



# Ordinary Council Meeting 22/06/21

Item 12.6 refers

## Attachment 11

**Summary of Changes – Delegated  
Authority Review 2021-2022**

*Creating opportunities*



## SUMMARY OF CHANGES

### Delegated Authority Review 2021-2022

#### BACKGROUND

The Delegations have been reviewed in line with the WALGA Delegations Template and referencing industry trends. A number of Delegations Registers from a number of local governments, large and small, regional and metro have also been reviewed as part of this process. Please note that the Delegation Register will be moved across to the new document style templates being introduced therefore slight changes may occur in formatting.

Following is a table outlining the delegations and comments relating to each delegation and reference back to the 2020-2021 Delegation Register. Following is a summary of the changes:

- The Delegation Register is separated by statute.
- 2020-2021 Delegations for large sections of Acts, such as the Building Act, have been broken down from one delegation to a number of separate delegations to allow for ease of interpretation of the functions and conditions of the delegation.
- Historically, a number of functions have been carried out using the acting through concept. Delegations have been included for those functions where it is considered a delegation is more appropriate for decision making.
- Previous Delegated Authority Registers allowed for business documents such as permits etc to provide evidence of exercise of Delegation. This has been removed in this review as the City stores documentation in a number of business systems, this does not allow for a comprehensive register of exercise of delegation as required under the *Local Government Act 1995*.
- Records of the exercise of delegation will now be moved towards a centralised register to allow for more comprehensive reporting. There is a change in process for the Exercise of Delegation Form to be completed in all instances rather than the current process of only being completed where no other documentation is created and stored in the City's record system. Following endorsement by Council, affected staff will be advised of this requirement.
- Additionally, hyperlinks to the Standard Conditions of delegation have been included in each delegation so that each delegate is aware of conditions of delegation and any limitations to the delegation. Compliance links have also been included into the register

### Summary of Changes to Delegations

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
<b>LOCAL GOVERNMENT ACT</b>					
<b>1.1 Council to CEO</b>					
1.1.1	Compensation – Damage Incurred when Performing Executive Functions	s.3.22(1) Compensation s.3.23 Arbitration	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of the City’s functions and make payment of compensation [s.3.22(1)] if requested. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.	NEW	To allow for the CEO to determine compensation, if appropriate and if necessary, go to arbitration to resolve.  Only applicable in the instances where there would not be an appropriate insurance response.
1.1.2	Powers of Entry	s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences	Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].	DA02 Powers of Entry in an Emergency	Current delegation only covers for entry under emergency purposes.  There is a strict process which must be followed when entering onto land to carry out functions under the Local Government Act  Additional information included to provide clarity in authority rather than acting through.
1.1.3	Declare Vehicle is an Abandoned Vehicle Wreck	s.3.40A (4) Abandoned vehicle wreck may be taken	Ability to declare a vehicle an abandoned wreck allowing for disposal	NEW	Legislation is specific in how a vehicle is declared. It is more appropriate that this is a delegation rather than using the “Acting through principle”.
1.1.4	Confiscated or Uncollected Goods	s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of	1. Authority to 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. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].	NEW	Legislation has a specific process on how goods may be disposed of and who is able to make that decision.  It is more appropriate that this is a delegation rather than using the “Acting through principle”.

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
1.1.5	Disposal of Sick or Injured Animals	s3.47A	To authorise the humane disposal of an impounded animal where it is determined to be too ill or injured to be treated.	NEW	<p>Although City does not operate our own pound services, it is involved in the disposal of animals.</p> <p>It is more appropriate that this is a delegation rather than using the “Acting through principle”.</p>
1.1.6	Close Thoroughfares to Vehicles	<p>s3.50 Closing certain thoroughfares to vehicles</p> <p>s3.50A Partial closure of thoroughfares for repairs or maintenance</p> <p>s3.51 Affected owners to be notified of certain proposals</p> <p>s3.52 Public access to be maintained and plans kept</p>	<p>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;</p> <p>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</p> <p>Authorised to give notice of the fixing, altering, alignment or draining of a public thoroughfare or other public place.</p>	DA03 Road Closures - temporary	<p>Change to the function as the current DA03 is very broad “all delegable functions”. Similar wording has been adopted from WALGA and other Council’s delegations.</p> <p>It is an offence under Consolidated local laws to do certain things without permission. Delegation amendment provides for a process to provide that permission if requested.</p>
1.1.7	Control Reserves and Certain Unvested Facilities	s.3.53(3) Control of certain unvested facilities	Authority to agree on the control and management of an unvested facility if it lies within two or more Local Government districts.	NEW	Adopted from WALGA and other Councils. Allows for the CEO to enter into agreements with other local governments as to the maintenance of areas e.g., mowing.
1.1.8	Obstruction of Footpaths and Thoroughfares	<p>Local Government (Uniform Local Provisions) Regulations 1996:</p> <p>r.5(2) Interfering with, or taking from, local government land</p> <p>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</p> <p>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</p> <p>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</p>	<p>1. Authority to 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:</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</p> <p>2. Authority to 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 r.6(2) and (4)].</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition</p>	DA21 Verge Permits	<p>Current Delegation in place for reg 6 Verge Permits (Building Only)</p> <p>The remainder of the functions is currently done via acting through.</p> <p>Adopted from WALGA template and other Councils.</p> <p>It is an offence under Consolidated local laws to do certain things without permission. This provides a process to provide that permission if requested.</p> <p>It is more appropriate that this is a delegation rather than using the “Acting through principle”.</p>

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
		City of Belmont Consolidated Local Law 2020 Parts 3,6,7,8,9,10, 11 and 12	imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4.Authority to 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]. 5.Authority to 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]. 6. To carry out the powers, functions, and duties of the City's local laws relevant to the obstruction of footpaths and thoroughfares.		
1.1.9	Gates Across Public Thoroughfares	r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)	<ol style="list-style-type: none"> <li>1. Authority to 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 r.9(1)].</li> <li>2. Authority to 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 [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to 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 r.9(6)].</li> </ol>	NEW	<p>The functions are currently done via acting through.</p> <p>It is an offence under Consolidated local laws to do certain things without permission. This provides a process to provide that permission if requested.</p> <p>It is more appropriate that this is a delegation rather than using the "Acting through principle".</p> <p>Adopted from WALGA template and other Councils.</p>
1.1.10	Public Thoroughfare – Dangerous Excavations	Local Government (Uniform Local Provisions) Regulations 1996:	<ol style="list-style-type: none"> <li>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and act to fill it in or fence it or request the owner / occupier in writing</li> </ol>	NEW	<p>The functions are currently done via acting through.</p> <p>It is an offence under Consolidated Local Law 2020 to do certain things without permission.</p>

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
		r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6 City of Belmont Consolidated Local Law 2020 Part 3,	to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to 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 r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]. 5. To carry out the powers, functions, and duties of the City's local laws relevant to thoroughfares.		This provides a process to provide that permission if requested.  It is more appropriate that this is a delegation rather than using the "Acting through principle".  Adopted from WALGA template and other Councils.
1.1.11	Crossing from public thoroughfare to private land or private thoroughfare	Local Government (Uniform Local Provisions) Regulations 1996: r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3) City of Belmont Consolidated Local Law 2020 Part 3,	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		The functions are currently done via acting through.  It is an offence under Consolidated local laws to do certain things without permission. This provides a process to provide that permission if requested.  It is more appropriate that this is a delegation rather than using the "Acting through principle".  Adopted from WALGA template and other Councils.
1.1.12	Requirement to construct and repair crossing	Local Government (Uniform Local Provisions) Regulations 1996: r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3) City of Belmont Consolidated Local Law 2020 Part 3,	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. Construct or repair the crossing and recover 50% of the cost if the person fails to comply with the notice		The functions are currently done via acting through.  It is an offence under Consolidated local laws to do certain things without permission. This provides a process to provide that permission if requested.  It is more appropriate that this is a delegation rather than using the "Acting through principle".

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
					Adopted from WALGA template and other Councils.
1.1.13	Private Works on, over or under Public Places	Local Government (Uniform Local Provisions) Regulations 1996: r.17(4) & (5) Private works on, over, or under public places r.17(5) Imposition of conditions City of Belmont Consolidated Local Law 2020 Parts 3,7,8	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.	NEW	<p>The functions are currently done via acting through.</p> <p>It is an offence under Consolidated local laws to do certain things without permission. This provides a process to provide that permission if requested.</p> <p>It is more appropriate that this is a delegation rather than using the “Acting through principle”.</p> <p>Adopted from WALGA template and other Councils.</p>
1.1.14	Tenders	Local Government Act 1995 s3.57 Tenders for providing goods or services  Local Government (Functions and General) Regulations 1996 Part 4 – regs. 11 to 24	<p>To call tenders and set weighted criteria as outlined in the relevant legislation and this delegation.</p> <p>To authorise purchases and accept tenders in accordance with the conditions of this delegation.</p>	DA04 Tenders	<p>No change to content.</p> <p>Formatting changes inclusion of standard conditions and compliance links</p>
1.1.15	Acquisition of Land	s.3.59 Commercial enterprises by local government	Undertake the function of acquiring land, including lease and purchase.	DA05 Acquisition and Disposal of land	<p>Wording in DA05 included Acquisition and Disposal.</p> <p>Separate delegations are proposed for the acquisition of land and the disposal of land for clarity.</p> <p>Minor changes to content to allow for the functions to be separated in line with conditions. Also recommended in WALGA template. Other Councils also have this separated out.</p>

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
1.1.16	Disposal of Land	s.3.58 Disposal of Property	<p>Undertake the function of disposing of land including through lease and sale.</p> <p>Authority to dispose of property to: the highest bidder at public auction [s.3.58(2)(a)].</p> <p>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 it is the highest tender [s.3.58(2)(b)]</p> <p>Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p> <p>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.</p>	DA05 Acquisition and Disposal of land	<p>Wording in DA05 included Acquisition and Disposal.</p> <p>Separate delegations are proposed for the acquisition of land and the disposal of land for clarity.</p> <p>Minor changes to content to allow for the functions to be separated in line with conditions.</p> <p>Also recommended in WALGA template. Other Councils also have this separated out.</p>
1.1.17	Disposal of Property (other than land)	<p>Local Government Act 1995: s.3.58 Disposal of Property</p> <p>Local Government (Functions and General) Regulations 1996 – reg.30 (3) Dispositions of property excluded from Act s3.58</p>	<p>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.</p> <p>Dispose as defined in the Act includes to sell, lease, or otherwise dispose of whether absolutely or not.</p> <p>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.</p>	DA06 Disposal of Assets	<p>Minor change to the title to provide clarity so show that it is for all local government property other than land.</p> <p>Further information also provided in the legislative function for the disposal of assets/ equipment/vehicles etc.</p> <p>Also recommended in WALGA template. Other Councils also have this separated out.</p>
1.1.18	Municipal or Trust Funds: Payments and Procedures	<p>Local Government Act 1995</p> <p>s6.7 Municipal fund</p> <p>s6.9 (3) Trust fund</p> <p>Local Government (Financial Management) Regulations 1996 reg.11</p> <p>Payments, procedures for making etc.</p>	Make payments from the Trust and Municipal Fund in accordance with procedures.	DA07 Municipal and Trust Fund/ Procedures and Payments	<p>No change to content.</p> <p>Formatting changes inclusion of standard conditions and compliance links</p>



New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
		reg.12 Payments from municipal fund or trust fund, restrictions on making			
1.1.19	Grant Concession, Waive or Write Off Debts	<i>Local Government Act 1995</i> s6.12(1)(b), (c)	Waive a debt which is owed to the City of Belmont [s.6.12(1)(b)].  Grant a concession in relation to money which is owed to the City of Belmont [s.6.12(1)(b)]. Write off an amount of money which is owed to the City of Belmont [s.6.12(1)(c)]	DA08 Waiver or Concession Granting	No change to content.  Formatting changes inclusion of standard conditions and compliance links
1.1.20	Investments	<i>Local Government Act 1995</i> s.6.14(1) Power to invest  Local Government (Financial Management) Regulations 1996: r.19 Investments, control procedures for	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].	DA09 Investments	No change to content.  Formatting changes inclusion of standard conditions and compliance links
1.1.21	Recovery of Unpaid Rates	<i>Local Government Act 1995</i> s6.55 Recovery of rates and service charges s6.56 (1) Rates or service charges recoverable in court s6.60 Local government may require lessee to pay rent. s6.64 Actions to be taken. s6.69 (2) (3) Right to pay rates, service charges and costs, and stay proceedings. 6.74 (1) Power to have land retested in the Crown if rates in arrears 3 years	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.  As part of the legal recovery of rates and charges in court, documents such as summonses and warrants are required to be duly authorised.	DA10 Recovery of Unpaid Rates	No change to content.  Formatting changes inclusion of standard conditions and compliance links

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
		Schedule 6.2(1) [1] Provisions relating to lease of land where rates or service charges unpaid [Section 6.65] Schedule 6.3(1) [4] and (4) [1] Provisions relating to sale or transfer of land where rates or service charges unpaid [Section 6.68(3)]			
1.1.22	Administration of Local Laws	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:  Consolidated Local Laws 2020 Health Local Laws 2002	To administer the City of Belmont Local Laws.	NEW	The functions are currently done via acting through.  It is an offence under Consolidated local laws to do certain things without permission. This provides a process to provide that permission if requested and for the issuance of notices.  It is more appropriate that this is a delegation rather than using the "Acting through principle".
1.1.23	Extension for Rate Exemption Application	Local Government Act 1995: s.6.76 Grounds of objection	Authority to make decisions regarding objections to the rates record including extending the time for a person to make an objection and following consideration, make a decision whether to allow or disallow the objection, either wholly or in part.	DA12 Extension for Rate Exemption Application	No change to content.  Formatting changes inclusion of standard conditions and compliance links
1.1.24	Variation of Meeting Date – Annual Electors Meeting	Local Government Act 1995 s5.27 Electors' general meetings	To vary the Annual Electors Meeting date from the date as outlined in Council Policy BEXB1.3 Council, Committee and Briefing Meeting Schedule should the need arise	DA13 Authorised Officers – Variation of Meeting Date	Change to title to remove authorised officer wording. No change to content.  Formatting changes inclusion of standard conditions and compliance links
1.1.25	Bank Accounts	Local Government Act 1995 s6.6 Funds to be established.	Maintain separate accounts with a bank or other financial institution for money required to be held in: •the municipal fund; •the trust fund;	DA11 Bank Accounts	No change to content. Formatting changes inclusion of standard conditions and compliance links

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
		Local Government (Financial Management) Regulations 1996 reg.8 Separate bank etc. accounts required for some moneys	<ul style="list-style-type: none"> <li>•reserve accounts; and</li> <li>•common investment authorised by the Act.</li> </ul>		
1.1.26	Discretionary Gratuity Payments	Local Government Act 1995 s5.50– Payments to employees in addition to contract or award	To determine if a discretionary Gratuity payment should be made to a finishing employee in excess of any amount contained in Council policy in accordance with s5.50(2) of the Local Government Act 1995 and under clause 23.1.1(d) of the City of Belmont Certified Agreement (2004) or clause 21.1.1(d) of the City of Belmont Certified Agreement (Operations) 2006.	DA14 Discretionary Gratuity Payments	<p>No change to content.</p> <p>Rewording of condition to include reference to regulations.</p> <p>Formatting changes inclusion of standard conditions and compliance links</p>
1.1.27	Determination of Applications for Legal Representation for Elected Members and Employees	Local Government Act 1995 s6.7 Municipal fund s9.56 Certain persons protected from liability for wrongdoing	To determine an application seeking financial assistance for Legal Representation not exceeding an amount of \$5000.	DA15 Determination of Applications for Legal Representation	<p>No change to content.</p> <p>Formatting changes inclusion of standard conditions and compliance links</p>
1.1.28	Donations – Disaster Relief	Local Government Act 1995 s.6.7 Municipal Fund Local Government (financial management) Regulations 1996 12. Payments from municipal fund or trust fund, restrictions on making	To approve the provisions of funds towards appeals where natural disasters have occurred in accordance with the Donations – Financial Assistance Policy (Council Policy SB1.2)	DA16 Donations Disaster Relief	<p>Inclusion of reference to regulations.</p> <p>Minor change to formatting to separate out conditions and to reference Council Policy.</p> <p>Formatting changes inclusion of standard conditions and compliance links</p>
1.1.29	Community Contribution Funds	Local Government Act 1995 s.6.7 Municipal Fund Local Government (Financial Management) Regulations 1996: 12. Payments from municipal fund or trust fund, restrictions on making	To approve applications for the release of funds through requests for Financial assistance in accordance with the Donations – Financial Assistance policy (Council Policy SB1.2)	DA17 Community Contribution Funds	<p>Inclusion of reference to regulations and Council Policy.</p> <p>Formatting changes inclusion of standard conditions and compliance links</p>

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
1.1.30	Belmont Business Innovation Grants	Local Government Act 1995 s.6.7 Municipal Fund Local Government (financial management) Regulations 1996: 12. Payments from municipal fund or trust fund, restrictions on making	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.	DA18 Belmont Business Innovation Grants	Inclusion of reference to regulations.  Formatting changes inclusion of standard conditions and compliance links  No Change to content
1.1.31	Receiving Legal Documents to be Served on the City	Local Government Act 1995 s9.51 giving documents to local government	To receive legal documents served upon the City by another party (i.e., subpoenas), these include documents prepared for compliance with; <ul style="list-style-type: none"> <li>• Magistrates Court Act 2004</li> <li>• District Court of WA Act 1969</li> <li>• Supreme Court Act 1975</li> <li>• High Court of Australia Act 1979</li> </ul>	DA19 Receiving Legal Documents to be Served on the City	No change to content.  Formatting changes inclusion of standard conditions and compliance links
<b>2 BUILDING ACT 2011 DELEGATIONS</b>					
<b>2.1 Council to CEO</b>					
2.1.1	Grant a Building Permit	Building Act 2011: 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  Building Regulations 2012: 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))	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]. 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)].	DA20 Building Act 2011	Formerly DA 20 - broken down from large single delegation to provide clarity on the function being delegated.  Additional legislation references added as per WALGA and other Council registers.  No change to content.  Formatting changes inclusion of standard conditions and compliance links

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
2.1.2	Demolition Permits	<p>Building Act 2011:  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</p> <p>Building Regulations 2012  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))</p>	<p>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</p> <p>. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</p> <p>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) &amp; (2) and s.22].</p> <p>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].</p> <p>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].</p> <p>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)]</p> <p>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</p> <p>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</p>	DA20 Building Act 2011	<p>Formerly DA 20 - broken down from large single delegation to provide clarity on the function being delegated.</p> <p>Additional legislation references in added as per WALGA and other Council registers.</p> <p>No change to content. Formatting changes inclusion of standard conditions and compliance links</p>
2.1.3	Occupancy Permits or Building Approval Certificates	<p>Building Act 2011:  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  Building Regulations 2012</p>	<p>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</p> <p>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</p> <p>3. Authority to impose, add, vary, or revoke conditions on an occupancy permit [s.62(1) and (3)].</p> <p>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].</p>	DA20 Building Act 2011	<p>Formerly DA 20 - broken down from large single delegation to provide clarity on the function being delegated.</p> <p>Additional legislation ref added as per WALGA and other Council registers.</p> <p>No change to content. Formatting changes inclusion of standard conditions and compliance links</p>

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
		r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)			
2.1.4	Designate Employees as Authorised Persons	Building Act 2011: s.96(3) authorised persons. s.99(3) Limitation on powers of authorised person	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)]. NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70.	DA01 Appointment of Authorised Officers	Separated out as it is an appointment of the Local government as permit authority. WALGA template.
2.1.5	Building Orders	Building Act 2011: 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	1. Authority to make Building Orders in relation to: a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3.Authority to revoke a building order [s.117]. 4.If there is non-compliance with a building order, authority to cause an authorised person to: a. take any action specified in the order; or b. commences or complete any work specified in the order; or c.if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5.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)].	DA20 Building Act 2011	Formerly DA 20 - broken down from large single delegation to provide clarity on the function being delegated.  Additional legislation added as per WALGA and other Council registers

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
			6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.		
2.1.6	Alternative Solutions – Private Pool Barriers and Smoke Alarms	Building Regulations 2012: r.51 Approvals by permit authority r55 Terms used (alternative building solution approval) r61 Local government approval of battery powered smoke alarms	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 r51(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 (r61)	NEW	
2.1.7	Designate Employees as Approved and Authorised Persons (r70)	Building Regulations 2012: r.70 Approved officers and authorised officers	1. Authority to appoint an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as “approved officers”.</i> 2. Authority to appoint an authorised officer for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(2). <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 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 Building Regulation 70(2).</i>	DA01 Appointment of Authorised Officers	Separated out as it is an appointment of the Local government as permit authority.  This is a separate appointment to that of 2.1.4 as it is a more senior appointment to appropriately qualified registered practitioners.
<b>BUSH FIRES ACT 1954</b>					
3.1	Council to CEO and Chief Bush Fire Control Officer	Bush Fires Act 1954:	All powers duties and functions of the local government under the Bush Fires Act 1954 including s59 & S59A, and associated Regulations	DA24 Bush Fires Act	Formatting change only.  Inclusion of Manager Safer Communities for the commencement of prosecutions.
<b>4 CAT ACT 2011</b>					
<b>4.1 Council to CEO</b>					

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
4.1.1	Cat Act 2011 – Administration and Enforcement	Cat Act 2011: s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags s.26 Cat control notice may be given to cat owner. s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats. s.39 Certificate to be given to approved cat breeder. s49(3) s73 Prosecutions Cat Regulations 2012 Schedule 3, cl.1(4) Fees Payable Schedule 3, cl1(2) & (3) Cat (Uniform Local Provisions) Regulations 2013: r.8 Application to keep additional number of cats. r.9 Grant of approval to keep additional number of cats.  City of Belmont Consolidated Local Law 2020 relevant sections pertaining to animals	Authorised to: 1. Exercise any of the City’s powers or the discharge of any of its duties under the Cat Act 2011. 2. Appoint such persons to be Authorised Persons for performing particular functions under this Act.	DA31 Cat Act 2011	No change to content. Formatting changes inclusion of standard conditions and compliance links
<b>5 DOG ACT 1974</b>					
<b>5.1 Council to CEO</b>					
5.1.1	Dog Act 1976 – Power or duty of the local	Dog Act 1976	To carry out the functions of the Dog Act 1976, associated regulations and local laws.	DA29 Dogs	No change to content. Formatting changes inclusion of standard conditions and compliance links



New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
	government under any provision of	s15(2) & (4A) Registration period and fees s16(3) Registration procedures s17A (2) s17(4) & (6) s29(5) power to seize dogs. s29(11) s33E (1) Individual dog may be declared to be dangerous dog (declared) s.33F(6) Owners to be notified of making of declaration. s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy. s33M(1)(a) Local Government expenses to be recoverable. s44 Enforcement proceedings	To determine the registration procedures and to <ul style="list-style-type: none"> <li>•determine to refuse a dog registration</li> <li>•determine and provide notice for the non-renewal, cancellation or refusal to register due to reasons in accordance with the Act and associated regulations</li> <li>•discount or waive a registration fee</li> <li>•apply for seizure and following seizure dealt with in accordance with s17(6)</li> </ul> Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].  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)]. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)]  Authority to declare an individual dog to be a dangerous dog [s.33E(1)]. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 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)] 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)].		

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
			<p>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>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>		
5.1.2	Keeping of Three Dogs	Dog Act 1976 s26 Limitation as to numbers	To determine applications for keeping of three dogs in accordance with Council Policy.	DA 30 Keeping of Three dogs	No change to content. Formatting changes inclusion of standard conditions and compliance links
<b>6 FOOD ACT 2008 DELEGATIONS</b>					
<b>6.1 Council to CEO/Employees</b>					
6.1.1	Determine Compensation	Food Act 2008: s.56(2) Compensation to be paid in certain circumstances. s.70(2) and (3) Compensation	<p>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)].</p> <p>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)].</p>	NEW	
6.1.2	Prohibition Orders	Food Act 2008 s65 Prohibition order s66 Certificate of clearance to be given in certain circumstances. s67 Request for re-inspection	<p>This delegation provides authority to-</p> <p>1. Serve a prohibition order on the proprietor of a food business in accordance with s65 of the Food Act 2008;</p> <p>2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices;</p>	DA26 Prohibition Orders	No change to content. Formatting changes inclusion of standard conditions and compliance links

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
			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.		
6.1.3	Registration of Food Business	Food Act 2008 s110 Registration of food business s112 Variation of conditions or cancellation of registration of food businesses.	The delegation provides the authority to: - 1. Register a food business in respect of any premises for the purposes of Part 9 of the Food Act 2008 and issue a certificate of registration; 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 Food Act 2008.	DA27 Registration of Food Business	No change to content. Formatting changes inclusion of standard conditions and compliance links
6.1.4	Appoint Authorised Officers and Designated Officers	Food Act 2008: s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers	1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [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 Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [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)].	DA01 Appointment of Authorised Officers	Previously included as DA01
6.1.5	Debt Recovery and Prosecutions	Food Act 2008: s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings	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 Food Act 2008 [s.125].	DA28 Food Act 2008 Prosecutions	Change to the Title to identify debt recovery. No change to content. Formatting changes inclusion of standard conditions and compliance links

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
<b>7 GRAFFITI VANDALISM ACT 2016 DELEGATIONS</b>					
<b>7.1 Council to CEO</b>					
7.1.1	Graffiti Vandalism Act – Administration and Enforcement	Graffiti Vandalism Act 2016: s.28 Notice of entry. s.29 Entry under warrant	Authorised to exercise any of the City's powers or the discharge of any of its duties under the Graffiti Vandalism Act 2016.	New	Adopted from WALGA template
<b>8 PUBLIC HEALTH ACT 2016</b>					
<b>8.1 Council to CEO</b>					
8.1.1	Appoint Authorised Officer or Approved Officer (Asbestos Regs)	Health (Asbestos) Regulations 1992: r.15D(5) Infringement Notices	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].	DA01 Appointment of Authorised Officers	Previously part of DA01 Appointment of Authorised Officers. This is a specific appointment required. Further detail relating to the legislative provisions and functions provided.
8.1.2	Enforcement Agency Reports to the Chief Health Officer	Public Health Act 2016 s.22 Reports by and about enforcement agencies	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)].	New	Adopted from WALGA template and other Councils.  A delegation by Council to the CEO is recommended rather than the acting through concept.
8.1.3	Designate Authorised Officers	Public Health Act 2016 s.24(1) and (3) Designation of authorised officers	1. Authority to designate a person or class of persons as authorised officers for the purposes of: i. The Public Health Act 2016 or another specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. Including: a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].	DA01 Appointment of Authorised Officers	Previously incorporated into DA01.  Further detail relating to function and requirements have been included.

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
8.1.4	Determine Compensation of Seized Items	Public Health Act 2016 s.264 Compensation	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].	New	WALGA Template
<b>9 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS</b>					
<b>9.1 Council to CEO</b>					
9.1.1	Illegal Development	Planning and Development Act 2005: Section 214(2), (3) and (5)	<p>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;</p> <p>2. Give a written direction to the owner or any other person who undertook an unauthorised development:</p> <p>(a) to remove, pull down, take up, or alter the development; and</p> <p>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</p> <p>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.</p>	New	WALGA template and other Councils.
<b>9.2 LOCAL PLANNING SCHEME 15– Council to CEO</b>					
9.2.1	Development Applications	Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 s68 Determination of applications	<p>Interpret and apply the provisions of Local Planning Scheme No. 15 and any relevant statutory planning framework, including Local and State Planning Policies.</p> <p>To determine development applications by issuing refusals, deemed refusals, approvals</p>	DA21 Development Applications	No change to content. Formatting changes inclusion of standard conditions and compliance links

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
		s70 Form and date of determination s77 Amending or cancelling applications.  Planning and Development (Development Assessment Panel) Regulations 2011 17A Amendment or cancellation of development approval by responsible authority.	with relevant conditions and amendments to development approvals in respect of applications determined under delegated authority.		
9.2.2	Preliminary and Final Built Strata Approval	Planning and Development Act 2005 s16 (3) (e) Delegation by Commission  Strata Titles Act 1985 s25 Certificate of Commission; and s27 Review of Commission decision	Determine applications for preliminary built strata approval, and final built strata approval and endorse the applicable Form 26 after the conditions preliminary strata plan approval have been fulfilled, as delegated by the Western Australian Planning Commission.	DA22 Preliminary and Final Built Strata Approval	No change to content. Formatting changes inclusion of standard conditions and compliance links
<b>10 STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT AUTHORITIES</b>					Included to reference in delegations from other agencies.
<b>10.1 ENVIRONMENTAL PROTECTION ACT 1986</b>					
10.1.1	Noise Control – Environmental Protection Notices [Reg.65(1)]				Delegation under EPA from the department to the Local Government Govt Gazette 47 19/3/2004 Included for reference as source of authority
10.1.2	Noise Management Plans – Keeping Logbooks, Noise Control Notices, Calibration and Approval of Non-Complying Events				Delegation under EPA from the department to the Local Government Govt Gazette 232 20/12/2013 Included for reference as source of authority
10.1.3	Noise Management				Delegation under EPA from the department to the Local Government

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
	Plans – Construction Sites				Govt Gazette 71 16/5/2014 Included for reference as source of authority
<b>10.2 PLANNING AND DEVELOPMENT ACT 2005</b>					
10.2.1	Instrument of Authorisation – Sign Development Applications for Crown Land as Owner				Instrument of Authorisation 2/6/2016 from the Minister for Lands Included for reference as source of authority
10.2.2	Development Control Powers – Powers of Local Governments and DOT - Metropolitan Region Scheme (DEL.2017/02)				WA Planning Commission Delegation Govt Gazette 30/5/17 No 14; 2/6/17 & 18/12/2018 No 193 DEL 2017/02  Included for reference as source of authority
10.2.3	WA Planning Commission – Section 25 of the Strata Titles Act 1985				WA Planning Commission Delegation Govt Gazette 29/1/21 DEL 2020/01  Included for reference as source of authority.
<b>10.3 MAIN ROADS ACT 1930</b>					
10.3.1	Traffic Management Events on Roads				Delegation from the Commissioner of Main Roads. Included for reference as source of authority
10.3.2	Traffic Management – Road Works				Delegation from the Commissioner of Main Roads. Included for reference as source of authority
10.3.3	Control of Advertising			DA25 Main Roads Control of Advertisements	This is a delegation from the Commissioner of Main Roads to the City of Belmont. No power of delegation from “City” to CEO. Included for reference as source of authority
10.3.4	Parking on Main Roads				Delegation from the Commissioner for Main Roads in relation to parking.
<b>10.4 ROAD TRAFFIC (VEHICLES) ACT 2012</b>					
10.4.1	Approval for Certain Local Government Vehicles as				Delegation allowing for Ranger Vehicles and other local government vehicles to have lights.

New Delegation Number	Delegation Title	Legislative Reference	Function	2020-2021 Register Reference	Comment/Change
	Special Use Vehicles				

#### **DELETED DELEGATIONS**

DA25	Main Roads - Control of Advertisements	<i>Reason:</i> <b>Reason:</b> The control of advertisements has been delegated through the Planning and Development Act 2015 and the Western Australian Planning Commission Delegations (10.2.2) Development Control Powers. The Main Roads Act 1930 refers only to the powers of delegation by the Commissioner. Local government cannot delegate.
DA01	Appointment of Authorised Officer	<b>Reason:</b> With the changes to the Local Government Act 1995 wording to allow the CEO to appoint authorised officers rather than the local government this is not a Council Delegation. For other statutes such as the Food Act 2008 and Building Act 2011 separate delegations have been put in place.