Melville  
[Insert name of Local Government]

Was hereunto affixed pursuant to a  
resolution of the Council in the  
presence of:

  
Signature of Chief Executive Officer

  
Signature of Witness



KATHERINE J JACKSON  
Name of Witness (please print)

**EXERCISE OF THIS AUTHORISATION WITHIN THE CITY OF MELVILLE**

The powers delegated in this Instrument of Authorisation dated 27 March 2007 may only be exercised by the Chief Executive Officer and the officers from time to time holding the following positions:

- Director Environment and Infrastructure
- Manager Engineering

### 5.3.4 Removal of Unattended Animals and Unattended Vehicles from the Main Roads Network

**WESTERN AUSTRALIA**  
**Main Roads Act 1930**  
**INSTRUMENT OF AUTHORISATION**

As the Commissioner of Main Roads ("Main Roads") I hereby authorise the City of Melville (the "City of Melville") by itself, its employees, consultants, agents and contractors to, from the date indicated below, remove any Unattended Vehicles or Unattended Animals from the State Road Network, and store and dispose of those vehicles and animals (when unclaimed), SUBJECT ALWAYS to the following terms and conditions:

- (a) In this Instrument of Authorisation:
- (i) "Control of Access Highway" means any main road or highway within the district of the City of Melville which has been proclaimed as being subject to control of access under section 28A of the *Main Roads Act 1930*;
  - (ii) "State Road Network" means any road or portion of road proclaimed as either a main road or highway under the *Main Roads Act 1930* within the district of the City of Melville and including any Control of Access Highway and all adjoining road reserves which are under the care, control and management of Main Roads;
  - (iii) "Unattended Animal" means any live animal which is unattended on the State Road Network;
  - (iv) "TNC7" means Main Roads's Term Network contractor [Currently CSR Emoleum: Contact through our Customer Contact Centre on 138 138]
  - (v) "Unattended Vehicle" means a vehicle which is left unattended on the State Road Network and:
    - I) the presence of which has been reported to the Police; or
    - II) which any officer of Main Roads, the City of Melville or TNC7 reasonably considers to have been abandoned;
- (b) Subject to the terms of this Instrument (including the attached documents entitled "Annexure 'A'"), the City of Melville shall respond within a reasonable time to remove and store any Unattended Vehicles or Unattended Animals from the State Road Network whenever notified by either Main Roads, TNC7 or the Police as if the State Road Network was part of the road networks for which the City of Melville is responsible.
- (c) Main Roads shall provide assistance to the City of Melville for the management of traffic associated with the removal of any Unattended Vehicle or Unattended Animal from the State Road Network wherever requested by the City of Melville
- (d) In cases where the Police are not present, or alternatively the Police present are not in a position to manage traffic, the City of Melville shall contact TNC7 prior to attempting to remove any Unattended Vehicles or Unattended Animals from the land within the boundaries of any Control of Access Highway;
- (e) Nothing in this instrument shall be construed as requiring the City of Melville to monitor the State Road Network for the presence of Unattended Vehicles or Unattended Animals.
- (f) In the course of exercising its authority under this Instrument, the City of Melville shall comply with its own policies, procedures and practices for the removal, storage and disposal of any Unattended Vehicle or Unattended Animal and ensure that those policies, procedures and practices:
- (i) comply with all applicable laws;
  - (ii) require the recording of the identifying features, serial numbers, name tags, animal implanted microchips and number plates (as applicable) of any relevant vehicle or animal prior to disposal including taking photographs of each animal or vehicle; and
  - (iii) require for the City of Melville to liaise with the Western Australia Police Service prior to removing or disposing of any relevant vehicle;
- (g) The City of Melville may claim reimbursement from Main Roads on an annual basis for the difference between:
- (i) the reasonable collection storage and disposal costs incurred by the City of Melville in respect of;
- and

---

MAIN ROADS Western Australia

Part 5 Statutory Delegations and Authorisations from External Agencies

- (ii) any proceeds from the sale by the City of Melville of;  
any Unattended Vehicles and Unattended Animals removed from the State Road Network by the City of Melville in accordance with this Instrument.
- (h) Main Roads shall reimburse the City of Melville for a claim under paragraph "g" of this instrument within 30 days of the receipt of an invoice from the City of Melville for that claim together with suitable substantiating documentation showing the basis of the amount claimed. When the City of Melville is claiming reimbursement for the first time under paragraph "g" of this Instrument, Main Roads is required to reimburse within 45 days of the notice. The City of Melville shall comply with Main Roads's reasonable request for information regarding the subject matter of a claim under paragraph "g".
- (i) There is no requirement for the City of Melville to reimburse Main Roads for any surplus amount after offsetting their annual costs.
- (j) The right of reimbursement in paragraphs "g" and "h" of this Instrument only applies for claims for reimbursement made by the City of Melville within 3 months of the end of the calendar year to which the subject matter of the claims relate.
- (k) Either party may terminate the arrangements under this Instrument by 14 days notice in writing to the other party. Any obligations accrued under paragraphs "g", "h" and "j" survives the termination of this Instrument.
- (l) Any variation to the instrument must be agreed in writing by both parties.

By executing this Instrument both the Commissioner of Main Roads and the City of Melville respectively agree to observe, perform and comply with their respective obligations as set out in this Instrument.

Dated:

THE COMMON SEAL OF THE )  
COMMISSIONER OF MAIN ROADS )  
WAS AFFIXED BY )  
COMMISSIONER OF MAIN ROADS )  
FOR THE TIME BEING IN THE PRESENCE OF: )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness (please print)

THE COMMON SEAL of the )  
City of Melville was affixed pursuant )  
to a resolution of the Council )  
in the presence of: )

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Witness

## Annexure "A"

### **Arrangements for the City of Melville Unattended Animals & Unattended Vehicles on State Road Network**

#### **Authority for Removal**

Authority for the removal of unattended animals and unattended vehicles is contained within the Instrument of Authorisation.

#### **Removal of Unattended Animals from Main Roads network:**

##### Ordinary Main Roads & Highways

During ranger /pound hours – City to remove from network and admit animal/s to City pound and follow procedures that would be applied for animals on a local road.

Outside of ranger/pound hours – Main Roads may arrange for removal of animal/s where circumstances warrant the urgent removal of an animal from Main Roads network, and liaise to have the animal admitted to the pound during operating hours.

Main Roads Term Network Contractor (who is currently CSR Emoleum Roads Services can be contacted through our Customer Contract Centre on 138 138) may be contacted in any circumstances in which the City requires assistance for traffic management.

##### Control of Access Highways (including Freeways)

During ranger /pound hours – City to remove from network and admit animal/s to City pound, and follow procedures that would be applied for animals on a local road.

Outside of ranger/pound hours – Main Roads may arrange for removal of animal/s where circumstances warrant the urgent removal of an animal from Main Roads network, and liaise to have the animal admitted to the pound during operating hours.

Main Roads Term Network Contractor (who is currently CSR Emoleum Road Services can be contacted through our Customer Contact Centre on 138 138) may be contacted in any circumstances in which the City requires assistance for traffic management.

It is essential that Main Roads Term Network Contractor be contacted prior to access onto a control of access road where the Police are not in attendance or where the activities of any police in attendance prevents them from satisfactorily undertaking traffic management.

#### **Removal of unattended vehicles from Main Roads network:**

Timing of removal of unattended vehicles to be governed by requirements of local laws unless the unattended vehicle in question pose an urgent hazard to safety or the free movement of traffic. Queries on Day to Day operational issues with regard to this, can be made to the Traffic Operational Centre on 9 428 2222.

It is essential that Main Roads Term Network Contractor be contacted prior to access onto a control of access road where the Police are not in attendance or where the activities of any police in attendance prevents them from satisfactorily undertaking traffic management.





**C07/5000 – COMMON SEAL REGISTER (REC)**

Section 70A Notification	Chui Heng Yip	21 Tweeddale Road, Applecross	1594548
Deed of Licence	Minister for Education	Shared Use of Facilities for Melville Primary School	1479409
Instrument of Authorisation	Main Roads WA	West Australian Road Traffic Code Regulation 297(2) Instrument of Authorisation relation to Traffic Management for events.	1596009
Section 70A Notification		Lots 137-139 Brentwood	
Withdrawal of Caveat	Starworld Holdings Pty Ltd	26 Kintail Road and 13 Tweeddale Road, Applecross	1604106
Instrument of Authorisation	Main Roads WA	Removal of unattended animals and unattended vehicles from the Main Roads Network	1593887

**EXERCISE OF THIS AUTHORISATION WITHIN THE CITY OF MELVILLE**

The powers delegated in this Instrument of Authorisation may only be exercised by the Chief Executive Officer and the officers from time to time holding the following positions:

- Coordinator Rangers and Emergency Management
- Senior Ranger
- Rangers



## Part 6 - Guidance Notes for the Granting and Exercise of Delegations of Authority

In managing delegations and sub-delegations the following principles apply:

- (a) A statutory power, duty or function may only be delegated if the relevant legislation provides for its delegation and may only be delegated by the person or body on whom it is conferred or imposed by the legislation. Delegated powers may only be sub-delegated if the legislation provides for sub-delegation.
- (b) Where an Act provides for a power of delegation, that power may only be exercised in relation to powers and duties provided for in that Act, unless otherwise specified in the provision.
- (c) Delegations cannot authorise anything to be done that could not be done by the person or body delegating the function.
- (d) Prior to making a delegation, consideration should be given to whether the power, duty or function is already included in the statutory functions or duties of the CEO, or whether it could be effectively undertaken by authorisation or by acting through, particularly where decision-making discretion is limited by rules or statutory requirements.
- (e) All delegations and sub-delegations must be made in writing and in accordance with the relevant legislation (including Acts, Regulations, Local Laws).
- (f) Delegations are to be worded so that they are exercisable by the holder of a position (or by a class of persons or positions), including anyone acting in that role, not by a specified individual. Delegations may be made to certain committees.
- (g) A delegator may at any time, regardless of their delegation:
  - (i) Exercise the delegated function; or
  - (ii) Revoke or vary the delegation, in writing, in accordance with the relevant legislation
- (h) A delegate exercises a delegated function in their own right, in accordance with section 58 of the *Interpretation Act 1984* and is not expected to seek prior or retrospective approval for their decisions from the delegator or any other person or body.
- (i) The exercise of delegations and sub-delegations must be consistent with any conditions or limitations set by the delegator, including qualifications and exceptions, and with relevant City policies, procedures and work instructions.
- (j) A delegation authorising the expenditure of City funds is to be limited to authorising expenditure within the budget approved by the Council. A delegate who incurs expenditure beyond that listed in the budget or without an approved source of funds may be liable for that expenditure.
- (k) Sub-delegations should reflect the City's organisational structure, responsibility and accountability.

## Part 6 Guidance Notes

- (l) Sub-delegation should only be made to roles that will regularly be expected to make that decision and that are occupied by personnel who are qualified to make that decision. Unless the function requires the significant exercise of discretion in non-standard circumstances, acting through is preferred to sub-delegation.
- (m) All conflicts of interest must be declared by delegates and sub-delegates in accordance with the Local Government Act and the “Local Government Operational Guidelines – Disclosure of Interests Affecting Impartiality” published by the Department of Local Government, Sport and Cultural Industries and managed in accordance with the document “Conflicts of Interest – Guidelines for the WA Public Sector” published by the WA Integrity Coordinating Group.

## Revoked Delegations

(from June 2020)

Number	Title	Date of Revocation	Notes
DA-009	Negotiation of community/sporting leases and licences	16/06/2020	Incorporated into DA-007
DA-011	Assignment of commercial leases	16/06/2020	Incorporated into DA-007
DA-012	Authority to sign documents	16/06/2020	Replaced with authorisation under s.9.49A of Local Government Act
DA-036	Release of confidential information	19/07/2022	Not required – part of CEO function
DA-039	Boundary review consultation	16/06/2020	Not required – part of CEO function
DA-047	Additional powers when notice is given	16/06/2020	Incorporated into DA-046
DA-048	Recovery of costs in performing unactioned notice requirements	16/06/2020	Incorporated into DA-046
DA-052	Authorise persons for removal and impoundment of goods	16/06/2020	Covered under DA-055
DA-055	Appointment of authorised persons under Local Government Act	14/06/2021	Superseded by amendments to s.9.10 of Local Government Act
DA-065	Establishment of offensive trades premises	16/06/2020	The Act does not contain delegation powers. Replaced with the appointment of deputies under s.26 of the Health (Miscellaneous Provisions) Act
DA-067	Connection to sewer mains	16/06/2020	
DA-068	Prosecutions under the Health Act	16/06/2020	
DA-069	Health orders	16/06/2020	
DA-070	Health Act licences and registrations	16/06/2020	
DA-071	Public building occupancy	16/06/2020	
DA-082	Revoke an order to close a thoroughfare	16/06/2020	
DA-084	Residential parking permits under local law	16/06/2020	Duplicates part of DA-016
DA-087	Commercial parking leases	16/06/2020	Incorporated into DA-007
DA-089	Grant of building permit	16/06/2020	Consolidated into DA-126
DA-090	Grant of demolition permit	16/06/2020	
DA-091	Refuse an application for a building or demolition permit	16/06/2020	
DA-092	Impose conditions on a building or demolition permit	16/06/2020	
DA-093	Seek further information	16/06/2020	
DA-094	Grant occupancy permit or building approval	16/06/2020	Consolidated into DA-127
DA-095	Impose conditions on occupancy permits and building approval	16/06/2020	
DA-096	Extend period of duration	16/06/2020	
DA-097	Finishes of walls close to boundaries	16/06/2020	Incorporated into DA-126 and DA-128
DA-099	Building orders	16/06/2020	Consolidated into DA-128
DA-100	Notice of proposed building orders	16/06/2020	
DA-101	Revocation of building orders	16/06/2020	
DA-102	Give effect to building orders	16/06/2020	

<b>Number</b>	<b>Title</b>	<b>Date of Revocation</b>	<b>Notes</b>
DA-104	Extend period of duration for building or demolition permit	16/06/2020	Incorporated into DA-126
DA-106	Authority to appoint authorised persons under the Cat Act	16/06/2020	Consolidated into DA-125, but delegation rendered invalid in 2021 by amendments to s.9.10 of the Local Government Act
DA-107	Authority to notify person of a decision in relation to breeding cats	16/06/2020	Consolidated into DA-125
DA-108	Authority to recover costs of having a cat destroyed	16/06/2020	
DA-109	Authority to require an applicant to submit information re cat registration	16/06/2020	
DA-110	Authority to cancel registration of a cat	16/06/2020	
DA-111	Authority to refuse application to breed cats if applicant has had an infringement	16/06/2020	
DA-112	Authority to grant, renew or refuse application to breed cats	16/06/2020	
DA-113	Authority to issue a cat control notice	16/06/2020	
DA-114	Authority to approve an operator of a cat management facility	16/06/2020	
DA-117	Authority to sign documents	16/06/2020	Not a delegable power: replaced by authorisation in accordance with s.9.49A of Local Government Act
DA-123	Appointment of authorised and approved officers for the purpose of the Criminal Procedure Act	16/06/2020	Incorporated into DA-098