

# Register of Delegations from Council to CEO

[Includes Temporary Amendments \(OCM 28/04/2020\)](#)

[Amended 23 November 2021](#)

## Final 2021 Review



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**LOCAL GOVERNMENT ACT 1995****LGA1 - Notice Requiring a Thing to be Done**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	Local Government Act 1995, ss. 3.25 & 3.26
Power or Duty of the Local Government which is being delegated:	<p><b>3.25. Notices requiring certain things to be done by owner or occupier of land</b></p> <p>(1) A local government may give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —</p> <p>(a) is prescribed in Schedule 3.1, Division 1; or</p> <p>(b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2.</p> <p><b>3.26. Additional powers when notices given</b></p> <p>(1) This section applies when a notice is given under section 3.25(1).</p> <p>(2) If the person who is given the notice (“<b>notice recipient</b>”) fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.</p> <p>(3) The local government may recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice.</p>
<p><b>DETAILS</b></p> <p>Under section 5.42 of the Local Government Act 1995, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under sections 3.25 and 3.26 of the Local Government Act 1995.</p>	

<b>Related Documents</b>	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	<b>Local Government Act 1995</b> <b>3.24 Authorising persons under this subdivision</b>

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	<p>The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.</p>
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**LGA2 - Tenders and Expressions of Interest**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	26 June 2018
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	Sections 3.57, 5.42 and 5.43 of the <i>Local Government Act 1995</i> [The Act] and Part IV of the Local Government (Functions and General) Regulations 1996 [F&G r.]
Power or Duty of the Local Government which is being delegated:	Refer to details below for the specific powers and duties delegated to the CEO for the calling of tenders, expressions of interest and administration of the tender process.

**Details:**

Pursuant to Sections 5.42 and 5.43 of the *Local Government Act 1995*, the Chief Executive Officer is delegated authority to:

1. call tenders [F&G r.11 (1)].
2. determine a sole supplier arrangement, if, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, [F&G r.1 1(f)].
3. invite tenders although not required to do so [F&G r.13].
4. determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14 (2a)].
5. determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14 (4) (a)].
6. vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
7. evaluate tenders, by written evaluation, and decide which is the most advantageous to accept [F&G r.18 (4)].
8. to accept any tender for the provision of goods or services that does not exceed a total contract price of \$1,000,000 plus GST subject to the following conditions;

Conditions:

- a) A tender is not to be accepted without Council approval where the tendered amount will result in exceeding the approved budget allocated for the goods or service or the capital works Budget for the relevant project;
- b) The goods or services to be procured are included in the adopted Budget;

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- c) Tender Assessment Reports are to be provided as Confidential Documents to Council for comment for three clear business days prior to the Chief Executive Officer exercising the delegation; and
  - d) Any tenders awarded under this delegation are to be reported to the next meeting Council.
9. determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20 (1) and (3)].
- Condition:  
*A minor variation is not to be amount that is greater than 10% of the estimated value of the contract for the goods or service*
10. seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18 (4a)].
11. decline any tender [F&G r.18 (5)].
12. choose the next most advantageous tender to accept if the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, [F&G r.20(2)].
13. vary a contract after it has been entered into, provided the variation does not change the scope of the contract OR is a renewal or extension that was included in the original tender submission in accordance with r.11(2)(j). [F&G r.21A].
14. accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].

<b>Related Documents</b>	
Council Policy:	C-PP01
Administration Policy/Procedure:	CM-PP01
Notes:	



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### LGA3 - Lease and Licence Agreements

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995</i> , s.3.58
Power or Duty of the Local Government which is being delegated:	<p><b>3.58. Disposing of property</b>            (1) In this section —  <b>“dispose”</b> includes to sell, lease, or otherwise dispose of, whether absolutely or not; <b>“property”</b> includes the whole or any part of the interest of a local government in property, but does not include money.</p>
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to lease; sub-lease; or reassign a lease of property under section 3.58 of the <i>Local Government Act 1995</i>.</p>	

<b>Related Documents</b>	
Council Policy:	FAC12 - Lease, Licence and Rent of Council Owned or Controlled Properties FAC21 - Use and Development of Facilities
Administration Policy/Procedure:	N/A
Notes:	Applies to lease and licence agreements.

**LGA4 - Disposal of Surplus Property and Materials**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995</i> , s.3.58; Local Government (Functions and General) Regulations 1996, r.30
Power or Duty of the Local Government which is being delegated:	<p><b>3.58. Disposing of property</b></p> <p>(1) In this section — “<b>dispose</b>” includes to sell, lease, or otherwise dispose of, whether absolutely or not; “<b>property</b>” includes the whole or any part of the interest of a local government in property, but does not include money.</p> <p><b>30. Dispositions of property to which section 3.58 of Act does not apply</b></p> <p>(3) A disposition of property other than land is an exempt disposition if —</p> <p>(a) its market value is less than \$20 000; or</p> <p>(b) it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50 000.</p>
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 3.58 of the <i>Local Government Act 1995</i> where –</p> <p>the disposition of property is an exempt disposition in accordance with Regulation 30(3) of the <i>Local Government (Functions and General) Regulations 1996</i>.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	

**LGA6 - Access to Local Government Information**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995, ss. 5.94 – 5.96; Local Government (Administration) Regulations 1996, r.29 &amp; 29A</i>
Power or Duty of the Local Government which is being delegated:	<p><b>5.94. Public can inspect certain local government information</b> A person can attend the office of a local government during office hours and, unless it would be contrary to section 5.95, inspect, free of charge, in the form or medium in which it is held by the local government...</p> <p><b>5.95. Limits on right to inspect local government information</b> (7) Subsection (6) does not apply in respect of information in relation to a local government if — (a) the information is prescribed as information that is confidential but that may be available for inspection if the local government so resolves; and (b) the local government has resolved that the information is to be available for inspection</p>
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under sections 5.94 to 5.96 of the <i>Local Government Act 1995</i>.</p>	

<b>Related Documents</b>	
Council Policy:	INF3 – Freedom of Information INF4 – Record Keeping Policy
Administration Policy/Procedure:	n/a
Notes:	

## REGISTER OF DELEGATIONS FROM COUNCIL

### LGA7 - Write Off of Debts up to \$1,000

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995, s.6.12</i>
Power or Duty of the Local Government which is being delegated:	<b>6.12. Power to defer, grant discounts, waive or write off debts</b> (1) Subject to subsection (2) and any other written law, a local government may — (c) write off any amount of money, which is owed to the local government.
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 6.12(1)(c) of the <i>Local Government Act 1995</i>, where –</p> <ul style="list-style-type: none"> <li>a) the relevant debt does not exceed \$1,000;</li> <li>b) all reasonable avenues of debt recovery action have been exhausted; and</li> <li>c) a summary of all debts written off under delegated authority, along with reasons, is provided to Council as part of the monthly financial report.</li> </ul> <p><b><u>Temporary Amendment (OCM 28/04/2020)</u></b>  <b>Value has been increased to \$5,000</b>  <b><u>Temporary Condition:</u></b>  <b>Is valid until the cessation of the Western Australian Declaration of State of Emergency and Western Australian Declaration of Public Health State of Emergency.</b></p>	

Related Documents	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	

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### LGA8 - Investment of Surplus Funds

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995, s 6.14</i> <i>Local Government (Financial Management) Regulations 1996, Regulation 19 and 19C</i>
Power or Duty of the Local Government which is being delegated:	The Investment of the City of Kalamunda's surplus funds held in the municipal or the trust funds of a local government that is not, for the time being, required by the local government for any other purpose is to be invested in accordance with Section 6.14 of the <i>Local Government Act 1995</i> and regulations 19 and 19C of the <i>Local Government (Financial Management) Regulations 1996</i> .
<p><b>DETAILS</b></p> <p>Pursuant to Section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Office is delegated authority to invest surplus funds of the City of Kalamunda's funds held in the municipal or the trust funds of a local government that is not, for the time being, required by the local government for any other purpose.</p> <p>The investment of these funds is to be in accordance with Section 6.14 of the <i>Local Government Act 1995</i> and regulations 19 and 19C of the <i>Local Government (Financial Management) Regulations 1996</i>.</p>	

Related Documents	
Council Policy:	C-FIN2 Investments
Administration Policy/Procedure:	CM-FIN2 - Investments
Notes:	

**LGA9 - Appointment of "Authorised Persons"**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995, s.9.10</i>
Power or Duty of the Local Government which is being delegated:	<p>(1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions</p> <p>(2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.</p>
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 9.10 of the <i>Local Government Act 1995</i>.</p> <p>Applies to the appointment of authorised persons or classes of persons under the <i>Local Government Act 1995</i>, the <i>Local Government (Miscellaneous Provisions) Act 1960</i>, and those local laws which have been made under these Acts.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <p>The Department of Local Government &amp; Regional Development's Guideline No. 17 (Delegations, January 2007) states that - Section 2 of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> effectively incorporates the provisions of that Act into the <i>Local Government Act 1995</i>, and therefore the delegation provisions of the <i>Local Government Act 1995</i> apply to the <i>Local Government (Miscellaneous Provisions) Act 1960</i>."</p>

## REGISTER OF DELEGATIONS FROM COUNCIL

### LGA10 - Write Off of Rates Interest up to \$5

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	21 December 2009
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995, s.6.12</i>
Power or Duty of the Local Government which is being delegated:	<b>6.12. Power to defer, grant discounts, waive or write off debts</b> (1) Subject to subsection (2) and any other written law, a local government may — (c) write off any amount of money, which is owed to the local government
<p><b>DETAILS</b></p> <p>The Chief Executive Officer is delegated the authority to write off small amounts of rates interest charges up to a maximum of \$5 (five dollars) per property.</p> <p><b><u>Temporary Amendment (OCM 28/04/2020)</u></b>  <b>Value has been increased to \$500</b>  <b><u>Temporary Condition:</u></b>  <b>Is valid until the cessation of the Western Australian Declaration of State of Emergency and Western Australian Declaration of Public Health State of Emergency.</b></p>	

Related Documents	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	

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### LGA11 - Write Off of Rates Debts up to \$100

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	15 March 2010
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995, s.6.12</i>
Power or Duty of the Local Government which is being delegated:	<b>6.12. Power to defer, grant discounts, waive or write off debts</b> (1) Subject to subsection (2) and any other written law, a local government may — (c) write off any amount of money, which is owed to the local government.
<p><b>DETAILS</b></p> <p>The Chief Executive Officer is delegated the authority to write off minor rates debt owed up to a maximum of \$100 (one hundred dollars) per property.</p> <p><b><u>Temporary Amendment (OCM 28/04/2020)</u></b>  <b>Value has been increased to \$2,000</b>  <b><u>Temporary Condition:</u></b>  <b>Is valid until the cessation of the Western Australian Declaration of State of Emergency and Western Australian Declaration of Public Health State of Emergency.</b></p>	

Related Documents	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	



## REGISTER OF DELEGATIONS FROM COUNCIL

### LGA12 - Common Seal

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	21 June 2010
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	Section 9.49A (2) of the <i>Local Government Act 1995</i>
Power or Duty of the Local Government which is being delegated:	The common seal of a local government is not to be affixed to any document except as authorised by the local government.
<p><b>DETAILS</b></p> <p>The Chief Executive Officer is delegated authority to affix the common seal of the City of Kalamunda to any document which requires the affixing of the common seal to be validly executed.</p>	

Related Documents	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	<p><b><i>Local Government Act 1995</i></b></p> <p><b>9.49A. Execution of documents</b></p> <p>(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.</p>

**LGA13 - Granting Concessions**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	16 August 2010
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	Section 6.12 of the <i>Local Government Act 1995</i>
Power or Duty of the Local Government which is being delegated:	Power to grant concessions in relation to any amount of money owed to the Shire of Kalamunda
<p><b>DETAILS</b></p> <p>Pursuant to section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the granting of concessions in relation to money owed to the City of Kalamunda as fees or charges for use of or admission to any Recreation Centre or Sporting Ground, the Kalamunda Aquatic Centre and other similar facility or property owned, controlled, managed or maintained by the City.</p> <p><b>RESOLVED OCM 112/2010</b> That the Chief Executive Officer provide Council with a quarterly report of the use of this delegation.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><b>6.12. Power to defer, grant discounts, waive or write off debts</b></p> <p>(1) Subject to subsection (2) and any other written law, a local government may —</p> <ul style="list-style-type: none"> <li>(a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;</li> <li>(b) waive or grant concessions in relation to any amount of money; or</li> <li>(c) write off any amount of money, which is owed to the local government.</li> </ul> <p>*Absolute majority required.</p> <p>(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.</p> <p>(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local</p>

## REGISTER OF DELEGATIONS FROM COUNCIL

	<p>government.</p> <p>(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.</p>
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**LGA16 - Closing of Thoroughfares to Vehicles (ENG 2)**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	22 February 2016
Date Last Reviewed:	<b>22 June 2021</b>

Legislation/Policy:	Sections 3.50 and 3.50A of the <i>Local Government Act 1995</i>
Power or Duty of the Local Government which is being delegated:	<p>S3.50. Closing certain thoroughfares to vehicles</p> <p>(1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.</p> <p>(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.</p> <p>(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.</p> <p>(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.</p> <p>S3.50A. Partial closure of thoroughfare for repairs or maintenance</p> <p>Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —</p> <p>(a) is for the purpose of carrying out repairs or maintenance; and</p> <p>(b) is unlikely to have a significant adverse effect on users of the thoroughfare.</p>

Pursuant to Sections 5.42 and 5.43 of the *Local Government Act 1995*, the Chief Executive Officer is delegated power to:

1. Close a thoroughfare, wholly or partially, subject to section 3.50 (1) of the *Local Government Act 1995*.
2. Close a thoroughfare, wholly or partially, subject to sections 3.50 (1)(a) and 3.50 (4) of the *Local Government Act 1995*.
3. Close a thoroughfare, wholly or partially, subject to section 3.50A of the *Local Government Act 1995*.
4. Revoke an order to close a thoroughfare, subject to section 3.50 (6) of the *Local Government Act 1995*.

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The permanent closure of thoroughfares is to be referred to Council for determination.

**CROSS REFERENCES (If any):**

Management Practice No.		Policy No.:	
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Notes:	<p>RESOLVED OCM 17/2016</p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Adopts Delegation No.ENG2 – Closure of Certain Thoroughfares (Attachment 1)</li> </ol> <p>Moved: Cr John Giardina</p> <p>Seconded: Cr Allan Morton</p> <p>Vote: CARRIED UNANIMOUSLY / ABSOLUTE MAJORITY (11/0)</p>
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**BUILDING ACT 2011****BLD1 - Building Matters – Permits, Certificates and Orders**

Delegation from:	Council
Delegated to:	Refer attached list
Date Adopted:	16 April 2012
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	Powers of authorised employees/officers to perform the duties and functions of the <i>Building Act 2011</i> pertaining to buildings and associated incidental structures.
Power or Duty of the Local Government which is being delegated:	<b>Section 20 – Granting of Building Permits</b> <b>Section 21 – Granting of Demolition Permits</b> <b>Section 22 – Refusal of Permits</b> <b>Section 58 – Granting and Refusing Occupancy Permits and Building Approval Certificates</b> <b>Section 65 – Consider extending the period of duration of an Occupancy permit or Building Approval Certificate</b> <b>Section 110 – Issue Building Orders</b> <b>Section 117 – Revoke Building Orders</b>
<p><b>DETAILS</b></p> <p>Pursuant to the <i>Building Act 2011</i>, section 127 - Delegation:</p> <ul style="list-style-type: none"> <li>• a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.</li> <li>• A delegation of a local government's powers or duties may only be to a person employed by the local government under Local Government Act 1995, section 5.36.</li> <li>• The delegation must be in writing executed by or on behalf of the local government.</li> <li>• A person to whom a power or duty is delegated under this section cannot delegate that power or duty.</li> <li>• A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.</li> </ul>	

Related Documents	
Council Policy:	
Administration Policy/Procedure:	

Notes:

<b>Attachment: BLD1: DELEGATIONS – Building Services</b>				
Building Act 2011	Section	Type	Authorised Person	Delegated persons
Delegation	s127, s20, s21, s22 s58	Delegation from Council to an employee of the City	CEO	To an employee of the City of Kalamunda in accordance with section 5.36 of the Local Government Act 1995
Granting and refusing to grant Building, Occupancy, and Demolition <b>Permits</b>	s20, s21, s22 s58	Granting of and the Refusal to grant a Building or Demolition Permit for certified and uncertified applications, and also Occupancy Permits		<p><b>Principal Building Surveyor:</b></p> <p>Subject to the following qualifications -</p> <p><b>Building Surveyor Level 1</b></p> <p>No restrictions</p> <p><b>Building Surveyor Technician</b></p> <p>Limited to a building with a max floor area not exceeding 500m<sup>2</sup> and not exceeding 2 stories in height – includes unauthorised buildings.</p> <p><b>Building Surveyor Level 2</b></p> <p>Limited to a building with a max floor area not exceeding 2000m<sup>2</sup> and not exceeding 3 stories in height - includes unauthorised buildings.</p>
Granting and refusing to issue <b>Certificates</b>	s58,	Building Approval Certificate		As above.
Extending times	s65	Consider extending the period of duration of an Occupancy Permit or Building Approval		<b>Principal Building Surveyor</b>
Building Orders	s110	Issue Building Orders		<b>Principal Building Surveyor</b>
Building Orders - Swimming Pool Fencing	s110	Issuing Building Orders pertaining to swimming pool security fencing		<b>All Building Surveyors, Swimming Pool Inspector, Compliance Officers</b>

## REGISTER OF DELEGATIONS FROM COUNCIL

Revoke Building Orders	s117	Revoking Orders		<b>Principal Building Surveyor</b>
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### BLD2 - Building Matters - Building Authorisations

Delegation from:	Council
Delegated to:	Refer attached list
Date Adopted:	16 April 2012
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	Part 8 – Enforcement, of the Building Act 2011 powers of authorised employees/officers in respect to compliance matters pertaining to buildings and associated incidental structures.
Power or Duty of the Local Government which is being delegated:	<b>Section 100 – Entry powers</b> <b>Section 101 – Powers after entry for compliance purposes</b> <b>Section 102 – Obtaining information and documents</b> <b>Section 103 – Use of force and assistance</b> <b>Section 106 – Application for warrant to enter a place</b>

#### DETAILS

##### Pursuant to the Building Act 2011, Division 2 section 96 - Authorised persons.

- a local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purpose of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.

##### s100 – Entry powers

- For compliance purposes an authorised person may at any reasonable time enter and remain on the places as prescribed in (1) of this section.
- The authorised person **is not** entitled to enter a part of a place in use as a residence except –
  - a) With the consent of an adult occupier; or
  - b) Under the authority of an entry warrant; or
  - c) To take action under section 118(2) in relation to an emergency building order.

##### s101 – Powers after entry for compliance purposes

- An authorised person who enters a place under section 100(1) or under the authority of an entry warrant may, for compliance purposes, do any of the things listed in (1) of this section
- In taking action 118(2) in respect of a building order that requires a person to cause a building or incidental structure to be evacuated, an authorised person may direct any person to leave the building or incidental structure.
- If an authorised person takes anything away from the place, the authorised person must give the occupier of the place a receipt for the thing.

##### s102 – Obtaining information and documents

- An authorised person, for compliance purposes, may do any of the things listed in paragraphs (1),(2), and (3) of this section



**s103 – Use of force and assistance**

- An authorised person may use assistance and force that is reasonably necessary in the circumstances when exercising a power under the Act but cannot use force against a person
- If the use of reasonable force is likely to cause significant damage to property, an authorised person is not entitled to use force unless under specific circumstances as detailed in this section
- An authorised person may request a police officer or other person to assist the authorised person in exercising powers under this Act
- In addition to the powers of a police officer, a police officer –
  - a) Has all the functions and powers of an authorised person under this Act; and
  - b) May use reasonable force to remove from a building or incidental structure a person who fails to leave when directed to do so under section 101(2)
- While a person is assisting an authorised person at the request of the authorised person and in accordance with this Act, the person –
  - a) Has the same powers; and
  - b) Is subject to the same responsibilities; and
  - c) Has the same protection from liability, as in like circumstances would be conferred or imposed on the authorised person

**s106 – Entry warrant to enter place**

- An authorised person may apply to a JP for an entry warrant authorising the entry for a compliance purpose
- An authorised person may apply for an entry warrant even if, under this Act, the authorised person may enter the place without an entry warrant
- The application must be made in accordance with the Criminal Investigations Act 2006 section 13 and section 13(8) of that Act applies in relation to the entry warrant
- An application for a warrant must include the details as listed in (4) of this section.

Related Documents	
Council Policy:	
Administration Policy/Procedure:	
Notes:	

<b>Attachment: BLD2: BUILDING AUTHORISATIONS</b>				
Building Act 2011	s100	<b>Entry Powers</b>	Authorised Officer	
				Principal Building Surveyor
				Senior Building Surveyor
				Building Surveyor
				Assistant Building Surveyor
				Swimming Pool Fencing Inspector/Compliance Officer
				Manager Approval Services
				Statutory Planner
Building Act 2011	s101	<b>Powers after entry for compliance purposes</b>	Authorised Person	
				Principal Building Surveyor
				Senior Building Surveyor
				Building Surveyor
				Assistant Building Surveyor
				Swimming Pool Fencing Inspection/ Compliance Officer
				Manager Approval Services
				Statutory Planner
Building Act 2011	s102	<b>Obtaining information and documents</b>	Authorised Person	
				Principal Building Surveyor
				Senior Building Surveyor
				Building Surveyor
				Assistant Building Surveyor
				Swimming Pool Fencing Inspector/ Compliance Officer
				Manager Approval Services
				Statutory Planner
Building Act 2011	s103	<b>Use of force and assistance</b>	Authorised Person	
				Principal Building Surveyor
				Senior Building Surveyor
				Senior Development Compliance
				Swimming Pool Fencing inspector/ Compliance Officer
Building Act 2011	s106	<b>Application for warrant to enter a place</b>	Authorised Person	Principal Building Surveyor

**BLD3 - Building Matters – Enforcement - Fines, Penalties and Infringement Notices**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	16 April 2012
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Building Act 2011 – S.127</i>
Power or Duty of the Local Government which is being delegated:	<ol style="list-style-type: none"> <li>1. Part 8 of <i>the Building Act 2011</i> – Enforcement - powers of authorised employees/officers in respect to compliance matters pertaining to buildings and associated incidental structures.</li> <li>2. Part 10 of the <i>Building Regulations 2012</i> – Issue of Infringement Notices for Offences specified in Schedule 6 of the Regulations</li> </ol>

**DETAILS**

1. That in accordance with section 127 of the *Building Act 2011* (the Act), the Chief Executive Officer is delegated power to designate authorised persons pursuant to section 96 (3) of the Act, to prepare, sign, and serve notices in relation to fines, penalties and enforcement with respect to the sections of the Act detailed in Part A of the Attachment to this delegation.
2. That in accordance with section 127 of the *Building Act 2011* (the Act), the Chief Executive Officer is delegated power to appoint persons pursuant to regulation 70 of the *Building Regulations 2012* to issue Infringement Notices for those offences specified in Scheduled 6 of the regulations and detailed in Part B of the Attachment to this delegation.

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	

**Part A**

<b>Attachment: FINES, PENALTIES, AND ENFORCEMENT</b>	
s96(3) A local government may, by instrument in writing, designate a person employed by the local government under the <i>Local Government Act 1995</i> section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government	
That in accordance with s93(3) of the Act the persons serving or acting in the positions of Principal Building Surveyor and Manager Approval Services be authorised to prepare, sign, and serve notices in relation to the following sections of the <i>Building Act 2011</i> , until that delegation is revoked.	
<b>Offence</b>	<b>Section of the Act</b>
No building work without a permit	s9
No demolition work without a demolition permit	s10
Non-compliance with either a building or demolition permit	s29
Not displaying details of a building or demolition permit in accordance with the regulations	s30
Notice of completion – not provided within 7 days of completion	s33
Notice of cessation – failure to provide notification within 7 days	s34
Builder to ensure building is constructed to comply with the permit and applicable building standards	s37(1)
Where work is undertaken without a building permit each owner is to ensure that the construction has been undertaken to comply with the standards applicable to that building structure	s37(2)
Builder to ensure the building is demolished to comply with the permit and applicable building standards that applies to the	s38(1)
Where demolition work is undertaken without a demolition permit each owner is to ensure that the demolition has been undertaken to comply with the building standards applicable to that demolition	s38(2)
Occupancy permits - Owner or occupier of a completed building is not to occupy, use or permit to be occupied or used without an occupancy	s41
Failure to display an occupancy permit	s42
Occupation, use of buildings to comply with occupancy permits	s43
Compliance with occupancy permit generally	s44
No encroachment without consent or court order	s76
Other land not to be adversely affected without consent or court order	s77
No protection structure in or on other land without consent or court order	s78
Certain work not to affect party walls etc. without consent or court	s79
Fences not to be removed without consent or court order	s80
No access to other land without consent or court order, and	s81
When notice about effect on other land required	s84
Application for court order if no consent – failure to notify the person affected by the consent within 7 days	s86(4)
Non-compliance with a building order	s115
Obstruction in relation to a building order	s116

REGISTER OF DELEGATIONS FROM COUNCIL

False or misleading information	s147
Contravention of regulations	s149

**Part B**

<b>Section/Regulations</b>	<b>Offence</b>	<b>Modified penalty</b>
s.33(1)	Failure to give notice of completion (BA7)	\$500
s.34(3)	Failure to give notice of cessation	\$250
s.42	Failure to display or bring attention to occupancy permit details	\$250
s.76(1)	Encroachment beyond boundaries without consent, court order or other authority	\$2,500
s.80(1)	Removal of fence, gate or other barrier to land without consent, court order or other authority	\$1,000
s.80(3)	Failure to erect adequate temporary barrier	\$1,000
r.50(1)	Failure to install barrier around private swimming pool	\$1,000
r.56(1)	Failure to ensure smoke alarms compliant prior to transfer of dwelling	\$1,000
r.58	Failure to ensure smoke alarms compliant prior to tenancy	\$1,000
r.59	Failure to ensure smoke alarms compliant prior to hire of dwelling.	\$1,000

**LOCAL GOVERNMENT (Financial Management) Regulations 1996****FMR1 - Payments from Municipal and Trust Funds**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government (Financial Management) Regulations 1996, r. 12(1)</i>
Power or Duty of the Local Government which is being delegated:	<p>(1) A payment may only be made from the municipal fund or the trust fund —</p> <p>(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or</p> <p>(b) otherwise, if the payment is authorised in advance by a resolution of the council.</p>
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i>, in regard to the making of payments from the municipal and trust funds.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><b>Local Government Act 1995</b></p> <p><b>6.10. Financial management regulations</b></p> <p>Regulations may provide for —</p> <p>(d) the general management of, and the authorisation of payments out of —</p> <p>(i) the municipal fund; and</p> <p>(ii) the trust fund, of a local government</p>

## PLANNING AND DEVELOPMENT ACT 2005 & LOCAL PLANNING SCHEME NO.3

### PLN1 Planning Matters

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	21 June 2010
Date Last Reviewed:	<b>23 November 2021</b>

Legislation:	City (Shire) of Kalamunda Local Planning Scheme No 3; <i>Planning and Development Act 2005; Planning and Development (Local Planning Schemes) Regulations 2015</i>
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>Pursuant to Clause 82 of the Deemed Provisions, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the following:-</p> <p><b>Advertising</b> To advertise proposals in accordance with Local Planning Scheme No. 3 (the Scheme).</p> <p><b>Determination of Applications</b> To apply discretion and determine applications under Part 6, 7, 8, 9 and 10 of the Deemed Provisions and Parts 4 and 5 of the Scheme.</p> <p>To apply discretion and determine applications under Clause 29 and 45 of the Deemed Provisions (amendment of Structure Plans and Activity Centre Plans). To apply discretion to the remainder of Part 4 and Part 5 of the Deemed Provisions to the extent that the discretion relates only to the preparation of an amendment to a Structure Plan or Activity Centre Plan.</p> <p><b><u>Condition (OCM 23/11/2021)</u></b> <b>Approve Planning Applications where there is no more than a 50% deficiency in the parking bays required to be provided by the applicant</b></p> <p><b>Subdivision Applications and Clearances</b> To make recommendations to the Western Australian Planning Commission on all subdivision and amalgamation applications and to endorse applications for clearance where relevant conditions have been satisfied.</p> <p><b>Appeals (Reviews)</b> To attend the State Administrative Tribunal on behalf of Council and to determine conditions to be applied to applications the subject of mediation or successful appeal and to enter into Minute of Consent Orders accordingly.</p>	

REGISTER OF DELEGATIONS FROM COUNCIL

<p><b>Enforcement and Administration</b></p> <p>Any of its powers, and the discharge of any of its duties, under Part 10 of the Deemed Provisions.</p>	
<p><b>Related Documents</b></p>	
Council Policy:	All relevant Local Planning Policies prepared under Part 2 of the Deemed Provisions.
Administration Policy/Procedure:	
Notes:	<p><b><i>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 - Deemed Provisions.</i></b></p> <p><b>82. Delegations by local government</b></p> <p>(1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties under this Scheme other than this power of delegation.</p>



**STRATA TITLES ACT 1985****STA1 - Strata Titles**

Delegation from:	Council
Delegated to:	Chief Executive Officer Manager Approval Services
Date Adopted:	
Date Last Reviewed:	<b>22 June 2020</b>

Legislation:	<i>Strata Titles Act 1985, s.23</i>
Power or Duty of the Local Government which is being delegated:	(4) A local government may, either generally or as otherwise provided by the instrument of delegation, by writing under the seal of the local government, delegate to an employee of the local government any of the functions conferred on local governments under this Act, other than the functions so conferred by subsection (3) and section 24.  (5)
<p><b>DETAILS</b></p> <p>Under section 23(4) of the <i>Strata Titles Act 1985</i>, the Chief Executive Officer and the Manager Approval Services are delegated to exercise the powers or discharge the duties of the Council under the <i>Strata Titles Act 1985</i>.</p>	

<b>Related Documents</b>	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	

**BUSH FIRES ACT 1954****BFA1 - Prohibited Burning Times - Amendment**

Delegation from:	Council
Delegated to:	Mayor and Chief Bush Fire Control Officer (jointly)
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Bush Fires Act 1954, s. 17</i>
Power or Duty of the Local Government which is being delegated:	(7) (a) Subject to paragraph (b), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district the local government may, after consultation with an authorised officer appointed under the <i>Conservation and Land Management Act 1984</i> , if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by — (i) shortening, extending, suspending or reimposing a period of prohibited burning times; or (ii) imposing a further period of prohibited burning times.
<p><b>DETAILS</b></p> <p>Under section 17(10) of the <i>Bush Fires Act 1954</i>, the Mayor and Chief Bush Fire Control Officer are delegated to exercise the powers or discharge the duties of the Council under section 17(7) of the <i>Bush Fires Act 1954</i>.</p>	

Related Documents	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	<b>Bush Fires Act 1954</b> 17(10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

**BFA2 - Proceedings Under the Bush Fires Act**

Delegation from:	Council
Delegated to:	Chief Bush Fire Control Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Bush Fires Act 1954</i> , s. 59
Power or Duty of the Local Government which is being delegated:	<b>59. Prosecution of offences</b> (2)(a) A person authorised by the Minister, a member of the Authority, an officer of the Authority, an authorised officer appointed under the <i>Conservation and Land Management Act 1984</i> , a member of the Police Force, or a local government, may institute and carry on proceedings against a person for an offence alleged to be committed against this Act.
<b>DETAILS</b>	
Under section 59(3) of the <i>Bush Fires Act 1954</i> , the Chief Bush Fire Control Officer is delegated to exercise the powers or discharge the duties of the Council under section 59 of the <i>Bush Fires Act 1954</i> .	

Related Documents	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	<b><i>Bush Fires Act 1954</i></b> 59(3) A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to 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, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

**BFA3 - Appointment of Bush Fire Control Officers**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	16 August 2010
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Bush Fires Act 1954, s.38</i>
Power or Duty of the Local Government which is being delegated:	<b>38. Local government may appoint bush fire control officer</b> (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
<p><b>DETAILS</b></p> <p>Pursuant to section 48 of the <i>Bush Fires Act 1954</i>, the Chief Executive Officer is delegated authority to appoint Bush Fire Control Officers, Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers for the City of Kalamunda.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><b>48. Delegation by local governments</b></p> <p>(1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.</p> <p>(2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —</p> <p style="padding-left: 40px;">(a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and</p> <p style="padding-left: 40px;">(b) is to be treated as performance by the local government.</p> <p>(3) A delegation under this section does not include the power to subdelegate.</p> <p>(4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.</p>

**FOOD ACT 2008****FOOD1 - Prohibition Orders – Section 65 of the Food Act 2008**

Delegation from:	Council
Delegated to:	Chief Executive Officer Director Development Services
Date Adopted:	20 September 2010
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Food Act 2008</i> , section 65
Power or Duty of the Local Government which is being delegated:	<p><b>65. Prohibition order</b></p> <p>(1) If the CEO or another enforcement agency believes on reasonable grounds —</p> <p>(a) that any of the circumstances specified in section 62(a), (b), (c) or (d) exist; and</p> <p>(b) that —</p> <p style="padding-left: 40px;">(i) the proprietor of a food business has not complied with an improvement notice within the time required by section 63 for compliance; or</p> <p style="padding-left: 40px;">(ii) the issue of the order is necessary to prevent or mitigate a serious danger to public health,</p> <p>the CEO or other enforcement agency may serve a prohibition order on the proprietor of the food business in accordance with this Part.</p>
<p><b>DETAILS</b></p> <p>Council delegates the power to issue prohibition orders for the purposes of section 65 of the <i>Food Act 2008</i> to the Chief Executive Officer and the Director Planning and Development Services in accordance with section 118(2) of the <i>Food Act 2008</i>.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><b>118. Functions of enforcement agencies and delegation</b></p> <p>(2) A function conferred or imposed on an enforcement agency may be delegated —</p> <p>(b) if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations — subject to subsections (3) and (4), in accordance with the regulations.</p>

**FOOD 2 - Appointment of Authorised Persons Under the Food Act 2008**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	15 March 2010
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Food Act 2008</i> , section 122
Power or Duty of the Local Government which is being delegated:	<p><b>122. Appointment of authorised officers</b></p> <p>(1) An enforcement agency may appoint a person to be an authorised officer for the purposes of this Act if —</p> <p>(a) the enforcement agency, having regard to any guidelines issued by the CEO under subsection (2), considers the person has appropriate qualifications and experience to perform the functions of an authorised officer; or</p> <p>(b) the person holds office as an environmental health officer under the <i>Health Act 1911</i>.</p>
<p><b>DETAILS</b></p> <p>Council delegates the power to appoint Authorised Persons for the purposes of the <i>Food Act 2008</i> to the Chief Executive Officer under Section 118 (2) of the <i>Food Act 2008</i>.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><b>118. Functions of enforcement agencies and delegation</b></p> <p>(2) A function conferred or imposed on an enforcement agency may be delegated —</p> <p>(b) if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations — subject to subsections (3) and (4), in accordance with the regulations.</p>

**PUBLIC HEALTH ACT 2016****HLT1 - Appointment of Environmental Health Officers of the Public Health Act 2016**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	27 March 2017
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Public Health Act 2016, Section 17.</i>
Power or Duty of the Local Government which is being delegated:	<p><b>17. Appointment of environmental health officers</b></p> <p>(1) A local government may appoint one or more persons as environmental health officers.</p> <p>(2) An appointee may be —</p> <p>(a) a person employed by the local government under the <i>Local Government Act 1995</i> section 5.36; or</p> <p>(b) a person engaged by the local government under a contract for services.</p> <p>(3) A local government must not appoint a person as an environmental health officer unless the person has the qualifications and experience approved by the Chief Health Officer under section 18.</p> <p>(4) Two or more local governments may enter into arrangements for one or more persons to be appointed as environmental health officers for each of those local governments.</p> <p>(5) This section does not limit the <i>Local Government Act 1995</i> section 5.36.</p>
<p><b>DETAILS</b></p> <p>Council delegates the power to appoint Environmental Health Officers for the purposes of the <i>Public Health Act 2016</i> to the Chief Executive Officer under Section 17 of the <i>Public Health Act 2016</i>.</p>	

**PUBLIC HEALTH ACT 2016****Health (Asbestos) Regulations 1992****HLT2 – appointment persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	28 November 2017
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Public Health Act 2016</i> and <i>Health (Asbestos) Regulations 1992 - Regulation 15D.</i>
Power or Duty of the Local Government which is being delegated:	<p><b>15D. Infringement notices</b></p> <p>(1)The offences specified in Schedule 1 are offences for which an infringement notice may be issued under the <i>Criminal Procedure Act 2004</i> Part 2.</p> <p>(2)The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the <i>Criminal Procedure Act 2004</i> section 5(3).</p> <p>(3)The Chief Health Officer may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2.</p> <p>(4)The Chief Health Officer must issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.</p> <p>(5)A local government may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2</p> <p>(6)Each local government that appoints a person as an authorised officer under sub-regulation (5) must issue to the officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.</p> <p>(7)A local government may delegate a power or duty conferred or imposed on it by this regulation to the chief executive officer of the local government.</p> <p>(8)For the purposes of the <i>Criminal Procedure Act 2004</i> Part 2</p> <p>(a) the prescribed form of an infringement notice is set out in Schedule 2; and</p> <p>(b) the prescribed form of a notice to withdraw an infringement notice is set out in Schedule 3.</p>
<p><b>DETAILS</b></p> <p>Council delegates the power to appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2.</p>	



**LOCAL LAWS****LL2 - Local Laws**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	City (Shire) of Kalamunda Local Laws
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under those local laws of the City of Kalamunda which have been made under the <i>Local Government Act 1995</i>.</p>	

<b>Related Documents</b>	
Council Policy:	DEV34 – Signs – General (Revoked 14.8.2010) ENV1 – Control and Eradication of Pest Plants ENV8 – Street Lawns and Gardens HLTH11 – Trading in Public Places – Conduct of Street Stalls by Voluntary Organisations (Revoked 11.6.2009) HLTH12 – Trading in Public Places – General Principles
Administration Policy/Procedure:	n/a
Notes:	

**ENG1 - Determination of Prohibited Parking Areas**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	21 March 2011
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	Clause 1.10 of the City of Kalamunda Parking and Parking Facilities Local Law 2019
Power or Duty of the Local Government which is being delegated:	Delegation of Authority by Council to the Chief Executive Officer to determine 'No Parking' areas within the City of Kalamunda.
<p><b>DETAILS</b></p> <p>Pursuant to Clause 1.10 of the City of Kalamunda Parking and Parking Facilities Local Law 2019, the Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council in regard to the determination of Prohibited Parking Areas within the City of Kalamunda.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	

**CAT ACT****CAT1 - Cat Act 2001 Delegation of Powers**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	28 October 2013
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	Section 44 (1) of the <i>Cat Act 2011</i>
Section	<b>Relevant Power or Duty Delegated</b>
Section 3	A local government may approve in writing an operator of a cat management facility
Section 9	A local government may grant, renew or refuse an application for cat registration
Section 9(5)	A local government may require an applicant to give documents or information relating to registration, within a specified time of not more than 21 days and may require information to be verified by statutory declaration
Section 10	A local government may cancel the registration of a cat
Section 11	A local government is to issue a registration number, certificate and tag, including a replacement certificate or tag
Section 12	A local government must keep a cat register
Section 13	A local government must notify the owner of cat the outcome of a decision
Section 26	A local government may issue a cat control notice
Section 37	A local government may grant, renew or refuse an approval to breed application
Section 37(3)	A local government may require an applicant to give document or information relating to a breeder application, within a specified time of not more than 21 days and may require information to be verified by statutory declaration
Section 38	A local government may cancel an approval to breed
Section 39	A local government must issue a certificate to an approved breeder
Section 40	A local government must notify the person affected by the decision in writing of the outcome
Section 42	A local government is to administer local laws
Section 48	A local government may appoint, in writing, authorised persons
Section 49	A local government may recover the costs of having to destroy a cat
Section 37, Reg. 22	A local government may refuse an application to breed if the applicant has had an infringement in the past 12-months.

## REGISTER OF DELEGATIONS FROM COUNCIL

### DETAILS

Under Section 44 (1) of the *Cat Act 2011*, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under the Sections of the *Cat Act 2011* specified above.

Related Documents	
Council Policy:	
Administration Policy/Procedure:	
Notes:	

## DOG ACT

### DOG1 - Dog Act 1976 – Delegation of Powers

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	25 November 2013
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Dog Act 1976</i>
Power or Duty of the Local Government which is being delegated:	Delegation of Authority by Council to the Chief Executive Officer for all powers and duties under the <i>Dog Act 1976</i>
<p><b>DETAILS</b></p> <p>Pursuant to Section 10AA (1) of the <i>Dog Act 1976</i>, the Chief Executive Officer is delegated to exercise the powers or discharge all of the powers and duties under the <i>Dog Act 1976</i>.</p>	

Related Documents	
Council Policy:	
Administration Policy/Procedure:	
Notes:	

**MISCELLANEOUS****MISC1 - Use of the City of Kalamunda Logo**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>The Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to –</p> <ul style="list-style-type: none"> <li>• approve the use of the City of Kalamunda logo;</li> <li>• attach conditions to the approval of an application to use the logo; and</li> <li>• approve alterations to the logo components, and their relationship to each other, in accordance with Council policy approve alterations to the logo components, and their relationship to each other, in accordance with Council policy</li> </ul>	

<b>Related Documents</b>	
Council Policy:	ADM19 – Use of Council Crest and Logo (Revoked June 2013)
Administration Policy/Procedure:	n/a
Notes:	

## REGISTER OF DELEGATIONS FROM COUNCIL

### MISC2 - Donations, Grants and Contributions

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to approve donations of up to \$1,000.</p> <p>The granting of any donation is subject to –</p> <ul style="list-style-type: none"> <li>• compliance with Council's policies;</li> <li>• adequate provision having been made in the Annual Budget; and</li> <li>• compliance with the Local Government Act 1995.</li> </ul>	

<b>Related Documents</b>	
Council Policy:	COMR2 – Annual School Awards (Revoked 18 May 2015) COMR7 – Donations to Charitable Organisations (Revoked 18 May 2015) COMR8 – Donations to State Team Representatives (Revoked 18 May 2009) COMR11 – Community Initiative and Development Grants (Revoked 18 May 2009) COMR12 – Grants to Various Community Groups (Revoked 18 May 2015)
Administration Policy/Procedure:	n/a
Notes:	<b>The CEO may not authorise a donation for which there is no budget provision</b> (authorisation of unbudgeted expenditure requires an absolute majority decision of council, and, can therefore not be delegated).

**MISC3 - SES – Appointment of Local Co-Ordinator and Deputy Coordinator**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	<i>Local Government Act 1995</i>
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to –</p> <ul style="list-style-type: none"> <li>a) recommend a candidate for the position of SES Local Co-ordinator;</li> <li>b) agree or disagree with the Director’s recommendation to revoke the appointment of the Local Co-ordinator; and</li> <li>c) approve or not approve the appointment of a Deputy Co-ordinator.</li> </ul>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><b>Constitution of Kalamunda Volunteer State Emergency Service Unit (Inc.)</b> Clause 10.3 “The Local Co-ordinator shall be appointed by the Director on the recommendation of the appropriate Local Government. The appointment may be revoked by the Director only after consultation with. And, agreement by the appropriate Local Government.”</p> <p>Clause 10.4 “The Deputy Co-ordinator shall be elected by members in general meeting and the appointment shall be approved by the Local Government.”</p>



**MISC4 - Write Off of Emergency Services Levy Interest Amounts**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to write off Emergency Services Levy interest amounts of less than \$2.00 (two dollars) per property.</p> <p><b><u>Temporary Amendment (OCM 28/04/2020)</u></b>  <b>Value has been increased to \$100</b>  <b><u>Temporary Condition:</u></b>  <b>Is valid until the cessation of the Western Australian Declaration of State of Emergency and Western Australian Declaration of Public Health State of Emergency.</b></p>	

Related Documents	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><b>FESA Manual of Operating Procedures 2007/08</b>            5.8.7 Local Governments may automatically write off small amounts of ESL Interest, where the total amount per property is less than \$2 per year</p>

## REGISTER OF DELEGATIONS FROM COUNCIL

### MISC5 - Fireworks Displays

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council in regard to an Application for a Fireworks Display Permit, in accordance with Council policy.</p>	

Related Documents	
Council Policy:	FIRE2 – Fireworks Displays (Revoked June 2013)
Administration Policy/Procedure:	n/a
Notes:	<p><b>Application for a Firework Display Permit – Department of Consumer and Employment Protection</b></p> <p>Local government authority to provide comment, advising of objection or non-objection</p>

**MISC6 – Public Liability Insurance**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
Date Last Reviewed:	<b>22 June 2021</b>

Legislation:	
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council to –</p> <p>determine claims against the City for injury, loss or property damage that do not exceed the City’s insurance policy excess levels, subject to receipt of a release form.</p>	

Related Documents	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	

## **REVOKED DELEGATIONS**

**LL1 - Common Seal**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
<b>DATE REVOKED</b>	21 June 2010

Legislation:	Standing Orders Local Law 1990
Power or Duty of the Local Government which is being delegated:	<p><b>19.1 The Council's Common Seal</b></p> <p>(2) The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO or a senior employee authorised by him or her.</p>
<p><b>DETAILS</b></p> <p>The Chief Executive Officer is delegated authority to exercise the powers or discharge the duties of the Council to execute documents and apply the Common Seal of the Shire of Kalamunda on behalf of the Council generally.</p>	

<b>Related Documents</b>	
Council Policy:	n/a
Administration Policy/Procedure:	n/a
Notes:	

**LGA5 Organisational Structure**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
<b>DATE REVOKED</b>	21 June 2010

Legislation:	Local Government Act 1995, s.5.2
Power or Duty of the Local Government which is being delegated:	<b>5.2. Administration of local governments</b> The council of a local government is to ensure that there is an appropriate structure for administering the local government.
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 5.2 of the <i>Local Government Act 1995</i>, to determine the organisational structure best able to deliver the Council's Strategic Plan.</p>	

<b>Related Documents</b>	
Council Policy:	ADM22 – Organisational Structure – (Revoked June 2013)
Administration Policy/Procedure:	n/a
Notes:	

**PDA1 Planning Matters**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
<b>DATE REVOKED</b>	21 June 2010

Legislation:	Local Planning Scheme No 3; Planning & Development Act 2005
Power or Duty of the Local Government which is being delegated:	
<p><b>DETAILS</b></p> <p>Under the relevant provisions of the Shire of Kalamunda's Planning Schemes, the <i>Planning and Development Act 2005</i> and the Local Government Act 1995, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council in regard to the following –</p> <ol style="list-style-type: none"> <li><b>1. Advertising</b> To advertise and provide notice of applications for planning approval or consent, and to refer an application and submissions to Council, where required.</li> <li><b>2. Determination of Applications</b> To determine applications for planning approval, planning consent or special approval, including – <ol style="list-style-type: none"> <li>a) any conditions to be imposed; and</li> <li>b) the period of validity of the approval or consent, in accordance with Council policy.</li> </ol> </li> <li><b>3. Conditions</b> To impose conditions on development approval which relate to orderly and proper planning, preservation of the amenity of the locality, and other such conditions as deemed appropriate.</li> <li><b>4. Cash In Lieu</b> To accept and determine cash in lieu payment.</li> <li><b>5. Setback Variations</b> To approve setback variations to property boundaries for all buildings and outbuildings, subject to no valid objections in the opinion of the Director Planning and Development Services being submitted by the owner(s) of the adjoining affected property/properties within the specified period of notification.</li> <li><b>6. Keeping of Animals</b></li> </ol>	

To approve the keeping of hooved and/or large animals under clause 5.18 of the Local Planning Scheme No3, where objections from adjoining owners/occupiers are either not received, or have been resolved, and where the keeping of such animals is permitted by the Scheme.

**7. Commercial Vehicle Parking**

As a land use class under Local Planning Scheme No 3, the approval of commercial vehicle parking applications is covered by clause 2 of this instrument of delegation.

To approve applications for commercial vehicle parking that entail variation to the standard vehicle movement times, where no objections have been received from affected residents.

To renew applications for commercial vehicle parking, where no legitimate complaints regarding non-compliance with conditions of approval have been received during the previous 12 months. Where a written complaint has been received, the renewal application is to be referred to affected landowners. If no objection is received, the Chief Executive Officer may approve the application. If an objection is received, the application is to be referred to Council for determination.

**8. Subdivision Applications and Clearances**

To refer recommendations for subdivision/amalgamation applications to the Western Australian Planning Commission, in accordance with the following –

- a) Recommend approval of subdivision applications that are consistent with Local Planning Scheme No3, Council policy, the Residential Design Codes, an approved Outline Development Plan or Structure Plan, guided development scheme or subdivision guide plan as applicable
- b) Recommend refusal of subdivision applications that are not consistent with Local Planning Scheme No 3, Council policy, the Residential Design Codes, an approved Outline Development Plan or Structure Plan, guided development scheme or subdivision guide plan as applicable.
- c) Variation to the minimum lot sizes for residential subdivisions can be supported in accordance with the Western Australian Planning Commission Policy DC 2.2 (Residential Subdivision).

**9. Appeals (Review)**

To respond to appeals to defend the decision of Council or a delegated decision. If the appeal involves mediation, and as part of that mediation variation to any standard provision contained in any policy or the Scheme is sought, then the matter shall be forwarded to Council for consideration as to whether to support that variation.

To determine appropriate conditions to be recommended to be applied to applications the subject of a successful appeal to the State Administrative Tribunal (SAT), and enter into Minute of Consent Orders accordingly.



**These delegations may only be exercised subject to compliance with the relevant legislation, and in accordance with Council policy.**

<b>Related Documents</b>	
Council Policy:	<p>DEV1 — Additional Accommodation (Revoked 21.6.10)</p> <p>DEV2 — Amusement Machines and Amusement Centres DEV5 — Caravan Park Proposals - Guidelines for Assessment DEV6 — Cash in Lieu of Car Parking (Revoked 18 October 2010)</p> <p>DEV7 — Child Care Centres - Guidelines (Revoked 18 October 2010)</p> <p>DEV10 — Delegation of Authority - Determination of Development and Subdivision Applications (Revoked 19 April 2010)</p> <p>DEV12 — Design Aesthetics - Guidelines (Revoked 21 June 2010)</p> <p>DEV16 — Fuel Storage Applications - Guidelines for Assessment (Revoked 18 October 2012)</p> <p>DEV17 — Igloo/Tunnel House Applications - Guidelines for Assessment (16 August 2010)</p> <p>DEV19 — Notification to Affected Landowners - Community Consultation - Advertising (Revoked 21 June 2010)</p>
Administration Policy/Procedure:	n/a
Notes:	<p><b>Local Planning Scheme No.3</b></p> <p><b>11.3 Delegations of Functions</b></p> <p>11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer (CEO), within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.</p> <p>11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive's duties under clause 11.3.1.</p>

**Powers Under Part 11 of Local Planning Scheme 3**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	21 December 2009
<b>DATE REVOKED</b>	21 June 2010

Legislation:	Local Planning Scheme No 3; Planning & Development Act 2005
Power or Duty of the Local Government which is being delegated:	Local Planning Scheme 3 <b>Part 11 – Enforcement and Administration</b>
<p><b>DETAILS</b></p> <p>Council delegates to the Chief Executive Officer the exercise of any of its powers, and the discharge of any of its duties, under Part 11 of the Shire of Kalamunda Local Planning Scheme No. 3.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><b>Local Planning Scheme No.3</b></p> <p>11.3 <b>Delegations of Functions</b></p> <p>11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer (CEO), within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.</p> <p>11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the Chief Executive Officer’s powers or the discharge of any of the Chief Executive’s duties under clause 11.3.1.</p>

**LMPA1 - Building Approvals**

Delegation from:	Council
Delegated to:	Manager Building Services
Date Adopted:	
<b>DATE REVOKED</b>	16 April 2012

Legislation:	Local Government (Miscellaneous Provisions) Act 1960, s.374 & 374AA
Power or Duty of the Local Government which is being delegated:	<b>374. Plans of buildings to be approved by local government</b>  <b>374AA. Building approval certificates for unauthorised building work</b>
<p><b>DETAILS</b></p> <p>Under section 374AAB of the Local Government (Miscellaneous Provisions) Act 1960, the Manager Building Services is delegated to exercise the powers or discharge the duties of the Council under sections 374 and 374AA of the Local Government (Miscellaneous Provisions) Act 1960.</p> <p>All building approvals are subject to compliance with the Local Government (Miscellaneous Provisions) Act 1960 and Regulations, and are to be in accordance with Council policy.</p>	

<b>Related Documents</b>	
Council Policy:	DEV8 - Delegation of Authority – Approval of Building Plans and Specifications
Administration Policy/Procedure:	n/a
Notes:	<p><b>Local Government (Building Surveyors) Regulations 2008</b></p> <p>6(2) For the purposes of section 374AAB(2) of the Act, after the transition period, the authority to approve or refuse to approve plans and specifications submitted under section 374 of the Act or unauthorised building work in relation to any building must not be delegated to a person unless that person holds a Building Surveyor Level 1 certificate. (lesser qualifications specified for smaller buildings – refer Regs for details)</p> <p><b>374AAB. Delegation of authority to approve plans of buildings or unauthorised building work</b></p> <p>(5) A delegation under subsection (1), and any variation or revocation of it, must be in writing executed by the local government.</p> <p>(6) A person to whom authority is delegated under this section cannot delegate that authority.</p>

## REGISTER OF DELEGATIONS FROM COUNCIL

### LMPA2 - Buildings

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
<b>DATE REVOKED</b>	16 April 2012

Legislation:	Local Government (Miscellaneous Provisions) Act 1960, Part XV; Building Regulations 1989
Power or Duty of the Local Government which is being delegated:	Part XV - buildings
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under –</p> <ul style="list-style-type: none"> <li>• Part XV of the Local Government (Miscellaneous Provisions) Act 1960, and</li> <li>• the Building Regulations</li> </ul> <p>1989, in accordance with Council policy.</p> <p>This excludes sections 374 and 374AA of the Local Government (Miscellaneous Provisions) Act 1960, which deal with building approvals, and may only be delegated to a building surveyor.</p>	

<b>Related Documents</b>	
Council Policy:	DEV11 – Delegation of Authority – Issue of Stop Work Orders
Administration Policy/Procedure:	n/a
Notes:	<p><b><i>DLGRD Guideline #17 - Delegations</i></b></p> <p>Section 2 of the Local Government (Miscellaneous Provisions) Act 1960 effectively incorporates the provisions of that Act into the Local Government Act 1995, and therefore the delegation provisions of the Local Government Act 1995 apply to the Local Government</p>

**LGA15 - Land Asset Rationalisation – Disposal of Property – Additional Properties**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	
<b>DATE REVOKED</b>	27 June 2016

Legislation:	Section 3.58 of the <i>Local Government Act 1995</i>
Power or Duty of the Local Government which is being delegated:	(2) Except as stated in this section, a local government can only dispose of property to — (a) the highest bidder at public auction; or (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
<p><b>DETAILS</b></p> <p>Under section 5.42 of the <i>Local Government Act 1995</i>, the Chief Executive Officer is delegated the power to dispose of the following properties, for not less than 90% of the valuation –</p> <ul style="list-style-type: none"> <li>• 34 McRae Road, Kalamunda</li> <li>• 46 Cotherstone Road, Kalamunda</li> <li>• 2 Cabarita Road, Kalamunda</li> <li>• 21 Andrew Street, Kalamunda</li> <li>• 29 Barbigal Place, Lesmurdie.</li> </ul> <p>In accordance with section 5.43, Limits on delegations to CEO – “A local government cannot delegate to a CEO any of the following powers or duties — (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph”,</p> <p>the limit that has been set by Council is 5 million dollars (\$5,000,000).</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><u><a href="#">EN BLOC RESOLUTION OCM 199/2011</a></u></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Dispose of, in accordance with the <i>Local Government Act 1995</i> Sections 3.58 and 3.59, the following properties: <ul style="list-style-type: none"> <li>• 34 McCrae Road, Kalamunda</li> <li>• 46 Cotherstone Road, Kalamunda</li> </ul> </li> </ol>

## REGISTER OF DELEGATIONS FROM COUNCIL

	<ul style="list-style-type: none"><li>• 2 Cabarita Road, Kalamunda</li><li>• 21 Andrew Street, Kalamunda</li><li>• 29 Barbical Place, Lesmurdie</li></ul> <p>2. Provide The Professionals, Kalamunda with a six month exclusive selling agent agreement for the sale of properties at:</p> <ul style="list-style-type: none"><li>• 34 McCrae Road Kalamunda</li><li>• 46 Cotherstone Road Kalamunda</li><li>• 2 Cabarita Road Kalamunda</li><li>• 21 Andrew Street Kalamunda</li><li>• 29 Barbical Place Lesmurdie.</li></ul> <p>3. Accept the disposal of properties at the values listed in Attachment 2 – Valuations.</p> <p>4. Authorise the sale of a property for not less than 90% of valuation unless by Council resolution.</p> <p>5. Delegate to the Chief Executive Officer, in accordance with the Local Government Act 1995 Section 5.42, powers and duties to dispose of the properties.</p> <p>6. Delegate to the Chief Executive Officer, in accordance with the Local Government Act 1995 Section 5.43, a limit of five million dollars (\$5,000,000).</p> <p>Moved: <b>Cr Bob Emery</b></p> <p>Seconded: <b>Cr Allan Morton</b></p> <p>Vote: <b>CARRIED UNANIMOUSLY (10/0)</b></p>
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**LGA16 - Tender – Development of 39 Maida Vale Road**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	19 December 2011
<b>DATE REVOKED</b>	25 May 2015

Legislation:	Local Government Act 1995, s. 3.57; Local Government (Functions and General) Regulations 1996, Part 4, Division 2.
Power or Duty of the Local Government which is being delegated:	<b>3.57. Tenders for providing goods or services</b> (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
<p><b>DETAILS</b></p> <p>Under section 5.42 of the Local Government Act 1995, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under section 3.57 of the Local Government Act 1995.</p> <p>In respect of choice of tender, the Chief Executive Officer is authorised to accept tenders up to a value of \$250,000. All tenders which exceed this value must be referred to Council for evaluation and decision.</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p><u>RESOLVED OCM 211/2011</u></p> <p>That Council:</p> <ol style="list-style-type: none"> <li>1. That Council notes Confidential Attachments 1 and 2.</li> <li>2. Provide exclusive rights to Ventura Homes for the development of House and Land packages for the whole of the site at Lot 263(39) Maida Vale Road in Maida Vale.</li> <li>3. Pursuant to Section 5.42 (1) and Section 5.43 (b) of the Local Government Act 1995 delegates authority to Chief Executive Officer to accept Tenders for Construction works up to \$250,000 for this project.</li> </ol> <p>Moved: <b>Cr Margaret Thomas</b></p> <p>Seconded: <b>Cr Justin Whitten</b></p> <p>Vote: <b>CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (10/0)</b></p>

## REGISTER OF DELEGATIONS FROM COUNCIL

### CPR1 - Caravan Parks and Camping

Delegation from:	Council
Delegated to:	Manager Health Service, Environmental Health Officers
Date Adopted:	
<b>DATE REVOKED</b>	25 May 2015

Legislation:	Caravan Parks and Camping Grounds Regulations 1997, Reg
Power or Duty of the Local Government which is being delegated:	<b>6. Local government</b> A function conferred on a local government by these regulations may be performed by an authorised person appointed by that local government who is authorised in writing by that local government to do so
<p><b>DETAILS</b></p> <p>Those persons who have been appointed by Council as “authorised persons” for the purposes of the Caravan Parks and Camping Grounds Act 1995 are delegated to exercise the powers or discharge the duties of the Council under the Caravan Parks and Camping Grounds Regulations 1997.</p>	

Related Documents	
Council Policy:	
Administration Policy/Procedure:	
Notes:	



## **EXPIRED DELEGATIONS**

**MISC7 Traffic Consideration – Shopping Centre Kalamunda Road, High Wycombe**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	16 August 2010
<b>EXPIRED</b>	

Legislation:	Local Government Act 1995
Power or Duty of the Local Government which is being delegated:	Power to acquire land.
<p><b>DETAILS</b></p> <p>That Council delegates authority to the Chief Executive Officer to accept, in consultation with the Shire President, Deputy Shire President and Chairperson of General Services Committee, the offers for the purchase of 13 Ashford Road, 512 Kalamunda Road and 514 Kalamunda Road, in accordance with Confidential Attachment 1 (OCM 16August 2010).</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	

**MISC8 Skate Park Construction - Fleming Reserve**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	20 September 2010
<b>EXPIRED</b>	

Legislation:	Local Government (Functions and General) Regulations 1996, r18 & 20
Power or Duty of the Local Government which is being delegated:	Choice of tender; Variation of requirements before entry into contract
<p><b>DETAILS</b></p> <p><b>RESOLVED OCM 138/10</b> (20 September 2010)</p> <p>That Council –</p> <p>Delegate authority to the Chief Executive Officer to:</p> <ul style="list-style-type: none"> <li>a. Negotiate and accept the identified Pre-Contract variations; and</li> <li>b. Finalise the Tender with DME Contractors for construction of:             <ul style="list-style-type: none"> <li>i) Stage 1 to the value of \$255,281.00</li> <li>ii) Stage 2 to the value of \$114,719.00</li> </ul> </li> </ul>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	

**LGA14 Land Asset Rationalisation – Disposal of Property**

Delegation from:	Council
Delegated to:	Chief Executive Officer
Date Adopted:	18 April 2011
<b>EXPIRED</b>	

Legislation:	Section 3.58 of the Local Government Act 1995
Power or Duty of the Local Government which is being delegated:	(2) Except as stated in this section, a local government can only dispose of property to — (a) the highest bidder at public auction; or (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
<p><b>DETAILS</b></p> <p>Under section 5.42 of the Local Government Act 1995, the Chief Executive Officer is delegated the power to dispose of the following properties –</p> <ul style="list-style-type: none"> <li>□ 39 Maida Vale Road Maida Vale</li> <li>□ 21 Andrew Street, Kalamunda</li> <li>□ 2 Cabarita Road, Kalamunda</li> <li>□ 29 Barbical Place, Lesmurdie</li> <li>□ 43 Boonooloo Road, Kalamunda.</li> </ul> <p>In accordance with section 5.43, Limits on delegations to CEO – –A local government cannot delegate to a CEO any of the following powers or duties — (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph, the limit that has been set by Council is 5 million dollars (\$5,000,000).</p>	

<b>Related Documents</b>	
Council Policy:	
Administration Policy/Procedure:	
Notes:	<p>RESOLVED OCM 50/2011</p> <p>1. That:</p> <ul style="list-style-type: none"> <li>□ 39 Maida Vale Road Maida Vale</li> <li>□ 21 Andrew Street, Kalamunda</li> <li>□ 2 Cabarita Road, Kalamunda</li> <li>□ 29 Barbical Place, Lesmurdie</li> <li>□ 43 Boonooloo Road, Kalamunda</li> </ul> <p>be disposed of in accordance with Sections 3.58 and 3.59 of the Local Government Act 1995.</p> <p>2. That sworn valuations be obtained for each lot prior to being released for sale.</p> <p>3. That no lot be sold for less than its sworn value unless</p>

REGISTER OF DELEGATIONS FROM COUNCIL

	<p>authorised by Council resolution.</p> <p>4. That the following properties be -Open Listed with the five Real Estate Agents that responded to the requested marketing proposal:</p> <ul style="list-style-type: none"> <li>□ 21 Andrew Street, Kalamunda</li> <li>• 2 Cabarita Road, Kalamunda</li> <li>□ 29 Barbical Place, Lesmurdie</li> <li>□ 43 Boonooloo Road, Kalamunda</li> </ul> <p>5. That 39 Maida Vale Road be listed exclusively with the sole Real Estate Agent that identified this site as a development site.</p> <p>6. That in accordance with Section 5.42 of the Local Government Act 1995 – Delegation of some powers and duties to the CEO, the CEO be delegated the power to dispose of the properties.</p> <p>7. That in accordance with Section 5.43 of the Local Government Act 1995 – Limits on delegations to CEO, the limit be set at 5 million dollars (\$5,000,000) for properties the subject of this Report.</p> <p>8. That in accordance with Section 6.11 of the Local Government Act 1995 – Reserve accounts, establish the following reserve account from the proceeds (2.5% of gross proceeds) of selling freehold land parcels and any crown reserves:</p> <ul style="list-style-type: none"> <li>□ Environmental Reserve – to be used to fund environmental strategies, programs and projects.</li> </ul> <p>10. Prior to the listing of the properties referred to in (4) above, the Chief Executive Officer cause the undertaking of an assessment of the vegetation on each of the properties with a view to ensuring that any significant vegetation identified is retained at development stage, where reasonably possible, by an appropriate means such as a building envelope. The Chief Executive Officer to request the Real Estate Agents to inform prospective purchasers of such requirements.</p> <p>11.</p> <p>Moved: <b>Cr Margaret Thomas</b></p> <p>Seconded: <b>Cr Allan Morton</b></p> <p>Vote: <b>CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)</b></p>
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