



# City of Rockingham Delegated Authority Register 2024-2025

REVIEW

Reviewed by	Date approved	References
Council	27 Jun 2023	GM-020/23 Annual Delegated Authority Register Review 2023-2024
Council	25 Jun 2024	GM-010/24 Annual Delegated Authority Review 2024-2025

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## INTRODUCTION

### Introduction

Section 5.42 of 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 (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No. 17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to 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 purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

## Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

*Planning and Development Act 2005 and associated regulations*  
*Dog Act 1976 and regulations;*  
*Cat Act 2011 and regulations*  
*Bush Fires Act 1954, regulations and local law created under that Act;*  
*Litter Act 1979 and regulations*  
*Local Government (Miscellaneous Provisions) 1960 as amended;*  
*Caravan Parks and Camping Grounds Act 1995;*  
*Control of Vehicles (Off-Road Areas) Act 1978 and regulations;*  
*Environmental Protection Act 1986*  
*Environmental Protection (Noise) Regulations 1997*  
*Building Act 2011*

N.B. – This is not an exhaustive list.

## DELEGATIONS

<b>Delegation</b>	<b>1 Behaviour Complaints Committee</b>
<b>Category</b>	9 Local Government (Council) to Committee
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s.5.103. Model code of conduct for council members, committee members and candidates
<b>Express power or duty delegated</b>	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021 (MCC): r.12 Dealing with complaint r.13 Dismissal of a complaint
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC r.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.r.12(7)].</li> <li>2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> <li>a. take no further action [MCC.r.12(4)(a)]; or</li> <li>b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.r.12(4)(b), (5) and (6)].</li> </ol> </li> <li>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.r.13(1) and (2)].</li> </ol>
<b>Delegates</b>	Behaviour Complaints Committee
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy – Code of Conduct Complaints Management Process.</li> <li>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s5.23(2)(b) of the <i>Local Government Act 1995</i>.</li> <li>c. A Council Member is ineligible to perform the role of Committee Member and cannot be in attendance at that part of a meeting which deals with a complaint in which that Council Member is a Complainant, Respondent or otherwise subject to the complaint. The Committee is prohibited from exercising this Delegation in respect to a complaint forming part of the Committee agenda where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent or otherwise subject to the Complaint.</li> <li>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.</li> </ol> <p><u>Note to Conditions (c) and (d):</u> The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent (or subject to a complaint) is required to recuse themselves by notifying the Presiding Member of their intention to be absent for the part of the meeting at which the Complaint is dealt with.</p>

<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• Council Policy – Code of Conduct Complaints Management Process</li> <li>• City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates</li> </ul>
<b>Policy</b>	Council Policy – Code of Conduct Complaints Management Process
<b>Record keeping</b>	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of the <i>Local Government (Administration) Regulations 1996</i> .
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Council Meeting resolution 25 June 2024 - Report GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
27 Jun 2023	Amended delegation	Minor amendment to the legislation references and separation of this delegation in the Register as it is a delegation from Council to Committee not the CEO.	Council Meeting 27 June 2023 - Report GM-020/23



<b>Delegation</b>	<b>1.1 Use of Council Crest and Logo</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s3.18 Performing Executive Functions
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.18 Performing Executive Functions
<b>Function</b>	To approve the use of the City of Rockingham Crest and Logo by Elected Members and community organisations.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Subject to Council Policy - "Use of Crest and Logo"
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Policy</b>	Council Policy – Use of Crest and Logo
<b>Record keeping</b>	Each decision made under this delegated authority must be recorded and clearly identifiable as a delegated authority decision in an appropriate register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Council Meeting resolution 25 June 2024 - Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Review Adopted by Council 25 June 2024 - GM-010/24- No changes.	Report GM-010/24.

<b>Delegation</b>	<b>1.2 Variation, Extension and Novation of Contracts</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	Part 4 of the Local Government (Functions and General) Regulations 1996: r.11(2)(ia)(j) Exercising contract extension options and contract novation r.21A Varying a contract for the supply of goods or services
<b>Function</b>	To approve variations, extensions and novation of a contract, subject to the terms of existing contracts.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Subject to: <ul style="list-style-type: none"> <li>• City of Rockingham Procurement Framework and associated policy;</li> <li>• The tender specifying the provisions of the option term;</li> <li>• The contract providing for the extension / variation;</li> <li>• 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.</li> </ul>
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• Contract/Agreement</li> </ul>
<b>Record keeping</b>	Details of the variation, extension or novation must be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Council Meeting resolution 25 June 2024 - Report GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.3 Appoint Authorised Persons</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<p><i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s3.24 Authorising persons under this subdivision</p> <p><i>Building Act 2011</i> s127 Delegation: special permit authorities and local governments</p> <p><i>Food Act 2008</i> s118(2)(b) Functions of enforcement agencies and delegation</p> <p><i>Health (Asbestos) Regulations 1992</i> s15D(7) Infringement notices</p> <p><i>Public Health Act 2016</i> s21(1)(b)(i) Enforcement agency may delegate</p>
<b>Express power or duty delegated</b>	<p><i>Local Government Act 1995</i> s3.31(2) General Procedure for Entering Property s3.39 Power to remove and impound</p> <p><i>Local Government (Miscellaneous Provisions) Act 1960</i> Part XX – Cattle trespass, pounds, poundkeepers and rangers</p> <p><i>Building Act 2011</i> s96 Authorised persons s133 Prosecutions</p> <p><i>Food Act 2008</i> s122 Appointment of Authorised Officers s126 Infringement Notices s126(13) Designated Officers</p> <p><i>Health (Asbestos) Regulations 1992</i> s15D(5) Infringement notices</p> <p><i>Health (Miscellaneous Provisions) Act 1911</i> s26 Powers of local government</p> <p><i>Litter Act 1979</i> s26(1) Authorised officers, appointment and jurisdiction of etc.</p> <p><i>Planning and Development Act 2005</i> s234 Appointment of designated persons</p> <p><i>Public Health Act 2016</i> s17 Appointment of environmental health officers s24 Designation of authorised persons</p>

<b>Function</b>	To appoint persons or classes of persons to be authorised for the purpose of fulfilling prescribed functions of the <i>Local Government Act 1995</i> or any Act where the power of appointment may be delegated.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Authority to delegate is limited under s127 of the <i>Building Act 2011</i> .
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li> <li>• <i>Building Act 2011</i></li> <li>• <i>Food Act 2008</i></li> <li>• <i>Health (Miscellaneous Provisions) Act 1911</i></li> <li>• <i>Planning and Development Act 2005</i></li> <li>• <i>Public Health Act 2016</i></li> </ul>
<b>Record keeping</b>	Details of the variation, extension or novation must be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Council Meeting resolution 25 June 2024 - Report GM-010/24.
<b>Last reviewed</b>	25 June 2024

Amendments			
Date	Type	Amendment	References
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.4 Powers of Entry</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.31 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
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Give a Notice of Entry.</li> <li>2. Seek and execute an Entry under Warrant.</li> <li>3. Execute an Entry in an Emergency.</li> <li>4. Give notice and execute the Opening of a Fence.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 3, Division 3, Subdivision 3
<b>Record keeping</b>	Notices and relevant evidence of determinations to be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Council Meeting resolution 25 June 2024 - Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
30 May 2024	Amended delegation	Position of Senior Bushfire Risk Officer added with approval from the CEO.	D24/112792
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	CEO Delegated Authority Review - Subdelegate amendment.	CPM/130-13

<b>Delegation</b>	<b>1.5 Expression of Interest and Tenders – For Supply of Goods or Services</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services  Local Government (Function and General) Regulations 1996 r.11 Tenders to be invited for certain contracts r.13 Procedure when local government invites tenders though not required to do so r.14 (2a) and (4) Requirements for publicly inviting tenders r.20 Variation of requirements before entry into contract r.21 Limitation may be placed on who can tender
<b>Function</b>	Determine:  1. When to call tenders or not to call tenders (s.3.57(1) and r.11).  2. The circumstances to invite tenders, though not required to do so (r.13);  3. Selection criteria for the acceptance of tenders (r.14(2a));  4. The information to be disclosed to those interested in submitting a tender (r.14(4));  5. Minor variations before entering into a contract (r.20);  6. Appropriate circumstances (for application of the Expression of interest process) and to call for Expressions of Interest (r.21).
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1995, Part 3, Division 3, Subdivision 6</li> <li>• Local Government (Financial Management) Regulations 1996</li> <li>• Local Government (Function and General) Regulations 1996</li> </ul>
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Purchasing Policy</li> </ul>
<b>Record keeping</b>	Evidence of determinations and notices to be retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Council Meeting resolution 25 June 2024 - Report GM-010/24.
<b>Last reviewed</b>	25 June 2024

Amendments			
Date	Type	Amendment	References
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.6 Acceptance/Rejection of Expressions of Interest and Tenders – For Supply of Goods or Services</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services  <i>Local Government (Function and General) Regulations 1996</i> r.18 Rejecting and accepting tenders r.23 Rejecting and accepting expressions of interest to be an acceptable tenderer
<b>Function</b>	<ol style="list-style-type: none"> <li>Acceptance of tenders where there is a Council budget provision approved up to the value of <ol style="list-style-type: none"> <li>\$500,000 (excluding GST) per annum, for the supply of goods or services over a period, that is not more than five years; or</li> <li>\$500,000 for one off projects or any other tender</li> </ol> as per (r18(4)).</li> <li>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 (r18(2)).</li> <li>Decline of any Tender (r18(5)).</li> <li>If no contact is formed with successful tenderer within 6 months, accept the next most advantageous tenderer (r18(7)).</li> <li>To decide which, if any, of those expressions of interest are from persons who it thinks would be capable of satisfactorily supplying the goods or services and to list those persons as acceptable tenderers (r.23).</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li><i>Local Government Act 1995, Part 3, Division 3, Subdivision 6</i></li> <li><i>Local Government (Financial Management) Regulations 1996</i></li> <li><i>Local Government (Functions and General) Regulations 1996</i></li> </ul>
<b>Policy</b>	Council Policy - Procurement Framework
<b>Record keeping</b>	Evidence of determinations and notices to be retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.



<b>Last reviewed</b>	25 June 2024
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<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.7 Execution of Lease Documents</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.58(2) Leasing of property.
<b>Function</b>	Authority to execute documents relating to leases on City of Rockingham property.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	In accordance with the Council's Leasing policy and lease agreement conditions.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Details of execution must be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.8 Designation and employment of Senior employees</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s5.37(1) Senior Employees
<b>Function</b>	To designate employees or persons belonging to a class of employee to be senior employees.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	As per section 5.37 of the <i>Local Government Act 1995</i> , the following positions are designated as "senior employees" positions: <ul style="list-style-type: none"> <li>• Director Corporate Services</li> <li>• Director Community Development</li> <li>• Director Asset Services</li> <li>• Director Planning and Development Services</li> </ul>
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> </ul>
<b>Record keeping</b>	All documentation relative to the persons employment are to be retained as required by legislation.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.9 Appoint Acting Chief Executive Officer</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s5.36(1)(a) Local Government Employees
<b>Function</b>	The appointment of persons to perform the role of Acting Chief Executive Officer during the absence of the Chief Executive Officer.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Subject to Council Policy – Appointment of Acting Chief Executive Officer.
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1995</li> <li>• Local Government (Administration) Regulations 1996</li> </ul>
<b>Record keeping</b>	All documentation relative to the person's employment are to be retained as required by legislation.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Reviewed by CEO 25 June 2024, no changes.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority Review by Council 25 June 2024	Report GM-010/24.

<b>Delegation</b>	<b>1.10 Legal Representation – Elected Members and Employees</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.7(2) Municipal Fund s9.56 Certain persons protected from liability or wrongdoing
<b>Function</b>	To authorise legal expenses for Elected Members and Employees seeking financial assistance for legal representation in accordance with Council Policy and procedures
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	As indicated in Council Policies Legal Representation for Council Members and Legal Representation for Employees.
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>Local Government Act 1995</li> </ul>
<b>Policy</b>	Council Policy - Legal Representation for Council Members Council Policy - Legal Representation for Employees
<b>Record keeping</b>	Details of action taken to be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.11 Land Acquisition to Purchase Privately Owned Land</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers and Duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.59 Commercial Enterprises by local governments
<b>Function</b>	<p>To enter into contracts to purchase privately owned land subject to:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The offer being no greater than a valuation that is less than three months old</li> <li>• The offer being within the allocated budget amount</li> <li>• The offer being subject to a due diligence investigation verifying the intended land use and activity</li> <li>• The offer not exceeding \$5M</li> <li>• The offer requiring final approval of the Council</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Section 5.43(d) of the Local Government Act 1995 provides that the local government must place a maximum limit on a delegation to purchase land. In this case the limit is \$5M.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	All documentation to be kept in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.13 Execution of Documents / Common Seal</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers and Duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s9.49A(4) Execution of Documents
<b>Function</b>	To sign and execute documents and apply the common seal on behalf of the City of Rockingham.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>1. Subject to item 2, execution of document to be supported by prior approval of Council via –</p> <ul style="list-style-type: none"> <li>• Council Policy</li> <li>• City Business Plan</li> <li>• Annual Budget</li> <li>• Other Council decision</li> </ul> <p>2. Item 1 does not apply to execution of documents created in the normal course of business for the provision of goods or services, if a tender is not required by s 3.57 of the Local Government Act 1995</p>
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Evidence of signed documents to be saved in the City's Record Management System. Common Seal applications are to be recorded in Councillor Information Bulletins.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.14 Approve Short Listing of Artists</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers and Duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.18 Performing Executive Functions
<b>Function</b>	Delegates authority to the Chief Executive Officer to approve, subject to the requirements of the Council Policy, the short listing of artists to be invited to tender as part of the expression of interest process for percent for art projects.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Subject to requirements of Council Policy – Art Collection.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Evidence of tender documentation to be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.



<b>Delegation</b>	<b>1.16 Appointing Internal and External Complaints Officer - Local Government (Model Code of Conduct) Regulations</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Local Government Act 1995 s.5.42 Delegation of some powers and duties to the CEO.
<b>Express power or duty delegated</b>	Local Government (Model Code of Conduct) Regulations 2021 r.11(3) Complaint about alleged breach
<b>Function</b>	<ol style="list-style-type: none"> <li>1. For the Chief Executive Officer to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.</li> <li>2. For the Chief Executive Officer to appoint internal Complaints Officers to receive complaints and withdrawal of complaints related to the City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>Any appointment under this delegation excludes a current or former City of Rockingham Council Member, Committee Member, candidate or employee.</p> <p>Any appointed external Complaints Officer must comply with the requirements contained in the</p> <ul style="list-style-type: none"> <li>• City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates</li> <li>• Council Policy – Code of Conduct Complaints Management Process</li> </ul>
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• Local Government (Model Code of Conduct) Regulations 2021</li> <li>• City of Rockingham Code of Conduct for Council Members, Committee Members and Candidates</li> </ul>
<b>Policy</b>	Council Policy – Code of Conduct Complaints Management Process
<b>Record keeping</b>	Each person appointed Complaints Officer will have their name and relevant details recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

Amendments			
Date	Type	Amendment	References
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.17 Disposal of Property</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers and Duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.58 Disposing of Property
<b>Function</b>	For the Chief Executive Officer to enter into contracts for the sale of the properties as described in the Purpose of Report (Confidential Report CS-016/21 Disposal of Property) for no less than 10% below a valuation provided by a licenced valuer.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Enter into contracts for the sale of the properties as described in the Purpose of Report (Confidential Report CS-016/21 Disposal of Property) for no less than 10% below a valuation provided by a licenced valuer.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Evidence of Deed of Agreement to be retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.18 Electoral Roll Eligibility Claims Processing</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995 – Part 4, Division 8</i> s4.31 Rateable property: ownership and occupation s4.32 Eligibility to enrol under s.4.30. s4.33 Claim of eligibility to enrol under s.4.30, expiry of s4.34 Accuracy of enrolment details to be maintained s4.35 Decision that eligibility to enrol under s.4.30 has ended s4.43 Correction of rolls <i>Local Government (Elections) Regulations 1997, Part 3 Enrolment</i> r11 Nomination under s.4.31 (1E)(1F) r11A Nomination under 4.31(1G) r11B(c) Currency of nomination under s.4.31(1E)(1F)(1G) r12A Content of enrolment eligibility claim– s.4.32(2) r12B Items to accompany enrolment eligibility claim based on occupation of rateable property – s.4.32(2) r13 Register – s.4.32(6)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to accept or reject an “Enrolment Eligibility Claim – Owner or Co-Owner” (Form 2A) [s4.32(4) and r12A]</li> <li>2. Authority to accept or reject an “Enrolment Eligibility Claim – Occupier or Co-Occupier (Form 2B) [s4.32(4) and r12A]</li> <li>3. Authority to accept or reject an “Enrolment Eligibility Claim – Nomination by Group or Owners/Occupiers” (Form 2C) [s4.32(4) and r11]</li> <li>4. Authority to accept or reject an “Enrolment Eligibility Claim – Nomination by Body Corporate” (Form 2D) [s4.32(4) and r11A]</li> <li>5. Authority to request information to support an Enrolment Eligibility Claim [s4.32(2)&amp;(5) and r12B]</li> <li>6. Authority to determine that a person is no longer eligible and notify of removal with notice [s4.35(1)(c)&amp;(3)]</li> <li>7. Authority to determine submissions made under s4.35(2) that a person is still eligible under s4.30 to be enrolled [s4.35(6)]</li> <li>8. Authority maintain the accuracy of the Register [s4.34]</li> <li>9. Authority to make corrections to the roll when required [s4.43]</li> </ol>
<b>Delegates</b>	Manager Governance and Councillor Support
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• Decisions made under this delegation are Quasi Judicial.</li> <li>• <i>Local Government Act 1995, Part 4</i></li> <li>• <i>Local Government (Elections) Regulations 1997</i></li> </ul>
<b>Record keeping</b>	Retain Forms that evidence decisions in the relevant files
<b>Date adopted</b>	25 June 2024

<b>Adoption references</b>	Reviewed by CEO 25 June 2024, no changes.
<b>Last reviewed</b>	30 June 2024

Amendments			
Date	Type	Amendment	References
2 Jul 2024	Amended delegation	Reviewed and approved by CEO 2 July 2024. Amended to meet Legislation changes	CPM/130-13

<b>Delegation</b>	<b>1.19 Administration of Local Laws</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Function</b>	<p>All the powers conferred on the local government in the City of Rockingham local laws to determine applications, issue and apply conditions to approvals, consents, permits, licences and registration, undertake enforcement functions and exercise discretion under the following City of Rockingham local laws:</p> <ul style="list-style-type: none"> <li>• Cats Local Law 2018</li> <li>• Cemeteries Local Law 2000</li> <li>• Dogs Local Law 2000</li> <li>• Fencing Local Law 2020</li> <li>• Health Local Law 1996</li> <li>• Parking Local Law 2018</li> <li>• Pest Plants Local Law 2000</li> <li>• Public Places and Local Government Property Local Law 2018</li> <li>• Sand Drift Local Law 2018</li> <li>• By-law relating to Signs, Hoardings and Bill Posting 1990</li> <li>• Standing Orders Local Law 2001</li> <li>• Waste Local Law 2020</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation and the following specific additional conditions for this delegation.</p> <p><b>Additional Conditions:</b></p> <ul style="list-style-type: none"> <li>• Infringements may only be issued by persons authorised for the purposes of section 9.16 of the Local Government Act 1995</li> </ul>
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• City of Rockingham Public Places and Local Government Property Local Law 2018.</li> <li>• <i>Local Government Act 1995</i> Part 9 Division 1 Objections and Review Part 9 Division 2 Enforcement and Legal Proceedings</li> </ul>
<b>Record keeping</b>	Record details of decisions and ensure that evidentiary documents are retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

Amendments			
Date	Type	Amendment	References
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>1.20 Designated Employees</b>
<b>Category</b>	1 Local Government (Council) to the Chief Executive Officer
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s.5.74(1)(d) designated employees
<b>Function</b>	Nominate designated employees required to submit a primary and annual return.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Applies only to employees with delegated authority through legislation other than the <i>Local Government Act 1995</i> .
<b>Policy</b>	Nil
<b>Record keeping</b>	All documentation relative to the person's employment are to be retained as required by legislation.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	GM-010/24
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	New delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.



<b>Delegation</b>	<b>2.1 Payment from Municipal Fund or Trust Fund</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	Local Government Act 1995 s.6.10(d) Financial Management regulations Local Government (Financial Management) Regulations 1996 r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	Make payment from Municipal Fund or Trust Funds
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Compliance with s.6.8(1) and r.13
<b>Statutory framework</b>	<i>Local Government (Financial Management) Regulations 1996</i>
<b>Record keeping</b>	Payment transaction records to be retained in the City's Finance System. Monthly cheque and EFT payment listings to be recorded in Council Minutes
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.2 Trust Fund - Transfers</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.9(4) Trust Fund
<b>Function</b>	Determine to transfer money held in the Trust Fund for 10 years to the Municipal Fund
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 6, Division 4.
<b>Record keeping</b>	Record of authorisation to be retained in the City's Record Management System.
<b>Date adopted</b>	26 June 2023
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.3 Waive / Grant Concession or Write Off Monies Owning</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Local Government Act 1995 s.5.42 Delegation of some powers and duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.12(1)(b) and (c) and (3) Power to grant discounts, waive or write off debts s6.47 Concessions only
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Waive or grant concessions in relation to debts owed to the City.</li> <li>2. Write off money owed to the City</li> <li>3. Determine the conditions to be applied to waive, grant a concession or write off money owed to the City.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Limited to <ul style="list-style-type: none"> <li>• individual debts that do not exceed \$2,000.</li> </ul>
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i>, Part 6, Division 6</li> <li>• <i>Local Government (Financial Management) Regulations 1996</i> – noting specifically Reg.26.</li> </ul>
<b>Record keeping</b>	Details of decisions to be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.4 Amend the Rate Record</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.39(2) Amend the Rate record
<b>Function</b>	To amend a rate record up to 5 years preceding the current financial year.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 6, Division 6
<b>Record keeping</b>	Details of the determination to be recorded in the appropriate rate record.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority Review by Council 25 June 2024	Report GM-010/24
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.5 Agreement as to Payment of Rates and Service Charges</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.49 Agreement as to payment of rates and service charges
<b>Function</b>	To accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 6, Division 6
<b>Record keeping</b>	Details of the determination to be recorded in the appropriate rate record.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Reviewed by CEO 25 June 2024, no changes.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.6 Rates or Service Charges Recoverable in Court</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.56 Rates or service charge recoverable in court s6.64(3) Actions to be taken
<b>Function</b>	<ol style="list-style-type: none"> <li>1. To recover rates or service charges, as well as the cost of proceeding, if any, for that recovery, in a court of competent jurisdiction.</li> <li>2. To lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 6, Division 6
<b>Record keeping</b>	Details of the determination to be recorded in the appropriate rate record
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority Review by Council 25 June 2024	Report GM-010/24
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.7 Change of Basis of Rates</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.28 Basis of Rates
<b>Function</b>	To make applications to the Minister to change the basis of rates under Section 6.28(1) of the <i>Local Government Act 1995</i>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 6, Division 4
<b>Record keeping</b>	Details of decisions to be recorded in the City's Record Management System or financial record.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.8 Recovery of Rates Debts – Require Lessee to Pay</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.60 Local Government may require lessee to pay rent
<b>Function</b>	To recover from the Lessee of land, any rent as it falls due in satisfaction of the rate or service charge.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 6, Division 6
<b>Record keeping</b>	Details of the decision to be recorded in the appropriate rate record.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024	Report GM-010/24
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130



<b>Delegation</b>	<b>2.9 Recovery of Unpaid Rates – Taking Possession of the Land</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.64(1) and (3) Taking possession of land and lodging of a caveat
<b>Function</b>	<ol style="list-style-type: none"> <li>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.</li> <li>2. Lodging a caveat against the land.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	The sale of land will not be undertaken without the express approval of the CEO
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 6, Division 6
<b>Record keeping</b>	Details of action taken to be recorded in appropriate rate record.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council by 25 June 2025	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.10 Extension of Time for Objection to the Rate Record</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO s5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s6.76(4) and (5) Grounds of objection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. To extend the time for making an objection on application by a person proposing to make an objection to the rate record.</li> <li>2. To either disallow or allow the objection, wholly or in part.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> , Part 6, Division 6
<b>Record keeping</b>	Details of the determination to be recorded in the appropriate rate record.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority Review by Council 25 June 2024	Report GM-010/24
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.11 Disposal of Property</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.58(2) and (3) Disposing of property
<b>Function</b>	Dispose of property.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Approve and determine the appropriate method to dispose of property in accordance with s3.58 of the Act.</li> <li>2. Sale of land is limited to Individual contract agreement not to exceed \$500,000; and</li> <li>3. Be consistent with either, the intent of previous Council determinations, the Annual Budget or Strategic Plan</li> <li>4. Where disposal method is by way of Lease or Licence, disposal is consistent with the Council Leasing Policy.</li> </ol>
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i>, Part 3, Division 3, Subdivision 6</li> <li>• <i>Local Government Act 1995</i> s5.43(d)</li> </ul>
<b>Record keeping</b>	Evidence of determinations and notices to be retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.12 Approve Lease Property Grants</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers and Duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.18 Performing Executive Functions
<b>Function</b>	To approve Lease Property Grants in accordance with the Community Grants Program Policy.  1. Maintenance and Leased Property Grants – Maintenance up to \$10,000 2. Leased Property Grants – Rate Subsidy is equal to amount of rates levied.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> </ul>
<b>Policy</b>	<ul style="list-style-type: none"> <li>• Community Grants Program Policy</li> </ul>
<b>Record keeping</b>	Evidence of determinations to be kept in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>2.13 Procurement Framework</b>
<b>Category</b>	2 Corporate Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers and Duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.18 Performing Executive Functions
<b>Function</b>	To approve a purchasing policy that satisfies the provisions in Regulation 11A of the <i>Local Government (Functions and General) Regulations 1996</i>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Local Government (Functions and General) Regulations 1996</i></li> </ul>
<b>Record keeping</b>	Evidence of determinations to be kept in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>3.1 Approve Minor Grants</b>
<b>Category</b>	3 Community Development
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Local Government Act 1995 s5.42 Delegation of Some Powers and Duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.18 Performing Executive Functions
<b>Function</b>	To approve minor grants up to \$3,000 in accordance with the Community Grants Program Policy.
<b>Delegates</b>	Chief Executive Officer
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• Community Grants Program Policy</li> </ul>
<b>Policy</b>	Community Grants Program Policy
<b>Record keeping</b>	Evidence of determinations to be kept in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>4.1 Bush Fires Act – Powers and Duties</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s48 Delegation by local governments
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i>
<b>Function</b>	Powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i> (the Act) and in particular s38 of the Act.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Excludes powers and duties that: <ul style="list-style-type: none"> <li>• are prescribed in the Act with the requirement for a resolution by the local government;</li> <li>• are prescribed in the Act for performance by prescribed officers; or,</li> <li>• are subject to separate delegated authority within this register.</li> </ul>
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Bush Fires Act 1954</i></li> <li>• <i>Bush Fires Regulations 1954</i></li> <li>• <i>Bush Fires (Infringements) Regulations 1978</i></li> </ul>
<b>Record keeping</b>	Evidence of decisions to be retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>4.2 Bush Fires Act – Prohibited Burning Times</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s17(10) may by resolution delegate to its mayor and its Chief Bush Fire Control Officer
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s17(7) and (8) Vary prohibited burning times
<b>Function</b>	Determine to vary Prohibited Burning Times, in accordance with s17(7) and (8) of <i>Bush Fires Act 1954</i> (the Act), regarding: <ul style="list-style-type: none"> <li>• shortening, extending, suspending or reimposing a period of prohibited burning times; or</li> <li>• imposing a further period of prohibited burning times</li> </ul>
<b>Delegates</b>	Chief Bush Fire Control Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Bush Fires Act 1954</i></li> <li>• <i>Bush Fires Regulations 1954</i></li> <li>• <i>Bush Fires (Infringements) Regulations 1978</i></li> </ul>
<b>Record keeping</b>	Evidence of decisions to be retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.



<b>Delegation</b>	<b>4.3 Bush Fires Act – Prosecutions</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Bush Fires Act 1954
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954</i> s59(3) Delegation by the local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954</i> s59(3) Prosecution of Offences s59A(2) Alternative Procedure – Infringement Notices
<b>Function</b>	Prosecution of offences and issue Infringement Notices. 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. <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>
<b>Delegates</b>	Chief Bush Fire Control Officer Coordinator Prosecutions Emergency Liaison Coordinator Fire Prevention Officer
<b>Conditions</b>	Fire Prevention Officer - s59A(2) only
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Bush Fires Act 1954</i></li> <li>• <i>Bush Fires Regulations 1954</i></li> <li>• <i>Bush Fires (Infringements) Regulations 1978</i></li> </ul>
<b>Record keeping</b>	Evidence of decisions to be retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>4.4 Disposing of Confiscated or Uncollected Goods and Sick or Injured Animals</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> 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
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Sell or otherwise dispose of any confiscated or impounded goods in accordance with [s3.47 of the <i>Local Government Act 1995</i> (the Act)].</li> <li>2. Destroy an impounded animal where it is determined to be too ill or injured to treat [s3.47A(1) of the Act].</li> <li>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].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i> <ul style="list-style-type: none"> <li>• Part 3, Division 3, Subdivision 4</li> <li>• s3.58 Disposing of Property</li> </ul>
<b>Record keeping</b>	Copy of prescribed notices to be retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>4.5 Dog Act 1976 – Section 10AA</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Dog Act 1976
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976</i> s10AA(1) Delegation of local government powers and duties to Chief Executive Officer
<b>Express power or duty delegated</b>	<i>Dog Act 1976</i> Any of the local government's powers or duties under the <i>Dog Act 1976</i> and subsidiary legislation.
<b>Function</b>	Any power or duty of the local government under another provision of the <i>Dog Act 1976</i> . By providing this delegation the local government expressly authorises the Chief Executive Officer to further delegate the power or duty.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Dog Act 1976</i></li> <li>• <i>Local Government Act 1995</i></li> </ul>
<b>Record keeping</b>	Evidence of determination to be kept in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

Amendments			
Date	Type	Amendment	References
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>4.6 Administration and Enforcement of the Cat Act 2011</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Cat Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011</i> s44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011</i> s44 Delegation by local government
<b>Function</b>	Any of the local government's powers or the discharge of any of its duties under the <i>Cat Act 2011</i> .
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	A power or duty under sections 63, 64, or 65 of the <i>Cat Act 2011</i> cannot be delegated to an authorised person.
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Cat Act 2011</i></li> <li>• <i>Cat Regulations 2012</i></li> </ul>
<b>Record keeping</b>	Record details of decisions and ensure that evidentiary documents are retained in the City's Record Management System
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, amended position title Pound Attendant to Animal Management Facility Operations Officer, no other changes	CPM/130

<b>Delegation</b>	<b>4.7 City of Rockingham Parking Local Law 2018 / Local Government (Parking for People with Disabilities) Regulations 2014</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Local Government (Parking for People with Disabilities) Regulations 2014.
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Function</b>	All the powers conferred on the local government in the City of Rockingham Parking Local Law 2018 and <i>Local Government (Parking for People with Disabilities) Regulations 2014</i> .
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• City of Rockingham Parking Local Law 2018</li> <li>• <i>Local Government Act 1995 and Regulations</i></li> </ul>
<b>Record keeping</b>	Record details of decisions and ensure that evidentiary documents are retained in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	25 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>4.9 Dogs – Keeping of More than Two</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Dog Act 1976
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	Dog Act 1976, section 10AA
<b>Express power or duty delegated</b>	<ul style="list-style-type: none"> <li>• Dog Act 1976 s26 Limitation as to numbers</li> </ul>
<b>Function</b>	To determine applications for keeping more than two dogs.
<b>Delegates</b>	Coordinator Ranger Services Manager Compliance and Emergency Liaison Senior Ranger Team Leader Ranger Services
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• Dog Act 1976, Part V</li> <li>• City of Rockingham Dogs Local Law, Part 3</li> </ul>
<b>Record keeping</b>	Record details of decisions and ensure that evidentiary documents are retained in the Council's record keeping system
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
2 Jul 2024	Amended delegation	Reviewed by CEO 25 June 2024, no changes.	CPM/130

<b>Delegation</b>	<b>4.10 Extension of Time and Withdrawal Notices</b>
<b>Category</b>	4 Compliance and Emergency Liaison
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.44 CEO may delegate some power and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s9.19 Extension of time s9.20 Withdrawal of notice
<b>Function</b>	<p>1. The CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed.</p> <p>2(a) Within one year after the notice was given the CEO of the local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.</p> <p>2(b) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.</p>
<b>Delegates</b>	Assistant Appeals Officer Coordinator Prosecutions Director Planning and Development Services Inquiry and Appeals Officer Manager Compliance and Emergency Liaison
<b>Conditions</b>	The above cannot be an authorised person appointed under section 9.10(1) for the purposes of section 9.16.
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Evidence of determinations to be kept on file.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority Review by Council 25 June 2024	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>5.1 Building and Demolition Permits</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011 s.127</i>
<b>Express power or duty delegated</b>	<i>Building Act 2011 ss. 18, 20, 21 and 27</i> <i>Building Regulations 2012 rr.23, 24 and 26.</i>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Refer an uncertified application to a building surveyor [in circumstances set out in s.17 (1) of the Building Act 2011 (the Act)].</li> <li>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].</li> <li>3. Refuse to consider an application [s.18(2) of the Act].</li> <li>4. Grant a building permit [ss.20 and 23 of the Act].</li> <li>5. Refuse to grant a building permit [ss.20 and 23, including in the circumstances in ss.22 (1) and (2) of the Act].</li> <li>6. Grant a demolition permit [ss.21 and 23 of the Act].</li> <li>7. Refuse to grant a demolition permit [ss.21 and 23 including in the circumstances in ss.22 (1) and (2) of the Act].</li> <li>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].</li> <li>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].</li> <li>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].</li> <li>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].</li> <li>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)].</li> <li>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].</li> <li>14. Refuse to extend the time during which a permit has effect [r.24(1) of the Regulations].</li> <li>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].</li> <li>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].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Authority to delegate is limited by s.127. Records of determinations made under delegation to be kept in the City's Record Management System or register.



<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Building Act 2011</i></li> <li>• <i>Building Regulations 2012</i></li> <li>• Building Code of Australia</li> </ul>
<b>Record keeping</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>5.2 Occupancy Permits and Building Approval Certificates</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011 s.127</i>
<b>Express power or duty delegated</b>	<i>Building Act 2011 ss.55, 58, 62, 65</i> <i>Building Regulations 2012 r.40</i>
<b>Function</b>	<ol style="list-style-type: none"> <li>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 <i>Building Act 2011</i> (the Act)].</li> <li>2. Refuse to consider an application [s.55(2) of the Act].</li> <li>3. Grant or modify the occupancy permit or grant the building approval certificate [s.58(1) and 59 of the Act].</li> <li>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].</li> <li>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].</li> <li>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].</li> <li>7. Add, vary or revoke conditions while the occupancy permit or building approval certificate has effect [s.62(3) of the Act].</li> <li>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].</li> <li>9. Extend the period in which the occupancy permit or modification or the building approval certificate has effect [s.65(4) of the Act].</li> <li>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 <i>Building Regulations 2012</i> (the Regulations)].</li> <li>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].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Authority to delegate is limited by s.127. Records of determinations made under delegation to be kept in the City's Record Management System or register.
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Building Act 2011</i></li> <li>• <i>Building Regulations 2012</i></li> <li>• Building Code of Australia</li> </ul>

<b>Record keeping</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>5.3 Building Orders</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011 s.127</i>
<b>Express power or duty delegated</b>	<i>Building Act 2011 ss.110, 117, 118</i>
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Make an order in respect of one or more of the following <ol style="list-style-type: none"> <li>a. particular building work;</li> <li>b. particular demolition work;</li> <li>c. a particular building or incidental structure, whether completed before or after commencement day [s.110(1) of the <i>Building Act 2011</i> (the Act)].</li> </ol> </li> <li>2. Specify the way in which an outward facing side of a particular close wall must be finished [s.88(3) of the Act].</li> <li>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].</li> <li>4. Serve a copy of the order on each person to whom the order is directed in accordance with s.76 of the Interpretation Act 1994 [s.114(1) of the Act].</li> <li>5. Revoke a building order at any time [s.117(1) of the Act]</li> <li>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].</li> <li>7. Cause an authorised person to - <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. to commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease [s.118(2) of the Act].</li> </ol> </li> <li>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].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register. Authority to delegate is limited by s.127.
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Building Act 2011</i></li> <li>• <i>Building Regulations 2012</i></li> <li>• Building Code of Australia</li> </ul>

<b>Record keeping</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>5.4 Building Information</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011 s.127</i>
<b>Express power or duty delegated</b>	<i>Building Act 2011 s.131</i> <i>Building Regulations 2012 r.14</i>
<b>Function</b>	<ol style="list-style-type: none"> <li>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 <i>Building Act 2011</i> (the Act)].</li> <li>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].</li> <li>3. Make the register available for inspection by members of the public during normal office hours [s.129(1) of the Act].</li> <li>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].</li> <li>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"> <li>a. an application for a building permit or demolition permit; or</li> <li>b. an application of a kind mentioned in Part 4 Division 2; or</li> <li>c. an inspection of a prescribed kind [s.130 of the Act].</li> </ol> </li> <li>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].</li> <li>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 <i>Building Regulations 2012</i>].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register. Authority to delegate is limited by s.127.
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Building Act 2011</i></li> <li>• <i>Building Regulations 2012</i></li> <li>• Building Code of Australia</li> </ul>
<b>Record keeping</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024

<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>5.5 Private Swimming Pools</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011 s.127</i>
<b>Express power or duty delegated</b>	<i>Building Regulations 2012 rr.51 and 53</i>
<b>Function</b>	<ol style="list-style-type: none"> <li>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]</li> <li>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]</li> <li>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].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register. Authority to delegate is limited by s.127.
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Building Act 2011</i></li> <li>• <i>Building Regulations 2012</i></li> <li>• Building Code of Australia</li> </ul>
<b>Record keeping</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024



Amendments			
Date	Type	Amendment	References
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>5.6 Smoke Alarms</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011 s.127</i>
<b>Express power or duty delegated</b>	<i>Building Regulations 2012 r.60</i>
<b>Function</b>	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 <i>Building Regulations 2012</i> ].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register. Authority to delegate is limited by s.127.
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Building Act 2011</i></li> <li>• <i>Building Regulations 2012</i></li> <li>• Building Code of Australia</li> </ul>
<b>Record keeping</b>	Records of determinations made under delegation to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>5.7 Fencing</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers and Duties to the CEO.
<b>Express power or duty delegated</b>	City of Rockingham Fencing Local Law 2021: Part 5
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Approve an application subject to any conditions as per clause 5.2(2)(2) of the City of Rockingham Fencing Local Law 2021 (FLL 2021)</li> <li>2. Refuse an application as per 5.2(2)(b) of the FLL 2021.</li> <li>3. Revocation of a permit as per 5.3 of the FLL 2021.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995.</i>
<b>Record keeping</b>	Evidence of determinations to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority Review by Council 25 June 2024	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>5.8 State Administrative Tribunal Proceedings</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	Per identified legislation
<b>Function</b>	<p>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.</p> <ul style="list-style-type: none"> <li>• <i>Building Act 2011</i></li> <li>• <i>Building Regulations 2012</i></li> <li>• <i>Cat Act 2011*</i></li> <li>• <i>Dog Act 1976*</i></li> <li>• <i>Fencing Local Law 2021</i></li> <li>• <i>Signs, Hoardings and Bill Postings Local Law 1960</i></li> <li>• <i>Public Places and Local Government Property Local Law 2018</i></li> </ul> <p><i>The Cat Act 2011 and Dog Act 1976 was added administratively to this delegation to provide clarity in relation to appearances at State Administrative Tribunal for these Acts as the CEO already has been provided with power or duties under both these acts from the Local Government.</i></p> <ul style="list-style-type: none"> <li>• <i>Dog Act 1976 – Section 10AA</i></li> <li>• <i>Administration and Enforcement of the Cat Act 2011.</i></li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Building Act 2011</i></li> <li>• <i>Building Regulations 2012</i></li> <li>• <i>Cat Act 2011</i></li> <li>• <i>Dog Act 1976</i></li> <li>• <i>Fencing Local Law 2021</i></li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Signs, Hoardings and Bill Postings Local Law 1990</i></li> <li>• <i>Public Places and Local Government Property Local Law 2018</i></li> </ul>
<b>Record keeping</b>	Evidence of determinations to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

Amendments			
Date	Type	Amendment	References
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review - 2 additional sub delegates Coordinator Rangers and Statutory Planning (DAP)	CPM/130

<b>Delegation</b>	<b>5.9 Infringement Notices – Building Services</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011</i> , Section 127(1).
<b>Express power or duty delegated</b>	<i>Building Regulations 2012</i> , Regulations 70(2), 70(1), 70(3).
<b>Function</b>	<ol style="list-style-type: none"> <li>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 Building Regulations 2012 Schedule 6.</li> <li>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.</li> <li>3. Revoke an appointment under (1) or (2) at any time.</li> <li>4. Give an identity card to an authorised person under (1).</li> </ol> <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>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. A person appointed under (1) or (2) must be an employee of the City.</li> <li>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 Local Government Act 1995.</li> <li>c. A person cannot be appointed under (1) if the person holds an appointment under (2).</li> <li>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 Local Government Act 1995.</li> <li>e. A person cannot be appointed under (2) if the person holds an appointment under (1).</li> <li>f. Records of all appointments made under delegation to be kept in the City’s Record Management System or register.</li> </ol>
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Building Act 2011</i>, particularly Section 127.</li> <li>• <i>Building Regulations 2012</i>, Part 10.</li> <li>• <i>Local Government Act 1995</i>, Part 9 Division 2 Subdivision 2.</li> <li>• <i>Criminal Procedure Act 2004</i>, Part 2.</li> </ul>
<b>Record keeping</b>	Records of all appointments made under delegation to be kept in the City’s Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.

<b>Last reviewed</b>	25 June 2024
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<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.

<b>Delegation</b>	<b>5.10 Signs, Hoardings and Bill Posting</b>
<b>Category</b>	5 Building Services – Building Act 2011, Building Regulations 2012, and Building Service (Registration) Regulations 2011
<b>Head of power</b>	Building Act 2011
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.18(1) Administer Local Laws Local Law Relating to Signs, Hoardings and Bill Posting 1960, Clause 4, subclause 8.1 and 8.2
<b>Function</b>	<ol style="list-style-type: none"> <li>1. To approve, refuse or revoke a license, and to determine appropriate conditions.</li> <li>2. Give notice to remove.</li> <li>3. Remove, impound and dispose of signs unlawfully displayed.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• Local Law Relating to Signs, Hoardings and Bill Posting</li> </ul>
<b>Record keeping</b>	Details of the impounded signs to be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130



<b>Delegation</b>	<b>6.1 Food Act 2008 – Prohibition Orders</b>
<b>Category</b>	6 Health Services
<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008</i> 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
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s65(1) Prohibition Order s66 Certificate of Clearance s67(4) Request for Re-Inspection
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65 of the <i>Food Act 2008</i> (the Act)].</li> <li>2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66 of the Act].</li> <li>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].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Food Act 2008</i>
<b>Record keeping</b>	Evidence of determinations to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>6.2 Food Act 2008 – Registration of Food Business</b>
<b>Category</b>	6 Health Services
<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008</i> 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
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s110(1) and (5) Registration of food business s112 Variation of conditions or cancellation of registration of food businesses.
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Register a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration [s110(1) of the <i>Food Act 2008</i> (the Act)].</li> <li>2. After considering an application, determine to grant (with or without conditions) or refuse the application [s110(5) of the Act].</li> <li>3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i> [s112(1) of the Act].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Food Act 2008</i></li> <li>• <i>Food Regulations 2009</i></li> </ul>
<b>Record keeping</b>	Evidence of registrations to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>6.3 Food Act 2008 – Prosecutions</b>
<b>Category</b>	6 Health Services
<b>Head of power</b>	Food Act 2008
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008</i> 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
<b>Express power or duty delegated</b>	<i>Food Act 2008</i> s125 Institution of proceedings s126 Infringements
<b>Function</b>	Institute proceedings for an offence under the Food Act 2008 [s125 of the Food Act 2008 (the Act)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• Food Act 2008</li> <li>• Food Regulations 2009</li> </ul>
<b>Record keeping</b>	Evidence of determinations to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>7.1 Town Planning Scheme</b>
<b>Category</b>	7 Planning Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<p><i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Clause 82 of the Deemed Provisions Delegations by local government</p>
<b>Express power or duty delegated</b>	<p>City of Rockingham TPS No. 2 – (TPS2) <i>Local Government Act 1995</i> Section 5.42(b) <i>Planning and Development Act</i> section 214(2), (3) or (5) <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p>
<b>Function</b>	<p>All of the functions under Town Planning Scheme (TPS2) and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> as follows:</p> <p><b>1. Grant of Development Approval Functions Delegated</b></p> <p>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 "OP".</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 purposes specified with respect to that land in Schedule No.3.</p> <p>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".</p> <p>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".</p> <p>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.</p> <p>i) The granting of Development Approval for development or land use which has already commenced or carried out requiring Development Approval pursuant to Clause 65 of the Deemed Provisions.</p> <p>j) The granting of a renewal, cancel or amendment to a Development Approval pursuant to Clause 77 of the Deemed Provisions.</p> <p>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.</p> <p>l) The granting of Development Approval with or without conditions under TPS2 for Bulk</p>

Earthworks(Development) on and zoned 'Urban' or 'Urban Deferred' under the Metropolitan Region Scheme.

m) The granting of Development Approval for the operation of 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.

n) If an application for the operation of a 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**

a) The authority to modify development standards under clause 4.20 of TPS2

b) The authority to determine if a development application complies with the Residential Design Codes Volume 12024 (as amended, excluding a 'Single House'.

c) The authority to determine if a development application complies with the Residential Design Codes Volumes 2(2024) as amended.

## **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.

## **4. Other Matter**

### **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 approval of further details of a precinct structure plan under clause 24(1A) of the Deemed Provisions.

e) 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.

f) 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) 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) of the Deemed Provisions.

c) The determination to require modifications to a Local Development Plan under 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.

f) The determination to require further details of any development included in the Local Development Plan under Clause 53(1) and Clause 53(2)

g) The determination to extend the period of approval of a local development plan, if there are no changes to the terms/content of the plan or the conditions attached to the approval.

**(3) 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.

**(4) 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 of an area or affected neighbouring properties, following consultation.

**(5) 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.

**(6) 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.

b) The determination under clause 64A to require an applicant for development approval to pay for the costs of the City advertising the application for development application.

**(7) Request Applicant to provide Information**

The determination under Clause 65A to request the applicant to provide further information or material that the City reasonably requires to determine the application.

**(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 and extend the referral period.

**(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.

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) Rural Zone**

(a) The determination of an application for approval to remove native vegetation or significant trees under clause 4.11.2(b).

**(15) 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 subject to compliance with Planning Policy No.3.3.17 Variations to Building Envelopes.

(b) The determination of an application for approval to remove native vegetation or significant trees under Schedule No. 4 of TPS2.

**(16) 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 subject to compliance with Planning Policy No.3.3.17 Variations to Building Envelopes.

(b) The determination of an application for approval to remove native vegetation or significant trees under Schedule No.5 of TPS2.

**(17) Development Contributions - Anstey Park**

a) The review of estimated costs under clause 5.4.5.4(a) of TPS2.

b) The acceptance of a Cost Contribution, based upon estimated costs, as a final Cost Contribution under clause 5.4.5.5(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 or some other method acceptable to the Local Government or a combination of these methods 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 5.4.7.1(a) of TPS2.

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.

**(18) 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 5.5.12.7(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.

**(19) 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.

**(20) Heritage Protection**

- a) The power under clause 10 of the Deemed Provisions to enter into a Heritage Agreement with the owner or occupier of land or building to bind the land or affect the use of land or building.
- b) The determination under clause 11 of the Deemed Provisions to require a Heritage Assessment to be carried out prior to the approval of any development proposed in heritage area or a place on a heritage list.
- c) The determination under clause 12 (1-3) of the Deemed Provisions to vary site or development requirements, subject to undertaking public consultation to preserve the heritage values of a heritage area or a place on a heritage list or on the Register of Heritage Places.
- d) The determination under Clause 13 (1-6) of the Deemed Provisions to issue a heritage conservation notice for a place on a heritage list that is not being properly maintained and to give a person who is the owner or occupier of the heritage place a written notice requiring specified repairs to the heritage place, or extend or revoke a notice.

**5. Implementation**

The delegations are subject to the following conditions:

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.

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.

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.

-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(4) 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 67 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



	<p>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.</p> <p>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.</p> <p>With regard to the delegation referred to in Section 4(1)(d) &amp; 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.</p> <p>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.</p> <p>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.</p> <ul style="list-style-type: none"> <li>- 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.</li> <li>- 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.</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995</i></li> <li>• <i>City of Rockingham TPS No. 2</i></li> <li>• <i>Planning and Development Act 2005</i></li> <li>• <i>Planning and Development Local Planning Schemes) Regulations 2015</i></li> </ul>
<b>Record keeping</b>	Evidence of determinations to be recorded in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Report GM-010/24.
<b>Last reviewed</b>	30 June 2024

Amendments			
Date	Type	Amendment	References
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, additional subdelegate coordinator Statutory Planning (DAP)	CPM/130

<b>Delegation</b>	<b>7.2 Planning and Development Act 2005 – Other Delegations</b>
<b>Category</b>	7 Planning Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of Some Powers and Duties to the CEO
<b>Express power or duty delegated</b>	Local Government Act 1995 <i>Planning and Development Act 2005</i> <i>Strata Titles Act 1985</i> <i>Land Administration Act 1997</i> <i>Aboriginal Heritage Act 1972</i>
<b>Function</b>	<p>Subdivision Recommendations - Authority to Progress  Subdivision Clearances - Authority to Approve  Public Works Planning Applications - Authority to Progress  Clause 32 Planning Applications - Authority to Progress  Licensed Premises Applications - Authority to Approve  Notices - Authority to Issue  Street Naming - Authority to Approve  Built Strata Subdivision Applications - Authority to Approve  Clause 9 Refund Planning Fee - Authority to Refund or Reduce  Pedestrian Access Way Closure - Authority to Progress  Aboriginal Heritage Sites - Authority to Progress</p> <p><b>1. Subdivision Recommendations Functions delegated</b></p> <p>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:</p> <p>(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:</p> <p>(i) appropriate requirements and specifications under TPS2 and any applicable City Planning Policy;</p> <p>(ii) any applicable conditions as set out under the City's 'Planning Procedure No. 1.1.3 – Model Subdivision Conditions Schedule for Subdivision Applications.</p> <p>(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.</p> <p>(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.</p> <p><b>2. Subdivision Clearances Functions delegated</b></p> <p>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:</p> <p>(a) Subdivision condition(s) imposed must be relevant to the City.</p> <p>(b) The subdivision condition(s) must be fulfilled in accordance with all the Local</p>

	<p>Government conditions specified on the WAPC approval, to the satisfaction of the delegate, and the clearance advice is to be signed by the delegate.</p> <p>(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.</p> <p><b>3. Public Works Planning Applications</b> <b>Functions delegated</b></p> <p>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.</p> <p><b>4. Clause 32 Planning Applications</b> <b>Functions delegated</b></p> <p>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.</p> <p><b>5. Liquor Licence Applications</b> <b>Functions delegated</b></p> <p>The granting of a Section 40 Certificate under the Liquor Control Act 1988, with or without conditions for all liquor licence applications.</p> <p><b>6. Notices</b> <b>Functions delegated</b></p> <p>(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.</p> <p>(2) Additional Powers when Notice Given</p> <p>(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.</p> <p>(b) The determination under section 3.26(3) of the Local Government Act 1995 whether to recover costs as referred to in that section.</p> <p><b>7. Street Naming</b> <b>Functions delegated</b></p> <p>The authority to approve street names that are consistent with an approved street naming theme.</p> <p><b>8. Built Strata Subdivision Applications</b> <b>Functions delegated</b></p> <p>The authority to determine applications for approval to subdivide land subject to built strata plans submitted under section 15 and the functions under section 21 and 22 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).</p> <p><b>9. Clause 9 Refund Planning Fee</b> <b>Functions delegated</b></p> <p>The ability to refund or reduce a Development Application fee when it is withdrawn by an applicant. This delegation does not apply to a Development Assessment Panel application fee. Legislation - Planning and Development Act 2005 and Planning and Development Regulations 2009.</p> <p><b>10. Pedestrian Access Way</b> <b>Functions delegated</b></p> <p>The ability to publicly advertise a Pedestrian Access Way closure application and undertake Government Agency referrals, following the preparation of a City PAW Closure Report, which:</p> <p>(a) evaluates and confirms the applicant's justification for the closure request;</p> <p>(b) considers the requirements of Planning Procedure No. 1.5 Closure of Pedestrian Access Ways, such as the impact on the pedestrian and cycle network;</p> <p>(c) considers the PAW classification in the City's Pedestrian Access Way Strategy 2010 (and 2020 addendum). Legislation – Land Administration Act 1997; and</p> <p>will not apply to a PAW classified as Essential ('E'), and instead the application will be referred to Council for its determination, without public advertising and Government Agency referrals being undertaken.</p>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	Nil
<b>Statutory framework</b>	<ul style="list-style-type: none"> <li>• <i>Strata Titles Act 1985</i></li> <li>• <i>Local Government Act 1995</i></li> <li>• <i>Planning and Development Act 2005</i></li> <li>• <i>Land Administration Act 1997</i></li> </ul>
<b>Record keeping</b>	Details of determinations to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	CEO Review approved, new subdelegates	CPM/130

<b>Delegation</b>	<b>7.3 Approved Subdivisions</b>
<b>Category</b>	7 Planning Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> s3.18 Performing Executive Functions <i>Planning and Development Act 2005</i> s170 Proposed road or waterway, drawings etc of required
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to approve engineering and electrical works on approved subdivisions.</li> <li>2. Authority to approve landscape plans on approved subdivisions and land development.</li> <li>3. Authority to approve requests for installation of street lighting.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Evidence of approvals to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>8.1 Road Closures – Temporary</b>
<b>Category</b>	8 Asset Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government Act 1995</i> 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
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Close a thoroughfare managed by the City (wholly or partially) for a period of less than 4-weeks [s3.50(1) of the <i>Local Government Act 1995</i> (the Act)]</li> <li>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]</li> <li>3. Close a thoroughfare to a particular class or classes of vehicles [s3.50(2) of the Act]</li> <li>4. Make a decision to not undertake the s3.50 and s3.51 public advice/submission requirements [s3.50A of the Act]</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Evidence of determinations and notices in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130

<b>Delegation</b>	<b>8.2 Payment of Subsidies</b>
<b>Category</b>	8 Asset Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r12 Crossing from public thoroughfare to private land or private thoroughfare r13 Requirement to construct or repair crossing r15 Contribution to cost of crossing
<b>Function</b>	Authority to approve the construction of, and payment of subsidies for vehicular crossovers.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Evidence of determinations and payments to be recorded in the City's Record Management System.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, removed position Public Asset Inspect	CPM/130

<b>Delegation</b>	<b>8.3 Control and Management of Land, Facilities and Reserves</b>
<b>Category</b>	8 Asset Services
<b>Head of power</b>	Local Government Act 1995
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995</i> s5.42 Delegation of some powers and duties to the CEO
<b>Express power or duty delegated</b>	<i>Land Administration Act 1997</i> s46 Care, control and management of reserves
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority for the control and management of vested land and facilities.</li> <li>2. Authority for the control and maintenance of land under the Land Administration Act 1997.</li> <li>3. Authority for signing of planning application and building permits as the owner relating to City facilities and land.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Local Government Act 1995</i>
<b>Record keeping</b>	Appropriate documentation to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130



<b>Delegation</b>	<b>8.4 Graffiti Vandalism</b>
<b>Category</b>	8 Asset Services
<b>Head of power</b>	Graffiti Vandalism Act 2016
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016</i> s16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016</i> (Part 3) Division 2 – Notices Division 3 – Objection to a notice Division 4 – Powers of entry Division 5 – Protection from liability
<b>Function</b>	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.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Nil
<b>Statutory framework</b>	<i>Graffiti Vandalism Act 2016</i>
<b>Record keeping</b>	Appropriate documentation to be kept in the City's Record Management System or register.
<b>Date adopted</b>	25 June 2024
<b>Adoption references</b>	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.
<b>Last reviewed</b>	30 June 2024

<b>Amendments</b>			
<b>Date</b>	<b>Type</b>	<b>Amendment</b>	<b>References</b>
25 Jun 2024	Amended delegation	Annual Delegated Authority review by Council 25 June 2024 - GM-010/24.	Report GM-010/24.
2 Jul 2024	Amended delegation	Approved CEO Review, no changes	CPM/130