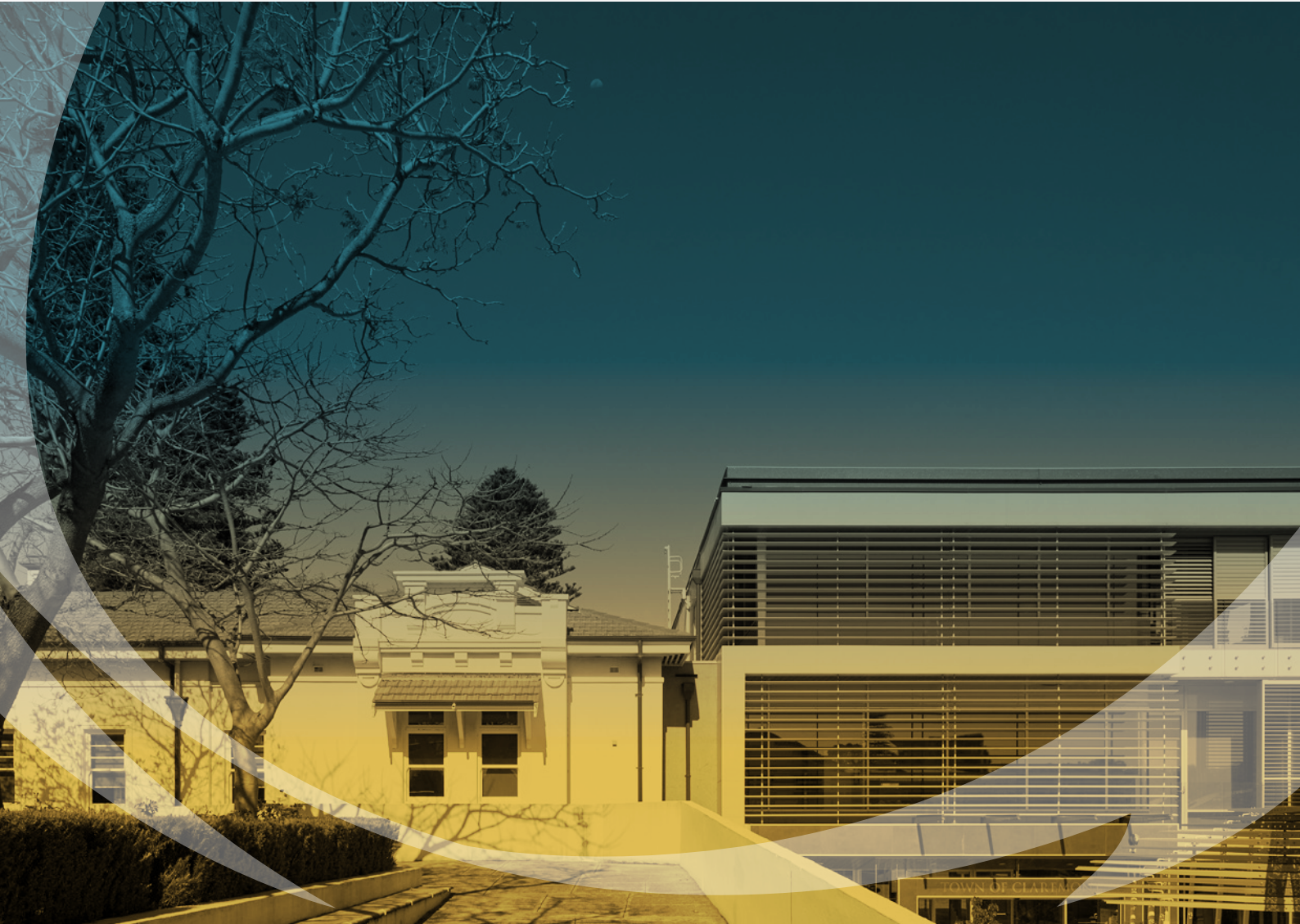


TOWN *of* CLAREMONT

# Delegated Authority Register



## Our vision and mission

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### OUR VISION

The Town is a progressive, respectful, sustainable local government supporting a connected, flourishing community.

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### OUR MISSION

We exist to deliver quality services for Claremont today and to build the foundation for the future.

## Purpose of Delegating Authority

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions. A delegation is a conferral of the ability to exercise a power or duty to a person or body from a person or a body that is vested with the responsibility to exercise that power or duty.

### Delegations to the Chief Executive Officer

Section 5.42 of the *Local Government Act 1995 (the Act)* allows a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, with the exception of limitations as listed under section 5.43 of the Act.

The following powers and duties cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- Accepting a tender which exceeds an amount determined by the local government;
- Appointing an auditor;
- Acquiring or disposing of any property valued at an amount determined by the local government;
- Any of the local government's powers under Sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;
- Borrowing money on behalf of the local government;
- Hearing or determining an objection of a kind referred to in Section 9.5;
- Any power of duty that requires the approval of the Minister or Governor; or
- Such other duties or powers that may be prescribed by the Act.

### Delegations by the Chief Executive Officer to Employees

Section 5.44 of the Act allows the Chief Executive Officer to delegate any of their powers to another employee and states that this must be done in writing.

The Act allows for the Chief Executive Officer to place conditions on any delegations.

An employee to whom a duty or power is delegated under the Act is considered a 'designated employee' under section 5.74(1) of the Act and is required to complete a primary return within 3 months of receiving the delegated power or duty and an annual return each financial year thereafter.

## Standard Conditions of Delegations

All delegations are subject to the following *Standard Conditions*:

- In exercising a delegation, the Chief Executive Officer is to comply with any and all laws and regulations in force in Western Australia and the requirements of any and all laws and policies of the Town of Claremont;
- In exercising a delegation the Chief Executive Officer is to exercise the delegation in accordance with any budget authority where applicable;
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident;
- Pursuant to section 5.46 of the Act and Regulation 19 of the *Local Government (Administration) Regulations 1996*, the Office of the Chief Executive is to keep records of exercising the delegation on any and all occasions that the delegation is exercised.

The written record is to contain:

- How the person exercised the delegation;
- When the person exercised the delegation; and
- The persons or classes of persons, other than Council or Committee Members or employees of the local.

Western Australian legislation referred to in this Delegated Authority Register can be accessed online at the State Law Publisher's website, <http://www.legislation.wa.gov.au>.

## Defined Terms

The following definitions apply to all delegations:

**Delegator** means the body whom the power or duty is assigned in legislation to.

**Express Power to Delegate** means the power that enables a delegation to be made.

**Function** is used as a precis only. Delegates must act with full understanding of the legislation and conditions relevant to the delegation.

**Sub-Delegate/s** means sub-delegates appointed by the Chief Executive Officer.

**Conditions on this Sub-Delegation** it is noted that conditions on the original delegation also apply to the sub-delegation.

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## 1. Council to Committee Delegations

### DA 1.1 Complaints Committee

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.16 Delegation of some powers and duties to certain committees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> cl.12 Dealing with complaint cl.13 Dismissal of complaint
<b>Delegate:</b>	<b>Complaints Committee</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [cl.12(7)].</li> <li>2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> <li>a. take no further action [cl.12(4(a)); or</li> <li>b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [cl.12(4)(b), (5) and (6)].</li> </ol> </li> <li>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [cl.13(1) and (2)].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 541 Complaints Against Council Members, Committee Members and Candidates.</li> <li>2. The part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s. 5.23(2) of the Act.</li> <li>3. Where a Committee Member is either the Complainant or Respondent to the Complaint, they are to recuse themselves from the Committee's Function by providing an apology. The recused Committee Member is to be replaced by a Deputy Committee Member for the duration of handling the Complaint.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil



## 2. Council to CEO Delegations

### 2.1 Delegations made under the *Local Government Act 1995*

#### DA 2.1.1 Disposing of Property

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s 5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.58(2) and (3) Disposing of Property  <i>Local Government (Functions and General) Regulations 1996:</i> r.30 Dispositions of property excluded from the Act s.3.58
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>a. the highest bidder at public auction [s.3.58(2)(a)].</li> <li>b. 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)].</li> </ol> </li> <li>2. Authority to dispose of property by direct negotiation 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)].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Compliance with any applicable Council policies.</li> <li>b. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>c. The Chief Executive Officer may approve leases of Council property where the key lease terms have been determined by Council resolution.</li> <li>d. In accordance with s.5.43(d) disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$100,000 or less.</li> <li>e. Methods of Disposal <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>▪ Reserve price is to be set by independent valuation.</li> <li>▪ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>• Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, the delegate is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>• Where a direct negotiation is determined as the method of disposal, the delegate is authorised to: <ul style="list-style-type: none"> <li>▪ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> </ul> </li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>▪ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Governance and People Director Infrastructure Manager Assets and Design
<b>Conditions on this Sub-Delegation:</b>	For the Director Infrastructure the sub-delegation is limited to disposal of vehicles and infrastructure equipment up to \$50,000.  For the Manager Assets and Design the sub-delegation is limited to the disposal of vehicles only.

## DA 2.1.2 Rate Record – Objections

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of Objection
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li> </ol>
<b>Conditions on this Delegation:</b>	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Governance and People Manager Finance
<b>Conditions on this Sub-Delegation:</b>	No further conditions

## DA 2.1.3 Defer, Grant Discounts, Waive or Write Off Debts

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to Defer, Grant Discounts, Waive or Write Off Debts
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Power to: 1. Waive a debt which is owed to the Town [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Town [s.6.12(1)(b)]. 3. Write off an amount of money which is owed to the Town [s.6.12(1)(c)].
<b>Conditions on this Delegation:</b>	a. Limited to individual or cumulative sums below \$1,000. b. In relation to function 3, a debt can only be written off where all reasonable measures have been taken to recover the debt and with due consideration to the cost of recovery. c. This delegation is to be exercised in accordance with any applicable Council policies.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Governance and People Director Infrastructure Director Planning and Regulatory Services Manager Community Safety Manager Finance Manager Planning
<b>Conditions on this Sub-Delegation:</b>	1. Sub-delegates may only write off or waive fees and charges related to their operational areas and responsibilities. 2. Limited to individual or cumulative debts valued below \$500 for Directors. 3. Limited to individual or cumulative debts valued below \$100 for Managers. 4. The power to waive or write off library fees is subject to the debt not exceeding \$50.

## DA 2.1.4 Rate Record Amendment

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate Record
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Authority to determine any requirement to amend the rate record for the five years preceding the current financial year [s.6.39(2)(b)].
<b>Conditions on this Delegation:</b>	Delegates must comply with the requirements of s.6.40 of the Act which prescribes consequential actions that may be required following a decision to amend the rate record.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Governance and People Manager Finance
<b>Conditions on this Sub-Delegation:</b>	No further conditions

## DA 2.1.5 Payments of Accounts from Municipal or Trust Funds

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers or duties to the CEO s. 5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Conditions on this Delegation:</b>	1. Authority to make payments is subject to annual budget limitations and compliance with any applicable Council policies.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Governance and People Director Infrastructure Director Planning and Regulatory Services Manager Finance
<b>Conditions on this Sub-Delegation:</b>	Sub-delegates must comply with the Procedures approved by the CEO in accordance with r 5 of the <i>Local Government (Financial Management) Regulations 1996</i> and in accordance with any applicable Council policies.

## DA 2.1.6 Tenders for Goods and Services

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996 (F&amp;G):</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(2)(f)].</li> <li>3. Authority to seek quotes using a tender exemption where the expense is included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> <li>8. Authority to determine whether or not to reject tenders that do not comply with the requirements specified in the invitation to tender [F&amp;Gr.18(2)].</li> <li>9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r. 18(4a)].</li> <li>10. Authority to evaluate tenders, by written evaluation, decide which is the most advantageous and recommend to council award of the tender [F&amp;G r.18(4)].</li> <li>11. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>12. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into or the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> <li>13. Authority to determine whether variations in goods or services required are minor variations, and to negotiate with the successful</li> </ol>

	<p>tenderer to make minor variations before entering into a contract [F&amp;G r.20(1) and (3)].</p> <p>14. If the chosen tenderer is unable or unwilling to form a contract or the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to accept the next most advantageous tender [F&amp;G r.20(2)].</p> <p>15. Authority to:</p> <ul style="list-style-type: none"> <li>a. Vary a contract after it has been entered into with a successful tenderer, provided the variation(s) are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract beyond the Consumer Price Index (CPI) rate for that financial year. [F&amp;G r.21A].</li> <li>b. Exercise a contract extension option that was included in the original tender specification and contract in accordance with F&amp;G r.11(2)(j).</li> </ul>
<p><b>Conditions on this Delegation:</b></p>	<ol style="list-style-type: none"> <li>1. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being the period immediately prior to the adoption of a new Annual Budget where: <ul style="list-style-type: none"> <li>i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or</li> <li>ii. a current supply contract expiry is imminent; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul> </li> <li>2. A decision to renew or extend a contract must only occur where the original contract contained the option to renew or extend its term as per F&amp;G r.11(2)(j) and the contractor’s performance has been reviewed evidencing the rationale for entering into the extended term.</li> <li>3. A decision to award a contract following the CEO undertaking tender exempt procurement is to be made by Council.</li> <li>4. Compliance with any applicable Council policies.</li> </ol>
<p><b>Express Power to Sub-Delegate:</b></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.</p>

<p><b>Sub-Delegate/s:</b></p>	<p>Director Governance and People Director Infrastructure Director Planning and Regulatory Services Manager Governance and Records</p>
<p><b>Conditions on this Sub-Delegation:</b></p>	<ol style="list-style-type: none"> <li>1. The sub-delegation applies to the following functions: <ul style="list-style-type: none"> <li>a. Authority to determine whether or not to reject tenders that do not comply with the requirements specified in the invitation to tender [F&amp;Gr.18(2)].</li> <li>b. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r. 18(4a)].</li> </ul> </li> </ol>



	<ul style="list-style-type: none"><li>c. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</li><li>d. Authority to decline to accept any tender [F&amp;G r.18(5)].</li></ul> <p>2. The powers and duties may only be exercised by the sub-delegates in relation to their operational areas and responsibilities.</p>
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## DA 2.1.7 Power to Invest and Manage Investments

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [r.19].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with regulation 19C of the <i>Local Government (Financial Management) Regulations 1996</i> and any applicable Council policies.</li> <li>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Governance and People Manager Finance
<b>Conditions on this Sub-Delegation:</b>	Any investment above \$500,000 must be authorised by the CEO.

## DA 2.1.8 Authorisation to do Things on Land that is not Property of the Local Government

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.27 Particular things local governments can do on land that is not local government property
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. The power to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> even though the land on which it is done is not local government property and the Town does not have consent to do it.
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Infrastructure
<b>Conditions on this Sub-Delegation:</b>	No further conditions.

## DA 2.1.9 Closure of Thoroughfares

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenances s.3.51 Affected owners to be notified of certain proposals
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ol style="list-style-type: none"> <li>a. give local public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>b. consider submissions relevant to the road closure(s) proposed [s.3.50(1a), (2) and (4)].</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, authority to take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)].</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Infrastructure
<b>Conditions on this Sub-Delegation:</b>	Limited to closures for periods of less than four weeks.

## DA 2.1.10 Control Reserves and Certain Unvested Facilities

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].</li> <li>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Town that the Town could do under s.5 of the <i>Parks and Reserves Act 1895</i>. [s.3.54(1)].</li> </ol>
<b>Conditions on this Delegation:</b>	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Nil
<b>Conditions on this Sub-Delegation:</b>	

## DA 2.1.11 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A (4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Declare that an impounded vehicle is an abandoned wreck [s.3.40A(4)].
<b>Conditions on this Delegation:</b>	Disposal of a declared abandoned vehicle wreck is to be undertaken in accordance with Delegated Authority DA 2.1.12 Confiscated or Uncollected Goods.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Governance and People Manger Community Safety
<b>Conditions on this Sub-Delegation:</b>	If after seven days from the removal of a vehicle deemed to be an abandoned wreck the owner of the vehicle has not been identified or after seven days from the giving of a notice the owner has not collected the vehicle the local government may declare that the vehicle is an abandoned vehicle wreck.

## DA 2.1.12 Confiscated or Uncollected Goods

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>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].</li> <li>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].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Conditions on this Delegation:</b>	Disposal of confiscated or uncollected goods, including abandoned vehicles, is to be in accordance with any applicable legislation, Council policies and DA 2.1.1 Disposing of Property.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Governance and People Manager Community Safety
<b>Conditions on this Sub-Delegation:</b>	No further conditions.

## DA 2.1.13 Agreement as to Payment of Rates and Service Charges

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Agreements must be made in consideration of any applicable Council policies.</li> <li>b. An agreement must be in writing and signed by the person and the Delegate.</li> <li>c. Limited to individual or cumulative debts for residential properties whose total value is below \$10,000. Agreements in relation to debts greater than this must be referred for Council decision.</li> <li>d. Limited to individual or cumulative debts for commercial properties whose total value is below \$20,000. Agreements in relation to debts greater than this must be referred for Council decision; and</li> <li>e. The CEO is to report the total number of agreements entered into and the total dollar value of the agreements to Council every month.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Governance and People Manager Finance Senior Accountant
<b>Conditions on this Sub-Delegation:</b>	<p>The delegation to the Director Governance and People is limited to individual or cumulative debts for:</p> <ol style="list-style-type: none"> <li>1. residential properties whose total value is below \$5,000; and</li> <li>2. commercial properties whose total value is below \$20,000.</li> </ol> <p>The delegation to the Manager Finance and Senior Accountant is limited to individual or cumulative debts for</p> <ol style="list-style-type: none"> <li>1. residential properties whose total value is below \$3,500; and</li> <li>2. commercial properties whose total value is below \$5,000</li> </ol> <p>and where full payment is by 30 June (for that financial year).</p>



## DA 2.1.14 Recovering of Rates or Service Charges

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56 (1)].</li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Compliance with any applicable Council policies.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Governance and People Manager Governance and Records
<b>CEO Conditions on this Sub-Delegation:</b>	No further conditions

## DA 2.1.15 Powers of Entry (Local Government Act)

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. 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].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34 (1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Conditions on this Delegation:</b>	Delegated authority under s.3.34 (1) and (3) may only be used where there is imminent or substantial risk to public safety or property.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Governance and People Director Planning and Regulatory Services Director Infrastructure Manager Environmental Health Manager Planning Manager Community Safety
<b>Conditions on this Sub-Delegation:</b>	Nil

## DA 2.1.16 Disposal of Sick or Injured Animals

<b>Delegator:</b>	Town of Claremont
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A (1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Conditions on this Delegation:</b>	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO:</i>	Director Governance and People Manager Community Safety
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations:</i>	Nil

## DA 2.1.17 Administration of the Town's Local Laws

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s 3.18(1) Performing Executive Functions
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Authority to administer the Town's local laws and to do all other things that are permissible, necessary or convenient to be done for, or in connection with, performing the functions of the Town under the Town's local laws being <ol style="list-style-type: none"> <li>1. Activities on Thoroughfares and Public Places Local law 2003;</li> <li>2. Animal Local Law 2024;</li> <li>3. Fencing Local Law 2000;</li> <li>4. Foreshore Building Line Freshwater Bay local law 2000;</li> <li>5. Health Local Law 2010;</li> <li>6. Height of Buildings- Freshwater Bay Local Law 2000;</li> <li>7. Local Government Property Local Law 2000;</li> <li>8. Parking Local Law 2016;</li> <li>9. Meeting Procedures Local Law 2018;</li> <li>10. Signs Local Law;</li> <li>11. Site Erosion and Sand Drift Local Law 2016;</li> <li>12. Waste Local Law 2017.</li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Governance and People
<b>CEO Conditions on this Sub-Delegation:</b>	The Director Governance and People is delegated the power under clause 8.2 of the Parking Local Law 2016 to determine applications for parking permits

## DA 2.1.18 Approval of Signage

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Town of Claremont, Local Laws relating to Signs:</i> cl.6 Licences cl.10 Application for Licences
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Council delegates to the Chief Executive Officer under the Town of Claremont, Local Laws Relating to Signs its power to give a written determination on applications for Sign Licence.
<b>Conditions on this Delegation:</b>	Where an application for signage proposes a variation to the Local Law – Relating to Signs, or the exercise of discretion under the Council Local Planning Policy 202 – Town Centre Zone Signage, a Development Application is required to be determined in accordance with delegation DA 2.2.1 – Deemed Provisions for Local Planning Schemes.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Planning and Regulatory Services Manager Building Manager Planning
<b>CEO Conditions on this Sub-Delegation:</b>	No further conditions.

## DA 2.1.19 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left r.7A Obstruction of public thoroughfare by fallen things r.7 Encroaching on public thoroughfare
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>3. Authority to, 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"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>4. 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)].</li> <li>5. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission with effect from the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>6. 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].</li> <li>7. Authority to require an owner or 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].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. In relation to function 2, permission may only be granted where the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction;</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good</li> </ol> </li> </ol>

	<p>public assets damaged by the obstruction at the completion of works;</p> <p>iii. Provided evidence of sufficient Public Liability Insurance; and</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

<b>Sub-Delegate/s:</b>	<p>Director Infrastructure  Director Planning and Regulatory Services  Manager Assets and Design  Manager Engineering  Manager Parks and Environment  Supervisor Infrastructure Maintenance</p>
<b>Conditions on this Sub-Delegation:</b>	<p>The powers and duties may only be exercised by the sub-delegates in relation to their operational areas and responsibilities.</p>

## DA 2.1.20 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 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 r.11(1)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works;</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works;</li> <li>iii. Provided evidence of sufficient Public Liability Insurance; and</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Infrastructure Director Planning and Regulatory Services Manager Assets and Design Manager Engineering Supervisor Infrastructure Maintenance
<b>Conditions on this Sub-Delegation:</b>	No further conditions.



## DA 2.1.21 Crossing – Construction, Repair and Removal

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare r.13(1) Requirement to construct or repair crossing
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Conditions on this Delegation:</b>	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director Infrastructure Manager Assets and Design Manager Engineering Supervisor Infrastructure Maintenance
<b>Conditions on this Sub-Delegation:</b>	Functions 2 and 4 are delegated to the Director Infrastructure only.

## DA 2.1.22 Private Works on, over or under Public Places

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	<p>Director Infrastructure  Director Planning and Regulatory Services  Manager Assets and Design  Manager Engineering  Manager Parks and Environment</p>
<b>Conditions on this Sub-Delegation:</b>	The powers and duties may only be exercised by the sub-delegates in relation to their operational areas and responsibilities.

## 2.2 Delegations made under the *Planning and Development Act 2005*

### DA 2.2.1 Deemed Provisions for Local Planning Schemes

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> cl.82 Delegations by local government
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> cl.68 Determination of applications cl.77 Amending or cancelling applications <i>Planning and Development (Development Assessment Panels) Regulations 2011:</i> r.17A Amendment or cancellation of development approval by responsible authority
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. To determine [under cl.68] an application for development approval or an application to amend or cancel a development approval by: <ul style="list-style-type: none"> <li>▪ Granting approval, with or without conditions; or</li> <li>▪ refusing to grant approval.</li> </ul> </li> <li>2. To determine [under cl.77], on application by an owner of land in respect of which development approval has been granted: <ul style="list-style-type: none"> <li>▪ to amend the approval so as to extend the period within which any development approval must be substantially commenced;</li> <li>▪ to amend or delete any condition to which the approval is subject;</li> <li>▪ to amend an aspect of the development approved which, if amended, would not substantially change the development approved;</li> <li>▪ to cancel the approval;</li> <li>▪ to waive or vary a requirement in Part 8 or 9 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, subject to determining satisfaction that the application relates to a minor amendment to the development approval.</li> </ul> <p>Determinations under cl.77 may be by:</p> <ul style="list-style-type: none"> <li>▪ Approving the application, with or without conditions; or</li> <li>▪ Refusing the application.</li> </ul> </li> </ol>
<b>Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation is not to be exercised where: <ul style="list-style-type: none"> <li>○ an applicant requests in writing that Council determine the application.</li> <li>○ the application is for consideration of applications requiring Joint Development Assessment Panel consideration and recommendation from the responsible authority, except to the extent of applications for minor variations.</li> <li>○ determination of an application in accordance with Section 31 of the <i>State Administrative Tribunal Act 2004 (WA)</i> where Council's formal decision at a Council meeting is subject to review by the State Administrative Tribunal.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ the originating application on a proposal was considered and determined by Council at a Council meeting, all subsequent applications on the same proposal are to be presented to Council for determination unless in the opinion of a delegated officer, it is of a minor or insignificant nature.</li> <li>▪ Determinations are limited to the following matters only: <ul style="list-style-type: none"> <li>○ uses that are noted with a “P” in Table 1 of the Local Planning Scheme that are permitted as of right subject to compliance with the requirements of the Local Planning Scheme.</li> <li>○ Uses that are shown as “IP”, “SA” or “AA” in the zoning table of the Local Planning Scheme with the exception of the following Use Classes: <ul style="list-style-type: none"> <li>▪ Bulk Retail Sales</li> <li>▪ Fast Food Outlet, unless the outlet is located inside a shopping centre</li> <li>▪ Hospital</li> <li>▪ Hotel/Tavern</li> <li>▪ Open Air Display</li> <li>▪ Restricted Premises</li> </ul> </li> <li>○ Development of land where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have been complied with.</li> <li>○ Development of land where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have not been complied with but where, in the opinion of the delegated officer: <ul style="list-style-type: none"> <li>▪ the proposal is consistent with the objectives of the Local Planning Scheme and relevant Policy;</li> <li>▪ the proposal would not have a detrimental impact on the streetscape or any other property; or</li> <li>▪ the variation is minor in nature; or</li> <li>▪ the variation can be overcome by imposing a condition(s) on any development approval granted,</li> <li>▪ or modifying the design of the development.</li> </ul> </li> <li>○ Where advertising of the application is required: <ul style="list-style-type: none"> <li>▪ consent, no objection or no response is received from those consulted; or</li> <li>▪ in the opinion of the delegated officer, the proposal is consistent with the objectives and intent of the Local Planning Scheme and any Policy, as well as the principles of orderly and proper planning; or</li> <li>▪ any objection received can be overcome by imposing a condition(s) on any a development approval granted, or modifying the design of the development; or</li> </ul> </li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>▪ the objection does not relate to valid planning and development considerations associated with the proposal.</li> <li>○ Additions to a Non-Conforming Use where no objection is received from adjoining landowners during consultation.</li> </ul> <p>Council Members are to be notified of all other applications for determination and be given 72 hours in which to comment (inclusive of weekends but not public holidays). Any one Council Member can in writing stating reasons, call for an application to be referred to a formal Ordinary Council Meeting for determination prior to exercising of Delegation DA 2.2.1.</p> <p>The following applications for development may be determined under this delegation without prior notice to Council Members subject to Council Members being notified of any decisions or determinations in the weekly delegation report:</p> <ul style="list-style-type: none"> <li>(a) Approval of temporary use / works for periods exceeding 48 hours in any one calendar year.</li> <li>(b) Applications for development where an automatic refusal is issued due to lack of discretion (or State Administrative Tribunal review right) to approve the application exists under the local planning scheme, Residential Design Codes or Council Local Laws.</li> <li>(c) Consideration of a trivial matter for which an exemption from Development Approval may apply under the principle of <i>'de minimis non curat lex'</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Planning &amp; Development (Planning Schemes) Regulations 2015:</i> cl.83 Local government CEO may delegate powers
<b>Sub-Delegate/s:</b>	Director Planning and Regulatory Services Manager Planning
<b>CEO Conditions on this Sub-Delegation:</b>	No further conditions.

## DA 2.2.2 Illegal Development – Direction to Stop Work

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42(1)(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i> s.214(2), (3) and (5) Illegal development, responsible authority's powers as to
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>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 local planning scheme requirements;</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development to: <ol style="list-style-type: none"> <li>(a) remove, pull down, take up, or alter the development; and</li> <li>(b) restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>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 would prejudice the effective operation of the planning scheme.</li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees
<b>Sub-Delegate/s:</b>	Director Planning and Regulatory Services Manager Planning Manager Building
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

## DA 2.2.3 Planning Matters

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> cl.82 Delegations by local government
<b>Express Power or Duty Delegated:</b>	See relevant provisions and clauses set out in functions below of the: <ul style="list-style-type: none"> <li>▪ <i>Planning and Development Act 2005</i></li> <li>▪ <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li><b>1. Structure Plans (including Precinct Structure Plan)</b> <ol style="list-style-type: none"> <li>(a) The determination under cl.17(1) of the Deemed Provisions as to whether a structure plan complies with the requirements of cl.16(1), or if further information is required before the structure plan can be accepted for assessment and advertising.</li> <li>(b) The advertising of a structure plan under cl.18(2) of the Deemed Provisions.</li> <li>(c) The provision of advice and assistance to the Commission under cl.23 of the Deemed Provisions.</li> <li>(d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under cl.29(3) of the Deemed Provisions.</li> <li>(e) The preparation of a report and recommendation on an amendment to a structure plan, under cl.20 of the Deemed Provisions, where it is determined that the amendment is minor in nature and advertising is not required.</li> </ol> </li> <li><b>2. Local Development Plans</b> <ol style="list-style-type: none"> <li>(a) The determination not to advertise a Local Development Plan under cl.50(3) of the Deemed Provisions.</li> <li>(b) The approval of a Local Development Plan with or without conditions under cl.52(1)(a) of the Deemed Provisions.</li> <li>(c) The determination to require modifications to a Local Development Plan under a cl.52(1)(b) of the Deemed Provisions.</li> <li>(d) The determination to amend an approved Local Development Plan under cl.59(1) of the Deemed Provisions.</li> <li>(e) The refusal of a Local Development Plan under cl.52(1)(c) of the Deemed Provisions.</li> </ol> </li> <li><b>3. Subdivision</b> <ol style="list-style-type: none"> <li>(a) To make comments and recommendations to the Western Australian Planning Commission (WAPC), and any other government body, in respect of any</li> </ol> </li> </ol>

	<p>application to subdivide or amalgamate land within the district [s.142(2)].</p> <p><b>4. Heritage</b></p> <p>(a) The power under cl.10 of the Deemed Provisions to enter into a Heritage Agreement with the owner or occupier of land or building to bind the land or affect the use of land or building.</p> <p>(b) The determination under cl.11 of the Deemed Provisions to require a Heritage Assessment to be carried out prior to the approval of any development proposed in heritage area or a place on a heritage list.</p> <p>(c) The determination under cl.13 (1-6) of the Deemed Provisions to consider a place on a heritage list is not being properly maintained and to give a person who is the owner or occupier of the heritage place a written notice requiring specified repairs to the heritage place, or extend or revoke a notice.</p>
<p><b>Conditions on this Delegation:</b></p>	<p>Council Members are to be notified of all other applications for determination under items 1-3 only and be given 72 hours in which to comment (inclusive of weekends but not public holidays). Any one Council Member can in writing stating reasons, call for an application to be referred to a formal Ordinary Council Meeting for determination prior to exercising of Delegation DA 2.2.3.</p> <p>The following applications may be determined under this delegation without prior notice to Council Members:</p> <ul style="list-style-type: none"> <li>(a) Applications for clearance of subdivision conditions and plans.</li> <li>(b) Applications for strata approval consistent with previously determined Development Applications.</li> <li>(c) Comment on applications for Section 40 Certificate Liquor Licences.</li> </ul> <p>Council shall be notified of any determinations or decisions under item 4 and any applications determined without prior notice to Council Members under this delegation in the weekly delegation reports.</p>
<p><b>Express Power to Sub-Delegate:</b></p>	<p><i>Planning &amp; Development (Planning Schemes) Regulations 2015:</i> cl.83 Local government CEO may delegate powers</p>
<p><b>Sub-Delegate/s:</b></p>	<p>Director Planning and Regulatory Services Manager Planning</p>
<p><b>CEO Conditions on this Sub-Delegation:</b></p>	<p>Nil</p>



## 2.3 Delegations made under the *Building Act 2011*

### DA 2.3.1 Authority Relating to Building Provisions

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s. 127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>s. 18 Further information</li> <li>s. 20 Grant building permit</li> <li>s. 21 Grant of demolition permit</li> <li>s. 22 Further grounds for not granting an application</li> <li>s. 27(1) and (3) Impose conditions on permit</li> <li>s. 55 Further information</li> <li>s. 58 Grant of occupancy permit, building approval certificate</li> <li>s. 62(1) and (3) Conditions imposed by permit authority</li> <li>s. 65(4) Extension of period of duration</li> <li>s. 131(2) Inspection, copies of building records</li> <li>s. 145A Local government functions</li> </ul> <p><i>Building Regulations 2012:</i></p> <ul style="list-style-type: none"> <li>r. 23 Application to extend time during which permit has effect (s. 32)</li> <li>r. 24 Extension of time during which permit has effect (s. 23(3))</li> <li>r. 26 Approval of new responsible person (s. 35(c))</li> <li>r. 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s. 65)</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p><u>Building and Demolition Permits</u></p> <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building or demolition permit application [s. 18(1)].</li> <li>2. Authority to grant or refuse to grant a building or demolition permit [s. 20 - s. 22].</li> <li>3. Authority to impose, vary or revoke conditions on a building or demolition permit [s. 27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a building or demolition permit has effect [r. 23]:             <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the 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)]</li> <li>ii. Authority to impose any condition on the building or demolition permit extension that could have been imposed under s. 27 [r. 24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building or demolition permit [r. 26].</li> </ol>

	<p><u>Occupancy Permits and Building Approval Certificates</u></p> <ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s. 55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s. 58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s. 62(1) and (3)].</li> <li>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].</li> </ol> <p><u>Inspection and Copies of Building Records</u></p> <ol style="list-style-type: none"> <li>1. Authority to determine an application from an interested person to inspect and copy a building record [s. 131(2)].</li> </ol> <p><u>Referrals and Issuing Certificates</u></p> <ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s. 17(1) to a building surveyor who is not employed by the local government [s. 145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Town's District [s. 145A(2)].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Issuing of Demolition Permits is limited to buildings which are not included on Town's Local Government Heritage List.</li> <li>b. Building Certification services for any uncertified application for a Class 1 or 10 building are to be provided by a Registered Building Surveyor Practitioner in accordance with the <i>Building Act 2011</i>.</li> <li>c. Decisions made by authorised persons are to be in accordance with r. 5 of the <i>Building Regulations 2012</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011:</i></p> <p>s. 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>
<b>Sub-Delegate/s:</b>	<p>Director Planning and Regulatory Services  Manager Building  Manager Planning</p>
<b>Conditions on this Sub-Delegation:</b>	<p>Nil</p>

## DA 2.3.2 Issue and Revocation of Building Orders

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) and (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building orders 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 effects s.118(2) and (3) Permit authority may give effect to building order if non-compliances s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>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 <i>Building Act 2011</i>.</li> </ol>
<b>Conditions on this Delegation:</b>	No further conditions
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b>	Director Planning and Regulatory Services Manager Building

	Manager Planning
<b>Conditions on this Sub-Delegation:</b>	The sub-delegation is limited to functions 1-4 only.

### DA 2.3.3 Private Pool Barrier-Alternative and Performance Solutions

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b>	Director Planning and Regulatory Services Manager Building Manager Planning
<b>Conditions on this Sub-Delegation:</b>	No further conditions

## DA 2.3.4 Smoke Alarms – Performance Solutions

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to approve performance solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Sub-Delegate/s:</b>	Director Planning and Regulatory Services Manager Building Manager Planning
<b>CEO Conditions on this Sub-Delegation:</b>	No further conditions

## DA 2.3.5 Designate Authorised and Approved Persons

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s. 127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s. 96(3) Authorised persons s. 99(3) Limitations on powers of authorised person <i>Building Regulations 2012:</i> r.4A Authorised persons (s. 93(2)(d)) r. 70 Approved officers and authorised officers
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<u>Designate Authorised Persons</u> <ol style="list-style-type: none"> <li>1. Authority to designate an employee as an Authorised Person [s. 96(3)].</li> <li>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)].</li> <li>3. Authority to designate a person as an authorised person to inspect or test existing buildings located in the district of the local government for the purpose of monitoring whether specified Part 8 provisions are being complied with [r. 4A(2)].</li> <li>4. 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).</li> <li>5. Authority to appoint an authorised officer for the purposes of s. 6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Identity cards must be given to all authorised persons in accordance with s. 97 of the <i>Building Act 2011</i> and r. 4B of the <i>Building Regulations 2012</i>.</li> <li>b. Decisions under this delegated authority are to be in accordance with r. 5 of the Building Regulations 2012.</li> <li>c. 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” for the purposes of r. 70(1) and (1A).</li> <li>d. Only employees appointed under s 9.10 of the <i>Local Government Act 1995</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 Building Regulation 70(2).</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s. 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b>	Nil
<b>Conditions on this Sub-Delegation:</b>	



## 2.4 Delegations made under the *Dog Act 1976*

### DA 2.4.1 Dog Act 1976

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.3 Terms Used ( <i>Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i> )  s.15(4A) Registration periods and fees  s.16 Registration procedure s.17A If no application for registration made  s.19 Refund of registration fees on cancellation s.26 Limitation as to numbers s.29(5) Power to seize dogs s.33M(1)(a) Local Government expenses to be recoverable
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint registration officers with the powers and authorities conferred on a registration officer under the <i>Dog Act 1976</i> [s.3].</li> <li>2. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or class of dogs within the district [s.15(4A)].</li> <li>3. Authority to direct the registration officer to refuse a dog registration and refund the fee, if any [s. 16(2)].</li> <li>4. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog and give notice of such decisions in accordance with s.16(3) and s.17A(2).</li> <li>5. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19].</li> <li>6. Authority to grant an exemption from the limitations as to the number of Dogs [s.26].</li> <li>7. 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)].</li> <li>8. 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 the maximum amount prescribed, having regard to 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)].</li> </ol>
<b>Conditions on this Delegation:</b>	a. Registration Officers are to be appointed in writing by issuing a Certificate of Authorisation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i>

	s.10AA(3) the delegation may expressly authorise the delegate to further delegate the power or duty
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<b>Sub-Delegate/s:</b>	Director Governance and People Manager Community Safety Customer Relations Officer Community Safety Officer Parking Officer Administration Officer: Community Safety
<b>CEO Conditions on this Sub-Delegation:</b>	Sub-delegation to Customer Relations Officer, Administration Officer: Community Safety, Parking Officer and Community Safety Officer only applies to: <ol style="list-style-type: none"> <li>1. Authority to refund registration fees upon cancellation of registration and return of registration tags [s.19].</li> </ol> Sub-delegation to Director Planning and Regulatory Services and Manager Community Safety excludes functions 1 and 6-8.

## 2.5 Delegations made under the *Cat Act 2011*

### DA 2.5.1 Cat Registrations

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> 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 <i>Cat Regulations 2012:</i> Schedule 3, cl.1(4) Fees Payable
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</li> <li>5. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the District [s.26].</li> <li>6. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the District [Regs. Sch. 3 cl.1(4)].</li> </ol>
<b>Conditions on this Delegation:</b>	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> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b>	Director Governance and People Manager Community Safety Customer Relations Officer Community Safety Officer Parking Officer Administration Officer: Community Safety
<b>Conditions on this Sub-Delegation:</b>	Customer Relations Officer, Administration Officer: Community Safety, Parking Officer and Community Safety Officer are delegated: <ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</li> </ol>

	<p>3. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</p>
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## DA 2.5.2 Applications to Keep Additional Cats

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat (Uniform Local Provisions) Regulations 2013</i> r. 8 Application to keep additional number of cats r. 9 Grant of approval to keep additional number of cats
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)]</li> <li>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</li> </ol>
<b>Conditions on this Delegation:</b>	Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Sub-Delegate/s:</b>	
<b>Conditions on this Sub-Delegation:</b>	

## 2.6 Delegations made under the *Public Health Act 2016*

### DA 2.6.1 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016:</i> s.22 Reports by and about enforcement agencies
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer of the Department of Health, 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 Town of Claremont. [s.22(1)].</li> <li>2. Authority to prepare and provide to the Chief Health Officer of the Department of Health, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

## DA 2.6.2 Designate Authorised Officers

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> <li>a. The <i>Public Health Act 2016</i> or other specified Act.</li> <li>b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act.</li> <li>c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ul> <p>Including:</p> <ul style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class;</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers; or,</li> <li>c. a mixture of the two [s.24(1) and (3)].</li> </ul>
<b>Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>i. Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>ii. Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

## 2.7 Delegations made under the *Bush Fires Act 1954*

### DA 2.7.1 Appointing Bush Fire Control Officers

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and             <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>3. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Town. [s.38(5A)].</li> <li>4. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17) [s.38(8) and (9)].             <ol style="list-style-type: none"> <li>a. Authority to appoint deputy Fire Weather Officer(s) as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol> </li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil – Sub-delegation is prohibited by s.48(3).



## DA 2.7.2 Prosecution of Offences

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil – Sub-delegation is prohibited by s.48(3)

### DA 2.7.3 Firebreaks

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Town of Claremont: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> <li>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</li> </ol> </li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil – Sub-delegation is prohibited by s.48(3)

## 2.8 Delegations made under the *Food Act 2008*

### DA 2.8.1 Food Act 2008

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <p>s.54 Cost of Destruction or disposal of forfeited item  s.65(1) Prohibition order  s.66 Certificate of clearance to be given in certain circumstances  s.67(4) Request for re-inspection  s.110 Registration of food businesses  s.112 Variation of conditions or cancellation of registration of food businesses</p> <p>s.122 Appointment of authorised officers  s.123 Certificates of authority  s.125 Institution of Proceedings  s.126 Infringement notices</p> <p><i>Food Regulations 2009:</i></p> <p>r.51 May make list of food business publicly available</p>
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Director Planning and Regulatory Services</b> <b>Manager Environmental Health</b> <b>Senior Environmental Health Officer</b>
<b>Function:</b>	<p>Council delegates:</p> <ol style="list-style-type: none"> <li>1. to the Chief Executive Officer the following powers: <ol style="list-style-type: none"> <li>a. 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)];</li> <li>b. Authority to appoint an Authorised Officer for the purposes of the Act [s.122];</li> <li>c. Issue of certificates of authority under s.123 of the Act;</li> <li>d. Authority to institute proceedings under the Act [s.125];</li> <li>e. Authority to appoint an Authorised Officer appointed under s.122(2) of the Act or s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the Act [s.126(13)];</li> <li>f. 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)]; and</li> <li>g. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].</li> </ol> </li> </ol>

	<ol style="list-style-type: none"> <li>2. to the Manager Environmental Health the following powers: <ol style="list-style-type: none"> <li>a. Authority to serve a prohibition order on the proprietor of a food business [s.65].</li> <li>b. Authority to give a certificate of clearance where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>c. Authority to give written notice to the 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 [s.67(4)].</li> </ol> </li> <li>3. to the Director Planning and Regulatory Services, the Manager Environmental Health and the Senior Environmental Health Officer the following powers: <ol style="list-style-type: none"> <li>a. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>b. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol> </li> </ol>
<b>Conditions on this Delegation:</b>	In accordance with s.118(3)(b), this delegation where applicable is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express Power to Sub-Delegate:</b>	Nil. The <i>Food Regulations 2009</i> do not provide the power to sub delegate.

## 2.9 Delegations made under the *Graffiti Vandalism Act 2016*

### DA 2.9.1 Graffiti

<b>Delegator:</b>	Town of Claremont Council
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice s.25(1) Local government graffiti powers on land not local government property s.28 Notice of entry s.29 Entry under warrant
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li> <li>3. Authority to deal with an objection to a notice [s.22(3)].</li> <li>4. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>a. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)]; and</li> <li>b. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> <li>5. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].</li> <li>6. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</li> <li>7. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Conditions on this Delegation:</b>	Function 5 is subject to exercising Powers of Entry.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b>	Director Infrastructure Manager Assets and Design
<b>Conditions on this Sub-Delegation:</b>	No further conditions.

### 3. CEO to Employee Delegations

#### DA 3.1 Electoral Roll Eligibility Claims and Electoral Roll

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s. 5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s. 4.32(4), (5A) and (5) Eligibility to enrol under s. 4.30, how to claim s. 4.34 Accuracy of enrolment details to be maintained s. 4.35 Decision that eligibility to enrol under s. 4.30 has ended s. 4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r. 13(2) and (4) Register – s. 4.32(6)
<b>Delegate:</b>	<b>Director Governance and People</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>2. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)].</li> <li>3. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>4. Authority to omit a silent elector's address from the Owners and Occupiers Register [r.13(2)].</li> <li>5. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [r.13(4)].</li> <li>6. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>7. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>8. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>9. Authority to decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</li> </ol>
<b>Conditions on this Delegation:</b>	Decisions on enrolment eligibility are to be recorded in the Owners and Occupiers Register in accordance with s.4.32(6) and s.4.35(7).
<b>Express Power to Sub-Delegate:</b>	Nil

## DA 3.2 Representation in Court Proceedings

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.29(2)(b) Representing Local Government in Court
<b>Delegate:</b>	<b>Director Governance and People</b> <b>Director Planning and Regulatory Services</b> <b>Director Infrastructure</b> <b>Manager Environmental Health</b> <b>Manager Planning</b> <b>Manager Community Safety</b> <b>Manager Assets and Design</b> <b>Community Safety Officer</b>
<b>Function:</b>	Represent the Local Government in all respects during proceedings as though the person were the Local Government [s.9.29(2)].
<b>Conditions on this Delegation:</b>	Each delegate may only appear in relation to their operational areas and with the consent of the Chief Executive Officer as required by section 9.29(2).
<b>Express Power to Sub-Delegate:</b>	Nil



## DA 3.3 Infringement Notices

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of time s.9.20 Withdrawal of notice
<b>Delegate:</b>	<b>Director Governance and People Manager Community Safety Senior Community Safety Officer (Parking)</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. The Senior Community Safety Officer (Parking) is sub-delegated: <ol style="list-style-type: none"> <li>a. Function 1; and</li> <li>b. Function 3 only where the delegate is satisfied: <ol style="list-style-type: none"> <li>i. the vehicle subject of the infringement notice has been stolen or unlawfully taken at the time of the alleged offence [s9.13(6)(b)]; or</li> <li>ii. the infringement has been incorrectly issued by a Parking Officer; or</li> <li>iii. that the alleged offender is in possession of an ACROD or other parking permit.</li> </ol> </li> </ol> </li> <li>2. In relation to Function 3, the Director Governance and People and Manager Community Safety's delegation does not extend to the withdrawal of infringements on compassionate grounds.</li> <li>3. A delegate who participated in a decision to issue an infringement notice, must not determine any matter related to that infringement notice under this Delegation.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil

### DA 3.4 Destruction of Election Papers

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1997:</i> r. 82(4) Keeping election papers
<b>Delegate:</b>	<b>Director Governance and People</b> <b>Manager Governance and Records</b>
<b>Function:</b>	1. Authority to, after a period of 4 years, destroy parcels of election papers in the presence of at least 2 other employees [r. 82(4)].
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil

### DA 3.5 Information to be Available to the Public

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Administration) Regulations 1996:</i> r.29B Copies of certain information not to be provided <i>Local Government Act 1995:</i> s.5.95(1)(b) & (3) Limits on right to inspect local government information
<b>Delegate:</b>	<b>Director Governance and People</b> <b>Manager Governance and Records</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</li> <li>2. Authority to determine not to provide a right to inspect information, where it is considered that doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>3. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting if the meeting or that part of the meeting to which the information refers was closed to members of the public [s.5.94(3)].</li> </ol>
<b>Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil

## DA 3.6 Notice of Outcome – Tenders

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulations 1996:</i> r.19 Tenderers to be notified of outcome
<b>Delegate:</b>	<b>Director Governance and People</b> <b>Director Infrastructure</b> <b>Director Planning and Regulatory Services</b> <b>Manager Governance and Records</b>
<b>Function:</b>	1. Authority to give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted [r.19].
<b>Conditions on this Delegation:</b>	1. The notice must be reflective of Council's resolution in relation to the tender. 2. The delegation may only be exercised by delegates in relation to their operational areas and responsibilities.
<b>Express Power to Sub-Delegate:</b>	Nil

### DA 3.7 Acknowledge Primary and Annual Returns

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> S 5.77 Acknowledging receipt of returns
<b>Delegate:</b>	<b>Director Governance and People</b>
<b>Function:</b>	Authority to, on receipt of a primary or annual return under s 5.75 or 5.76, give the person who submitted the return written acknowledgement of having received the return.
<b>Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Delegates may not exercise the delegation in relation to receipt of their own returns.</li> <li>2. Before issuing a written acknowledgement, the delegate is to review the content of the return and consider any probity risks which may be evident from the disclosures in context of the disclosing person's role.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil

## DA 3.8 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(b),(d) and (5)(d) Obstruction of public thoroughfare by things placed and left
<b>Delegate:</b>	<b>Director Infrastructure</b> <b>Director Planning and Regulatory Services</b> <b>Manager Assets and Design</b> <b>Manager Engineering</b> <b>Manager Parks and Environment</b> <b>Supervisor Infrastructure Maintenance</b>
<b>Function:</b>	When determining whether to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority DA 2.1.19:  <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [r.6(5)(b).</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [r.6(5)(d)].</li> </ol>
<b>Conditions on this Delegation:</b>	Decisions under this delegation must be exercised in alignment with Council's Delegated Authority DA 2.1.19 Obstruction of Footpaths and Thoroughfares.  Actions under this delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express Power to Sub-Delegate:</b>	Nil

## DA 3.9 Determine and Manage Conditions on Permission for Dangerous Excavations

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r. 11(6)(c), (7)(c) and (e) Dangerous excavation in or near public thoroughfare
<b>Delegate:</b>	<b>Director Infrastructure</b> <b>Director Planning and Regulatory Services</b> <b>Manager Assets and Design</b> <b>Manager Engineering</b> <b>Supervisor Infrastructure Maintenance</b>
<b>Function:</b>	When determining to grant permission to for a dangerous excavation under Delegated Authority DA 2.1.20:  <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily [r.11(7)(e)].</li> </ol>
<b>Conditions on this Delegation:</b>	Decisions under this delegation must be exercised in alignment with Council's Delegated Authority DA 2.1.20 Public Thoroughfares – Dangerous Excavations.  Actions under this delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
<b>Express Power to Sub-Delegate:</b>	Nil

## DA 3.10 Determine and Manage Conditions on Permission for Private Works on, over or under Public Places

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places
<b>Delegate:</b>	<b>Director Infrastructure</b> <b>Director Planning and Regulatory Services</b> <b>Manager Assets and Design</b> <b>Manager Engineering</b> <b>Manager Parks and Environment</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>Conditions on this Delegation:</b>	<p>Decisions under this delegation must be exercised in alignment with Council's Delegated Authority DA 2.2.22 Private Works on, over or under Public Places.</p> <p>Actions under this delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p>
<b>Express Power to Sub-Delegate:</b>	Nil



## 4. Delegations from Statutory Bodies

### DA 4.2 Environmental Protection Notice

<b>Delegator:</b>	Department of Water and Environmental Regulation <i>This is a delegation from the Department of Water and Environmental Regulation and not the Town of Claremont Council</i>
<b>Express Power to Delegate:</b>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department Delegation No. 52, 9 January 2004
<b>Express Power or Duty Delegated:</b>	<i>Environmental Protection Act 1986:</i> s.65 Environmental protection notices, issue and effect of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Delegates to the CEO the power to issue to the owner, occupier or both of a premises a notice (environmental protection notice) if the CEO suspects on reasonable grounds that: <ul style="list-style-type: none"> <li>a. there is, or is likely to be, an emission from any premises, and the emission — <ul style="list-style-type: none"> <li>i. does not comply with or would not if it were emitted comply with a standard required by or under an approved policy or a prescribed standard; or</li> <li>ii. has caused or is likely to cause pollution; or</li> </ul> </li> <li>b. a person is doing, or is likely to do, an act in contravention of section 50A or 50B on the <i>Environmental Protection Act 1986</i> on any premises; or</li> <li>c. an activity on premises does not comply with a standard required by or under an approved policy or a prescribed standard.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil. The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.
<b>Sub-Delegate/s:</b>	Nil
<b>Conditions on this Sub-Delegation:</b>	

## DA 4.3 Noise Control – Noise Management Plans

<b>Delegator:</b>	Department of Water and Environmental Regulation <i>This is a delegation from the Department of Water and Environmental Regulation and not the Town of Claremont Council</i>
<b>Express Power to Delegate:</b>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department Delegation No. 119, 1 May 2014
<b>Express Power or Duty Delegated:</b>	<i>Environmental Protection (Noise) Regulations 1997:</i> r.13 Construction Sites
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Delegates all powers and duties in relation to noise management plans under Regulation 14 of the <i>Environmental Protection (Noise Regulations) 1997</i> to the CEO, including the power to: <ol style="list-style-type: none"> <li>1. Require and approve a noise management plan in respect of a construction site for works carried out between 7am and 6pm on any day which is not a Sunday or public holiday.</li> <li>2. Require and approve a noise management plan in respect of a construction site for works carried out for hours other than above with requirement to give notice to impacted residents.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil. The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.
<b>Sub-Delegate/s:</b>	Nil
<b>Conditions on this Sub-Delegation:</b>	

## DA 4.4 Noise Control – Waste Collection, Community Activities, Sporting, Cultural and Entertainment Events

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Department of Water and Environmental Regulation <i>This is a delegation from the Department of Water and Environmental Regulation and not the Town of Claremont Council</i>
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Environmental Protection Act 1986:</i> s.20 Delegation by CEO of responsible Department. Delegation No. 112, 12 December 2013
<b>Express Power or Duty Delegated:</b>	<i>Environmental Protection (Noise) Regulations 1997:</i> r.14A & 14B Waste Collection. r.16 Community Activities. r.18 Sporting, Cultural or Entertainment Events.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Delegates to the CEO the power to: <ol style="list-style-type: none"> <li>1. require and approve noise management plans relating to waste collection works under regulation 14A or 14B;</li> <li>2. issue noise control notices in respect of community noise under regulation 16;</li> <li>3. approval of events or venues for sporting, cultural and entertainment events under Part 2, Division 7 of the <i>Environmental Protection Act 1986</i>, subject to the following limitation – <ol style="list-style-type: none"> <li>a. sub regulation 18(13)(b) is not delegated.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil. The <i>Environmental Protection Act 1986</i> does not provide the power to sub delegate.
<b>Sub-Delegate/s:</b>	Nil
<b>Conditions on this Sub-Delegation:</b>	

## Revisions

Date	Authoriser	Reference	Details
27/09/2024	Chief Executive Officer	D-24-73022	Director Governance and People added as a sub-delegate in relation to the Parking Local Law 2016
05/08/2024	Chief Executive Officer	D-24-52843	Update to Community Safety delegations to reflect organisation structure
27/06/2024	Chief Executive Officer	D-24-35747	Annual review of CEO delegations Adoption of DA 3.7, DA 3.8, DA 3.9 and DA3.10
26/03/2024	Council	Council Resolution 042/24	Annual review of Council delegations Adoption of DA 2.1.19, DA 2.1.20, DA 2.1.21, DA 2.1.22 and DA 2.5.2
29/02/2024	Chief Executive Officer	D-24-07686	<ul style="list-style-type: none"> <li>Manager Planning and Community Safety title updated</li> </ul>
15/02/2024	Chief Executive Officer	D-24-07686	<ul style="list-style-type: none"> <li>DA 2.3.1 Amended</li> <li>DA 2.3.5 Adopted</li> </ul>
06/02/2024	Council	Council Resolution 012/24	<ul style="list-style-type: none"> <li>DA 2.3.1 Amended</li> <li>DA 2.3.5 Adopted</li> </ul>
09/11/2023	Chief Executive Officer	D-23-44503	Review of CEO Delegations and Sub-Delegations to reflect organisation structure
30/05/2023	Council	Council Resolution 049/23	Annual review of Council Delegations Adoption of DA 2.7.3 Firebreaks
10/05/2022	Chief Executive Officer	D-23-15793	Annual review of CEO Delegations and Sub-Delegations
27/09/2022	Council	Council Resolution 125/22	<ul style="list-style-type: none"> <li>Amendments to DA 2.2.1 and DA 2.2.2</li> <li>Adoption of DA 2.2.3</li> <li>Deletion of DA 4.1</li> </ul>
14/06/2022	Chief Executive Officer	D-22-18301	Amendments to Sub-Delegations following annual review by Council: <ul style="list-style-type: none"> <li>Amendments to DA 2.1.1, DA 2.3.1, DA 2.3.2, DA 2.4.1</li> <li>Building Surveyor title changed to Manager Building Approvals</li> <li>Customer Relations and Records Officer title changed to Customer Relations Officer</li> </ul>
31/05/2022	Council	Council Resolution 051/22	Annual Review of Council Delegations Adoption of new delegation numbering – refer Council Meeting Minutes
25/02/2022	Chief Executive Officer	D-22-06633	Annual Review of CEO Delegations and Sub-Delegations
12/01/2022	Chief Executive Officer	D-22-01313	DA36 Approval of Signage sub-delegate amended from Manager Statutory Planning to Building Surveyor

03/08/2021	Chief Executive Officer	D-21-26675	DA5A Electoral Roll Eligibility Claims and Electoral Roll sub-delegate amended from Manager Finance to Director Governance and People
15/06/2021	Council	Council Resolution 077/21	Annual Review of Delegated Authority Register: <ul style="list-style-type: none"> <li>• Amendments to DA7, DA10, DA22, DA25, DA30A, DA33, DA36, DA37, DA39, DA40, DA41, DA45A, DA56</li> <li>• Deletion of DA3</li> </ul>
04/05/2021	Council	Council Resolution 054/21	DA57 Complaints Committee adopted
02/03/2021	Council	Council Resolution 021/21	DA45A Parking Infringements amended
16/06/2020	Council	Council Resolution 080/20	Annual Review of Delegated Authority Register
05/05/2020	Council	Council Resolution 052/20	Adoption of DA42 Agreement as to Payment of Rates and Service Charges
18/06/2019	Council	Council Resolution 066/19	Annual Review of Delegated Authority Register
31/10/2018	Chief Executive Officer	D-18-33050	Review of CEO Delegations
17/07/2018	Council	Council Resolution 122/18	Annual Review of Delegated Authority Register
16/05/2017	Council	Council Resolution 065/17	Annual Review of Delegated Authority Register

For version information not detailed in the above table please contact the Governance Team at [toc@claremont.wa.gov.au](mailto:toc@claremont.wa.gov.au) or on 08 9285 4300.

## ACKNOWLEDGEMENT OF PEOPLE AND COUNTRY

The Town of Claremont acknowledges the Traditional Custodians of the land and waterways of the Claremont and Swanbourne area. We respect the significance of their connection to the sacred sites, the Derbal Yerrigan and Galbamaanup wetland. We honour the ancestors of our community Elders who survived and cared for this Country.

