

Delegation Register 2025-2026



| | |
|---|----|
| Introduction | 4 |
| I Delegations by Local Government | 4 |
| II Matters which cannot be delegated | 6 |
| III Acting Through | 6 |
| IV Register of Delegation..... | 7 |
| V Standard Conditions of Delegation | 7 |
| VI Delegations from other Agencies and Instruments of Delegation or other Acts..... | 8 |
| LOCAL GOVERNMENT ACT 1995 (WA) DELEGATIONS..... | 9 |
| 1.1 Council to CEO | 9 |
| 1.1.1 Compensation – Damage Incurred when Performing Executive Functions..... | 9 |
| 1.1.2 Powers of Entry | 10 |
| 1.1.3 Declare Vehicle is Abandoned Vehicle Wreck | 12 |
| 1.1.4 Confiscated or Uncollected Goods | 13 |
| 1.1.5 Disposal of Sick or Injured Animals | 14 |
| 1.1.6 Close Thoroughfares to Vehicles | 15 |
| 1.1.7 Control Reserves and Certain Unvested Facilities | 16 |
| 1.1.8 Obstruction of Footpaths and Thoroughfares..... | 17 |
| 1.1.9 Gates Across Public Thoroughfares..... | 19 |
| 1.1.10 Public Thoroughfare – Dangerous Excavations | 21 |
| 1.1.11 Crossing from public thoroughfare to private land or private thoroughfare..... | 23 |
| 1.1.12 Requirement to construct and repair crossing | 24 |
| 1.1.13 Private Works on, over or under Public Places..... | 25 |
| 1.1.14 Procurement: Tenders; Tender Exemptions; Purchases (\$50,000-\$500,000) & Associated Contract Variations | 26 |
| 1.1.14A Procurement - Tenders; Tender Exemptions & Procurement under the approved Purchasing Policy | 26 |
| 1.1.14B Procurement - Contract Variations and Extensions..... | 28 |
| 1.1.15 Acquisition of Land..... | 30 |
| 1.1.16 Disposal of Land | 31 |
| 1.1.17 Disposal of Property (other than land) | 33 |
| 1.1.18 Municipal or Trust Funds: Payments and Procedures..... | 34 |
| 1.1.19 Grant Concession, Waive or Write Off Debts..... | 35 |
| 1.1.20 Investments | 36 |
| 1.1.21 Recovery of Unpaid Rates | 37 |
| 1.1.22 Administration of Local Laws..... | 39 |
| 1.1.23 Rate Exemption Applications..... | 41 |
| 1.1.24 Variation of Meeting Date – Annual Electors Meeting..... | 43 |
| 1.1.25 Bank Accounts | 44 |
| 1.1.26 Discretionary Gratuity Payments | 45 |
| 1.1.27 Determination of Applications for Legal Representation for Elected Members and Employees | 46 |

| | | |
|--------|---|----|
| 1.1.28 | Donations – Disaster Relief..... | 48 |
| 1.1.29 | Community Contribution Funds | 50 |
| 1.1.31 | Receiving Legal Documents to be Served on the City | 52 |
| 1.3 | Council Authorisations | 53 |
| 1.3. | Authorisation for Execution of Documents | 53 |
| 2. | Building Act 2011 (WA)..... | 54 |
| 2.1.1 | Grant a Building Permit | 54 |
| 2.1.2 | Demolition Permits | 56 |
| 2.1.3 | Occupancy Permits or Building Approval Certificates | 58 |
| 2.1.4 | Appoint Authorised Officer | 60 |
| 2.1.5 | Building Orders..... | 61 |
| 2.1.6 | Alternative Solutions – Private Pool Barriers and Smoke Alarms..... | 63 |
| 2.1.7 | Designate Employees as Approved and Authorised Persons (r70)..... | 64 |
| | BUSH FIRES ACT 1954 DELEGATIONS | 66 |
| 3.1 | Council to CEO and Bush Fire Control Officer | 66 |
| | CAT ACT 2011 (WA) DELEGATIONS..... | 68 |
| 4.1 | Council to CEO | 68 |
| 4.1.1 | Cat Act 2011 – Administration and Enforcement..... | 68 |
| | DOG ACT 1976 (WA) DELEGATIONS | 70 |
| 5.1 | Council to CEO | 70 |
| 5.1.1 | Dog Act 1976 (WA) – Power or duty of the local government under any provision of the Act..... | 70 |
| 5.1.2 | Keeping of Three Dogs..... | 72 |
| | FOOD ACT 2008 (WA)DELEGATIONS | 73 |
| 6.1 | Council to CEO/ Employees..... | 73 |
| 6.1.1 | Determine Compensation | 73 |
| 6.1.2 | Prohibition Orders | 75 |
| 6.1.3 | Registration of Food Business | 77 |
| 6.1.4 | Appoint Authorised Officers and Designated Officers | 78 |
| 6.1.5 | Debt Recovery and Prosecutions..... | 80 |
| | GRAFFITI VANDALISM ACT 2016 (WA) DELEGATIONS | 81 |
| 7.1. | Council to CEO | 81 |
| 7.1.1 | Graffiti Vandalism Act – Administration and Enforcement..... | 81 |
| | PUBLIC HEALTH ACT 2016 (WA) DELEGATIONS | 83 |
| 8.1 | Council to CEO | 83 |
| 8.1.1 | Appoint Authorised Officer or Approved Officer (Asbestos Regs)..... | 83 |
| 8.1.2 | Enforcement Agency Reports to the Chief Health Officer | 85 |
| 8.1.3 | Designate Authorised Officers | 86 |
| 8.1.4 | Determine Compensation of Seized Items | 88 |
| 8.1.5 | Enforcement Orders..... | 89 |

| | |
|---|----|
| PLANNING AND DEVELOPMENT ACT 2005 (WA) DELEGATIONS..... | 91 |
| 9.1 Council to CEO | 91 |
| 9.1.1 Illegal Development..... | 91 |
| 9.2 Local Planning Scheme 15– Council to CEO | 93 |
| 9.2.1 Development Applications | 93 |
| 9.2.2 Preliminary and Final Built Strata Approval | 96 |
| STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT AUTHORITIES | 98 |
| 10.1 <i>Environmental Protection Act 1986</i> (WA)..... | 98 |
| 10.1.1 Noise Control – Environmental Protection Notices [Reg 65(1)] | 98 |
| 10.1.2 Noise Management Plans – Keeping Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events..... | 98 |
| 10.1.3 Noise Management Plans – Construction Sites | 98 |
| 10.2 <i>Planning and Development Act 2005</i> (WA) | 98 |
| 10.2.1 Instrument of Authorisation – Sign Development Applications for Crown Land as Owner | 98 |
| 10.2.2 Powers of Local Governments Metropolitan Region Scheme (..... | 98 |
| Del 2025/04 Powers of Local Governments Metropolitan Region Scheme610.2.3 WA Planning Commission – Section 25 of the <i>Strata Titles Act 1985</i> | 98 |
| 10.3 <i>Main Roads Act 1930</i> (WA) | 98 |
| 10.3.1 Traffic Management – Events on Roads & Works on Roads..... | 98 |
| 10.3.2 Control of Advertisements | 98 |
| 10.4 <i>Road Traffic (Vehicles) Act 2012</i> (WA) | 98 |
| 10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles..... | 98 |

Introduction

Council is responsible for the overall government of the City's functions. The CEO is responsible for the day-to-day management of the administration of the City's functions amongst other functions such as advising Council.

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

Delegation of authority, where allowed, allows for efficient and timely decision making by local governments. Conditions or limitations may be incorporated into delegations such as limiting the circumstances in which a delegation can be exercised or imposing financial or other limits to the delegated power.

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

A person granted a delegation is not obliged to exercise the delegated power and may, if circumstances indicate, refer the decision back to the delegator. Legislation varies in how delegation of authority is provided for, including limitations, conditions and reporting or review requirements. Reviews of delegations, where required by law, are the responsibility of the delegator.

In some instances, it is most appropriate for a function to be exercised by the Council only and as such no delegation is made e.g. consideration of ward reviews and submissions.

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

I Delegations by Local Government

The Act allows for the local government (Council) to delegate to the Chief Executive Officer (CEO) the exercise of any of its power or the discharge of any of its duties under the Act in order to effectively manage the day-to-day operations of the City.

The main consideration for a local government when deciding if it should delegate a power or duty is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented.

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

Delegations are required to be made in writing, and for Council delegations, this normally takes the form of a resolution that is recorded in the Council Minutes.

Under the Act, *Cat Act 2011* (WA), *Dog Act 1976* (WA), *Graffiti Vandalism Act 2016* (WA) and *Planning and Development (Local Planning Schemes) Regulations 2015* (WA), delegations by

Council must be made by absolute majority resolution. Other legislation does not require an absolute majority to grant, amend or revoke a delegation by Council.

The decision to revoke a delegation from the CEO must also be absolute majority.

The Act also allows for the CEO to delegate any powers or discharge of any of the CEO's duties to another employee other than the power of delegation (s5.44(4)). There is no power other than for the CEO to delegate a power.

All delegations must be in writing and the CEO is able to make the delegation or sub delegation subject to conditions or limitations. When an employee is acting in a position, they are deemed to be able to carry out the functions delegated to that position.

Delegations and authorisations from the Council directly to officers, other than the CEO, will be avoided unless legislation specifically provides that this is the only manner in which the power can be provided.

The ability to delegate a statutory function, power or duty must be described in a piece of legislation and is known as the power of delegation. It may be stated as a duty, function or power depending on the legislation. Delegations or authorisations may occur under legislation other than the Act, its regulations and the local government's local laws including but not limited to:

- *Planning and Development Act 2005* (WA) including regulations
- *Dog Act 1976* (WA) and regulations
- *Cat Act 2011* (WA) and regulations
- *Bush Fires Act 1954* (WA), regulations and any local law created under that Act
- *Litter Act 1979* (WA) and regulations
- *Strata Titles Act 1985* (WA)
- *Local Government (Miscellaneous Provisions) Act 1960* (WA) as amended
- *Caravan Parks and Camping Grounds Act 1995* (WA)
- *Control of Vehicles (Off-Road Areas) Act 1978* (WA) and regulations
- *Building Act 2011* (WA) and regulations
- *Food Act 2008* (WA) and regulations

A Council delegation is not required where the legislation confers a specified function or power directly on the CEO or another defined class of authorised persons.

There also needs to be a specific function or duty that must be carried out under the legislation. The power must be able to be exercised by the person or body wanting to delegate that power and it must be contained in legislation that has an associated power of delegation.

A range of different powers can be delegated. An important aspect of any delegation of power is certainty as to the power being delegated. The person or body delegating authority should clearly specify in the instrument of delegation the statutory power or duty being delegated. This will ensure that the person exercising delegated authority can be certain of the extent of authority conferred by the delegation. The statutory reference to the power being delegated should be included in the instrument of delegation.

Reviewing the above list, it is clear that there is a limited range of legislation under which powers can be delegated. There is no express provision for a local government to delegate its functions under any other legislation. However, this does not prohibit the local government from "acting through" its officers for the purpose of legislation and the manner in which this can be achieved is detailed below.

The *Interpretation Act 1984* (WA) provides a standard basis on how terms across all Western Australian legislation can be interpreted such as computation of time. It also provides further information on how delegations work and provides a basis for allowing conditions or limitations to be made on the delegation; revocation of the delegation; the continuance of the delegation if a person is acting in the position to which the power is delegated.

II Matters which cannot be delegated

The following cannot be delegated by Council to the CEO under the Act (s 5.43)

- any power or duty that requires a decision of an absolute majority of the council
- accepting a tender which exceeds an amount determined by the local government
- acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government
- any of the local government's powers under
 - s 5.98 – Fees etc for council members
 - s 5.98A – Allowance for deputy mayor or deputy president
 - s 5.99 Annual fee for council members in lieu of fees for attending meetings
 - s 5.99A Allowances for council members in lieu of reimbursement of expenses
 - s 5.100 Payment for certain committee members
- borrowing money on behalf of the local government
- hearing or determining an objection of a kind referred to in s 9.5
- the power under s 9.49A(4) to authorise a person to sign documents on behalf of the local government
- any power or duty that requires the approval of the Minister or the Governor
- such other powers or duties as may be prescribed.

III Acting Through

Section 5.45 of the Act introduces the concept of "acting through." In relation to delegations, s 5.45 of the Act states that nothing prevents a "local government from performing any of its functions by acting through a person other than the CEO" or "a CEO from performing any of his or her functions by acting through another person."

While the Act does not specifically define the meaning of the term "acting through," it cites a key difference between a delegation and "acting through" in that a delegate exercises the delegated decision-making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

For administrative purposes, a person may sign a letter in his or her own name on behalf of the CEO while, with delegated powers, the person would sign a letter in his or her own name, in accordance with the delegated authority.

An appropriate method for a council of a local government to make a decision which will be implemented by its officers is for it to make a policy about particular functions that it

performs. In that case there is no need for a delegation as it will be the role of the organisation to implement those policy decisions.

IV Register of Delegation

Section 5.46 of the Act requires the CEO to maintain a register of delegations made to the CEO and to employees. These registers must be reviewed at least once every financial year and the requirement for records to be kept on the exercise of the delegation is also included.

A register of delegations made by the local government to a committee is also required to be kept and reviewed at least once every financial year under s 5.18 of the Act. Council does not have any delegations to committees.

V Standard Conditions of Delegation

Individuals are responsible for ensuring that legislated requirements relating to the exercise of delegated power(s) are complied with.

Any person proposing to exercise a power under delegated authority shall comply with the following standard conditions of delegation:

1. Actual decisions relating to the matter delegated shall be made by the person nominated in the delegation. However, it is understood that other staff may carry out administrative and technical work relating to those decisions.
2. Compliance with all relevant legislative requirements, Local Laws, Council Policies, resolutions of Council and the Business Management System Procedures.
3. Delegated authority cannot be exercised where a Financial Interest or an Interest Affecting Impartiality is evident.
4. It is a statutory requirement to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall, as a minimum, record:
 - a. Date the decision was exercised;
 - b. Name of the Officer/Committee exercising the decision;
 - c. Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in Policies, Management Procedures or the Delegation Register;
 - d. Notation of the people or class of people directly affected by the decision (other than Council or Committee members or employees of the City).

Any exercising of a power and discharging of a duty must be recorded either through the business units software (e.g. Pathway, Trapeze) or on the Record of Exercise of Power – Delegation of Authority Form and registered at the time of exercising the delegation (ECM Folder 11/005). Where delegations are recorded outside of ECM a monthly report must be provided to Compliance and recorded in ECM.

5. Instruction is provided for each delegation on record keeping requirements. All records relating to an exercise of delegation must be recorded in the main official record keeping system of the City, ECM.

VI Delegations from other Agencies and Instruments of Delegation or other Acts

Where legislation provides for the direct delegation to a person or a class of persons by other agencies or decision makers, no delegation is required from the local government. The authorisation is dealt with in the relevant legislation. Where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette. The Agencies are listed below and updated from time to time.

| Department/Legislation |
|--|
| Department of Environment <i>Environmental Protection Act 1986 (WA) Environmental Protection (Noise) Regulations 1997 (WA)</i> Pursuant to section 20 <i>Environmental Protection Act 1986 (WA)</i> to the holder of the offices listed. |
| Department of Environment <i>Environmental Protection Act 1986 (WA) Environmental Protection (Noise) Regulations 1997 (WA)</i> Pursuant to section 20 <i>Environmental Protection Act 1986 (WA)</i> to the holder of the offices listed. |
| Western Australian Planning Commission <i>Planning and Development Act 2005 (WA)</i> Pursuant to section 16 of the Act (delegation) WAPC resolved on 26 May 2009 |
| Western Australian Planning Commission <i>Planning and Development Act 2005 (WA)</i> Pursuant to section 16 of the Act (delegation) WAPC Resolved on 15 December 2015 |
| <i>Litter Act 1979 (WA)</i> Pursuant to section 26 – Authorised officers, appointment and jurisdiction of etc. |
| <i>Main Roads Act 1930 (WA)</i> |

LOCAL GOVERNMENT ACT 1995 (WA)

DELEGATIONS

1.1 Council to CEO

Delegation: Council to CEO (s5.42 & s5.43 of the Local Government Act 1995 (WA)(LGA95))

1.1.1 Compensation – Damage Incurred when Performing Executive Functions

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95: s3.22(1); s3.23 |
| Function: | <p>In accordance with s3.22, assess and determine the extent of damage to private property arising directly from performance of the City's functions and make payment of compensation if requested.</p> <p>Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s3.23.</p> |
| Council General Conditions on this Delegation: | <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>Additional Condition Financial Limits to Delegation is limited to settlements which do not exceed a material value of \$5000 per claim.</p> |
| References: | <p>Local Government Act 1995 (WA) s3.22 (5); s3.23; Schedule 3.1; Schedule 3.2</p> <p>CP63 – Execution of Documents</p> |
| Record Keeping: | Records of exercise of delegated authority and associated contracts to be retained in ECM index: 11/005. |
| Version | <p>New Approved OCM 22/6/2021 Item 12.6 OCM 28/6/2022</p> <p>OCM 26/4/2023</p> <p>New Policy Reference OCM 12/12/2023</p> <p>OCM 23/4/2023 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.2 Powers of Entry

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA 95: s3.28; s3.32; s3.34; s3.36 |
| Function: | <ol style="list-style-type: none"> 1. Give a notice of entry. 2. Determine that an emergency exists for the purposes of performing local government functions. 3. Execute an entry in an emergency. 4. Give notice and execute the opening of a fence. 5. The power of entry conferred, may be used for performing any function that a local government has under this Act if entry is required for the performance of the function or in any other case in which entry is authorised by this Act other than by a local law. <p>LGA95 (WA) Part 3 Division 3 Subdivision 3 - Powers of entry</p> |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <p>This delegation is not to be exercised unless evidence that the following sections of the Act have been complied with:</p> <p>3.31(1)(a) consent obtained from the owner or occupier; 3.31(1)(b) notice has been given under 3.32 3.34(2) Entry in emergency 3.36 (3) Opening fences</p> |
| References: | <p>Local Government Act 1995 (WA) Part 3 Division 3 Subdivision 3 - Powers of entry</p> <p>CP63 -Execution of Documents</p> |
| Record Keeping: | <p>Record decisions to enter property.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) reg 19</p> |
| Version | <p>Incorporates DA02 Powers of Entry in Emergency in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. OCM 28/6/2022</p> |

| | |
|--|---|
| | OCM 26/4/2023 New Policy OCM 12/12/2023 OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |
|--|---|

1.1.3 Declare Vehicle is Abandoned Vehicle Wreck

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s3.40A(4) |
| Function: | The Authority to declare that a vehicle is an abandoned vehicle wreck. |
| Council General Conditions on this Delegation: | 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. |
| References | Local Government Act 1995 (WA) s3.40A Local Government (Functions and General) Regulations 1996 (WA) Reg 29A CP63 – Execution of Documents |
| Record Keeping: | Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004) |
| Version | New. Approved; OCM 22/6/2021 Item 12.6. Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.4 Confiscated or Uncollected Goods

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 : s3.46; s3.47; s3.48 |
| Function: | <p>Authority to:</p> <ol style="list-style-type: none"> 1. refuse to allow goods impounded under s 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. 2. sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s 3.43 3. recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods |
| Council General Conditions on this Delegation: | 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. |
| References | Local Government Act 1995 (WA) s3.40A Local Government (Functions and General) Regulations 1996 (WA) Regulation 30 CP63 – Execution of Documents |
| Record Keeping: | Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004) |
| Version | <p>New Approved OCM 22/6/2021 Item 12.6.</p> <p>OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.5 Disposal of Sick or Injured Animals

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s3.47A |
| Function: | To authorise the humane disposal of an impounded animal where it is determined to be too ill or injured to be treated. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: Nil. |
| References: | Local Government Act 1995 (WA) CP63 – Execution of Documents |
| Record Keeping: | Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. Abandonments (10/002 & 10/004) |
| Version | New OCM 22/6/2021 Item 12.6. OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.6 Close Thoroughfares to Vehicles

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s3.50; s3.50A; s3.51; s3.52 |
| Function: | <ol style="list-style-type: none"> 1. Authorised to close, revoke or vary the closure, of a thoroughfare to vehicles, wholly or partially, to vehicles for a period not exceeding 4 weeks; 2. For periods exceeding 4 weeks, after considering any submissions that are received, having given local public notice of the proposed closure of the thoroughfare; and 3. Authorised to give notice of the fixing, altering, alignment or draining of a public thoroughfare or other public place. |
| Council General Conditions on this Delegation: | <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>Additional Conditions: This delegation is not to be exercised unless the following are evidenced as being complied with:</p> <ol style="list-style-type: none"> 1. s3.50A exception to local public notice. 2. s3.50(4) before it makes an order, wholly or partially closing a thoroughfare, exceeding 4 weeks give local public notice: including location, where, when and why and inviting submissions; and give written notice to each person who is prescribed for the purposes or owns land that is prescribed for the purposes of this section; and allow a reasonable time for submissions to be made; and consider any submissions made. 3. s3.51(3) affected owners to be notified of certain proposals. |
| References | Local Government Act 1995 (WA) CP63 – Execution of Documents |
| Record Keeping: | Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. |
| Version | <p>Formerly DA03 Road Closures Temporary in 2020-2021 Delegation Register. OCM 22/6/2021 Item 12.6.</p> <p>OCM 28/6/2022</p> <p>OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 OCM Item 12.5</p> |

1.1.7 Control Reserves and Certain Unvested Facilities

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s3.53 |
| Function: | Authority to agree on the control and management of an unvested facility if it lies within two or more Local Government districts. |
| Council General Conditions on this Delegation: | 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. |
| References: | Local Government Act 1995 (WA) CP63 – Execution of Documents |
| Record Keeping: | Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index. |
| Version | New Approved OCM 22/6/2021 Item 12.6. OCM 28/6/2022 OCM 26/4/2023 OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 OCM Item 12.5 |

1.1.8 Obstruction of Footpaths and Thoroughfares

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA) (ULP): r5(2);r6; r7A; r7</i> <i>City of Belmont Consolidated Local Law 2020 Parts 3,6,7,8,9,10, 11 and 12</i> |
| Function: | <p>Authority to:</p> <ol style="list-style-type: none"> determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> prevent damage to the footpath; or prevent inconvenience to the public or danger from falling materials [ULP r5(2)] provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r6(2) and (4)]. renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r 6(6)]. require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r 7A]. require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r 7]. carry out the powers, functions and duties of the City's local laws relevant to the obstruction of footpaths and thoroughfares. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in ULP Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. |

| | |
|------------------------|--|
| | <ul style="list-style-type: none"> ii. Provided a bond, if requested, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| References | <p><u>Local Government (Uniform Local Provisions) Regulations 1996</u> (WA) – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <u>Local Government Act 1995</u> (WA)</p> <p><u>City of Belmont Consolidated Local Law 2020</u></p> <p>CP 63 – Execution of Documents</p> |
| Record Keeping: | <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.</p> |
| Version | <p>Incorporates DA21 Verge Permits in 2020-2021 Delegation Register. OCM 22/6/2021 Item 12.6.</p> <p>Minor Removal of consolidated local law reference</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.9 Gates Across Public Thoroughfares

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA) (ULP): r9</i> |
| Function: | <p>Authority to:</p> <ol style="list-style-type: none"> 1. provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r9(1)]. 2. require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r9(2)]. 3. impose conditions on granting permission [ULP r9(4)]. 4. renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r9(5)]. 5. cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r9(6)]. |
| Council General Conditions on this Delegation: | <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>Additional Conditions: Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i>.</p> |
| References: | <p>Local Government (Uniform Local Provisions) Regulations 1996 (WA) – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 (WA)</p> <p>City of Belmont Consolidated Local Law 2020</p> <p>CP63 – Execution of Documents</p> <p>City of Belmont Policy Manual – Operational</p> |
| Record Keeping: | <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.</p> <p>Record Keeping requirement of <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i> must be met.</p> |
| Version | <p>New. Approved OCM 22/6/2021 Item 12.6.</p> <p>Minor Removal of consolidated local law reference 28/6/2022</p> <p>OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> |

| | |
|--|---|
| | OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |
|--|---|

1.1.10 Public Thoroughfare – Dangerous Excavations

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA) (ULP): r11(1), (4), (6) & (8) City of Belmont Consolidated Local Law 2020 Part 3,</i> |
| Function: | <p>Authority to:</p> <ol style="list-style-type: none"> 1. determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r11(1)]. 2. determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r11(4)]. 3. impose conditions on granting permission [ULP r11(6)]. 4. renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r11(8)]. 5. carry out the powers, functions and duties of the City's local laws relevant to thoroughfares. |
| Council General Conditions on this Delegation: | <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>Additional Conditions: Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i>.</p> |
| References | <p>Local Government (Uniform Local Provisions) Regulations 1996 (WA) – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 (WA)</p> <p>City of Belmont Consolidated Local Law 2020</p> <p>CP63 – Execution of Documents</p> <p>City of Belmont Policy Manual – Operational</p> |
| Record Keeping: | <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.</p> |
| Version | <p>New. Approved ELT; OCM 22/6/2021 Item 12.6.</p> <p>Minor Removal of consolidated local law reference</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.11 Crossing from public thoroughfare to private land or private thoroughfare

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Local Government (Uniform Local Provisions) Regulations 1996(WA):r12(1); r13(1) City of Belmont Consolidated Local Law 2020 Part 3,</i> |
| Function: | <ol style="list-style-type: none"> 1. Upon application, approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land. 2. Authority to determine the specifications for the construction of the crossing to the satisfaction of the Local Government. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair crossing and if the notice is not complied with initiate works to construct/repair crossing and recover costs in accordance with Regulation 13. |
| Council General Conditions on this Delegation: | <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>Additional Conditions: Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996 (WA)</i>.</p> |
| References | <p>Local Government (Uniform Local Provisions) Regulations 1996 (WA) – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 (WA)</p> <p>City of Belmont Consolidated Local Law 2020</p> <p>CP01 - Asset Management Policy</p> <p>CP63 – Execution of Documents</p> |
| Record Keeping: | <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Associated Documentation pertaining to the notice and entry to be retained in relevant ECM index.</p> |
| Version | <p>New Approved; OCM 22/6/2021 Item 12.6.</p> <p>Minor Removal of consolidated local law reference</p> <p>Change to Council Policy Numbering Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>Renumbering of policies/New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.12 Requirement to construct and repair crossing

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA): r13(1) City of Belmont Consolidated Local Law 2020 Part 3,</i> |
| Function: | <ol style="list-style-type: none"> 1. Give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare. 2. Construct or repair the crossing and recover 50% of the cost if the person fails to comply with the notice. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> 1. <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA) r 14(2)(b)</i> Role of Commissioner of Main Roads must be complied with. 2. That due process be followed for the issuing of a notice under section 3.25 of the <i>LGA95 (WA)</i> for a notice served under Regulation 14(3). |
| References | <p>Local Government (Uniform Local Provisions) Regulations 1996 (WA) – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 (WA)</p> <p>City of Belmont Consolidated Local Law 2020</p> <p>CP01 - Asset Management Policy</p> <p>CP63 – Execution of Documents</p> |
| Record Keeping: | <p>Records of exercise of delegated authority to be retained in ECM index: 11/005.</p> <p>Associated Documentation to be retained in relevant ECM index.</p> |
| Version | <p>New Approved ; OCM 22/6/2021 Item 12.6.</p> <p>Minor Removal of consolidated local law reference</p> <p>Change to Council Policy Numbering Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>Renumbering of policies/ New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.13 Private Works on, over or under Public Places

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Local Government (Uniform Local Provisions) Regulations 1996 (WA):</i> r 17(4) & (5) r 17(5) <i>City of Belmont Consolidated Local Law 2020</i> Parts 3,7,8 |
| Function: | Grant permission or conditional permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: Nil |
| References: | Local Government (Uniform Local Provisions) Regulations 1996 (WA) – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 (WA) City of Belmont Consolidated Local Law 2020 CP01 - Asset Management Policy CP63 - Execution of Documents |
| Record Keeping: | Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation to be retained in relevant ECM index. |
| Version: | New Approved ; OCM 22/6/2021 Item 12.6. Minor Removal of consolidated local law reference Change to Council Policy Numbering Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 Renumbering of policies / New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.14 Procurement: Tenders; Tender Exemptions; Purchases (\$50,000-\$500,000) & Associated Contract Variations

1.1.14A Procurement - Tenders; Tender Exemptions & Procurement under the approved Purchasing Policy

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s3.57 & s3.47 <i>Local Government (Functions and General) Regulations 1996 (WA) (LG(F&G)R96)- Part 4; r. 11;13;14;18;20; 21; 21A & Division 3</i> |
| Function: | <ol style="list-style-type: none"> 1. To call tenders and set weighted criteria as outlined in the relevant legislation and this delegation. 2. To authorise procurement and accept tenders according to the conditions of this delegation. 3. To authorise procurement and accept quotations according to the conditions of this delegation. 4. To limit tenderers in accordance with r.21 5. To establish panels of pre-qualified suppliers in accordance with Division 3 including calling for applications, setting weighted criteria, accepting and rejecting applications. |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation. This delegation must be read in conjunction with the LG(F&G)r96, the Council approved Purchasing Policy and the following specific additional conditions for this delegation.</p> <p><u>Additional Conditions</u></p> <p>This delegation can only be exercised where there is an identified and approved budget allocation in the current year.</p> <p>The CEO can</p> <ol style="list-style-type: none"> 1. Reject Tenders 2. Accept tenders where : <ol style="list-style-type: none"> (a) the tender value for any one project is no more than \$500,000 (ex GST) (b) It is for the annual supply of goods and services of a routine operational nature, within the budgeted amount and where the contract term is no longer than 5-years and annual expenditure does not exceed \$250,000. (c) the tender amount for the new capital item is less than amount of \$500,000, including changeover costs where relevant. (d) It relates to the disposal of impounded perishable and non-perishable goods in accordance with s3.47 of the LGA95. 3. authorise purchases that are exempt from tendering regulations excluding r.11.2(d) and complies with the general conditions & additional conditions 2(b) & (c) 4. Accept quotes below \$250,000. |

| | |
|------------------------|--|
| | <ol style="list-style-type: none"> 5. approve purchase orders for expenditure exceeding \$250,000 that have been approved by Council via Council Resolution or via this delegated authority. 6. To call, accept the short listing and if required reject all Expression of Interests. 7. To determine the criteria for deciding which applications should be accepted, accept or reject all applications for the establishment of Panels of Pre-Qualified Suppliers |
| References | <u>Local Government Act 1995</u> (WA) <u>Local Government (Functions and General) Regulations 1996</u> (WA) CP29 - Purchasing Policy CP63 - Execution of Documents |
| Record Keeping: | Maintain Tender Register, recording details of decisions under this delegation and insert ECM-links to relevant evidentiary documents. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r.19 Delegates to keep certain records, are retained in the City's record keeping systems. |
| Version | Formerly incorporated as DA04 Tenders in 2020-2021 Delegation Register. OCM 22/6/2021 Item 12.6. OCM 28/6/2022 OCM 26/4/2023 Amended New Policy OCM 12/12/2023 OCM 23/4/2024 Item 12.8 Amended OCM 10/12/2024 item 12.6 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.14B Procurement - Contract Variations and Extensions

Delegation: Council to CEO (s5.42 & s5.43 of the Local Government Act 1995 (WA)(LGA95))

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s3.57 & s3.47 <i>Local Government (Functions and General) Regulations 1996 (WA) (LG(F&G)R96)- Part 4:</i> r.11;20; 21; 21A |
| Function: | <ol style="list-style-type: none"> 1. To vary a contract prior to entry into a contract with a successful tenderer in accordance with r. 20. 2. To vary a contract already entered subject to r.21A. 3. To make, vary or discharge a contract that is formed through a non-tender process subject to r.11(2). |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation. This delegation must be read in conjunction with the LG(F&G)R96, the Council approved Purchasing Policy and the following specific additional conditions for this delegation.</p> <p><u>Additional Conditions</u></p> <p>This delegation can only be exercised where there is an identified and approved budget allocation in the current year.</p> <p>Note: A minor variation is defined as a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply (r. 20 of the Regulations) and:</p> <ol style="list-style-type: none"> (a) Does not alter the nature of the goods and/or services procured; and (b) Does not materially alter the specification or structure provided for by the initial tender; and (c) Is within the approved budget for that contract <p>A tender cannot be varied outside the above definition.</p> <p>1. Contract Variations - Tender</p> <p>Pre-Contract:</p> <p>The CEO may approve minor variations (see definition above) regarding the scope of work specified in a tender, following the receipt of submission, but prior to entering into a contract, provided there are sufficient funds being available within the approved budget for that contract (r. 20 of the Regulations)</p> <p>Post Contract:</p> <p>The CEO may approve a variation(s) to a contract, provided there are sufficient funds available within the approved budget for that contract, where the variation is necessary for the goods or services to be supplied and does not change the scope of the contract; or the variation is a renewal or extension of the term of the</p> |

| | |
|------------------------|--|
| | <p>contract as described in r. 11(2)(j), (ja) or (jb) in accordance with r. 21A(a) of the Regulations</p> <p>2. Contract Variations - Exempt and Procurement (to \$250,000)</p> <p>Pre-Contract: CEO may approve minor variations (see note in general conditions) regarding to the scope of work specified in the quotation, following the receipt of submission, but prior to entering into a contract provided there are sufficient funds being available within the approved budget for that contract.</p> <p>Post Contract CEO may approve minor variations that satisfy the general conditions.</p> <p>Total contract value (including Variations) is limited to a maximum of the approved budget for that contract.</p> <p>3 Extension of Contracts: Where a contract formed from tender is accepted and includes an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option (r. 21A(b) <i>Local Government (Functions and General) Regulations 1996</i> (WA).</p> <p>Where any other contract is accepted with an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option.</p> |
| References | <p><u>Local Government Act 1995</u> (WA)</p> <p><u>Local Government (Functions and General) Regulations 1996</u> (WA)</p> <p>CP29 - Purchasing Policy CP63 - Execution of Documents</p> |
| Record Keeping: | <p>Maintain Tender Register, recording details of decisions under this delegation and insert ECM-links to relevant evidentiary documents.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r. 19 Delegates to keep certain records, are retained in the City's record keeping systems.</p> |
| Version | <p>Formerly incorporated as DA04 Tenders in 2020-2021 Delegation Register. OCM 22/6/2021 Item 12.6. OCM 28/6/2022 OCM 26/4/2023 Amended New Policy OCM 12/12/2023 OCM 23/4/2024 Item 12.8 Amended OCM 10/12/2024 item 12.6 Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.15 Acquisition of Land

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 (WA): s 3.59 |
| Function: | Undertake the function of acquiring land, including lease and purchase. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> 1. Acquire 'real property', which is specifically identified within the current approved Budget with a value of up to \$1,000,000. 2. Acquire a leasehold interest in property for a cumulative cost over the life of the lease of up to \$1,000,000 |
| References: | <p>Local Government Act 1995 (WA): s 3.59 Commercial enterprises by local government Local Government (Functions and General) Regulations 1996 (WA) Part 3 CP29 - Purchasing Policy CP63 - Execution of Documents</p> |
| Record Keeping: | Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation to be retained in relevant ECM index. |
| Version | <p>Formerly incorporated as DA05 Acquisition and Disposal of Land in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.16 Disposal of Land

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s3.58 |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Undertake the function of disposing of land including through lease and sale. 2. Authority to dispose of property to: <ul style="list-style-type: none"> • the highest bidder at public auction [s 3.58(2)(a)]. • the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s 3.58(2)(b)] 3. Authority to dispose of property by private treaty only in accordance with s 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s 3.58(3)]. 4. Manage lease / licence clauses, including but not limited to terminations, renewal options, assignments, subletting, and the establishment of special conditions or variations to payment schedules. 5. Authority to dispose of leasehold property exempt from the advertising requirements of s3.58, in accordance with approved policy. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> 1. Dispose of 'real property', which is specifically identified within the current approved Budget with a value of up to \$1,000,000. 2. Dispose of a leasehold interest in property for a cumulative value over the life of the lease of up to \$1,000,000. 3. Assignment of leases and licences is subject to appropriate Police Clearances and Credit Checks (where unsatisfactory and the officer recommendation is to proceed refer to Council for decision). 4. For Leasehold : Where it is proposed for a less than Market Value rent is to be charged, the disposal must be referred to Council. <p>Conditions for Additional Conditions 1 and 2: The exercise of this power does not include the power of delegation.</p> |

| | |
|---------------------------------------|---|
| Express Power to Sub-Delegate: | <i>LGA95 (WA):</i> s5.44 CEO may delegate some powers and duties to other employees |
| References: | <u>Local Government Act 1995</u> (WA): s3.58 Disposal of Property s3.59 Commercial enterprises by local government <u>Local Government (Functions and General) Regulations 1996</u> (WA) Part 3 CP29 - Purchasing Policy CP63 - Execution of Documents |
| Record Keeping: | Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation to be retained in relevant ECM index. |
| Versions | Formerly incorporated as DA05 Acquisition and Disposal of Land in 2020-2021 Delegation Register. Approved; OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering; Changes to DIS sub delegation. Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.17 Disposal of Property (other than land)

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95: s3.58 <i>Local Government (Functions and General) Regulations 1996 – r30 (3)</i> |
| Function: | Dispose (includes to sell, lease, or otherwise dispose of whether absolutely or not) of assets (not including land surplus to the City’s operational needs. Dispose as defined in the Act includes to sell, lease, or otherwise dispose of whether absolutely or not. Property as defined in the Act includes the whole or any part of the interest of a local government in property but does not include money. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: 1. Limited to the disposal of minor plant or asset with a depreciated value of less than \$20,000 without the requirement for Council approval. 2. Limited to the disposal of a plant item or asset with a depreciated value of no more than \$90,000 in accordance with the requirements of s3.58. 3. Donation of low value equipment, machinery and other materials in accordance with procedures. |
| References: | Local Government Act 1995 (WA): s3.58 Disposal of Property Local Government (Functions and General) Regulations 1996 (WA) Part 3 CP29 – Purchasing Policy CP63 – Execution of Documents |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19 Records of exercise of delegated authority to be retained in ECM index:11/005. Associated Documentation to be retained in relevant ECM index. |
| Version | Formerly incorporated as DA06 Disposal of Assets in 2020-2021 Delegation Register. Approved ; OCM 22/6/2021 Item 12.6. Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 Deletion of Council Policy 51 OCM 22/8/2023; New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.18 Municipal or Trust Funds: Payments and Procedures

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s6.7 s6.9(3) <i>Local Government (Financial Management) Regulations 1996</i> (WA)r 11; r12 |
| Function: | Make payments from the Trust and Municipal Fund in accordance with procedures. |
| Council General Conditions on this Delegation: | 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. |
| Express Power to Sub- Delegate: | LGA95:s 5.44 |
| References: | Local Government Act 1995 (WA) Local Government (Financial Management) Regulations 1996 (WA)-r5 CEO's duties as to financial management r 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996 (WA) Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual CP29 – Purchasing Policy CP63 – Execution of Documents |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19 Minute details of Council's resolution to receive the Authorised Cheque Listing and retain Cheque Vouchers, including electronic transfer records as evidence of decisions to make payments. Records of exercise of delegated authority to be retained in ECM index: 11/005. Associated Documentation to be retained in relevant ECM index. |
| Version | Formerly DA07 Municipal and Trust Fund/Procedures and Payments in 2020-2021 Delegation Register. Approved; OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering. Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 Policy Amendments OCM 22/8/2023 & New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.19 Grant Concession, Waive or Write Off Debts

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA s6.12(1)(b), (c) and (3) |
| | <ol style="list-style-type: none"> 1. Waive a debt which is owed to the City of Belmont [s6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the City of Belmont [s6.12(1)(b)]. 3. Write off an amount of money which is owed to the City of Belmont [s6.12(1)(c)] |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> 1. Authorise a waiver, grant a concession or write off an amount of money owed to the City to a maximum value of \$5,000 per individual sundry debtor per financial year. 2. Write offs to be reported to Council on a quarterly basis with the Sundry Debtors Listing. 3. Reversals of incorrectly charged debts are not considered to be a write off. |
| Express Power to Sub-Delegate: | <p>LGA95 (WA): s 5.44 CEO may delegate some powers and duties to other employees.</p> |
| References: | <p>Local Government Act 1995 (WA)</p> <p>CP63 - Execution of Documents</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19</p> <p>Records of exercise of delegated authority to be retained in ECM index: 11/005.</p> <p>Associated Documentation to be retained in relevant ECM index.</p> |
| Version | <p>Formerly incorporated as DA08 Waiver or Concessions – Granting in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.20 Investments

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>LGA95 (WA) s 6.14 Local Government (Financial Management) Regulations 1996 (WA): r19</i> |
| Function: | <p>Money held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the <i>Trustees Act 1962 (WA)</i>.</p> <p>Establish and document internal control procedures to ensure control over investments that enable the identification of the nature and location of all investments and the transactions related to each investment.</p> |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <p>Nil</p> |
| Express Power to Sub- Delegate: | <i>LGA95 (WA): s 5.44 CEO may delegate some powers and duties to other employees</i> |
| References: | <p>Local Government Act 1995 (WA) Local Government (Financial Management) Regulations 1996 (WA) -</p> <p>CP31 - Investment of Funds CP63 – Execution of Documents</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA) r19</i> Delegates to keep certain records are retained in the City's record keeping systems.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly incorporated as DA09 Investments in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6.</p> <p>Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.21 Recovery of Unpaid Rates

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s6.55; s6.56(1); s6.60; s6.64; s6.69(2)&(3); s6.74(1); Schedule 6.2(1)[1]; Schedule 6.3(1)[4] and (4)[1] |
| Function: | <p>Undertake recovery of overdue unpaid rates, as well as the costs of proceedings, if any, for that recovery, incurred in a court of competent jurisdiction.</p> <p>As part of the legal recovery of rates and charges in court, documents such as claims and warrants are required to be duly authorised.</p> |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <p>Legal representation is limited by the <i>Magistrates Court (Civil Proceedings) Act 2004</i> (WA).</p> |
| Express Power to Sub- Delegate: | <p>LGA95 (WA): s 5.44 CEO may delegate some powers and duties to other employees</p> |
| References: | <p>Local Government Act 1995 (WA)–</p> <ul style="list-style-type: none"> Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation. refer s6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s6.60 <p>Local Government (Financial Management) Regulations 1996 (WA) – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Interpretation Act 1984 (WA) Magistrates Court (Civil Proceedings) Act 2004 (WA)– Part 4</p> <p>CP32 - Collection of Rates Policy CP33 - Pensioner's Outstanding Refuse Charges Policy CP34 - Pensioner/Senior Rates Arrears Policy CP35 - Financial Hardship Policy CP63 - Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> |

| | |
|----------------|---|
| | Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | Formerly DA10 Recovery of Unpaid Rates in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 Policy Amendments 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.22 Administration of Local Laws

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <p>Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and exercise discretion under the following local laws:</p> <p>Consolidated Local Laws 2020 Health Local Laws 2002</p> |
| Function: | To administer the City of Belmont Local Laws. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ul style="list-style-type: none"> • Infringements may only be issued by persons authorised for the purposes of s9.16 of the LGA95 • Determinations under Part 13 of the Consolidated Local Law 2020 require a Resolution of Council. |
| References: | <p>Local Government Act 1995 (WA) Part 9 Division 1 Objections and Review Part 9 Division 2 Enforcement and Legal Proceedings</p> <p>Fines Penalties and Infringement Notices Enforcement Act 1994 (WA)</p> <p>Council Policies CP44 - Street Numbering Policy CP47 - Dangerous Trees Policy CP48 - Urban Forest Policy CP56 - Naming or Renaming of Roads, Parks And Reserves Policy CP58 - Council Facilities - Personalisation by Users Policy CP63 – Execution of Documents Policy</p> <p>Operational policies BB4 Manholes and Stormwater Connections BEXB24 Refuse Charges NB2 Storm Water Disposal from Private Properties SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups SB13 Community Clothing Collection Bins SB14 Temporary Caravan Accommodation SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate Within the City SB20 Dogs – Keeping of Three Dogs</p> |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19. |

| | |
|----------------|--|
| | <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>New Approved OCM 22/6/2021 Item 12.6.</p> <p>Minor (Removal Local Law delegation reference Change to Council Policy Numbering) Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>Policy Renumbering 22/8/2023 and New Policy 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.23 Rate Exemption Applications

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 (WA):s6.26 s6.76 |
| Function: | <p>To determine:</p> <ul style="list-style-type: none"> an application to extend the time for lodging an objection to the rate record where an objection is to be made relating to a rates exemption in accordance with s6.26 Rateable Land beyond 42 days from the date of service of the rate notice. the outcome of applications for a rates exemption in relation to residential property. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> Applications for an extension are to be made in writing. Where there has been a change of use of the land during a financial year, an exemption can only be approved to take effect from the date of the change of use. Industry approved guidelines are to be used in assessing applications A recommendation on a rates exemption for commercial or industrial use or zoned property is to be referred to Council. Information on exemptions approved to be included as part of annual budget process. |
| References: | <p>Local Government Act 1995 (WA) Part 6 Division 6 Subdivision 7 Objections and Review</p> <p>CP32 - Collection of Rates Policy CP63 - Execution of Documents Policy</p> <p>WALGA Rates and Charitable Land Use Exemption Applications Best Practice Guideline (2017)</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record decision to approve or not approve the application for extension of time and insert ECM-links to evidentiary documents</p> |

| | |
|----------------|---|
| Version | <p>Formerly DA 12 Extension for Rate Exemption Application in 2020-2021 Delegation Register.</p> <p>Approved OCM 22/6/2021 Item 12.6.</p> <p>Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |
|----------------|---|

1.1.24 Variation of Meeting Date – Annual Electors Meeting

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s 5.27 |
| Function: | To vary the Annual Electors Meeting date from the date as outlined in Council Policy 7 Council, Committee and Briefing Meeting Schedule should the need arise. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: Nil |
| References: | Local Government Act 1995 (WA) CP7 - Council, Committee and Briefing Schedule Policy CP63 – Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | Formerly DA 13 Authorised Officers – Variation of Meeting Date – Annual Electors Meeting in 2020-2021 Delegation Register. Approved; OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.25 Bank Accounts

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s6.6 <i>Local Government (Financial Management) Regulations 1996 (WA) r 8</i> |
| Function: | Maintain separate accounts with a bank or other financial institution for money required to be held in: <ul style="list-style-type: none"> • the municipal fund; • the trust fund; • reserve accounts; and common investment authorised by the Act. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: <ul style="list-style-type: none"> • Nil. |
| References: | Local Government Act 1995 (WA) Part 6 Division 4 CP31 - Investment of Funds CP63 - Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA) r 19</i> . Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | Formerly DA 11 Bank Accounts in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.26 Discretionary Gratuity Payments

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s5.50– |
| Function: | To determine if a discretionary Gratuity payment should be made to a finishing employee. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <p>Any discretionary payments made through this delegation are to be advertised in accordance with s 5.50 and must comply with the limitations contained in the regulations.</p> |
| Express Power to Sub-Delegate: | <p>LGA95 (WA): s5.44 CEO may delegate some powers and duties to other employees</p> |
| References: | <p>Local Government Act 1995 (WA) s5.50(2) Local Government (Administration) Regulations 1996 (WA) 19A. Payments in addition to contract or award, limits of (Act s 5.50(3)) CP39 - Gifts to Employees Policy CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly DA 14 Discretionary Gratuity Payments in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6.</p> <p>Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>Policy Review 22/8/2023 & New policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

1.1.27 Determination of Applications for Legal Representation for Elected Members and Employees

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 s6.7; s9.56. |
| Function: | To determine an application seeking financial assistance for Legal Representation not exceeding an amount of \$5,000. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> 1. The authority to approval applications for legal representation for Council members and employees is limited to a maximum of \$5,000 as per CP28 - Legal Representation for Elected Members and Employees. Amounts above \$5,000 are to be determined by Council. 2. Council is to be informed of any exercise of this delegation in accordance with Council Policy; 3. The determination must be made pursuant to CP28 - Legal Representation for Council Members and Employees'. |
| References: | <p>Local Government Act 1995 (WA) s6.7 (2) s9.56 Certain persons protected from liability for wrongdoing</p> <p>Local Government Operational Guideline Legal Representation for Council Members and Employees</p> <p>CP28 - Legal Representation for Elected Members and Employees CP63 - Execution of Documents</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) reg.19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | Formerly DA 15 Determination of Applications for Legal Representation for Council Members and Employees in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. |

| | |
|--|---|
| | Minor Change to Council Policy Numbering Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023 Policy amendments OCM 12/12/2023 OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |
|--|---|

1.1.28 Donations – Disaster Relief

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 (WA)s 6.7 <i>Local Government (Financial Management) Regulations 1996 (WA)</i> |
| Function: | To approve the provisions of funds towards appeals where natural disasters have occurred in accordance with the CP50 – Donations - Financial Assistance Policy. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: <ol style="list-style-type: none"> 1. Limit on Delegation is \$5,000 as outlined within CP50 – Donations - Financial Assistance Policy 2. The amount to be proposed must be undertaken in liaison with the Mayor. 3. All Elected Members are to be consulted on the proposed donation amount, and if no agreement is reached a decision will then be referred to Council for further determination. 4. All amounts over \$5,000 are to be determined by Council resolution. |
| References: | Local Government Act 1995 (WA) s 6.7 Municipal Fund Local Government (Financial Management) Regulations 1996 (WA): 12. Payments from municipal fund or trust fund, restrictions on making CP50 - Donations - Financial Assistance Policy CP63 – Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | Formerly DA16 Donations – Disaster Relief in 2020-2021 Delegation Register. Approved; OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 Policy Numbering amendments OCM 22/8/2023 & New policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.29 Community Contribution Funds

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>LGA95 (WA)</i> <i>s 6.7 Local Government (Financial Management)</i> <i>Regulations 1996 (WA) 12.</i> |
| Function: | To approve applications for the release of funds as part of the Community Contribution Fund through requests for financial assistance in accordance with the CP50 - Donations – Financial Assistance Policy |
| Council General Conditions on this Delegation: | 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. Additional Conditions: <ol style="list-style-type: none"> 1. Limit on Delegation is \$5,000 as outlined within Council Policy 50 Donations – Financial Assistance. 2. All amounts over \$5,000 are to be determined by Council resolution. 3. Expenditure to be within approved budget and must be in accordance with programs outlined in CP50 - Donations – Financial Assistance Policy. 4. Delegation is only to be exercised where there is a direct benefit to the City of Belmont Residents and communities. |
| References: | Local Government Act 1995 (WA) s 6.7 Municipal Fund Local Government (Financial Management) Regulations 1996 (WA): 12. Payments from municipal fund or trust fund, restrictions on making CP50 - Donations – Financial Assistance Policy CP63 – Execution of Documents Policy. |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA) r 19.</i> Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | Formerly DA 17 Community Contribution Funds in 2020-2021 Delegation Register. OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 Policy Amendments OCM 22/8/2023 and New policy 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.30 Belmont Business Innovation Grants

| | |
|--|---|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 (WA) s 6.7 <i>Local Government (Financial Management) Regulations 1996 (WA): 12.</i> |
| Function: | Undertake the function of approving the release of funds as part of the Belmont Business Innovation Grants (BBIG) to a maximum limit of \$10,000 per application. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: 1. Expenditure to be within approved Budget and in accordance with approved guidelines |
| References: | Local Government Act 1995 (WA) s 6.7 Municipal Fund Local Government (Financial Management) Regulations 1996 (WA): 12. Payments from municipal fund or trust fund, restrictions on making CP63 – Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA)r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | Formerly DA 18 Belmont Business Innovation Grants in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6. Minor Change to Council Policy Numbering Reviewed OCM 28/6/2022 OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

1.1.31 Receiving Legal Documents to be Served on the City

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | LGA95 (WA) s 9.51 |
| Function: | <p>To receive legal documents served upon the City by another party (i.e. subpoenas), these include documents prepared for compliance with;</p> <ul style="list-style-type: none"> • <i>Magistrates Court Act 2004 (WA)</i> • <i>District Court of WA Act 1969 (WA)</i> • <i>Supreme Court Act 1975 (WA)</i> • <i>High Court of Australia Act 1979 (Cth)</i> |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> 1. Unless a position title is included in the document this delegation does not extend to documents being served personally on an individual by name. |
| References: | <p>Local Government Act 1995 (WA) CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly DA 19 Receiving of Legal Documents to be served on the City in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6. Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5</p> |

1.3 Council Authorisations

1.3. Authorisation for Execution of Documents

| | |
|--|---|
| Authoriser: Power / Duty assigned in legislation to: | Council |
| Express Power or Duty being Authorised: | <i>LGA95 (WA):</i> s 9.49A (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation. |
| Function: | The authority to execute various classes of documents on behalf of the local government. |
| Authorisation | Execution to be in accordance with the City of Belmont Execution of Documents Policy |
| Council General Conditions on this Authorisation | A Council resolution or decision under delegated authority is required prior to executing documents |
| References: | <u>Local Government Act 1995</u> (WA) CP63 - Execution of Documents Policy |
| Record Keeping: | All uses of the common seal are to be recorded in a register |

2. Building Act 2011 (WA)

2.1.1 Grant a Building Permit

| | |
|--|---|
| Delegator: Power / Duty assigned in legislation to: | Permit Authority (Local Government) |
| Power to Delegate: Power that enables a delegation to be made | <i>Building Act 2011 (WA):</i> s 127(1) & (3) Delegation: special permit authorities and local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Building Act 2011 (WA):</i> s 18 Further Information s 20 Grant of building permit s 22 Further grounds for not granting an application s 27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012 (WA):</i> r 23 Application to extend time during which permit has effect (s 32) r 24 Extension of time during which permit has effect (s 32(3)) r 26 Approval of new responsible person (s 35(c)) |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s 18(1)]. 2. Authority to grant or refuse to grant a building permit [s 20(1) & (2) and s 22]. 3. Authority to impose, vary or revoke conditions on a building permit [s 27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r 23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r 24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s 27 [r 24(2)]. 5. Authority to approve, or refuse to approve, an application or a new responsible person for a building permit [r 26]. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> |

| | |
|------------------------|---|
| | <ul style="list-style-type: none"> In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied. <p>Notify Council of all refusals to grant Permits.</p> |
| References: | <p>Building Act 2011 (WA) s 119 Building and demolition permits – application for review by SAT s 23 Time for deciding application for building or demolition permit s 17 Uncertified application to be considered by building surveyor Building Regulations 2012 (WA) – r 25 Review of decision to refuse to extend time during which permit has effect (s 32(3)) – reviewable by SAT Building Services (Registration Act) 2011 (WA) – Section 7 Home Building Contracts Act 1991 (WA) – Part 3A, Division 2 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 (WA) Heritage Act 2018 (WA) CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5</p> |

2.1.2 Demolition Permits

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Permit Authority (Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Building Act 2011</i> (WA): s 127(1) & (3) Delegation: special permit authorities and local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Building Act 2011</i> (WA): s 18 Further Information s 21 Grant of demolition permit s 22 Further grounds for not granting an application s 27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> (WA) r 23 Application to extend time during which permit has effect (s 32) r 24 Extension of time during which permit has effect (s 32(3)) r 26 Approval of new responsible person (s 35(c)) |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s 18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s 21(1) requirements have been satisfied [s 20(1) & (2) and s 22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s 27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r 23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r 24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s 27 [r 24(2)]. 5 Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r 26]. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: <ul style="list-style-type: none"> • In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied. Notify Council of all refusals to grant Permits. |
| References: | Building Act 2011 (WA) s 119 Building and demolition permits – application for review by SAT |

| | |
|------------------------|---|
| | <p>s 23 Time for deciding application for building or demolition permit</p> <p><u>Building Services (Complaint Resolution and Administration) Act 2011</u> (WA) -- Part 7, Division 2</p> <p><u>Building and Construction Industry Training Levy Act 1990</u> (WA)</p> <p><u>Heritage Act 2018</u> (WA)</p> <p>CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved OCM 22/6/2021 Item 12.6.</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

2.1.3 Occupancy Permits or Building Approval Certificates

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Permit Authority (Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Building Act 2011</i> (WA): s 127(1) & (3) Delegation: special permit authorities and local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Building Act 2011</i> (WA) : s 55 Further information s 58 Grant of occupancy permit, building approval certificate s 62(1) and (3) Conditions imposed by permit authority s 65(4) Extension of period of duration <i>Building Regulations 2012</i> (WA) r 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s 65) |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s 55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s 58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s 62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s 65(4) and r 40]. |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions:</p> <ul style="list-style-type: none"> • In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied. <p>Notify Council of all refusals.</p> |
| References: | <p><i>Building Act 2011</i> (WA) s 59 time for granting occupancy permit or building approval certificate s 60 Notice of decision not to grant occupancy permit or grant building approval certificate s 121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011</i> (WA) – Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> (WA)</p> |

| | |
|------------------------|--|
| | <u><i>Heritage Act 2018 (WA)</i></u> CP63 – Execution of Documents Policy |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly part of DA20 Building Act 2011 in the 2020-2021 Delegations Register. Approved OCM 22/6/2021 Item 12.6.</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

2.1.4 Appoint Authorised Officer

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Permit Authority (Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Building Act 2011 (WA):</i> s 127(1) & (3) Delegation: special permit authorities and local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Building Act 2011 (WA):</i> s 96(3) authorised persons s 99(3) Limitation on powers of authorised person |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s 96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s 99(3)]. <p>NOTE: An <i>authorised person</i> for the purposes of s 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of <i>Building Regulations 2012 (WA)</i> Reg. 70.</p> |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions: Decisions under this delegated authority should be in accordance with r 5 of the <i>Building Regulations 2012 (WA)</i>.</p> |
| References: | <p><i>Building Act 2011 (WA):</i> s 97 each designated authorised person must have an identity card. r 5A Authorised persons (s 3) – definition CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly part of DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6.</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5</p> |

2.1.5 Building Orders

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Permit Authority (Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Building Act 2011 (WA):</i> s 127(1) & (3) Delegation: special permit authorities and local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Building Act 2011 (WA):</i> s 110(1) A permit authority may make a building order s 111(1) Notice of proposed building order other than building order (emergency) s 117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s 118(2) and (3) Permit authority may give effect to building order if non-compliance s 133(1) A permit authority may commence a prosecution for an offence against this Act |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to make Building Orders in relation to: <ol style="list-style-type: none"> Building work Demolition work An existing building or incidental structure [s 110(1)]. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s 111(1)(c)]. Authority to revoke a building order [s 117]. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> take any action specified in the order; or commence or complete any work specified in the order; or if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s 118(2)]. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s 118(3)]. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to s 110 of the <i>Building Act 2011 (WA)</i>. |

| | |
|---|---|
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions:</p> <ul style="list-style-type: none"> • In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied. <p>Notify Council of all Orders issued.</p> |
| References: | <p><u><i>Building Act 2011 (WA):</i></u> s 111 Notice of proposed building order other than building order (emergency) s 112 Content of building order s 113 Limitation on effect of building order s 114 Service of building order Part 9 Review - s 122 Building orders – application for review by SAT CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly part of DA20 Building Act 2011 in 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8</p> |

2.1.6 Alternative Solutions – Private Pool Barriers and Smoke Alarms

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Permit Authority (Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Building Act 2011</i> (WA) : s 127(1) & (3) Delegation: special permit authorities and local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Building Regulations 2012</i> (WA) : r 51 Approvals by permit authority. r 55 Terms used (alternative building solution approval). r 61 Local government approval of battery powered smoke alarms. |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to approve requirements for alternatives to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements satisfy the relevant requirements of r 51(2), (3) & (5). 2. Authority to approve alternative solutions to meet the requirements of the Building Code relating to fire detection and early warning. 3. Authority to approve or refuse to approve battery operated smoke alarms and determine the form of an application for such approval (r 61). |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ul style="list-style-type: none"> • In issuing permits, licences and approvals ensure the Code of Conduct requirements for 'Quasi-Judicial Role' are applied. <p>Notify Council of all refusals.</p> |
| References: | Building Act 2011 (WA) Building Regulations 2012 (WA) CP63 – Execution of Documents Policy |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | New. Approved OCM 22/6/2021 Item 12.6. Reviewed OCM 28/6/2022 Reviewed OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |

2.1.7 Designate Employees as Approved and Authorised Persons (r70)

| | |
|--|---|
| Delegator: Power / Duty assigned in legislation to: | Permit Authority (Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Building Act 2011</i> (WA): s 127(1) & (3) Delegation: special permit authorities and local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Building Regulations 2012</i> (WA): r 70 Approved officers and authorised officers |
| Delegate: | Chief Executive Officer |
| Function: | <p>1. Authority to appoint an approved officer for the purposes of s 6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).</p> <p>NOTE: Only employees delegated under s 5.44(1) of the <i>LGA95 (WA)</i> with power under s 9.19 or 9.20 may be appointed as "approved officers".</p> <p>2. Authority to appoint an authorised officer for the purposes of s 6(b) of the <i>Criminal Procedure Act 2004</i> (WA), in accordance with Building Regulation 70(2).</p> <p>NOTE: Only employees appointed under s 9.10 of the <i>LGA95 (WA)</i> and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of <i>Building Regulation 2012</i> (WA) Reg 70(2).</p> |
| Council General Conditions on this Delegation: | <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>Additional Conditions: Nil</p> |
| References: | <p>Building Act 2011 (WA): s 97 each designated authorised person must have an identity card.</p> <p>r 5A Authorised persons (s 3) – definition CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) reg.19</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly part of DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6.</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> |

| | |
|--|---|
| | New Policy OCM 12/12/2023 Reviewed OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5 |
|--|---|

BUSH FIRES ACT 1954 DELEGATIONS

3.1 Council to CEO and Bush Fire Control Officer

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Bush Fires Act 1954 (WA):</i> s48 Delegation by local government s59 Prosecutions (3) |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Bush Fires Act 1954 (WA):</i> |
| Delegate: | Chief Executive Officer |
| Function: | All powers duties and functions of the local government under the <i>Bush Fires Act 1954 (WA)</i> including s59 & S59A, and associated Regulations |
| Council General Conditions on this Delegation: | 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. Additional Conditions: Nil. |
| Delegation to | Bushfire Control Officers Chief Bushfire Control Officer Manager Safer Communities |
| Power or Duty Delegated: Relevant section of legislation for the delegation | s59 & s59A |
| Conditions of Delegation | Standard Conditions as above apply. Withdrawal of Infringements may only be made by the Chief Executive Officer (<i>r4(a) Bush Fire (Infringement) Regulations 1978 (WA)</i>) Limitation: Bush Fire Control Officers s59A only. |
| References: | Bush Fires Act 1954 (WA) Bush Fire (Infringement) Regulations 1978 (WA) Bush Fire Regulations 1954 (WA) CP63 – Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |

| | |
|---------------------------------------|---|
| Express Power to Sub-Delegate: | NIL – Sub-delegation is prohibited by s 48(3) |
| Version | <p>Formerly DA24 Bush Fires Act – Powers and Functions in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.</p> <p>Reviewed ELT 18/5/2022 OCM 28/6/2022</p> <p>Minor Change inclusion Bushfire Control Officers and limitation Reviewed ELT 15/3/2023 OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8</p> <p>Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5</p> |

CAT ACT 2011 (WA) DELEGATIONS

4.1 Council to CEO

4.1.1 Cat Act 2011 – Administration and Enforcement

| | |
|--|---|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Cat Act 2011</i> (WA): s 44 Delegation by local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Cat Act 2011</i> (WA): s9 ;s10 ;s11 ;s26; s37 ; s38 ; s39; s49(3);s 73 <i>Cat Regulations 2012</i> (WA) Schedule 3, cl.1(4) ;Schedule 3, cl1(2) & (3) <i>Cat (Uniform Local Provisions) Regulations 2013</i> (WA): r8 ;r9 <i>City of Belmont Consolidated Local Law 2020</i> relevant sections pertaining to animals. |
| Delegate: | Chief Executive Officer |
| Function: | Authorised to: 1. Exercise any of the City's powers or the discharge of any of its duties under the <i>Cat Act 2011</i> (WA). 2. Appoint such persons to be Authorised Persons for performing particular functions under this Act. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: <ul style="list-style-type: none"> • s 48(2) A person who is not an employee of a local government cannot be appointed to be an authorised person for the purposes of s 62 (Infringement notices). • Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> (WA). • Reduction or waiver of fees in relation to any class of cat must be a decision of Council and included in the Fees and charges in accordance with s 6.16,6.17 & 6.18 of <i>Local Government Act</i> (WA). |
| References: | Cat Act 2011 (WA) Cat Regulations 2012 (WA) r11; r12; r14; r15; r21; r22; r23; r24; r25; Cat (Uniform Local Provisions) Regulations 2013 (WA) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> (WA). City of Belmont Consolidated Local Law 2020 CP63 – Execution of Documents Policy |

| | |
|------------------------|---|
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly DA31 Cat Act 2011 in 2020-2021 Delegation Register. Reviewed OCM 22/6/2021 Item 12.6.</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

DOG ACT 1976 (WA) DELEGATIONS

5.1 Council to CEO

5.1.1 Dog Act 1976 (WA) – Power or duty of the local government under any provision of the Act

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Dog Act 1976 (WA)</i> s10AA Delegation of local government powers and duties |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Dog Act 1976 (WA)</i> s15(2) & (4A); s16(3) ; s17A(2); s17(4) & (6); s29(5); s29(11) ; s33E (1)); s33F(6); s 33G(4); s33H(1), (2) and (5) ; s33M(1)(a) Local; s 44 |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. To carry out the functions of the <i>Dog Act 1976 (WA)</i>, associated regulations and local laws. 2. To determine the registration procedures and to <ol style="list-style-type: none"> a) determine to refuse a dog registration b) determine and provide notice for the non-renewal, cancellation or refusal to register due to reasons in accordance with the Act and associated regulations c) discount or waive a registration fee d) apply for seizure and following seizure dealt with in accordance with s17(6) 3. Authority to grant, refuse to grant or cancel a kennel licence [s 27(4) and (6)]. 4. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s 29(5)]. 5. Authority to dispose of or sell a dog which is liable to be destroyed [s 29(11)] 6. Authority to declare an individual dog to be a dangerous dog [s 33E(1)]. 7. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s 33F(6)]. 8. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s 33G(4)]. 9. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s 33H(1)] 10 Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s 33H(2)]. |

| | |
|---|--|
| | <p>11. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s 33H(5)]:</p> <p>(a) a notice declaring a dog to be dangerous; or</p> <p>(b) a notice proposing to cause a dog to be destroyed.</p> <p>12. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s 15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s 33H(5)].</p> |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <p>The Chief Executive Officer may further delegate (Sub-delegate) to employees with the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.</p> |
| References: | <p>Dog Act 1976 (WA)</p> <p>Includes recovery of expenses relevant to: s 30A(3); s 33M; s 47</p> <p>Dog Regulations 2013 (WA) r31</p> <p>City of Belmont Consolidated Local Law 2020</p> <p>Note –Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly DA29 Dogs in 2020-2021 Delegation Register. Approved; OCM 22/6/2021 Item 12.6. OCM 28/6/2022 Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023 OCM 23/4/2024 Item 12.8 Reviewed OCM 24/6/2025 Item 12.5</p> |

5.1.2 Keeping of Three Dogs

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Dog Act 1976 (WA)</i> s 10AA Delegation of local government powers and duties |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Dog Act 1976 (WA)</i> s 26 |
| Delegate: | Chief Executive Officer |
| Function: | To determine applications for keeping of three dogs in accordance with Council Policy. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <p>The Chief Executive Officer may further delegate (Sub-delegate) to employees with the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this delegation.</p> |
| References: | <p>Dog Act 1976 (WA) Dog Regulations 2013 (WA) City of Belmont Consolidated Local Law 2020 SB20 Dogs – Keeping of Three Dogs</p> <p>CP 63 - Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly DA30 Keeping of Three Dogs in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6. .</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

FOOD ACT 2008 (WA) DELEGATIONS

6.1 Council to CEO/ Employees

6.1.1 Determine Compensation

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Food Act 2008 (WA):</i> s 118 (2)(b); (3); (4) |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Food Act 2008 (WA):</i> s 56(2); s 70(2) and (3) |
| Delegate: | Chief Executive Officer Director Development and Communities |
| Function: | <ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized if no contravention has been committed and the item cannot be returned [s 56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s 70(2) and (3)]. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <ol style="list-style-type: none"> 1. In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. 2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5000.00. Compensation requests above this value are to be reported to Council. |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009 (WA)</i> do not provide for sub-delegation. |
| References: | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Food Act 2008 (WA)</p> <p>CP63 – Execution of Documents Policy</p> <p>Decision Level 3</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> |

| | |
|----------------|---|
| | Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | New. Approved ELT 19/5/2021 OCM 22/6/2021 Item 12.6. Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8 Reviewed ELT 10/6/2025OCM 24/6/2025 Item 12.5 |

6.1.2 Prohibition Orders

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Food Act 2008 (WA)</i> s 118; s 119; s 120 |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Food Act 2008 (WA)</i> s 65; s 66; s 67 |
| Delegate: | Chief Executive Officer Director Development and Communities Manager Safer Communities |
| Function: | This delegation provides authority to: - <ol style="list-style-type: none"> 1. Serve a prohibition order on the proprietor of a food business in accordance with s 65 of the <i>Food Act 2008 (WA)</i>; 2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices; 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. |
| Council General Conditions on this Delegation: | 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. Additional Conditions: Nil. |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009 (WA)</i> do not provide for sub-delegation. |
| References: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Food Act 2008 (WA) City of Belmont Consolidated Local Laws 2020 CP63 – Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | Formerly DA26 Prohibition Orders in 2020-2021 Delegations Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023 |

| | |
|--|--|
| | New Policy OCM 12/12/2023 Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8 Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5 |
|--|--|

6.1.3 Registration of Food Business

| | |
|--|--|
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Food Act 2008 (WA)</i> s 110; s 112. |
| Delegate: | Chief Executive Officer Director Development and Communities Manager Safer Communities |
| Function: | The delegation provides the authority to: - 1. Register a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008 (WA)</i> and issue a certificate of registration; 2. After considering an application, determine to grant (with or without conditions) or refuse the application; 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 (WA)</i> . |
| Council General Conditions on this Delegation: | 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. Additional Conditions: Nil. |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009 (WA)</i> do not provide for sub-delegation. |
| References: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Food Act 2008 (WA) City of Belmont Consolidated Local Laws 2020 CP63 – Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Version | Formerly DA27 Registration of Food Business in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. Reviewed ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023 New policy OCM 12/12/2023 Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8 Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5 |

6.1.4 Appoint Authorised Officers and Designated Officers

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Food Act 2008</i> (WA) s 118 (2)(b); (3); (4) |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Food Act 2008</i> (WA): s122(1); s126(6), (7) and (13) |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s 122(2)]. 2. Authority to appoint an Authorised Officer appointed under s 122(2) of this Act or the s 24(1) of the <i>Public Health Act 2016</i> (WA), to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> (WA) [s 126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s 126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s 126(6)] and determining withdrawal of an infringement notice [s 126(7)]. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <p>Nil.</p> |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009</i> (WA) do not provide for sub-delegation. |
| References: | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Food Act 2008 (WA)</p> <p>CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA)r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly included in DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.</p> <p>Reviewed ELT 18/5/2022 OCM 28/6/2022</p> |

| | |
|--|--|
| | Reviewed ELT 15/3/2023 OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8 Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5 |
|--|--|

6.1.5 Debt Recovery and Prosecutions

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Food Act 2008</i> (WA)s 118; (2)(b); (3); (4) |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Food Act 2008</i> (WA):s 54; s 125 |
| Delegate: | Chief Executive Officer Director Development and Communities Manager Safer Communities |
| Function: | <ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s 54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s 54(3). 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> (WA) [s 125]. |
| Council General Conditions on this Delegation: | <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>Additional Conditions:</p> <p>Nil.</p> |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009</i> (WA) do not provide for sub-delegation. |
| References: | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Food Act 2008 (WA)</p> <p>CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly included in DA28 Food Act 2008 Prosecutions in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.</p> <p>Reviewed ELT 18/5/2022 OCM 28/6/2022</p> <p>Reviewed ELT 15/3/2023 OCM 26/4/2023</p> <p>New Policy</p> <p>Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8</p> <p>Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5</p> |

GRAFFITI VANDALISM ACT 2016 (WA) DELEGATIONS

7.1. Council to CEO

7.1.1 Graffiti Vandalism Act – Administration and Enforcement

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Graffiti Vandalism Act 2016 (WA):s 16</i> |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Graffiti Vandalism Act 2016 (WA): s 28 s 29</i> |
| Delegate: | Chief Executive Officer |
| Function: | Authorised to exercise any of the City's powers or the discharge of any of its duties under the <i>Graffiti Vandalism Act 2016</i> . |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions: <i>Graffiti Vandalism Act 2016 (WA)</i></p> <ul style="list-style-type: none"> • s 21 Advice of objection and review rights: Whenever a notice is given under section 18, the person giving it is to ensure that, as soon as practicable after the notice is given, the affected person is given written reasons for being given the notice and is informed of the person's rights under this Division to object against, and apply for a review of, the decision to give the notice. • s 20 Affected person: If the person to whom a local government gives a notice under section 18 is not the owner of the property to which the notice relates, the owner is also an affected person, and a reference in this Division to the affected person includes both the owner and the person to whom the notice was given. • s 24 Suspension of effect of notice: Any objection to a notice must be dealt with by the local government as if it were an objection to a decision of the local government under the <i>LGA95 (WA)</i> Part 9 and section 9.6 of that Act applies when dealing with that objection. |
| References: | <u><i>Graffiti Vandalism Act 2016 (WA)</i></u> <u><i>City of Belmont Consolidated Local Laws 2020</i></u> CP63 – Execution of Documents Policy |

| | |
|------------------------|---|
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996</i> (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>New. Approved; OCM 22/6/2021 Item 12.6.</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

PUBLIC HEALTH ACT 2016 (WA) DELEGATIONS

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Enforcement Agency (defined as Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Health (Asbestos) Regulations 1992 (WA):</i> r 15D(7) |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Health (Asbestos) Regulations 1992 (WA):</i> r 15D(5) |
| Delegate: | Chief Executive Officer |
| Function: | Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004 (WA)</i> Part 2 [r 15D(5)]. |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions:</p> <p>a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r 15D(6)].</p> |
| References: | <p><u><i>Public Health Act 2016 (WA)</i></u> <u><i>Health (Asbestos) Regulations 1992 (WA)</i></u> <u><i>Criminal Procedure Act 2004 (WA)</i></u></p> <p><u><i>City of Belmont Consolidated Local Laws 2020</i></u> <u><i>City of Belmont Health Local Law 2012</i></u></p> <p>CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Express Power to Sub-Delegate: | Nil – the <i>Health (Asbestos) Regulations 1992 (WA)</i> do not provide a power to sub-delegate. |
| Version | Formerly Incorporated into DA01 Appointment of Authorised Officers in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6. Reviewed ELT 18/5/2022 OCM 28/6/2022 |

| | |
|--|--|
| | Reviewed ELT 15/3/2023 OCM 26/4/2023 New Policy OCM 12/12/2023 Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8 Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5 |
|--|--|

8.1.2 Enforcement Agency Reports to the Chief Health Officer

| | |
|--|---|
| Delegator: Power / Duty assigned in legislation to: | Enforcement Agency (defined as Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Public Health Act 2016 (WA):</i> s 21 Enforcement agency may delegate |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Public Health Act 2016 (WA)</i> s 22 Reports by and about enforcement agencies |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the City of Belmont [s 22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s 22(2)]. |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions:</p> <ol style="list-style-type: none"> a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r 15D(6)]. |
| References: | <p><u>Public Health Act 2016 (WA)</u> s 20 Conditions on performance of functions by enforcement agencies.</p> <p>CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations</i> 1996 (WA) r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the <i>Public Health Act 2016 (WA)</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)]. |
| Version | <p>New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.</p> <p>Reviewed ELT 18/5/2022 OCM 28/6/2022</p> <p>Reviewed ELT 15/3/2023 OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8</p> <p>Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5</p> |

8.1.3 Designate Authorised Officers

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Enforcement Agency (defined as Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Public Health Act 2016 (WA):</i> s 21 Enforcement agency may delegate |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Public Health Act 2016 (WA)</i> s 24(1) and (3) Designation of authorised officers |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> The <i>Public Health Act 2016 (WA)</i> or other specified Act Specified provisions of the <i>Public Health Act 2016 (WA)</i> or other specified Act Provisions of the <i>Public Health Act 2016 (WA)</i> or another specified Act, other than the specified provisions of that Act. Including: <ol style="list-style-type: none"> an environmental health officer or environmental health officers as a class; OR a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR a mixture of the two. [s 24(1) and (3)]. |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions:</p> <ol style="list-style-type: none"> Subject to each person so appointed being; <ul style="list-style-type: none"> Appropriately qualified and experienced [s 25(1)(a)]; and Issued with a certificate, badge or identity card identifying the authorised officer [s 30 and 31]. A Register (list) of authorised officers is to be maintained in accordance with s 27. |
| References: | <p><u><i>Public Health Act 2016 (WA)</i></u></p> <p>s 20 Conditions on performance of functions by enforcement agencies.</p> <p>s 25 Certain authorised officers required to have qualifications and experience.</p> <p>s 26 Further provisions relating to designations</p> <p>s 27 Lists of authorised officers to be maintained</p> <p>s 28 When designation as authorised officer ceases</p> <p>s 29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s 30 Certificates of authority</p> |

| | |
|------------------------|--|
| | <p>s 31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s 32 Certificate of authority to be returned.</p> <p>s 136 Authorised officer to produce evidence of authority</p> <p><u><i>Criminal Investigation Act 2006 (WA)</i></u>, Parts 6 and 13 – refer s 245 of the <i>Public Health Act 2016 (WA)</i></p> <p>The Criminal Code, Chapter XXVI – refer s 252 of the <i>Public Health Act 2016 (WA)</i></p> <p><u><i>Dog Act 1974 (WA)</i></u></p> <p><u><i>Cat Act 2011 (WA)</i></u></p> <p><u><i>City of Belmont Consolidated Local Law 2020</i></u></p> <p><u><i>City of Belmont Health Local Law 2012</i></u></p> <p>CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents</p> |
| Version | <p>New. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.</p> <p>Reviewed ELT 18/5/2022 OCM 28/6/2022</p> <p>Reviewed ELT 15/3/2023 OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8</p> <p>Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5</p> |

8.1.4 Determine Compensation of Seized Items

| | |
|--|---|
| Delegator: Power / Duty assigned in legislation to: | Enforcement Agency (defined as Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Public Health Act 2016 (WA):</i> s 21 Enforcement agency may delegate |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Public Health Act 2016 (WA)</i> s 264 Compensation |
| Delegate: | Chief Executive Officer |
| Function: | Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s 264]. |
| Council General Conditions on this Delegation: | Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation. Additional Conditions: Compensation is limited to a maximum value of \$5000, with any proposal for compensation above this value to be referred for Council's determination. |
| References: | <u><i>Public Health Act 2016 (WA)</i></u> s 20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <u><i>City of Belmont Consolidated Local Law 2020</i></u> <u><i>City of Belmont Health Local Law 2012</i></u> CP63 – Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the <i>Public Health Act 2016 (WA)</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)]. |
| Version | New. Reviewed ELT 15/3/2023 OCM 26/4/2023 Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8 Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5 |

8.1.5 Enforcement Orders

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Enforcement Agency (defined as Local Government) |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Public Health Act 2016 (WA):</i> s 21 Enforcement agency may delegate (1) A power or duty conferred or imposed on an enforcement agency may be delegated — (a) if the enforcement agency is the Chief Health Officer, in accordance with section 9; or (b) if the enforcement agency is a local government, to — (i) the chief executive officer of the local government; or (ii) an authorised officer designated by the local government; |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Public Health Act 2016 (WA)</i> s 216 Issue of enforcement orders s 219 Enforcement agency may implement enforcement order |
| Delegate: | Chief Executive Officer Director Development and Communities Manager Safer Communities |
| Function: | Authority to : 1. issue an enforcement order under s216 of the <i>Public Health Act 2016 (WA)</i> to a person where the person has not complied with an improvement notice issued under s212 of the <i>Public Health Act 2016 (WA)</i> and 2. enforce any enforcement order issued under s216. |
| Council General Conditions on this Delegation: | Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation. Additional Conditions: Nil |
| References: | <u><i>Public Health Act 2016 (WA)</i></u> s 20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <u><i>City of Belmont Consolidated Local Law 2020</i></u> <u><i>City of Belmont Health Local Law 2002</i></u> CP63 – Execution of Documents Policy |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. |

| | |
|---------------------------------------|--|
| | Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |
| Express Power to Sub-Delegate: | Nil |
| Version | New. ELT 11/6/2024 OCM 25/6/2024 Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5 |

PLANNING AND DEVELOPMENT ACT 2005 (WA) DELEGATIONS

9.1 Council to CEO

9.1.1 Illegal Development

| | |
|--|---|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>LGA95 (WA):</i> s 5.42(b) Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Planning and Development Act 2005 (WA):</i> Section 214(2), (3) and (5) |
| Delegate: | Chief Executive Officer |
| Function: | <ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order. |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions:</p> <p>Nil</p> |
| References: | <p><i>Planning and Development Act 2005 (WA)</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015 (WA)</i> <i>City of Belmont Consolidated Local Law 2020</i> Note –Decisions under this delegation may be referred for review by the State Administration Tribunal CP63 – Execution of Documents</p> |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19. |

| | |
|----------------|---|
| | <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>New. OCM 22/6/2021 Item 12.6.</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>New Policy OCM 12/12/2023</p> <p>Reviewed OCM 23/4/2024 Item 12.8</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

9.2 Local Planning Scheme 15– Council to CEO

9.2.1 Development Applications

| | |
|--|---|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: Power that enables a delegation to be made | <i>Planning and Development (Local Planning Schemes) Regulations 2015 (WA)</i> Schedule 2, Part 10, s 82(1) Delegations by local government |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Planning and Development (Local Planning Schemes) Regulations 2015 (WA)</i> , Schedule 2 s 68 Determination of applications s 70 Form and date of determination s 77 Amending or cancelling applications <i>Planning and Development (Development Assessment Panel) Regulations 2011 (WA)</i> 17A Amendment or cancellation of development approval by responsible authority. |
| Delegate: | Chief Executive Officer |
| Function: | Interpret and apply the provisions of Local Planning Scheme No. 15 and any relevant statutory planning framework, including Local and State Planning Policies. To determine development applications by issuing refusals, deemed refusals, approvals with relevant conditions and amendments to development approvals in respect of applications determined under delegated authority. Note: This delegation does not include any determinations or approvals relating to prescribed development approval functions or prescribed single house developments. (Reg 84A & 84B) |
| Council General Conditions on this Delegation: | Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation. Additional Conditions: This delegation must not be exercised by the delegated officer where: <ul style="list-style-type: none"> • The estimated cost of development, excluding any development undertaken by the City, exceeds \$5 million. • The City, or an authorised party acting on behalf of the City, is proposing development, unless the development is on land owned or under the care and control of the City and its estimated cost does not exceed \$2 million. |

| | |
|-------------------------------|--|
| | <ul style="list-style-type: none"> • The development proposal has a strategic impact and as a result involves issues in which Council has a direct interest. • A significant variation to the development standards listed in Local Planning Scheme No. 15 is evident. • A significant variation to a Local Planning Policy is evident and the variation is not consistent with the objectives of the Local Planning Policy. • A development application proposes a use which is a use that is not listed in the Local Planning Scheme No. 15 Zoning Table and the use has not previously been determined by Council. • A formal written objection has been received during the advertising of an application, unless in the opinion of the Chief Executive Officer or his delegate: <ul style="list-style-type: none"> a. The proposal is consistent with the objectives and intent of Local Planning Scheme No.15, the Residential Design Codes and any relevant Council Policy; and b. The objection can be overcome by imposing a condition on any approval granted, or modifying the design of the development; or c. The objection does not relate to the matter for which it has been referred and/or does not relate to valid planning and development considerations associated with the proposal; or d. The application is refused. • A development application proposes a variation to the Deemed-to-Comply provisions - or the Element Objectives and/or Acceptable Outcomes - of the Residential Design Codes and that variation does not satisfy the related Design Principles - • The height of a proposed residential development exceeds three storeys or other height specified by Local Planning Scheme No. 15 or other statutory planning framework. |
| Specific Delegation to | Director Development and Communities Manager Planning Services Coordinator Planning Coordinator Planning Projects |
| Function: | Amendments and Cancellations to Previously Approved Development Authority is granted to determine applications to amend or cancel previously Council approved developments, and Development Assessment Panel Form 2 Applications |
| Specific Delegation to | Director Development and Communities Manager Planning Services |
| Function: | Approvals for Development Applications – Use Not Listed – Types Previously Determined by Council |

| | |
|------------------------|---|
| | Authority granted to make determinations on development applications for "Use Not Listed" types that have previously been determined by Council. |
| References: | <p><u>Planning and Development Act 2005 (WA)</u> <u>Planning and Development (Local Planning Schemes) Regulations 2015 (WA)</u> <u>Residential Design Codes</u> <u>City of Belmont Consolidated Local Law 2020 (WA)</u></p> <p>Note –Decisions under this delegation may be referred for review by the State Administrative Tribunal</p> <p>CP63 – Execution of Documents Policy</p> |
| Record Keeping: | <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19.</p> <p>Records of exercise of delegated authority to be retained in ECM index:11/005.</p> <p>Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents.</p> |
| Version | <p>Formerly DA21 Development Applications in 2020-2021 Delegation Register. Approved OCM 22/6/2021 Item 12.6.</p> <p>Amended OCM 22/2/22 Change to Officer title</p> <p>Reviewed OCM 28/6/2022</p> <p>Reviewed OCM 26/4/2023</p> <p>Amended New Policy OCM 12/12/2023</p> <p>Amended OCM 25/6/2024</p> <p>Reviewed OCM 24/6/2025 Item 12.5</p> |

9.2.2 Preliminary and Final Built Strata Approval

| | |
|--|--|
| Delegator: Power / Duty assigned in legislation to: | Local Government |
| Express Power to Delegate: | <i>Planning and Development Act 2005 (WA)</i> s16 (3) (e) Delegation by Commission |
| Power or Duty Delegated: Relevant section of legislation for the delegation | <i>Planning and Development Act 2005 (WA)</i> s16 (3) (e) <i>Strata Titles Act 1985 (WA)</i> s15 s21 s22 s25 s27 |
| Delegate: | Director Development and Communities Manager Planning Services Coordinator Planning Services Coordinator Planning Projects Senior Planning Officer |
| Function: | Determine applications for preliminary built strata approval, and final built strata approval and endorse the applicable form after the conditions preliminary strata plan approval have been fulfilled, as delegated by the Western Australian Planning Commission. |
| Council General Conditions on this Delegation: | <p>Any person proposing to exercise a power under delegated authority shall comply with the <u>Standard Conditions of Delegation</u> and the following specific additional conditions for this delegation.</p> <p>Additional Conditions: This delegation must not be exercised by the delegated officer for applications that:</p> <ul style="list-style-type: none"> • Propose the creation of a vacant lot; • Propose vacant air stratas in multi-tiered strata scheme developments; and • Where, in the opinion of the WAPC as notified to the relevant local government in writing, relate to a type of development and/or land within an area which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application. |
| References: | <i>Planning and Development Act 2005 (WA)</i> Delegation 2020/01 (Refer Delegation 10.2.3) <i>Strata Titles Act 1985 (WA)</i> Note –Decisions under this delegation may be referred for review by the State Administration Tribunal |
| Record Keeping: | Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r 19. Records of exercise of delegated authority to be retained in ECM index:11/005. Record details of documented procedures; the subsequent amendment of procedures and ECM-links to relevant evidentiary documents. |

| | |
|----------------|--|
| Version | <p>Formerly DA22 Preliminary and Final Built Strata in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.</p> <p>Amended OCM 22/2/22 Change to Officer title</p> <p>Reviewed ELT 18/5/2022 OCM 28/6/2022</p> <p>Minor removal of form and surplus wording from WAPC policy. Reviewed ELT 15/3/2023 OCM 26/4/2023</p> <p>Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8</p> <p>Reviewed ELT 10/6/2025 OCM 24/6/2025 Item 12.5</p> |
|----------------|--|

STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT AUTHORITIES

10.1 *Environmental Protection Act 1986 (WA)*

10.1.1 Noise Control – Environmental Protection Notices [Reg 65(1)]

Delegation 52

10.1.2 Noise Management Plans – Keeping Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events

Delegation 112

10.1.3 Noise Management Plans – Construction Sites

Delegation 119 EPA Noise Regulations

10.2 *Planning and Development Act 2005 (WA)*

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

WAPC_DEL_Authorisation_Instrument_Minister_of_Lands_(local_gov_CEOs).pdf

10.2.2 Powers of Local Governments Metropolitan Region Scheme (

Del 2025/04 Powers of Local Governments Metropolitan Region Scheme610.2.3 WA Planning Commission – Section 25 of the *Strata Titles Act 1985*

Powers of Local Governments - s 15 of the *Strata Titles Act 1985* (DEL.2020/01)

10.3 *Main Roads Act 1930 (WA)*

10.3.1 Traffic Management – Events on Roads & Works on Roads

Main Roads /Delegation of Authority For Parking Control on Verges of M... of Au...

DSID 2588809

Main Roads /Delegation of Authority For Parking Control on Verges of M... ument ...

Main Roads /Delegation of Authority For Parking Control on Verges of M...

10.3.2 Control of Advertisements

Guidelines-for-advertising-signs-within-and-beyond-state-road-reserves.pdf

MRWA / Copy original delegation letter 28/05/73 - Control of advertisi...

10.4 *Road Traffic (Vehicles) Act 2012 (WA)*

10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles

EmergencyVehicle_Yellow_WarningLights.pdf