



CITY OF ROCKINGHAM

DELEGATED AUTHORITY REGISTER

LOCAL GOVERNMENT TO CHIEF EXECUTIVE OFFICER

**REVIEWED AUGUST 2018
GM-026/18**

CITY OF ROCKINGHAM
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Local Government to Chief Executive Officer



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INTRODUCTION

Purpose of Delegating Authority

A delegation is the conferral of the ability to exercise a power or duty to a person or body from a person or body that is vested with the responsibility to exercise that power or duty. When a person or body exercises delegated authority they do so “on behalf” of the delegator.

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the City’s commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the Local Government Act 1995 (the Act) on an annual basis. The coordination of the review will be performed through Governance and Councillor Support.

Legislation

The Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in s5.43. All delegations made by the Council must be by absolute majority decision as per s5.42 of the Act.

Associated Legislation

Legislation other than the Act, its regulations and the local government’s local laws created under the Act where delegations or authorisations may occur are as follows:

- Local Government Act 1995 and regulations;
- Cat Act 2011 and regulations under that Act;
- Planning and Development Act 2005 including regulations, and adopted policies;
- Dog Act 1976 and regulations;
- Building Act 2011 and regulations;
- Bush Fires Act 1954, regulations and local laws created under that Act;
- Health Act 1911, regulations and local law created under that Act;
- Food Act 2008 and regulations;
- Land Administration Act 1997 and regulations;
- Litter Act 1979 and regulations;
- Local Government (Miscellaneous Provisions) Act 1960;
- Caravan Parks and Camping Grounds Act 1995;
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations;

Note: This is not an exhaustive list

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Matters which cannot be delegated

The following are decisions that cannot be delegated by Council to the Chief Executive Officer as per s5.43 of the Act.

- any power or duty that requires a decision of an absolute majority or special (75%) majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under sections 5.98, 5.98A, 5.99A, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

Delegation by the Chief Executive Officer

S5.44(1) of the Act allows for the Chief Executive Officer to delegate any of the powers to another Employee. This must be done in writing as per s5.44(2). The Act also allows for the Chief Executive Officer to place conditions on any delegations if desired under s5.44(4).

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year as per s5.46(1) and (2) of the Act. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used as per s5.46(3) of the Act.

The record is to contain the following information:

- 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 under Regulation 19 of Local Government (Administration) Regulations 1996.

Departments responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.

A person to whom a power is delegated under the Act is considered to be a 'designated employee' under s5.74(b) of the Act and is required to complete a primary and annual return each year.

There is no power for a person other than the CEO to delegate a power as stated in s5.44(1) of the Act.

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Acting through another person

Local Government Act 1995 – Section 5.45 (2)

Nothing in this Division (Division 4 – Local Government Employees) is to be read as preventing-

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
- (b) a CEO from performing any of his or her functions by acting through another person.

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise a discretion on behalf of the City and acting through another person to undertake a function on behalf of the City where no discretion exists is reinforced by Section 56 of the Interpretation Act 1984 which states –

56. “May” imports a discretion, “shall” is imperative

- (1) *Where in a written law the word “**may**” is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word “**shall**” is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

Acting Through Example:

Section 5.38 of the Local Government Act 1995 states that “The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment”.

The Act requires reviews to be undertaken, there is no discretion as to whether they be done or not, therefore it is a function that must be performed. Who must perform the function, the local government or the CEO?

The functions of a local government are spelt out in Section 3.1, “General Function” and Division 2, (Legislative functions) and Division 3 (Executive functions) of Part 3 of the *Local Government Act 1995*.

Section 5.41(g) of the Local Government Act 1995 (the Act) states that “The CEO’s functions are to be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) of the Act in relation to senior employees)”.

The CEO to perform the function could include in the job description of an appropriate officer a requirement that he or she shall – “Review the performance of each employee under his/her supervision who is employed for a term of more than one year at least once in relation to every year of the employment”.

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1. COUNCIL TO THE CHIEF EXECUTIVE OFFICER

1.1 USE OF COUNCIL CREST AND LOGO	
Function Delegated:	To approve the use of the City of Rockingham Crest and Logo by Elected Members and community organisations.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to Council Policy "Use of Crest and Logo"
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Each decision made under this delegated authority must be recorded and clearly identifiable as a delegated authority decision in an appropriate register.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Council Policy – Use of Crest and Logo

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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1.2 EXTENSION OF CONTRACTS	
Function Delegated:	To approve an extension to a contract, subject to the terms of existing contracts.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Subject to: <ul style="list-style-type: none"> • The tender specifying the provisions of the option term; • The contract providing for the extension; • The extension being on the same terms and conditions as the last year of the original term but does allow for price increases in line with the contract provisions (if any) for price.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of the extension must be recorded in the appropriate file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Contract/Agreement

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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1.3 APPOINT AUTHORISED PERSONS	
Function Delegated:	To appoint persons or classes of persons to be authorised for the purpose of fulfilling prescribed functions of the Local Government Act 1995 or any Act where the power of appointment may be delegated.
Statutory Power being Delegated:	<p>Local Government Act 1995</p> <p>s3.24 Authorising persons under this subdivision</p> <p>s3.31(2) Entering Property</p> <p>s3.39 Power to remove and impound</p> <p>s9.10 Appointment of authorised persons</p> <p>s9.24(1)(c) Prosecutions – commencing (LG Act)</p> <p>s9.24(2)(b) Prosecutions – commencing (local laws)</p> <p>Local Government (Miscellaneous Provisions) Act 1960</p> <p>s449 Pounds, establishing; poundkeepers and rangers, appointing</p> <p>Building Act 2011</p> <p>s96 Authorised persons</p> <p>s133 Prosecutions</p> <p>Cat Act 2011</p> <p>s48 Authorised Persons</p> <p>s73 Prosecutions</p> <p>Food Act 2008</p> <p>s122 Appointment of Authorised Officers</p> <p>s126 Infringement Notices</p> <p>s126(13) Designated Officers</p> <p>Health (Asbestos) Regulations 1992</p> <p>s15D(7) Infringement notices</p> <p>Health (Miscellaneous Provisions) Act 1911</p> <p>s26 Powers of local government</p> <p>Litter Act 1979</p> <p>s26(1) Authorised officers, appointment and jurisdiction of etc.</p> <p>Planning and Development Act 2005</p> <p>s234 Appointment of designated persons</p> <p>Public Health Act 2016</p> <p>s17 Appointment of environmental health officers</p> <p>s24 Appointment of authorised persons</p>
Power is originally assigned to:	Local Government
Statutory Power of Delegation	<p>Local Government Act 1995</p> <p>s5.42 Delegation of some powers and duties to the CEO</p> <p>Building Act 2011</p> <p>s127 Delegation: special permit authorities and local governments</p> <p>Cat Act 2011</p> <p>s44 Delegation by local government</p> <p>Food Act 2008</p> <p>s118(2)(b) Functions of enforcement agencies and delegation</p>

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1.3 APPOINT AUTHORISED PERSONS	
Power Delegated to:	Health (Asbestos) Regulations 1992 s15D(7) Infringement notices Public Health Act 2016 s21(1)(b)(i) Enforcement agency may delegate Chief Executive Officer
Council's Conditions on Delegation:	A power or duty under section 63, 64 or 65 of the Cat Act 2011 cannot be delegated to an authorised person. Authority to delegate is limited under s127 of the Building Act 2011.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	A power or duty under section 63, 64 or 65 of the Cat Act 2011 cannot be delegated to an authorised person. Authority to delegate is limited under s127 of the Building Act 2011.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Miscellaneous Provisions) Act 1960 • All City of Rockingham Local Laws • Building Act 2011 • Cat Act 2011 • Food Act 2008 • Health (Miscellaneous Provisions) Act 1911 • Planning and Development Act 2005 • Public Health 2016

Date Adopted/Reviewed:	
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28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12
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	22 July 2014 Item GMS-011/14
	24 March 2015 Item GMS-002/15
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	24 January 2017 Item GMS-002/17
	25 July 2017 Item GMS-013/17
	31 October 2017 Item PDS-055/17
	28 August 2018 Item GM-026/18

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1.4 POWERS OF ENTRY	
Function Delegated:	<ol style="list-style-type: none"> 1. Give a Notice of Entry. 2. Seek and execute an Entry under Warrant. 3. Execute an Entry in an Emergency. 4. Give notice and execute the Opening of a Fence.
Statutory Power being Delegated:	Local Government Act 1995 s.3.31 General procedure for entering property s3.32 Notice of entry s3.33 Entry under warrant s3.34 Entry in an emergency s3.36 Opening Fences
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Notices and relevant evidence of determinations to be recorded in appropriate register.
Compliance Links	Local Government Act 1995, Part 3, Division 3, Subdivision 3

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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1.5 EXPRESSION OF INTEREST AND TENDERS – FOR SUPPLY OF GOODS OR SERVICES	
Function Delegated:	<p>Determine:</p> <ol style="list-style-type: none"> 1. When to call tenders or not to call tenders [s3.57(1) of the Local Government Act 1995 (the Act) and Reg.11 of the Local Government (Functions and General) Regulations 1996 (the Regulations)]. 2. The circumstances to invite tenders, though not required to do so [Reg.13 of the Regulations]; 3. Selection criteria for the acceptance of tenders [Reg.14(2a) of the Regulations]; 4. The information to be disclosed to those interested in submitting a tender [Reg.14(4) of the Regulations]; 5. Minor variations before entering into a contract [Reg.20 of the Regulations]; 6. Appropriate circumstances (for application of the Expression of interest process) and to call for Expressions of Interest [Reg.21 of the Regulations]; and, 7. Where the successful tenderer does not want to accept the contract and a variation or agreement cannot be reached, determine to select the next most appropriate tenderer [Reg.20 of the Regulations].
Statutory Power being Delegated:	<p>Local Government Act 1995 s3.57 Tenders for providing goods or services</p> <p>Local Government (Function and General) Regulations 1996 Reg.11 Tenders to be invited for certain contracts Reg.13 Procedure when local government invites tenders though not required to do so Reg.14 (2a), (4) and (5) Requirements for publicly inviting tenders Reg.20 Variation of requirements before entry into contract Reg.21 Limitation may be placed on who can tender</p>
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations and notices to be retained in appropriate file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995, Part 3, Division 3, Subdivision 6 • Local Government (Financial Management) Regulations 1996 • Purchasing Policy

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1.5		EXPRESSION OF INTEREST AND TENDERS – FOR SUPPLY OF GOODS OR SERVICES	
Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
28 June 2011	Item ES-020/11	24 July 2012	Item GCS-009/12
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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1.6 ACCEPTANCE/REJECTION OF TENDERS – FOR SUPPLY OF GOODS OR SERVICES	
Function Delegated:	<ol style="list-style-type: none"> 1. Acceptance of tenders up to the value of \$500,000 (excluding GST) per annum for maintenance tenders that has a contract term that is greater than 12 months or \$500,000 for any other tender as per r18(4) Local Government (Functions and General) Regulations 1996 (the regulations) Accepting most advantageous tender 2. Rejection of tenders submitted at a place, and written time specified in the Invitation for tenders, but fail to comply with any other requirement specified in the Invitation up to the value of \$500,000 (excluding GST) 3. Decline of any Tender as per r18(5) of the regulations. 4. If no contact formed with successful tenderer within 6 months, accept the next most advantageous tenderer as per r18(7) of the regulations.
Statutory Power being Delegated:	Local Government Act 1995 s3.57 Tenders for providing goods or services
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations and notices to be retained in appropriate file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995, Part 3, Division 3, Subdivision 6 • Local Government (Financial Management) Regulations 1996 • Local Government (Functions and General) Regulations 1996

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		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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1.7 EXECUTION OF DEED OF ASSIGNMENT	
Function Delegated:	Authority to execute a deed of assignment relating to leases on Council property.
Statutory Power being Delegated:	Local Government Act 1995 s3.58(2) Leasing of property.
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of execution must be recorded in appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
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28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12
	27 August 2013 Item GCS-007/13
	22 July 2014 Item GMS-011/14
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
	28 August 2018 Item GM-026/18

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1.8 EMPLOYMENT OF PERSONS OTHER THAN THE CHIEF EXECUTIVE OFFICER	
Function Delegated:	To employ persons to enable the functions of the Local Government and the functions of the Council to be performed.
Statutory Power being Delegated:	Local Government Act 1995 s5.36(1)(b) Employment of a Person
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	As per section 5.37 of the Local Government Act 1995 the following positions are designated as "senior employees" positions: <ul style="list-style-type: none"> • Director Corporate Services • Director Community Development • Director Engineering and Parks Services • Director Planning and Development Services
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	All documentation relative to the persons employment are to be retained as required by legislation
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 28 May 2013 Item GM-003/13 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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1.9 APPOINT ACTING CHIEF EXECUTIVE OFFICER	
Function Delegated:	The appointment of persons to perform the role of Acting Chief Executive Officer during the absence of the Chief Executive Officer.
Statutory Power being Delegated:	Local Government Act 1995 s5.36(1)(a) Local Government Employees
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Agreement of the Mayor to be obtained.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	All documentation relative to the person's employment are to be retained as required by legislation.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Administration) Regulations 1996

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



1.10 LEGAL REPRESENTATION – ELECTED MEMBERS AND OFFICERS	
Function Delegated:	To authorise legal expenses for Elected Members and Officers seeking financial assistance for legal representation.
Statutory Power being Delegated:	Local Government Act 1995 s6.7(2) Municipal Fund s9.56 Certain persons protected from liability or wrongdoing
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council’s Conditions on Delegation:	<ul style="list-style-type: none"> • Legal expenses do not exceed \$5,000 • Approved applications to be presented to the next ordinary meeting of Council.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of action taken to be recorded on the appropriate file or record.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Council Policy “Legal Costs and Cost Indemnification”

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



1.11 SALE OF LOT 3 MANDURAH ROAD, KARNUP	
Function Delegated:	To accept the highest tender above valuation on the sale of Lot 3 Mandurah Road, Karnup.
Statutory Power being Delegated:	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Not Applicable
Record Keeping s5.46(3)	Details of tender and valuation must be recorded in appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
25 November 2014	Item GMS-021/14	24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



1.12 SALE OF LOTS 200 AND 201 CHALGROVE AVENUE, ROCKINGHAM	
Function Delegated:	For the CEO to negotiate terms of the contract and sign the document of behalf of Council, subject to: <ul style="list-style-type: none"> i. Compliance with Section 3.58(3) of the Local Government Act 1995, and ii. Market Value is achieved for both lots, and iii. No adverse submissions are received in respect to the public notice of sale.
Statutory Power being Delegated:	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Not Applicable
Record Keeping s5.46(3)	Details of sale must be recorded in appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
23 June 2015 Item GMS-006/15	24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM

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1.13 LAND ACQUISITION TO PURCHASE PRIVATELY OWNED LAND	
Function Delegated:	To enter into contracts to purchase privately owned land subject to: <ul style="list-style-type: none"> • The facility or infrastructure relative to the subject land having already been approved or endorsed by Council by way of the Business Plan, Community Infrastructure Plan or other Council decision. • The offer being no greater than a valuation that is less than three months old • The offer being within the allocated budget amount • The offer being subject to a due diligence investigation verifying the intended land use and activity • The offer not exceeding \$5M • The offer requiring final approval of the Council
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Section 5.43(d) of the Local Government Act 1995 provides that Councils must place a maximum limit on a delegation to purchase land. In this case the limit is \$5M.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	All documentation to be kept on file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
26 April 2016 Item CD-013/16	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
	28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



1.14		PROVISION OF BALDIVIS FIRE AND RESCUE SERVICES
Function Delegated:	To endorse Council's draft position on the provision of Fire and Rescue Services for the Baldivis area, subject to congruence with the policy position of the Baldivis Volunteer Bush Fire Brigade.	
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Not Applicable	
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Record Keeping s5.46(3)	All documentation to be kept on file.	
Compliance Links	Local Government Act 1995	

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
26 July 2016	Item 22.1 Urgent Business	27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



1.15 PURCHASE OF LOTS 4, 103, 104 AND 105 EIGHTY ROAD, BALDIVIS	
Function Delegated:	To purchase Lots 4, 103, 104 and 105 Eighty Road, Baldivis for no more than a combined total purchase price of \$9.9 million.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Not Applicable
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations and notices to be retained in the appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
20 March 2017 Item CD-003/17	25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM

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1.16 APPROVAL OF BUILDING PURCHASE - LOT 47 (18) GODDARD STREET, ROCKINGHAM	
Function Delegated:	To purchase Lot 47 (18) Goddard Street, Rockingham for an amount not exceeding \$3,300,000. Allocate \$3,300,000 in the 2016/2017 budget for the purchase.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Not Applicable
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of purchase to be retained in the appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
30 May 2017 Item CD-010/17	25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



1.17 EXPRESSION OF INTEREST CHALLENGER PRECINCT REDEVELOPMENT PROJECT	
Function Delegated:	To the Chief Executive Officer to negotiate and finalise all contractual and land tenure requirements for the Challenger Precinct Redevelopment Project in accordance with the City's October 2017 Information Memorandum and Baptistcare Incorporated's 8 November 2017 Expression of Interest.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Not Applicable
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of contract to be retained in the appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
19 December 2017 Item GMS-027/17	28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM

Delegated Authority

Local Government to Chief Executive Officer



1.18 ROCKINGHAM RENAISSANCE TECHNOPOLE AND THE APPOINTMENT OF MEMBERS TO THE NOT FOR PROFIT ENTITY	
Function Delegated:	To the Chief Executive Officer to appoint Members to the not for profit entity, the Rockingham Renaissance Technopole Inc.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Appoints the Chief Executive Officer as a Member of the Rockingham Renaissance Technopole Inc.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of contract to be retained in the appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
23 January 2018	Item GMS-002/18	28 August 2018	Item GM-026/18
		28 August 2018	Item GM-024/18

CITY OF ROCKINGHAM

Delegated Authority

Local Government to Chief Executive Officer



1.19		ROCKINGHAM RENAISSANCE TECHNOPOLE INC. UNDERWRITE OPERATING DEFICITS
Function Delegated:	To the Chief Executive Officer, pursuant to section 5.42 of the Local Government Act 1995, the authority to determine the conditions to which the underwriting of operating deficits will be subject.	
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	<p>Approves the underwriting of operating deficits of Rockingham Renaissance Technopole Inc. to a maximum \$250,000 per year for two years.</p> <p>Allocates \$250,000 in the 2018/2019 Annual Budget to provide for any operating deficit that the Rockingham Renaissance Technopole Inc. incurs in that financial year.</p> <p>Directs the Chief Executive Officer to develop and implement systems to ensure the City is kept fully informed of the financial position of Rockingham Renaissance Technopole Inc.</p>	
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Record Keeping s5.46(3)	Evidence of contract to be retained in the appropriate file.	
Compliance Links	Local Government Act 1995	

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 August 2018 Item GMS-024/18	

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



2. CORPORATE SERVICES

2.1 PAYMENT FROM MUNICIPAL FUND AND TRUST FUND	
Function Delegated:	Make payment from Municipal Fund
Statutory Power being Delegated:	Local Government (Financial Management) Regulations 1996 r12(1)(a) Payments from municipal fund or trust fund
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Compliance with Regulations 13 of the Local Government (Financial Management) Regulations 1996
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Payment transaction records to be retained. Monthly cheque and EFT payment listings to be recorded in Council Minutes
Compliance Links	Local Government (Financial Management) Regulations 1996

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM

Delegated Authority

Local Government to Chief Executive Officer



2.2 TRUST FUND - TRANSFERS	
Function Delegated:	Determine to transfer to the Municipal Fund money held in the Trust Fund for 10 years
Statutory Power being Delegated:	Local Government Act 1995 s6.9(4) Trust Fund
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Record of authorisation to be retained.
Compliance Links	Local Government Act 1995, Part 6, Division 4.

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



2.3 WAIVE/GRANT CONCESSION OR WRITE OFF MONIES OWING	
Function Delegated:	<ol style="list-style-type: none"> 1. Waive or grant concessions in relation to debts owed to the City. 2. Write off money owed to the City 3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the City.
Statutory Power being Delegated:	Local Government Act 1995 s6.12(1)(b) and (c) and (3) Power to grant discounts, waive or write off debts
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Limited to individual sundry debts that do not exceed \$2,000.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of decisions to be recorded in appropriate file or financial record.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995, Part 6, Division 6 • Local Government (Financial Management) Regulations 1996 – noting specifically Reg.26.

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



2.4 AMEND THE RATE RECORD	
Function Delegated:	To amend a rate record up to 5 years preceding the current financial year.
Statutory Power being Delegated:	Local Government Act 1995 s6.39(2) Amend the Rate record
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of the determination to be recorded in the appropriate rate record.
Compliance Links	Local Government Act 1995, Part 6, Division 6

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



2.5 AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES	
Function Delegated:	To accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
Statutory Power being Delegated:	Local Government Act 1995 s6.49 Agreement as to payment of rates and service charges
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of the determination to be recorded in the appropriate rate record.
Compliance Links	Local Government Act 1995, Part 6, Division 6

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM

Delegated Authority

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2.6 RATES OR SERVICE CHARGES RECOVERABLE IN COURT	
Function Delegated:	To recover rates or service charges, as well as the cost of proceeding, if any, for that recovery, in a court of competent jurisdiction.
Statutory Power being Delegated:	Local Government Act 1995 s6.56 Rates or service charge recoverable in court
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of the determination to be recorded in the appropriate rate record.
Compliance Links	Local Government Act 1995, Part 6, Division 6

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12
	27 August 2013 Item GCS-007/13
	22 July 2014 Item GMS-011/14
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
	28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
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Local Government to Chief Executive Officer



2.7 CHANGE OF BASIS OF RATES	
Function Delegated:	To make applications to the Minister to change the basis of rates under Section 6.28(1) of the Local Government Act 1995
Statutory Power being Delegated:	Local Government Act 1995 s6.28 Basis of Rates
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of decisions to be recorded in appropriate file or financial record.
Compliance Links	Local Government Act 1995, Part 6, Division 4

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
27 September 2011 Item CS-032/11	27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM

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Local Government to Chief Executive Officer



2.8 DEALING WITH LESSORS/LESSEES	
Function Delegated:	To recover from the Lessee of land, any rent as it falls due in satisfaction of the rate or service charge.
Statutory Power being Delegated:	Local Government Act 1995 s6.60 Local Government may require lessee to pay rent
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of the decision to be recorded in the appropriate rate record.
Compliance Links	Local Government Act 1995, Part 6, Division 6

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12
	27 August 2013 Item GCS-007/13
	22 July 2014 Item GMS-011/14
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
	28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



2.9 RECOVERY OF UNPAID RATES	
Function Delegated:	<ol style="list-style-type: none"> 1. To take possession of land and hold the land as against a person having an estate or interest in the land, if rates or service charges have been unpaid for 3 years. 2. Lodging a caveat against the land.
Statutory Power being Delegated:	Local Government Act 1995 s6.64(1) and (3) Taking possession of land and lodging of a caveat
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The sale of land will not be undertaken without the express approval of the CEO
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of action taken to be recorded in appropriate rate record.
Compliance Links	Local Government Act 1995, Part 6, Division 6

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
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2.10 EXTENSION OF TIME FOR OBJECTION TO THE RATE RECORD	
Function Delegated:	1. To extend the time for making an objection on application by a person proposing to make an objection to the rate record. 2. To either disallow or allow the objection, wholly or in part.
Statutory Power being Delegated:	Local Government Act 1995 s6.76(4) and (5) Grounds of objection
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of the determination to be recorded in the appropriate rate record.
Compliance Links	Local Government Act 1995, Part 6, Division 6

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
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2.11 RESIDENTS CONTRACTS – SIGNING OF	
Function Delegated:	To administer and sign the City of Rockingham Residents Contracts between the City of Rockingham (Lessor) and the resident occupying the residential premises at Challenger Court.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some power and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations and copies of agreements to be kept on file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



2.12 DISPOSAL OF PROPERTY	
Function Delegated:	Dispose of property.
Statutory Power being Delegated:	Local Government Act 1995 s3.58(2) and (3) Disposing of property
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	<ol style="list-style-type: none"> 1. Approve and determine the appropriate method to dispose of property in accordance with s3.58 of the Local Government Act 1995 (the Act). 2. Sale of land is limited to: <ul style="list-style-type: none"> • Individual contract agreement not to exceed \$500,000 and be consistent with the intent of previous Council determinations 3. Where disposal method is by way of Lease or Licence, is consistent with the Council Leasing Policy.
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations and notices to be retained in appropriate file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995, Part 3, Division 3, Subdivision 6 • Local Government Act 1995 s5.43(d)

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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2.13	APPROVE LEASE PROPERTY GRANTS
Function Delegated:	To approve Lease Property Grants in accordance with the Community Grants Program Policy. 1. Maintenance and Leased Property Grans – Maintenance up to \$10,000 2. Leased Property Grants – Rate Subsidy is equal to amount of rates levied.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Community Grants Program Policy

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
25 August 2015 Item CD-032/15	24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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2.14	WASTE INDUSTRY PROTOCOL
Function Delegated:	To implement the Waste Industry Protocol for the handling of early collected carbon charges in the landfill sector.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Management of Carbon Pricing Policy

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
22 September 2015	Item EP-037/15	24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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2.15		PROCUREMENT FRAMEWORK
Function Delegated:	To approve a purchasing policy that satisfies the provisions in Regulation 11A of the Local Government (Functions and General) Regulations 1996.	
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil	
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Record Keeping s5.46(3)	Evidence of determinations to be kept on file.	
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Government (Functions and General) Regulations 1996 	

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
27 January 2016	Item CS-001/16	27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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3. COMMUNITY DEVELOPMENT

3.1 APPROVE MINOR GRANTS	
Function Delegated:	To approve minor grants up to \$3,000 in accordance with the Community Grants Program Policy.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Community Grants Program Policy

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
25 August 2015 Item CD-032/15	24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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3.2 WARNBRO COMMUNITY LIBRARY AGREEMENT	
Function Delegated:	The Chief Executive Officer to negotiate the terms and conditions of the new Agreement with the Department of Education in respect to the management and operation of the Warnbro Community Library.
Statutory Power being Delegated:	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Not Applicable
Record Keeping s5.46(3)	Details of agreement must be recorded in appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
25 August 2015 Item CD-035/15	24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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3.3 ANNUAL MANAGEMENT PLANS	
Function Delegated:	The power to approve annual management plans for externally managed facilities including the Warnbro Community Recreation Centre and Mike Barnett Sports Complex.
Statutory Power being Delegated:	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	The proposed fees and charges for each facility will be provided to Council annually for its consideration and endorsement.
Statutory Power to Sub-Delegate:	Not Applicable
Record Keeping s5.46(3)	Details of incidental terms and conditions must be recorded in appropriate file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Relevant Annual Management Plans

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 May 2013 Item CLF-009/13	27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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4. COMPLIANCE AND EMERGENCY LIAISON

4.1 BUSH FIRES ACT – POWERS AND DUTIES	
Function Delegated:	All powers, duties and functions of the local government under the Bush Fires Act 1954 (the Act) and in particular s38 of the Act.
Statutory Power being Delegated:	Bush Fires Act 1954
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Bush Fires Act 1954 s48 Delegation by local governments
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Excludes powers and duties that: <ul style="list-style-type: none"> • are prescribed in the Act with the requirement for a resolution by the local government; • are prescribed in the Act for performance by prescribed officers; or, • are subject to separate delegated authority within this register.
Statutory Power to Sub-Delegate:	No statutory power provided to sub-delegate [s48(3) of the Act].
Record Keeping s5.46(3)	Evidence of decisions to be retained in appropriate file or record
Compliance Links	<ul style="list-style-type: none"> • Bush Fires Act 1954 • Bush Fires Regulations 1954 • Bush Fires (Infringements) Regulations 1978

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12
	27 August 2013 Item GCS-007/13
	22 July 2014 Item GMS-011/14
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
	28 August 2018 Item GM-026/18

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4.2 BUSH FIRES ACT – PROHIBITED BURNING TIMES	
Function Delegated:	Determine to vary Prohibited Burning Times, in accordance with s17(7) and (8) of Bush Fires Act 1954 (the Act), regarding: <ul style="list-style-type: none"> • shortening, extending, suspending or reimposing a period of prohibited burning times; or • imposing a further period of prohibited burning times
Statutory Power being Delegated:	Bush Fires Act 1954 s17(7) and (8) Vary prohibited burning times
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Bush Fires Act 1954 s17(10)
Power Delegated to:	Chief Bush Fire Control Officer (Coordinator Emergency Management)
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	No statutory power provided to sub-delegate [s48(3) of the Act].
Record Keeping s5.46(3)	Evidence of decisions to be retained in appropriate file or record
Compliance Links	<ul style="list-style-type: none"> • Bush Fires Act 1954 • Bush Fires Regulations 1954 • Bush Fires (Infringements) Regulations 1978

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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4.3 BUSH FIRES ACT – PROSECUTIONS	
Function Delegated:	<p>Prosecution of offences and issue Infringement Notices.</p> <p>Consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.</p> <p><i>NOTE: s59A(3) of the Bush Fires Act 1954 and r4(a) of the Bush Fires (Infringements) Regulations 1978 provide that only the Mayor or the Chief Executive Officer may withdraw an infringement notice.</i></p>
Statutory Power being Delegated:	<p>Bush Fires Act 1954 s59(3) Prosecution of Offences s59A(2) Alternative Procedure – Infringement Notices</p>
Power is originally assigned to:	Local Government
Statutory Power of Delegation	<p>Bush Fires Act 1954 s59(3) Delegation by the local government</p>
Power Delegated to:	<ul style="list-style-type: none"> • Chief Bush Fire Control Officer (Coordinator Emergency Management) • Fire Prevention Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	No statutory power provided to sub-delegate [s48(3)].
Record Keeping s5.46(3)	Evidence of decisions to be retained in appropriate file or record
Compliance Links	<ul style="list-style-type: none"> • Bush Fires Act 1954 • Bush Fires Regulations 1954 • Bush Fires (Infringements) Regulations 1978

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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4.4 DISPOSING OF CONFISCATED OR UNCOLLECTED GOODS	
Function Delegated:	<ol style="list-style-type: none"> 1. Sell or otherwise dispose of any confiscated or impounded goods in accordance with [s3.47 of the Local Government Act 1995 (the Act)]. 2. Destroy an impounded animal where it is determined to be too ill or injured to treat [s3.47A(1) of the Act]. 3. Where an offender is convicted, recover from the offender expenses incurred for removing, impounding and disposing confiscated or impounded goods [s3.48 of the Act].
Statutory Power being Delegated:	Local Government Act 1995 s3.47 Disposing of confiscated or uncollected goods – subclauses (1), (2), (2a) s3.47A Disposal of sick or injured animals – subclause (1) s3.48 Recovery of impounding expenses
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Copy of prescribed notices to be retained in the appropriate file.
Compliance Links	Local Government Act 1995 <ul style="list-style-type: none"> • Part 3, Division 3, Subdivision 4 • s3.58 Disposing of Property

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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4.5 DOG ACT 1976 – SECTION 10AA	
Function Delegated:	A local government may delegate to its chief executive officer any power or duty of the local government under another provision of the Dog Act 1976. By providing this delegation the local government expressly authorises the chief executive officer to further delegate the power or duty.
Statutory Power being Delegated:	Dog Act 1976 Any of the local government’s powers or duties under the Dog Act 1976 and subsidiary legislation.
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Dog Act 1976 s10AA(1) Delegation of local government powers and duties to chief executive officer
Power Delegated to:	Chief Executive Officer
Council’s Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Dog Act 1976 s10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Record Keeping s5.46(3)	Evidence of determination to be kept on file.
Compliance Links	Dog Act 1976

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
22 March 2016 Item GMS-009/16	27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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4.6 ADMINISTRATION AND ENFORCEMENT OF THE CAT ACT 2011	
Function Delegated:	The Local Government may delegate to its Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Cat Act 2011.
Statutory Power being Delegated:	Cat Act 2011 s44 Delegation by local government
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Cat Act 2011 s44 Delegation by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	A power or duty under sections 63, 64, or 65 of the Cat Act 2011 cannot be delegated to an authorised person.
Statutory Power to Sub-Delegate:	Cat Act 2011 s45 Delegation by CEO of local government
Record Keeping s5.46(3)	Record details of decisions and ensure that evidentiary documents are retained in the Council's record keeping system.
Compliance Links	<ul style="list-style-type: none"> • Cat Act 2011 • Cat Regulations 2012

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
27 August 2013	Item GCS-007/13	22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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5. BUILDING SERVICES – BUILDING ACT 2011, BUILDING REGULATIONS 2012, AND BUILDING SERVICE (REGISTRATION) REGULATIONS 2011

5.1 BUILDING AND DEMOLITION PERMITS	
Functions Delegated:	<ol style="list-style-type: none"> 1 Refer an uncertified application to a building surveyor [in circumstances set out in s.17(1) of the Building Act 2011 (the Act)]. 2 Require the applicant to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.18(1) of the Act]. 3 Refuse to consider an application [s.18(2) of the Act]. 4 Grant a building permit [ss.20 and 23 of the Act]. 5 Refuse to grant a building permit [ss.20 and 23, including in the circumstances in ss.22(1) and (2) of the Act]. 6 Grant a demolition permit [ss.21 and 23 of the Act]. 7 Refuse to grant a demolition permit [ss.21 and 23 including in the circumstances in ss.22(1) and (2) of the Act]. 8 Refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in ss.23(1) and (2) [s.23 (4) of the Act]. 9 Record the grounds on which a decision to refuse to grant a building permit or demolition permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24 of the Act]. 10 Impose conditions on the grant of a permit in addition to any provided for in the Regulations, including specifying the way in which an outward facing side of a particular close wall must be finished [ss.27(1) and 88(3) of the Act]. 11 Add, vary or revoke conditions imposed on a permit before the building work or demolition work is completed [s.27(3) of the Act]. 12 Refuse to accept an application to extend the time during which a permit has effect made after the expiry day for the permit [r.23(3) of the Building Regulations 2012 (the Regulations)]. 13 Extend the time during which a permit has effect and impose conditions on the extended permits [s.32 of the Act, rr.24(1) and (2) of the Regulations]. 14 Refuse to extend the time during which a permit has effect [r.24(1) of the Regulations]. 15 Approve a new person to be named as the builder on the building permit and amend the details set out in the permit accordingly [r.26(3) and (4) of the Regulations]. 16 Approve a new person to be named as the demolition contractor on the demolition permit and amend the details set out in the permit accordingly [r.26(3) and (4) of the Regulations].
Statutory Power being Delegated:	<p><i>Building Act 2011 ss. 18, 20, 21 and 27</i> <i>Building Regulations 2012 rr.23, 24 and 26.</i></p>
Power is originally assigned to:	<p>Local Government [s.6 of the Act].</p>
Statutory Power of Delegation	<p><i>Building Act 2011 s.127</i></p>

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5.1 BUILDING AND DEMOLITION PERMITS	
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Authority to delegate is limited by s.127. Records of determinations made under delegation to be kept on appropriate file or register
Statutory Power to Delegate:	Building Act 2011 s127(6A)CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Refer to conditions.
Compliance Links	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012 • Building Code of Australia

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
22 May 2012 Item BS-001/12	24 July 2012 Item GCS-009/12 28 May 2013 Item BS-001/13 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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5.2 OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES	
Function Delegated:	<ol style="list-style-type: none"> 1 Require the applicant of an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.55(1) of the Building Act 2011 (the Act)]. 2 Refuse to consider an application [s.55(2) of the Act]. 3 Grant or modify the occupancy permit or grant the building approval certificate [s.58(1) and 59 of the Act]. 4 Refuse to grant or modify the occupancy permit or grant the building approval certificate [including in the circumstances set out in s.58(2) and (3) of the Act]. 5 Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right to review [s.60 of the Act]. 6 Impose conditions on the occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations [s.62(1) of the Act]. 7 Add, vary or revoke conditions while the occupancy permit or building approval certificate has effect [s.62(3) of the Act]. 8 Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person's right of review [s.62(4) and (5) of the Act]. 9 Extend the period in which the occupancy permit or modification or the building approval certificate has effect [s.65(4) of the Act]. 10 Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reasons for the decision, and give written notice of the decision together with those grounds and reasons, and the person's right of review [s.65 of the Act and r.40(5) of the Building Regulations 2012 (the Regulations)]. 11 Refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect [r.40(2) of the Regulations].
Statutory Power being Delegated:	<i>Building Act 2011</i> ss.55, 58, 62, 65 <i>Building Regulations 2012</i> r.40
Power is originally assigned to:	Local government [s.6].
Statutory Power of Delegation	<i>Building Act 2011</i> s.127
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Authority to delegate is limited by s.127. Records of determinations made under delegation to be kept on appropriate file or register

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5.2 OCCUPANCY PERMITS AND BUILDING APPROVAL CERTIFICATES	
Statutory Power to Delegate:	Building Act 2011 s127(6A)CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Refer to conditions.
Compliance Links	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012 • Building Code of Australia

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
22 May 2012 Item BS-001/12	24 July 2012 Item GCS-009/12
	28 May 2013 Item BS-001/13
	27 August 2013 Item GCS-007/13
	22 July 2014 Item GMS-011/14
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
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5.3 BUILDING ORDERS	
Function Delegated:	<ol style="list-style-type: none"> 1 Make an order in respect of one or more of the following <ol style="list-style-type: none"> (a) particular building work; (b) particular demolition work; (c) a particular building or incidental structure, whether completed before or after commencement day [s.110(1) of the Building Act 2011 (the Act)]. 2 Specify the way in which an outward facing side of a particular close wall must be finished [s.88(3) of the Act]. 3 Before making a building order, give each person to whom the order is proposed to be directed written notice of the terms of the proposed order and reasons for it and advise each person of time in which they may make submissions and consider each submission received [s.111(1) of the Act]. 4 Serve a copy of the order on each person to whom the order is directed in accordance with s.76 of the <i>Interpretation Act 1994</i> [s.114(1) of the Act]. 5 Revoke a building order at any time [s.117(1) of the Act]. 6 Decide whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under s.112(3)(c) [s.117(2) of the Act]. 7 Cause an authorised person to - <ol style="list-style-type: none"> (a) take any action specified in the order; or (b) to commence or complete any work specified in the order; or (c) if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease [s.118(2) of the Act]. 8 Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) [s.118(3) of the Act].
Statutory Power being Delegated:	<i>Building Act 2011</i> ss.110, 117, 118
Power is originally assigned to:	Local government [s.6].
Statutory Power of Delegation	<i>Building Act 2011</i> s.127
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Records of determinations made under delegation to be kept on appropriate file or register. Authority to delegate is limited by s.127.
Statutory Power to Delegate:	<i>Building Act 2011</i> s127(6A)CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Refer to conditions.

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5.3 BUILDING ORDERS	
Compliance Links	<ul style="list-style-type: none"> Building Act 2011 Building Regulations 2012 Building Code of Australia

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
22 May 2012	Item BS-001/12	24 July 2012	Item GCS-009/12
		28 May 2013	Item BS-001/13
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
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5.4 BUILDING INFORMATION	
Functions Delegated:	<ol style="list-style-type: none"> 1 Keep a register of all building permits, demolition permits, occupancy permits and building approval certificates granted by it, and all building orders made by it, in an approved manner and form [s.128(1) and (2) of the Building Act 2011 (the Act)]. 2 Amend the register to reflect the variation or revocation of a condition of, or any other change reflecting to that effect of, a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order resulting from a decision of the permit authority or information given to the permit authority [s.128(3) of the Act]. 3 Make the register available for inspection by members of the public during normal office hours [s.129(1) of the Act]. 4 On application by any person and on payment of the prescribed fee, if any, provide to the person a copy of a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order that is kept in the register [s.129(2) of the Act]. 5 Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure that is the subject of - <ol style="list-style-type: none"> (a) an application for a building permit or demolition permit; or (b) an application of a kind mentioned in Part 4 Division 2; or (c) an inspection of a prescribed kind [s.130 of the Act]. 6 Allow an interested person to inspect a building record and provide to the interested person a copy of the building record [s.131(2) of the Act]. 7 Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the <i>Financial Management Act 2006</i> Part 5 by the accountable authority [s.132(1) of the Act] and provide a record or information requested by the Building Commissioner [s.132(3) of the Act and r.14 of the Building Regulations 2012].
Statutory Power being Delegated:	<i>Building Act 2011</i> s.131 <i>Building Regulations 2012</i> r.14
Power is originally assigned to:	Local government [s.6].
Statutory Power of Delegation	<i>Building Act 2011</i> s.127
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Records of determinations made under delegation to be kept on appropriate file or register. Authority to delegate is limited by s.127.
Statutory Power to Delegate:	<i>Building Act 2011</i> s127(6A)CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Refer to conditions.

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5.4 BUILDING INFORMATION	
Compliance Links	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012 • Building Code of Australia

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
22 May 2012	Item BS-001/12	24 July 2012	Item GCS-009/12
		28 May 2013	Item BS-001/13
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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5.5 PRIVATE SWIMMING POOLS	
Functions Delegated:	<ol style="list-style-type: none"> 1 Approve alternative requirements to r. 50(4)(b) of the Building Regulations 2012 (the Regulations) if satisfied that the alternative requirements will restrict access by young children to the swimming pool as effectively as if there were compliance with Australian Standard AS 1926.1 [r.51(2) of the Regulations] 2 Approve a door for the purposes of r.50(4)(c)(ii) of the Regulations if the door is in accordance with the requirements of Australian Standard AS 1926.1 and the conditions in r.51(3) are satisfied [r.51(3) of the Regulations] 3 Arrange for an authorised person to inspect the enclosures of private swimming pools in the district at intervals of no more than 4 years for the purpose of monitoring whether the provisions in rr.50 and 52 the Regulations are complied with [rr.50, 52 and 53(1) of the Regulations].
Statutory Power being Delegated:	<i>Building Regulations 2012 rr.51 and 53</i>
Power is originally assigned to:	Local government [s.6].
Statutory Power of Delegation	<i>Building Act 2011 s.127</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Records of determinations made under delegation to be kept on appropriate file or register. Authority to delegate is limited by s.127.
Statutory Power to Delegate:	Building Act 2011 s127(6A)CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Refer to conditions.
Compliance Links	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012 • Building Code of Australia

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
22 May 2012	Item BS-001/12	24 July 2012	Item GCS-009/12
		28 May 2013	Item BS-001/13
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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5.6 SMOKE ALARMS	
Function Delegated:	Approve of the use, in a dwelling or in part of the dwelling, of a battery powered smoke alarm and to give approval in relation to an alarm that was installed before the approval is to be given [r.60(1) and (2) of the Building Regulations 2012].
Statutory Power being Delegated:	<i>Building Regulations 2012 r.60</i>
Power is originally assigned to:	Local government [s.6].
Statutory Power of Delegation	<i>Building Act 2011 s.127</i>
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Records of determinations made under delegation to be kept on appropriate file or register. Authority to delegate is limited by s.127.
Statutory Power to Delegate:	Building Act 2011 s127(6A)CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Refer to conditions.
Compliance Links	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012 • Building Code of Australia

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
22 May 2012	Item BS-001/12	24 July 2012	Item GCS-009/12
		28 May 2013	Item BS-001/13
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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5.7 SAND DRIFT PREVENTION AND ABATEMENT	
Function Delegated:	<p>1 Issuing of notices (other than infringement notices) pursuant to the Sand Drift Prevention and Abatement Local Law 2000.</p> <p>2 Cancellation of such notices pursuant to the Local Law.</p>
Statutory Power being Delegated:	Clauses 3.1, 3.2 and 3.5 of the City of Rockingham Sand Drift Prevention and Abatement Local Law 2000.
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	22 May 2012 Item BS-001/12 (Renumbered) 24 July 2012 Item GCS-009/12 28 May 2013 Item BS-001/13 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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5.8 STREET VERANDAHS	
Functions Delegated:	To issue (with or without conditions) or to refuse, Street Verandah Licences pursuant to the Street Verandah Local Law 2000
Statutory Power being Delegated:	Street Verandahs Local Law 2000, clause 2.3.
Power is originally assigned to:	Local government.
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Street Verandahs Local Law 2000, Part 2

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	22 May 2012 Item BS-001/12 (Renumbered) 24 July 2012 Item GCS-009/12 28 May 2013 Item BS-001/13 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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5.9 FENCING	
Functions Delegated:	<ol style="list-style-type: none"> 1 Power to give written consent to the erection or repair of a fence which does not comply with the requirements of the Local Law: Fencing Local Law 2000, section 10(1). 2 Issuing of licences (with or without conditions), or refusal of licences, for electrified fences and razor wire fences: Fencing Local Law 2000, section 13. 3 Cancellation of licences for electrified or razor wire fences: section 15. 4 Issue of notices of breach: section 16.
Statutory Power being Delegated:	City of Rockingham Fencing Local Law 2000: <ol style="list-style-type: none"> 1. Section 10; 2. Section 13; 3. Section 15; 4. Section 16.
Power is originally assigned to:	Local Government Statutory Power of Delegation.
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO.
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register
Compliance Links	Local Government Act 1995.

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	22 May 2012 Item BS-001/12 (Renumbered) 24 July 2012 Item GCS-009/12 28 May 2013 Item BS-001/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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5.10 STATE ADMINISTRATIVE TRIBUNAL PROCEEDINGS	
Function Delegated:	The ability for the City of Rockingham to respond to proceedings in the State Administrative Tribunal. This includes the authority to consent to allow the review, set aside the City's original decision and make a new decision by the Tribunal. An application for review may be under any of the provisions below. Building Act 2011 Building Regulations 2012 Street Verandahs Local Law 2000 Fencing Local Law 2000 Signs, Hoardings and Bill Postings Local Law 1960 Activities in Thoroughfares and Public Places and Trading Local Law 2001
Statutory Power being Delegated:	See above
Power is originally assigned to:	Local Government.
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register.
Compliance Links	<ul style="list-style-type: none"> • Building Act 2011 • Building Regulations 2012 • Street Verandahs Local Law 2000 • Fencing Local Law 2000 • Signs, Hoardings and Bill Postings Local Law 1960 • Activities in Thoroughfares and Public Places and Trading Local Law 2001

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
28 June 2011	Item ES-020/11	22 May 2012	Item BS-001/12 (Renumbered)
		24 July 2012	Item GCS-009/12
		28 May 2013	Item BS-001/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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5.11 INFRINGEMENT NOTICES – BUILDING SERVICES	
<p>Function Delegated:</p>	<ol style="list-style-type: none"> 1. The power to appoint an “authorised officer” who is to have by virtue of that appointment, the power under the <i>Criminal Procedure Act 2004</i> Part 2, to issue infringement notices, for offences specified under <i>Building Regulations 2012</i> Schedule 6. 2. The power to appoint an “approved officer” who is to have by virtue of that appointment, the powers under the <i>Criminal Procedure Act 2004</i> Part 2, to extend and withdraw infringement notices, for offences specified under <i>Building Regulations 2012</i> Schedule 6. 3. Revoke an appointment under (1) or (2) at any time. 4. Give an identity card to an authorised person under (1). <p>Note: The CEO may <i>appoint</i> officers pursuant to the provisions identified, who then have the powers referred to, by virtue of <i>Building Regulations 2012</i>, Regulations 70(2) or 70(1) as applicable.</p>
<p>Statutory Power being Delegated:</p>	<p><i>Building Regulations 2012</i>, Regulations 70(2), 70(1), 70(3).</p>
<p>Power is originally assigned to:</p>	<p>Local Government: see Regulations 70(2), 70(1), 70(3).</p>
<p>Statutory Power of Delegation</p>	<p><i>Building Act 2011</i>, Section 127(1).</p>
<p>Power Delegated to:</p>	<p>Chief Executive Officer.</p>
<p>Council’s Conditions on Delegation:</p>	<ol style="list-style-type: none"> (a) A person appointed under (1) or (2) must be an employee of the City. (b) A person cannot be appointed under (1) unless the person has already been authorised for the purpose of performing functions under Section 9.16 of the <i>Local Government Act 1995</i>. (c) A person cannot be appointed under (1) if the person holds an appointment under (2). (d) A person cannot be appointed under (2) unless the person has already been authorised for the purpose of performing functions under Section 9.19 and/or 9.20 of the <i>Local Government Act 1995</i>. (e) A person cannot be appointed under (2) if the person holds an appointment under (1). (f) Records of all appointments made under delegation to be kept on appropriate file or register.
<p>Statutory Power to Delegate:</p>	<p><i>Building Act 2011</i>, Section 127(6A).</p>
<p>Record Keeping s5.46(3)</p>	<p>Refer to Conditions.</p>
<p>Compliance Links</p>	<ul style="list-style-type: none"> • Building Act 2011, particularly Section 127. • Building Regulations 2012, Part 10. • Local Government Act 1995, Part 9 Division 2 Subdivision 2. • Criminal Procedure Act 2004, Part 2.

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5.11 INFRINGEMENT NOTICES – BUILDING SERVICES	
Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
	27 August 2013 Item GCS-007/13
	22 July 2014 Item GMS-011/14
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
	28 August 2018 Item GM-026/18

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5.12 SIGNS, HOARDINGS AND BILL POSTING	
Function Delegated:	<ol style="list-style-type: none"> 1. To approve, refuse or revoke a license, and to determine appropriate conditions. 2. Give notice to remove. 3. Remove, impound and dispose of signs unlawfully displayed.
Statutory Power being Delegated:	Local Government Act 1995 s3.18(1) Administer Local Laws Local Law Relating to Signs, Holdings and Bill Posting 1960, Clause 4, subclause 8.1 and 8.2
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Details of the impounded signs to be recorded in appropriate register
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Local Law Relating to Signs, Hoardings and Bill Posting

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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6. HEALTH SERVICES

6.1 FOOD ACT 2008 – PROHIBITION ORDERS	
Function Delegated:	<ol style="list-style-type: none"> 1. Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008 [s65 of the Food Act 2008 (the Act)]. 2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66 of the Act]. 3. Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection [s67(4) of the Act].
Statutory Power being Delegated:	Food Act 2008 s65(1) Prohibition Order s66 Certificate of Clearance s67(4) Request for Re-Inspection
Power is originally assigned to:	Enforcement Agency (Local Government)
Statutory Power of Delegation	Food Act 2008 s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it s118(3) Delegation subject to conditions [s119] and guidelines adopted [s120] s118(4) Sub-delegation only permissible if expressly provided in regulations
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register.
Compliance Links	Food Act 2008

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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6.2 FOOD ACT 2008 – REGISTRATION OF FOOD BUSINESS	
Function Delegated:	<ol style="list-style-type: none"> 1. Register a food business in respect of any premises for the purposes of Part 9 of the Food Act 2008 and issue a certificate of registration [s110(1) of the Food Act 2008 (the Act)]. 2. After considering an application, determine to grant (with or without conditions) or refuse the application [s110(5) of the Act]. 3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the Food Act 2008 [s112(1) of the Act].
Statutory Power being Delegated:	Food Act 2008 s110(1) and (5) Registration of food business s112 Variation of conditions or cancellation of registration of food businesses.
Power is originally assigned to:	Enforcement Agency (Local Government)
Statutory Power of Delegation	Food Act 2008 s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it s118(3) Delegation subject to conditions [s119] and guidelines adopted [s120] s118(4) Sub-delegation only permissible if expressly provided in regulations
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of registrations to be kept on appropriate file or register.
Compliance Links	<ul style="list-style-type: none"> • Food Act 2008 • Food Regulations 2009

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
28 June 2011	Item ES-020/11	24 July 2012	Item GCS-009/12
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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6.3 FOOD ACT 2008 – PROSECUTIONS	
Function Delegated:	Institute proceedings for an offence under the Food Act 2008 [s125 of the Food Act 2008 (the Act)].
Statutory Power being Delegated:	Food Act 2008 s125 Institution of proceedings s126 Infringements
Power is originally assigned to:	Enforcement Agency (Local Government)
Statutory Power of Delegation	Food Act 2008 s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it s118(3) Delegation subject to conditions [s119] and guidelines adopted [s120] s118(4) Sub-delegation only permissible if expressly provided in regulations
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register.
Compliance Links	<ul style="list-style-type: none"> • Food Act 2008 • Food Regulations 2009

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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6.4 LIQUOR CONTROL ACT 1988 – CERTIFICATION OF PREMISES	
Function Delegated:	Grant Section 39 Certificate of Local Government
Statutory Power being Delegated:	Liquor Control Act 1988 s39 Certificate of Local Government
Power is originally assigned to:	Enforcement Agency (Local Government)
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council’s Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register.
Compliance Links	Liquor Control Act 1988

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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6.5 GAMING AND WAGERING COMMISSION ACT 1987 – CERTIFICATION OF PREMISES	
Function Delegated:	Grant Section 55 Certificate of Local Government
Statutory Power being Delegated:	Gaming and Wagering Commission Act 1987 s55 Approved Premises
Power is originally assigned to:	Enforcement Agency (Local Government)
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council’s Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register.
Compliance Links	Gaming and Wagering Commission Act 1987

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12
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	22 July 2014 Item GMS-011/14
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
	28 August 2018 Item GM-026/18

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6.6 OUTDOOR EATING AREA LICENCES	
Function Delegated:	Grant approval for Outdoor Eating Area Licences
Statutory Power being Delegated:	Activities in Thoroughfares and Public Places and Trading Local Law 2001 Part 5 Division 3 Outdoor Eating Facilities on Public Places
Power is originally assigned to:	Enforcement Agency (Local Government)
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on appropriate file or register.
Compliance Links	Activities in Thoroughfares and Public Places and Trading Local Law 2001

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12
	27 August 2013 Item GCS-007/13
	22 July 2014 Item GMS-011/14
	24 November 2015 Item GMS-026/15
	27 September 2016 Item GMS-018/16
	25 July 2017 Item GMS-013/17
	28 August 2018 Item GM-026/18

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6.7 PERMITS AND LICENCES	
Function Delegated:	To approve Permits and Licences under the City of Rockingham Property Local Law 2001 and City of Rockingham Activities in Thoroughfares and Public Places Local Law 2001.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations to be kept on file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
24 April 2012 Item CCB-017/12	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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7. PLANNING SERVICES

7.1 TOWN PLANNING SCHEME	
Function Delegated:	All of the functions under Town Planning Scheme (TPS2) and Planning and Development (Local Planning Schemes) Regulations 2015 as per attachment.
Statutory Power being Delegated:	City of Rockingham TPS No. 2 – (TPS2) Local Government Act 1995 Section 5.42(b) the Planning and Development Act section 214(2), (3) or (5) Planning and Development (Local Planning Schemes) Regulations 2005
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Planning and Development (Local Planning Schemes) Regulations 2015 Clause 82 of the Deemed Provisions Delegations by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Planning and Development (Local Planning Schemes) Regulations 2015 Clause 83 of the Deemed Provisions Local Government CEO may delegate powers
Record Keeping s5.46(3)	Evidence of determinations to be recorded in appropriate file or register.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • City of Rockingham TPS No. 2 • Planning and Development Act 2005 • Planning and Development Local Planning Schemes) Regulations 2015

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 25 March 2014 Item PDS-025/14 22 April 2014 Item PDS-030/14 22 July 2014 Item GMS-011/14 26 August 2014 Item PDS-067/14 28 July 2015 Item PDS-052/15 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18 5 October 2018 Typographical amendment made in clause 4(4), 4(11)a) and 4(11)b)

CITY OF ROCKINGHAM
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1. GRANT OF DEVELOPMENT APPROVAL

Functions delegated

- a) The granting of Development Approval with or without conditions under TPS2 to development for the purpose of a use of land mentioned in the Zoning Table of TPS2 and designated "P", "D" or "IP".
- b) The granting of Development Approval with or without conditions under TPS2 to development for the purpose of a use of land mentioned in the Zoning Table of TPS2 and designated "A", unless in the opinion of the Director Planning and Development Services an application generates significant concern or could impact on the amenity of the locality, the application will be referred to the Council for determination.
- c) The granting of Development Approval with or without conditions under TPS2 to development on a Local Reserve under TPS2 for the purpose for which the land is reserved under TPS2.
- d) The granting of Development Approval with or without conditions under TPS2 to development on land specified in Schedule No.2 (Additional Uses) of TPS2 for the purpose specified with respect to that land in Schedule No.2.
- e) The granting of Development Approval with or without conditions under TPS2 to development on land specified in Schedule No.3 (Special Use Zone) of TPS2 for the purpose specified with respect to that land in Schedule No.3.
- f) The granting of Development Approval with or without conditions under TPS2 to development for the purpose of a use of land mentioned in Schedule No.4 (Special Rural Zones) of TPS2 and designated "P", "D" or "IP".
- g) The granting of Development Approval with or without conditions under TPS2 to development for the purpose of a use of land mentioned in Schedule No.5 (Special Residential Zones) of TPS2 and designated "P", "D" or "IP".
- h) The granting of Development Approval with or without conditions under TPS2 to the erection, placement and display of advertisements and the use of land or buildings for that purpose under clause 5.3.1 of TPS2, unless the advertisement is an exempted advertisement listed in Schedule 6 of TPS.
- i) The granting of Development Approval for unauthorised development or land use requiring Retrospective Development Approval pursuant to Clause 65 of the Deemed Provisions.
- j) The granting of a renewal, cancel or amendment to a Development Approval pursuant to Clause 77 of the Deemed Provisions.
- k) The granting of Development Approval for a Use Not Listed in the Zoning Table subject to compliance with Clause 3.2.4 of TPS2.
- l) The granting of Development Approval with or without conditions under TPS2 for Bulk Earthworks (Development) on land zoned 'Urban' or 'Urban Deferred' under the Metropolitan Region Scheme.
- m) The granting of Development Approval for the operation of Home Occupations and Home Businesses, when a submission in objection does not include valid planning considerations and applications comply in all respects with the objectives and provisions of the Home Occupations and Home Businesses Planning Policy 3.3.10 pursuant to Clause 82 and 83 of the Deemed Provisions.

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- n) If an application for the operation of a Home Occupation or Home Business generates significant concern or could impact on the amenity of the locality, the application will be referred to the Council for determination.
- o) The granting of R-Codes Approval for a Single House, Two Grouped Dwellings and incidental development, subject to compliance with the objectives and provisions of the Residential Design Codes (Codes).
- p) The granting of Development Approval for a Single House, Grouped Dwelling or Multiple Dwelling, when a submission in objection does not include valid planning considerations and applications comply in all respects with the objectives and provisions of the Codes and Planning Policy 3.3.20 – Residential Design Codes, pursuant to Clause 82 and 83 of the Deemed Provisions.
- q) The granting of Development Approval for Commercial Vehicle Parking, when a submission in objection does not include valid planning considerations and applications comply in all respects with Planning Policy 3.3.13 – Parking of Commercial Vehicles in Residential Zones, pursuant to Clause 82 and 83 of the Deemed Provisions.

2. DISCRETION TO MODIFY DEVELOPMENT STANDARDS

Functions delegated

The authority to modify development standards under clause 4.20 of TPS2 and Clause 2.4 and 2.5 of the Residential Design Codes.

3. REFUSAL OF DEVELOPMENT APPROVAL

Functions delegated

The refusal of an application for Development Approval under TPS2 as follows:

- a) The refusal of a development for the purpose of a use mentioned in the Zoning Table of TPS2 and designated “X”;
- b) The refusal of a development for the purpose of a use of land mentioned in the Zoning Table of TPS2 and designated “D” or “A”, which fails to comply with the provisions of TPS2 and City Policy.
- c) The refusal of an application under TPS2 to development for the purpose of a use of land mentioned in the Zoning Table of TPS2 and designated “P”, which fails to comply with the provisions of TPS2, but not on the grounds of the permissibility of the use.
- d) The refusal of a development for the purpose of a Single House, Grouped Dwelling or Multiple Dwelling that fails to comply with the objectives and provisions of the Codes and TPS2.
- e) The refusal of a development for an advertising device and advertisement that fails to comply with TPS2 and City Policy.
- f) The refusal of an application to vary an approved Building Envelope that fails to comply with TPS2 and City Policy. This delegation is subject to Section 5(i) and (j).
- g) The refusal of an application for Commercial Vehicle parking, which fails to comply with TPS2 and City Policy.

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4. OTHER MATTERS

Functions Delegated

(1) Structure Plans

- a) The determination under Clause 17(1) of the Deemed Provisions as to whether a structure plan complies with the requirements of Clause 16(1), or if further information is required before the structure plan can be accepted for assessment and advertising.
- b) The advertising of a structure plan under Clause 18(2) of the Deemed Provisions.
- c) The provision of advice and assistance to the Commission under Clause 23 of the Deemed Provisions.
- d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under Clause 29(3) of the Deemed Provisions.
- e) The preparation of a report and recommendation on an amendment to a structure plan, under Clause 20 of the Deemed Provisions, where it is determined that the amendment is minor in nature and advertising is not required.

(2) Activity Centre Structure Plans

- a) The determination under Clause 33(1) of the Deemed Provisions as to whether an activity centre structure plan complies with the requirements of Regulation 32(1), or if further information is required before the structure plan can be accepted for assessment and advertising.
- b) The advertising of an activity centre structure plan under Clause 34(2) of the Deemed Provisions.
- c) The provision of advice and assistance to the Commission under Clause 39 of the Deemed Provisions.
- d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under Clause 45(3) of the Deemed Provisions.
- e) The preparation of a report and recommendation on an amendment to an activity centre structure plan, under Clause 36, where it is determined that the amendment is minor in nature and advertising is not required.

(3) Local Development Plans

- a) The determination not to advertise a Local Development Plan under Clause 50(3) of the Deemed Provisions.
- b) The approval of a Local Development Plan with or without conditions under Clause 52(1)(a) of the Deemed Provisions.
- c) The determination to require modifications to a Local Development Plan under a Clause 52(1)(b) of the Deemed Provisions.
- d) The determination to amend an approved Local Development Plan under Clause 59(1) of the Deemed Provisions.
- e) The refusal of a Local Development Plan under Clause 52(1)(c) of the Deemed Provisions.

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(4) Car Parking

- a) The determination under clause 4.15.1 of TPS2 as to the number of car parking bays to be provided on land where for a particular use a car parking requirement is not specified in Table 2, Table 3 or Table 4 of TPS2.
- b) Where the Council has agreed to accept cash-in-lieu of carparking under clause 4.15.6 of TPS2, the authority to negotiate the cash-in-lieu contribution in accordance with the criteria set out in clause 4.15.6 of TPS2 and Planning Policy No.3.3.4 – Cash-in-lieu of Carparking as applicable.

(5) Licensed Premises Applications

- a) The determination under clause 4.22.1 of TPS2 whether to waive any requirement of an application referred to in that clause.
- b) The refusal of an application for a Section 40 Certificate that is inconsistent with TPS2 and Planning Policy 3.3.19 Licensed Premises and could have a significant potential impact upon the amenity if an area or affected neighbouring properties, following consultation.

(6) Application for Development Approval

The determination under Clause 63 of the Deemed Provisions whether to waive any particular requirement of an application referred to in that clause.

(7) Advertising Applications

- a) The determination to waive a requirement for an application for Development Approval to be advertised if the departure from the scheme requirements is of a minor nature under Clause 64(2) and 64(1)(c) of the Deemed Provisions.

(8) Referral of Applications to Government Departments

The determination to provide a copy of an application for Development Approval to any other statutory, public or planning authority for objections and recommendations under Clause 66 of the Deemed Provisions.

(9) Agreement Powers

For the purposes of implementing TPS2, enter into an agreement in respect of a matter relating to TPS2 with any owner, occupier or other person having an interest in land affected by TPS2 under Clause 78(1)(a) of the Deemed Provisions.

(10) Repair of Existing Advertisements

- a) The determination as to whether to require the owner of an advertisement or the owner of the land as necessary, to repair the advertisement under Clause 80 of the Deemed Provisions.
- b) The determination under Clause 80 of the Deemed Provisions as to whether to require the advertiser to take the action referred to in that Regulation.

(11) Enforcement

- a) The determination under clause 8.3(a) of TPS2 whether to give notice referred to in that clause for compliance with conditions of Development Approval.

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- b) The determination under clause 8.3(b) of TPS2 whether to prosecute the owner or occupier of the land pursuant to Part 13 – Enforcement and Legal Proceedings of the Planning and Development Act 2005.

(12) Directions by Responsible Authority regarding Unauthorised Development

The determination under section 214(2), 214(3) and 214(5) of the Planning and Development Act 2005 whether to give written direction referred to in that section.

(13) Responsible Authority May Remove or Alter Unauthorised Development

- (a) The determination under section 215(1) and 215(2) of the Planning and Development Act 2005 whether to remove or alter unauthorised development referred to in that section.
- (b) The determination under section 216 of the Planning and Development Act 2005 (the Act) to apply for an injunction to the Supreme Court with respect to a contravention of the Act.

(14) Special Rural Zones – Schedule No.4

- (a) The power to determine and vary the location and size of any building envelopes under Schedule No. 4 of TPS2, except for applications within the Golden Bay and Singleton Special Rural and Special Residential zones which must be referred to the Council for determination.
- (b) The determination of an application for approval to removal indigenous trees or substantial vegetation (native vegetation or significant habitat trees – Amt 169) under Schedule No. 4 of TPS2.
- (c) This delegation is subject to Section 5(i).

(15) Special Residential Zones – Schedule No. 5

- (a) The power to determine and vary the location and size of any building envelopes under Schedule No.5 of TPS2 except for applications within the Golden Bay and Singleton Special Rural and Special Residential zones which must be referred to the Council for determination.
- (b) The determination of an application for approval to removal indigenous trees or substantial vegetation under Schedule No.5 of TPS2.
- (c) This delegation is subject to Section 5(j)

(16) Development Contributions - Anstey Park

- a) The review of estimated costs under clause 5.4.5.5(a) of TPS2.
- b) The acceptance of a Cost Contribution, based upon estimated costs, as a final Cost Contribution under clause 5.4.5.6(b) of TPS2.
- c) The power to agree to an Owner's Cost Contribution being paid by cheque or cash, or by transferring to the Council land to the value of the Cost Contribution, under clause 5.4.7.1(a) of TPS2.
- d) The power to agree to an Owner paying an Owner's Cost Contribution in a lump sum, by instalments or in another manner under clause 5.4.7.1(b) of TPS2.
- e) The lodgement of a caveat against an Owner's title under clause 5.4.7.2(a) of TPS2.

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- f) The withdrawal of a caveat against an Owner's certificate of title to permit a dealing and then re-lodgement under clause 5.4.7.2(b) of TPS2.
- g) The withdrawal of a caveat against an Owner's certificate of title under clause 5.4.7.2(c) of TPS2.

(17) Development Contribution Areas

- a) The review of estimated costs under clause 5.5.12.2 of TPS2.
- b) The acceptance of a Cost Contribution, based upon estimated costs, as a final Cost Contribution under 5.5.12.4(b) of TPS2.
- c) The power to agree to the manner in which a Cost Contribution is determined under clause 5.6.12.7(a) of TPS2.
- d) The power to agree to an Owner's Cost Contribution being paid by cheque or cash under clause 5.5.15.1(a) of TPS2.
- e) The power to agree to an Owner paying an Owner's Cost Contribution in a lump sum, by instalments or in another manner under clause 5.5.15.2 of TPS2.
- f) The lodgement of a caveat against an Owner's certificate of title under clause 5.5.16.1 of TPS2.
- g) The withdrawal of a caveat against an Owner's certificate of title to permit a dealing and then re-lodgement under clause 5.5.16.2 of TPS2.
- h) The withdrawal of a caveat against an Owner's certificate of title under clause 5.5.16.3 of TPS2.

(18) Development Contribution Plan No.2

- a) The estimation of the number of dwellings to be applied as the "Catchment Area Yield" under Schedule No. 11 of TPS2.
- b) The estimation of the number of dwellings to be applied as the "Development Area Yield" under Schedule No. 11 of TPS2.
- c) The estimation of the number of dwellings to be applied as the "Total Catchment Area Dwellings" under Schedule No. 11 of TPS2.
- d) The determination of the desired timing and priority of the items of infrastructure, where such is consistent with the current endorsed Business Plan.

5. IMPLEMENTATION

The delegations are subject to the following conditions:

- (a) The nominated Officers are only empowered to approve or conditionally approve applications within predetermined guidelines contained within TPS2, adopted City Policies and the Standards and Policies of the Western Australian Planning Commission which have been adopted by the Council.
- (b) Standard conditions (as set out in Planning Procedure 1.11 – Standard Conditions and Footnotes for Development Approvals and Planning Procedure 1.13 – Model Subdivision Conditions Schedule for Subdivision Applications) should generally be imposed, subject to any modification that is required after considering the nature of the particular application.

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- (c) Non-standard conditions may be imposed after considering the nature of the particular application, providing that the condition relates to the following criteria:
- built form of development;
 - amenity issues;
 - site planning issues;
 - subdivision design matters;
 - land use matters; and
 - Landscaping matters.

- (d) With regard to the delegation referred to in Section 2 of this delegation, Clause 4.20 of TPS2 states that if a development (except for development in respect of which the Codes apply) is the subject of an application for Development Approval and does not comply with a standard or requirement prescribed under TPS2, the Council may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

In considering an application for Development Approval under this clause, where, in the opinion of the Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Council is to:

- (i) Consult the affected parties by following one or more of the provisions for advertising uses under Clause 64(3) of the Deemed Provisions;
- (ii) Have regard to any expressed views prior to making its determination to grant the variation;
- (iii) The power conferred by clause 4.20 of TPS2 may only be exercised if Council is satisfied that:
- Approval of the proposed development would be appropriate having regard to the criteria set out in Clause 64(3) of the Deemed Provisions;
 - Approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
 - The non-compliance will not have any adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
 - The spirit and purpose of the requirements or standards will not be unreasonably departed from.
- (e) With regard to the delegation referred to in Section 4(1)(d), the Director Planning and Development is the only Officer authorised to adopt a Structure Plan under Clause 29(3) of the Deemed Provisions.
- (f) With regard to the delegation referred to in Section 4(1)(d) & 4(1)(e), the Director Planning and Development is the only Officer authorised to determine that advertising is not required and prepare a report to the Commission on amendments to structure plans that are minor in nature.
- (g) With regard to the delegation referred to in Section 4.2(d) and 4.2(e), the Director Planning and Development Services is the only Officer authorised to determine that advertising is not required and submit a report and recommendation to the Commission on amendments to activity centre plans that are minor in nature.
- (h) With regard to the delegation referred to in Section 4(4)(b), the Director Planning and Development Services is the only Officer authorised to negotiate a cash contribution in-lieu of car parking.

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- (i) The delegation referred to in Section 4(15) does not apply to applications within Golden Bay and Singleton. In this regard, all applications to vary the location of building envelopes within the Golden Bay and Singleton Special Rural Zones will be referred to the Council for determination.
- (j) The delegation referred to in Section 4(16) does not apply to applications within Golden Bay or Singleton. In this regard, applications to vary the location of building envelopes within Golden Bay and Singleton Special Residential Zones will be referred to the Council for determination.

Refer to Planning Policy No.3.3.17 – Variation to Building Envelopes for further information regarding the assessment to vary the location of building envelopes within the Warnbro Dunes, Golden Bay and Singleton Special Residential Zones.

- All matters that have been dealt with under the delegated authority are to be reported to the Council on a monthly basis as a Bulletin item to the Planning and Engineering Services Committee.
- Where, in the opinion of a nominated Officer, in consultation with the Director of Planning and Development Services, an application should be referred to the Council for determination that application will be excluded from the requirements of this Delegated Authority Register.

Appendices

Delegation of Authority issued pursuant to:

Clause 82 and 83 of the Planning and Development (Local Planning Schemes) Regulations 2015; and Sections 5.41 to 5.46 of the Local Government Act 1995.

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7.2		PLANNING AND DEVELOPMENT ACT 2005 – OTHER DELEGATIONS
Function Delegated:	Subdivision Recommendations Subdivision Clearances Public Works Planning Applications Clause 32 Planning Applications Licensed Premises Applications Notices Street Naming (As per the attachment) Built Strata Subdivision Applications	Authority to Progress Authority to Approve Authority to Progress Authority to Progress Authority to Approve Authority to Issue Authority to Approve Authority to Approve
Statutory Power being Delegated:	Local Government Act 1995 Planning and Development Act 2005 Strata Titles Act 1985	
Power is originally assigned to:	Local Government	
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO	
Power Delegated to:	Chief Executive Officer	
Council's Conditions on Delegation:	Nil	
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees	
Record Keeping s5.46(3)	Details of determinations to be kept on appropriate file or register.	
Compliance Links	<ul style="list-style-type: none"> • Strata Titles Act 1985 • Local Government Act 1995 • Planning and Development Act 2005 	

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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CITY OF ROCKINGHAM
DELEGATION OF AUTHORITY

1. SUBDIVISION RECOMMENDATIONS

Functions delegated

The authority to make the following recommendations to the Western Australian Planning Commission (WAPC) in respect to any application to subdivide, strata subdivide or amalgamate land in the district:

- (a) To support an application to subdivide, strata subdivide or amalgamate land with or without conditions where the proposal is generally in conformity with TPS2, Residential Design Codes, Rural Land Strategy, City Planning Policy, Comprehensive Development Plan, Structure Plan, Integrated Development Guide Plan, Local Development Plan, Subdivision Guide Plan or Rural Concept Plan which has been approved by the Council as the basis for the subdivision of a defined area or precinct, subject to the imposition of the following:
 - (i) appropriate requirements and specifications under TPS2 and any applicable City Planning Policy;
 - (ii) any applicable conditions as set out under the City's 'Planning Procedure No. 1.1.3 – Model Subdivision Conditions Schedule for Subdivision Applications.
 - (iii) any other relevant non-standard conditions, subject to the criteria having regard to the subdivision design matters, land use matters, landscape matters and site planning and amenity issues.
- (b) To refuse to support an application to subdivide, strata subdivide or amalgamate land where the proposal is contrary to TPS2, Residential Design Codes, Rural Land Strategy, City Planning Policy, Comprehensive Development Plan, Structure Plan, Integrated Development Guide Plan, Local Development Plan, Subdivision Guide Plan or Rural Concept Plan.

2. SUBDIVISION CLEARANCES

Functions delegated

The authority to issue a letter in support for subdivision clearance to the WAPC in respect to any application to subdivide or amalgamate land in the district, subject to the following conditions:

- (a) Subdivision condition(s) imposed must be relevant to the City.
- (b) The subdivision condition(s) must be fulfilled in accordance with all the Local Government conditions specified on the WAPC approval, to the satisfaction of the delegate, and the clearance advice is to be signed by the delegate.
- (c) In the event of a dispute between the delegate and the applicant on the measures required to satisfy a condition, the matter must be referred to the WAPC for clearance, together with the City's advice on the matter.

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3. BUILT STRATA SUBDIVISION APPLICATIONS

Functions delegated

The authority to determine applications for approval to subdivide land subject to built strata plan submitted under section 25 of the Strata Titles Act 1985. These applications relate to a strata plan for existing dwellings or buildings (or a building which is proposed to be constructed).

4. PUBLIC WORKS PLANNING APPLICATIONS

Functions delegated

The authority to make recommendations as deemed appropriate to the WAPC in respect of applications for the development of land referred to the City by public authorities for public works under the Metropolitan Region Scheme.

5. CLAUSE 32 PLANNING APPLICATIONS

Functions delegated

The authority to make recommendations as deemed appropriate to the WAPC in respect of applications for the use or development of land, which is of a type or in a locality the subject of a WAPC Notice of Clause 32 Declaration pursuant to the Metropolitan Region Scheme.

6. LIQUOR LICENCE APPLICATIONS

Functions delegated

The granting of a Section 40 Certificate under the Liquor Control Act 1988, with or without conditions for all liquor licence applications.

7. STREET NAMING

Functions delegated

The authority to approve street names that are consistent with an approved street naming theme.

8. NOTICES

Functions delegated

(1) Notice Requiring Certain Things to be Done by Owner or Occupier of Land

The determination under section 3.25(1)(a) of the Local Government Act 1995 whether to give a person a notice referred to in that section.

(2) Additional Powers when Notice Given

(a) The determination under section 3.26(2) of the Local Government Act 1995 whether to do anything that it considers necessary as referred to in that section.

(b) The determination under section 3.26(3) of the Local Government Act 1995 whether to recover costs as referred to in that section.

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7.3 APPROVED SUBDIVISIONS	
Function Delegated:	<ol style="list-style-type: none"> 1. Authority to approve engineering and electrical works on approved subdivisions. 2. Authority to approve landscape plans on approved subdivisions and land development. 3. Authority to approve requests for installation of street lighting-
Statutory Power being Delegated:	<p>Local Government Act 1995 s3.18 Performing Executive Functions</p> <p>Planning and Development Act 2005 s170 Proposed road or waterway, drawings etc of required</p>
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some power and duties to other employees
Record Keeping s5.46(3)	Evidence of approvals to be kept in appropriate register.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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8. ENGINEERING AND PARKS SERVICES

8.1 ROAD CLOSURES – TEMPORARY	
Function Delegated:	<ol style="list-style-type: none"> 1. Close a thoroughfare managed by the City (wholly or partially) for a period of less than 4-weeks [s3.50(1) of the Local Government Act 1995 (the Act)] 2. Close a thoroughfare managed by the City (wholly or partially) for a period of more than 4-weeks [s3.50(1a) of the Act] 3. Close a thoroughfare to a particular class or classes of vehicles [s3.50(2) of the Act] 4. Make a decision to not undertake the s3.50 and s3.51 public advice/submission requirements [s3.50A of the Act]
Statutory Power being Delegated:	Local Government Act 1995 s3.50 Closing certain thoroughfares to vehicles s3.50A Partial closure of thoroughfares for repairs or maintenance s3.51 Affected owners to be notified of certain proposals
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations and notices to be retained in appropriate file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
28 June 2011	Item ES-020/11	24 July 2012	Item GCS-009/12
		27 August 2013	Item GCS-007/13
		22 July 2014	Item GMS-011/14
		24 November 2015	Item GMS-026/15
		27 September 2016	Item GMS-018/16
		25 July 2017	Item GMS-013/17
		28 August 2018	Item GM-026/18

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8.2 PAYMENT OF SUBSIDIES	
Function Delegated:	Authority to approve the construction of, and payment of subsidies for vehicular crossovers.
Statutory Power being Delegated:	Local Government (Uniform Local Provisions) Regulations 1996 r12 Crossing from public thoroughfare to private land or private thoroughfare r13 Requirement to construct or repair crossing r15 Contribution to cost of crossing
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some power and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations and payments to be recorded in appropriate register or file.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
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28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

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8.3 CONTROL AND MANAGEMENT OF LAND, FACILITIES AND RESERVES	
Function Delegated:	1. Authority for the control and management of vested land and facilities. 2. Authority for the control and maintenance of land under the Land Administration Act 1997.
Statutory Power being Delegated:	Land Administration Act 1997 s46 Care, control and management of reserves
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of some powers and duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some power and duties to other employees
Record Keeping s5.46(3)	Appropriate documentation to be kept on file or register.
Compliance Links	Local Government Act 1995

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
28 June 2011 Item ES-020/11	24 July 2012 Item GCS-009/12 27 August 2013 Item GCS-007/13 22 July 2014 Item GMS-011/14 24 November 2015 Item GMS-026/15 27 September 2016 Item GMS-018/16 25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM

Delegated Authority

Local Government to Chief Executive Officer



8.4 SUPPORT OR OPPOSE RESTRICTED ACCESS VEHICLE HEAVY HAULAGE APPLICATIONS	
Function Delegated:	Authority to support or oppose restricted access heavy vehicle haulage applications.
Statutory Power being Delegated:	Local Government Act 1995 s3.18 Performing Executive Functions
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Not Applicable
Statutory Power to Sub-Delegate:	Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees
Record Keeping s5.46(3)	Evidence of determinations and notices to be retained in the appropriate file.
Compliance Links	<ul style="list-style-type: none"> • Local Government Act 1995 • Road Traffic Act 1974 • Road Traffic (Vehicles) Act 2012 • Road Traffic (Vehicles) Regulations 2014 • Road Traffic (Administration) Act 2008-Sect 132

Date Adopted/Reviewed:	
<u>Adopted</u>	<u>Reviewed</u>
23 August 2016 Item EP-024/16	25 July 2017 Item GMS-013/17 28 August 2018 Item GM-026/18

CITY OF ROCKINGHAM
Delegated Authority
Local Government to Chief Executive Officer



8.5 GRAFFITI VANDALISM	
Function Delegated:	The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part 3.
Statutory Power being Delegated:	Graffiti Vandalism Act 2016 (Part 3) Division 2 – Notices Division 3 – Objection to a notice Division 4 – Powers of entry Division 5 – Protection from liability
Power is originally assigned to:	Local Government
Statutory Power of Delegation	Graffiti Vandalism Act 2016 s16 Delegation by local government
Power Delegated to:	Chief Executive Officer
Council's Conditions on Delegation:	Nil
Statutory Power to Sub-Delegate:	Graffiti Vandalism Act 2016 s17 Delegation by CEO of local government
Record Keeping s5.46(3)	Appropriate documentation to be kept on file or register.
Compliance Links	Graffiti Vandalism Act 2016

Date Adopted/Reviewed:			
<u>Adopted</u>		<u>Reviewed</u>	
25 July 2017	Item GMS-013/17	28 August 2018	Item GM-026/18