



# **DELEGATIONS REGISTER**

**Updated: 3 September 2008**

# *Council Delegations to Chief Executive Officer*

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## 1. ADMINISTRATION OF LOCAL LAWS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - Part 9  |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to administer its local laws and initiate legal action if he/she consider it necessary.</b> |
| <b>Conditions</b>    | Regard to be taken of any Council resolution or policy in respect to the particular Local Law and Part 9 of the Local Government Act 1995.                              |

## 2. AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S6.49  |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer the authority and power to accept payment of a rate or service charge due and payable by a person in accordance with an agreement he/she made with the person.</b> |
| <b>Conditions</b>    | Special payment agreements may be entered into for cases of special hardship for payment of rates, service charges, domestic rubbish removal charges and private swimming pool inspection fees.                        |

## 3. ANNUAL PERFORMANCE REVIEWS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S5.38   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to ensure that the performance of each employee who is employed for a term of more than one (1) year is to be reviewed at least once in relation to every year of employment.</b> |
| <b>Conditions</b>    | Chief Executive Officer to undertake an annual review of Directors and to make appropriate arrangements for Annual Performance Reviews of other employees. The Council will undertake an annual Performance Review of the Chief Executive Officer.            |

#### 4. ANNUAL REPORTS AND PLAN OF PRINCIPAL ACTIVITIES

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - Part 5 Division 5 – S5.52-5.58  |
| <b>Delegation</b>    | <b>Council delegates its authority to the Chief Executive Officer to prepare an annual report for each financial year and the Plan of Principle Activities for the next four or more financial years and once these have been accepted by Council to take the necessary action pursuant to S.5.55, 5.57, 5.58 of the Local Government Act 1995.</b> |
| <b>Conditions</b>    | Compliance with the Act, Council resolutions and policies.  |

#### 5. APPLICATION FOR DONATIONS OR FINANCIAL ASSISTANCE

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S5.42   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to consider applications received for financial assistance and make the appropriate donation in accordance with Council's Policy.</b> |
| <b>Conditions</b>    | Council to be notified through the Bulletin of the results of applications received and any donations to be made to be in accordance with Council policy..  |

#### 6. APPOINTMENT OF AUTHORISED PERSONS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42, 9.10   |
| <b>Reference</b>     | Local Government Act 1995 - S9.10, 9.19, 9.20 and 9.23.<br>Town of Claremont Local Laws   |
| <b>Delegation</b>    | <b>Council appoints the Chief Executive Officer as an authorised person and delegates its authority and power to the Chief Executive Officer to:</b><br><br><b>Appoint persons or classes of persons in relation to enforcement and legal proceedings.</b><br><br><b>Issue certificates to persons so appointed stating that he/she is an authorised person.</b><br><br><b>Extend the time period within which infringement notices may be paid (S9.19 of the Act).</b> |

**Use discretion to withdraw any infringement notice issued by an Authorised Officer under the Act, following consideration of any submissions of special circumstances relating to it received from the Authorised Officer, the notice recipient or other persons (S9.20 of the Act).**

**Conditions** Compliance with the Local Government Act 1995 – S9.10, 9.19, 9.20 9.23, Local Laws and Council Policy.

## **7. APPROVAL OF CAPITAL WORKS**

**Date Adopted** 18 July 2000

**Date Reviewed** 2002

**Authority** Local Government Act 1995 – S5.42

**Reference** Council Policy CS38

**Delegation** **Council delegate its authority to the Chief Executive Officer:**

- a) To approve capital/infrastructure designs, plan and works;**
- b) To approve and/or reallocate funds for the works within the overall budget.**
- c) Schedule with time frame of all infrastructure Capital Works be provided to Councillors before exercising the delegation**

**Conditions** Council to be advised of project developments prior to the delegation being exercised.

That the project not result in a change to approved capital works project funds.

Schedule with time frame of all infrastructure Capital Works be provided to Councillors before exercising the delegation

## **8. AUTHORISATION OF OFFICERS TO EXERCISE CERTAIN PROVISIONS ABOUT LAND**

**Date Adopted** April 2000

**Date Reviewed** 2002

**Authority** Local Government Act 1995 – S5.42

**Reference** Local Government Act 1995 - S3.25, Schedules 3.1 and 9.1

- Delegation**
- 1. Council delegates its authority and power to the Chief Executive Officer in respect to the issue of notices pursuant to Section 3.25 to owners and occupiers of land requiring certain things to be done by the owner or occupier of that land pursuant to Schedule 3.1 of the Local Government Act 1995.**
  - 2. Council delegates its authority and power to the Chief Executive Officer to take what action is deemed necessary to recover the costs incurred in achieving the purpose for which a Notice was given pursuant to Section**

**3.25 of the Local Government Act 1995 from the persons who failed to comply with the said Notice.**

**3. Council delegates its authority and power to the Chief Executive Officer to do anything considered necessary, so far as practicable, to achieve the purposes for which a Notice was given pursuant to Section 3.25 of the Local Government Act 1995.**

**Conditions**

- a) Subject to the express provisions contained in the Local Government Act 1995, Council's Policies and Resolutions of Council.
- b) Persons served with a notice being advised of their objection and/or appeal rights.

**9. AUTHORITY TO ISSUE BUILDING LICENCES**

**Date Adopted** June 2001

**Date Reviewed** June 2002

**Authority** Local Government Act 1995 – S5.42

**Reference** Local Government (Miscellaneous Provisions) Act 1960 – Section 374

**Delegation**

- 1. Council delegates its authority and power to the Chief Executive Officer to approve or refuse on behalf of Council applications for licences relating to buildings under the provisions of the Local Government (Miscellaneous Provisions) Act 1960 Section 374, including**
- 2. Discretion in respect of any matter related to Part XV – Buildings of the Local Government (Miscellaneous Provisions) Act 1960.**

**Conditions**

- a) Building Licences to comply with:
  - The Building Code of Australia
  - Council's Policies
  - Planning Approval (where applicable)
- b) Demolition Licences where the building, which is the subject of the demolition licence, is not included on Council's Municipal Inventory.

**10. CERTAIN RATES – GIVING NOTICE OF**

**Date Adopted** April 2000

**Date Reviewed** 2002

**Authority** Local Government Act 1995 - S5.42

**Reference** Local Government Act 1995 - S6.36

**Delegation** **Council delegates to the Chief Executive Officer its authority and power to give local public notice of Council's intention to impose any differential general rates or a minimum payment**

**applying to a differential rate category under S6.35(6)(c) of the Local Government Act 1995.**

**Conditions** Compliance with the provisions of SS6.2(1) and 6.36 of the Local Government Act 1995.

## **11. CLOSURE OF THOROUGHFARES TO VEHICLES IN CASES OF EMERGENCY**

**Date Adopted** April 2000

**Date Reviewed** 2002

**Authority** Local Government Act 1995 - S5.42

**Reference** Local Government Act 1995 - S 3.50, 3.51

**Delegation**

- 1. Council delegates its authority and power to the Chief Executive Officer to undertake the necessary consultation notice and submission consideration action for closure of thoroughfares to vehicles in cases of emergency or in connection with Council works.**
- 2. Council delegates its authority and power to the Chief Executive Officer to ensure that when works are carried out associated with the fixing or altering the level of or alignment of a public thoroughfare, that access by vehicle to land adjoining the thoroughfare can be reasonably provided.**

**Conditions** Compliance with Regulations 4 to 6 of the Local Government (Functions and General) Regulations 1996.

## **12. COMMERCIAL ENTERPRISES BY LOCAL GOVERNMENTS**

**Date Adopted** April 2000

**Date Reviewed** 2002

**Authority** Local Government Act 1995 - S5.42

**Reference** Local Government Act 1995 - S3.59

**Delegation** **Council delegates to the Chief Executive Officer its authority and power to:**

- a) Prepare a business plan before Council enters into a major trading undertaking, a major land transaction or a land transaction that is preparatory to a major land transaction.**
- b) Give Statewide public notice stating the proposal, where the plan may be inspected or obtained and calling for submissions on the plan within 6 weeks.**

**Conditions** Compliance with the Local Government Act 1995 – S3.59

### 13. COMPLIANCE AUDIT RETURN TO BE PREPARED

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government (Audit Regulations) 1996 - r14 and 15  |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to carry out, or to arrange to have carried out by a consultant, compliance audit for the period 1 January to 31 December each year, in the form approved by the Minister for Local Government.</b> |
| <b>Conditions</b>    | Compliance with the Local Government (Audit) Regulations 1996 r14 and 15 and the instructions contained in the compliance form as approved by the Minister for Local Government.  |

### 14. CONTROL OF CERTAIN UNVESTED FACILITIES

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S3.53   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to control and manage unvested facilities within its district.</b>  |
| <b>Conditions</b>    | Unvested facilities means thoroughfare, bridge, jetty, drain or watercourse belonging to the Crown where responsibility is not vested in any person other than under Section 3.53 of the Local Government Act 1995. |

### 15. COUNCIL BUILDINGS AND FACILITIES

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S5.42  |
| <b>Delegation</b>    | <b>Council authorises the Chief Executive Officer to permit the free use of rooms and areas within any of the Council building and facilities to associations, committees or organisations having an involvement with Local Government and/or working towards the betterment of the Town of Claremont.</b> |
| <b>Conditions</b>    | Compliance with Council policy and subject to consultation with the Council officer responsible for the day to day management of the particular building or facility.  |

## 16. DANGEROUS BUILDING

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | June 2000   |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government (Miscellaneous Provisions) Act 1960 S403, S404, S405 & S406  |
| <b>Delegation</b>    | <ol style="list-style-type: none"><li><b>1. Council delegates its authority and power to the Chief Executive Officer in respect to the issue of notices pursuant to Section 403 to owner or the occupier of that land;</b></li><li><b>2. Council delegates its authority and power to the Chief Executive Officer to take what action is deemed necessary, so far as practicable to achieve the purposes for which a Notice was given pursuant to Section 403 of the Local Government (Miscellaneous Provisions) Act 1960;</b></li><li><b>3. Council delegates its authority and power to take what action is deemed necessary to recover costs incurred in achieving the purpose for which the notice was given pursuant to Section 403 and Section 405 of the Local Government (Miscellaneous Provisions) Act 1960.</b></li></ol> |
| <b>Conditions</b>    | <ol style="list-style-type: none"><li>a) Subject to the express provisions contained in the Local Government Act 1995, the Local Government (Miscellaneous Provisions) Act 1960, Council's Policies and Resolutions of Council;</li><li>b) Persons served with a notice being advised of their objection and appeal rights.</li></ol>   |

## 17. DECLARATION OF DANGEROUS DOGS

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | March 2001   |
| <b>Date Reviewed</b> | March 2002   |
| <b>Authority</b>     | Dog Act 1976 – S33E<br>Local Government Act 1995 – S5.42   |
| <b>Reference</b>     | Dog Act 1976<br>Dog Regulations 1976   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to Declare Dangerous Dogs pursuant to Section 33E of the Dog Act 1976.</b> |
| <b>Conditions</b>    | None.  |

## 18. DELEGATION OF POWER - ACTING CEO

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S5.42  |
| <b>Delegation</b>    | <b>In the absence from duty for any reason of the appointed Chief Executive Officer, the officer authorised to exercise delegations from Council to the Chief Executive Officer, is the person appointed for that time to be Acting Chief Executive Officer.</b> |
| <b>Conditions</b>    | None.  |

## 19. DISPOSING OF PROPERTY

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S3.58(2)  |
| <b>Delegation</b>    | <b>1. Council delegates its authority and power to the Chief Executive Officer to dispose of Town of Claremont property on behalf of Council to the highest bidder at public auction or to the person who makes what the Chief Executive Officer considers to be the most suitable tender, up to an amount not exceeding \$100,000.</b><br><b>2. Council delegates its authority and power to the Chief Executive Officer to dispose of Town of Claremont property by private treaty on behalf of Council after giving Statewide public notice in pursuance of section 3.58(3) of the Local Government Act up to an amount not exceeding \$100,000.</b> |
| <b>Conditions</b>    | Compliance with the Council's budget and any Council resolution relating to the matter.   |

## 20. ADMINISTRATION-EXECUTION AND AFFIXING OF COMMON SEAL TO DOCUMENTS

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S5.42  |
| <b>Delegation</b>    | <b>Notwithstanding the provisions of Section 9.49 of the Local Government Act, the Chief Executive Officer is authorised to affix the Common Seal to documents to be executed by the Town.</b> |
| <b>Conditions</b>    | Such documents to be consistent with legislative requirements and  |

in accord with a relevant resolution of Council and Council Policy.

## 21. EXEMPTIONS FROM THE REQUIREMENT TO PAY A FEE OR OBTAIN A PERMIT

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | May 2000  |
| <b>Date Reviewed</b> | May 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S5.42   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer the authority and power to exempt a person or class of persons, whether or not in relation to a specified public place, from the requirements of this division of the Local Law Relating to Trading in Public Places.</b> |
| <b>Conditions</b>    | Compliance with the Local Government Act 1995 and the Town of Claremont Local Law Relating to Trading in Public Places  |

## 22. EXPENSES MAY BE REIMBURSED TO EMPLOYEES FUNDED IN ADVANCE

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S5.101 and S5.102  |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to:</b><br><b>a) reimburse an employee for an expense incurred by the employee in relation to a matter affecting the Town of Claremont.; and</b><br><b>b) make a cash advance for an expense that can be reimbursed under the Act.</b> |
| <b>Conditions</b>    | Compliance with the Local Government Act 1995, Council resolutions and policy.   |

## 23. FEES AND CHARGES – GIVING NOTICE OF

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S6.19   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to give local public notice of any fees and charges it intends to impose after the budget adoption.</b> |
| <b>Conditions</b>    | None.   |

## 24. FINANCIAL REPORT

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S6.4   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed, and to submit them to the Town's auditor by 30 September each year.</b> |
| <b>Conditions</b>    | Compliance with the Local Government Act 1995, and Local Government (Financial Management) Regulations 1996.   |

## 25. GRANTING OR WAIVING OF CONCESSIONS OR WRITING OFF OF MONEY

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S6.12  |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to grant or waive concessions on money or write off any amount of money that is owed to the Town of Claremont, up to a limit of \$200.</b> |
| <b>Conditions</b>    | Compliance with Council resolutions or policy. This authority does not extend to statutory charges or the rates or service charges incorporated within the rate notice.  |

## 26. IMPOUNDING GOODS IN CERTAIN CIRCUMSTANCES

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S3.39, S3.40, S3.42, S3.44, S3.46, S3.47, S3.48.   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to:</b> <ul style="list-style-type: none"><li><b>a) Undertake the functions and duties required under Part 3-Subdivision 4 - (Impounding of Goods) of the Local Government Act 1995 in respect of Section 3.39;</b></li><li><b>b) Appoint authorised persons for the purpose of removing and impounding goods that are involved in the contravention which can lead to impounding of goods from a public place if the goods present a hazard to any public place or obstruct its lawful use.</b></li></ul> |

- c) **Exempt owners of impounded non-perishable goods from the payment of impoundment fees, when determined appropriate by the Chief Executive Officer, prior to the collection of such goods.**

**Conditions** Compliance with Part 3 Subdivision 4 of the Local Government Act 1995 and Regulation 29 of the Local Government (Functions and General) Regulations 1996 and Council policies.

**27. INVESTMENTS**

**Date Adopted** April 2000

**Date Reviewed** 2002

**Authority** Local Government Act 1995 - S5.42

**Reference** Local Government Act 1995 - S6.14

Trustees Act 1962 – Part III

Local Government (Financial Management) Regulations 1996.

**Delegation** **Council delegates its authority and power to the Chief Executive Officer to invest money held in the municipal or trust funds that is not required for the time being for any purposes in accordance with part III of the Trustees Act 1962 or in an investment approved by the Minister.**

**Conditions** a) to establish and document internal control procedures to be followed to ensure control over the investments;  
 b) compliance with Regulation 19 of the Local Government (Financial Management) Regulations 1996 and Council policy.

**28. KEEPING OF PLANS OF PUBLIC THOROUGHFARES**

**Date Adopted** April 2000

**Date Reviewed** 2002

**Authority** Local Government Act 1995 - S5.42

**Reference** Local Government Act 1995 - S5.96

**Delegation** **Council delegates its authority and power to the Chief Executive Officer to ensure that information it is required under the Act to have available for public inspection is available and at a price that does not exceed the cost of providing the copies and as set by Council in its schedule of fees and charges.**

**Conditions** Refer to Sections 5.94 to 5.97 of the Local Government Act 1995.

**29. LOCAL GOVERNMENT ELECTIONS AND OTHER POLLS**

**Date Adopted** April 2000

**Date Reviewed** 2002

|                   |   |
|-------------------|---|
| <b>Authority</b>  | Local Government Act 1995 - S5.42   |
| <b>Reference</b>  | Local Government Act 1995 - Part 4 Elections and Other Polls  |
| <b>Delegation</b> | <ol style="list-style-type: none"> <li><b>1. Council delegates its authority to the Chief Executive Officer to take the necessary action to promote the conduct of elections and polls within the Town.</b></li> <li><b>2. Council delegates its authority and power to the Chief Executive Officer to fix the day on which a poll is held for an extraordinary election if the Mayor has not already done so.</b></li> <li><b>3. Council delegates its authority and power to the Chief Executive Officer to pay fees and expenses to the electoral officers for conducting the election and to pay any expenses incurred by the Electoral Commissioner if a declaration is made under S4.20(4) of the Local Government Act 1995.</b></li> </ol> |
| <b>Conditions</b> | Compliance with the Local Government (Elections) Regulations 1997   |

### 30. LOCAL GOVERNMENT EMPLOYEES

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S5.36  |
| <b>Delegation</b>    | <ol style="list-style-type: none"> <li><b>1. Council delegates to the Chief Executive Officer its authority and power to employ such persons as he/she believes are necessary and determine and amend position descriptions and classifications to enable the functions of the local government and the functions of the Council to be performed.</b></li> <li><b>2. The CEO to provide qualitative and quantitative justification for any salary variations in the budget from the previous year and the proposed budget cycle</b></li> </ol> |
| <b>Conditions</b>    | To a Council approved budget limit.  |

### 31. LOCAL LAWS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S3.12 – 3.18  |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to give the required local, State wide and Government Gazette notice and to carry out all other statutory administrative duties required as part of the local law making process.</b> |
| <b>Conditions</b>    | Compliance with the Local Government Act 1995   |

### 32. LODGEMENT OF CAVEATS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S6.64   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to lodge and withdraw a caveat to preclude dealings in respect of land where payment of rates or service charges imposed in respect to the land is unpaid for at least three (3) years.</b> |
| <b>Conditions</b>    | Compliance with Part 6 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.   |

### 33. LONG SERVICE LEAVE

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S5.47 and S5.48   |
| <b>Delegation</b>    | <b>Council delegates its authority to the Chief Executive Officer to consider and decide on applications received from employees under the Local Government (Long Service Leave) Regulations.</b> |
| <b>Conditions</b>    | The Chief Executive Officer is to ensure operations of Council will not be unduly hindered by absence on long service leave of the applicant.   |

### 34. MANAGEMENT-ENGAGEMENT OF PROFESSIONAL SERVICES

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S5.42  |
| <b>Delegation</b>    | <b>Council delegates its authority to the Chief Executive Officer to take the action deemed necessary to engage the services of legal advisers and various consultants to provide the appropriate services to facilitate and/or promote the conduct of Council business up to a cumulative maximum consultancy cost of \$50 000 per consultancy.</b> |
| <b>Conditions</b>    | Within the limit of an approved allocation in the Council budget.  |

### 35. NOTICE REQUIRING LESSEE TO PAY RENT

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S6.60   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to:</b> <ul style="list-style-type: none"><li>a) <b>Give to a lessee (with a copy to the lessor) of land a notice requiring the lessee to pay to the Council any rent as it falls due if there are unpaid rates or service charges on the land.</b></li><li>b) <b>Recover the rate or service charge as a debt from the lessee if they do not comply with the notice.</b></li></ul> |
| <b>Conditions</b>    | Compliance with the provisions of S6.60, 6.61 and 6.62 of the Local Government Act 1995.  |

### 36. OBJECTION TO THE RATE RECORD

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S6.76   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to:</b> <ul style="list-style-type: none"><li>a) <b>Extend for such period as he/she thinks fit the time for a person to make an objection to the rate record;</b></li><li>b) <b>Promptly consider any objection received to the rate record and to either disallow it or allow it wholly or in part; and</b></li><li>c) <b>Serve upon the person who made the objection, written notice of the decision and the grounds for that decision.</b></li></ul> |
| <b>Conditions</b>    | None.   |

### 37. PAYMENT FROM TRUST AND MUNICIPAL FUNDS

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S6.10 and<br>Local Government (Financial Management) Regulations 1996 - r<br>12 and 13                   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to make payments from the Trust and Municipal Funds.</b> |
| <b>Conditions</b>    | Compliance with Regulations 12 and 13 of the Local Government (Financial Management) Regulations 1996 and Council Policies.          |

### 38. PAYMENT TO EMPLOYEES IN ADDITION TO CONTRACT OR AWARD

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local government Act 1995 - S5.50   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority to implement Council's policy relating to gratuities to officers and employees who are retiring, and to give the necessary local public notice.</b> |
| <b>Conditions</b>    | Implementation of the delegation is to include liaison between the Chief Executive Officer and the officer or employee's supervising officer.   |

### 39. PLANNING APPLICATIONS APPROVAL

Deleted by Resolution Number 59/08 at the Ordinary Council Meeting on 18 March 2008.

### 40. POWER OF ENTRY IN AN EMERGENCY

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S3.34   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to use reasonable force to enter any land, premises, or thing immediately and without notice and to perform any of the Council's functions as he/she considers to be appropriate to deal with any determined emergency.</b> |
| <b>Conditions</b>    | Compliance with the Local Government Act 1995 and any other written law.  |

#### 41. PROVISION OF SERVICES OR FACILITIES

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000   |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Local Government Act 1995 - S3.18(3) and S3.21   |
| <b>Delegation</b>    | <b>Council delegate its authority and power to the Chief Executive Officer to undertake executive functions relating to the provisions of services or facilities.</b>  |
| <b>Conditions</b>    | In carrying out executive functions relating to the provision of services and facilities, the Chief Executive Officer is to ensure that there is compliance and minimal disruption to persons or property as required by sections 3.18(3) and 3.21 of the Local Government Act 1995. |

#### 42. PUBLICATIONS AND COMMUNICATIONS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S5.42   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to prepare, produce and distribute appropriate publications and communications to the public.</b> |
| <b>Conditions</b>    | To take into account Council resolutions and policy.  |

#### 43. RATES OR SERVICE CHARGES RECOVERABLE IN COURT

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S6.56   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority and power to recover by court action any rate or service charge that is due and payable to the Town of Claremont.</b> |
| <b>Conditions</b>    | None.   |

#### 44. RATES RECORD

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | April 2000                                       |
| <b>Date Reviewed</b> | 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42                |
| <b>Reference</b>     | Local Government Act 1995 - S6.39, 6.40 and 6.41 |

|                   |   |
|-------------------|---|
| <b>Delegation</b> | <b>Council delegates to the Chief Executive Officer its authority and power to:</b> <ol style="list-style-type: none"> <li>a) <b>Ensure that as soon as practicable after the Council resolves to impose rates, that he/she compiles a record of all rateable land in the district and all lands which have a service charge imposed.</b></li> <li>b) <b>Amend the current rate record and the rate record for the preceding 5 years to ensure the information it contains is current and correct.</b></li> <li>c) <b>Reassess the rates and service charges if the rateable value of, the rateability of, or the rate imposed on, any land is amended in the rate record and give notice of changes to the owner of the land.</b></li> <li>d) <b>Carry out the requirements of S6.40(3) and (4) and 6.44 where there is a refund or an increase as a consequence of any reassessment.</b></li> <li>e) <b>Give a rate notice to the owner of rateable land and the owner or occupier of land on which a service charge is imposed.</b></li> </ol> |
| <b>Conditions</b> | Compliance with the provisions of S6.39, 6.40, 6.41 and 6.44 of the Local Government Act 1995.  |

#### 45. RECEIPT OF REVENUE AND PAYMENT OF ACCOUNTS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S6.10,<br>Local Government (Financial Management) Regulations 1996  |
| <b>Delegation</b>    | <ol style="list-style-type: none"> <li>1. <b>Council delegates its authority and power to the Chief Executive Officer to maintain separate accounts to receive revenue or income from rates, service charges, fees and charges, borrowings, investments or any other source authorised by or under the Local Government Act or any other written law, or from dealings in property or grants or gifts.</b></li> <li>2. <b>Council delegates its authority and power to the Chief Executive Officer to develop procedures for cheques, credit cards, computer encryption devices and passwords, purchasing cards and petty cash systems and to develop procedures for the approval of accounts.</b></li> </ol> |
| <b>Conditions</b>    | Regulations 5, 8 and 11 of the Local Government (Financial Management) Regulations 1996 and Council policy.   |

#### 46. REFERRAL OF APPEAL TO TRIBUNAL

|                      |            |
|----------------------|------------|
| <b>Date Adopted</b>  | April 2000 |
| <b>Date Reviewed</b> | 2002       |

|                   |   |
|-------------------|---|
| <b>Authority</b>  | Local Government Act 1995 - S5.42   |
| <b>Reference</b>  | Local Government Act 1995 - S6.79   |
| <b>Delegation</b> | <b>Council delegates to the Chief Executive Officer its authority and power to, upon the receipt of a notice under s6.77 and 6.78 of the Local Government Act 1995 disputing a decision not to amend the rate record, refer the decision to a Land Valuation Tribunal as an appeal.</b> |
| <b>Conditions</b> | Compliance with the provisions of S6.77, 6.78 and 6.79 of the Local Government Act 1995   |

#### 47. RESERVES UNDER THE CONTROL OF A LOCAL GOVERNMENT

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S3.54   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to control and manage land which is vested or placed under the control and management of the Town of Claremont.</b> |
| <b>Conditions</b>    | Compliance with S3.54 of the Local Government Act 1995, Vesting Orders and Council local laws.  |

#### 48. SAFETY AND SECURITY - CCTV

|                      |  |
|----------------------|--|
| <b>Date Adopted</b>  | May 2001   |
| <b>Date Reviewed</b> | May 2002   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | City of Perth and Ministry of Justice CCTV Policies and Federal and State Legislation  |
| <b>Delegation</b>    | <b>To determine operation issues relating to the ongoing operation of CCTV cameras in the Town such as the process for recording, storage and access to recorded material.</b><br><b>To expend allocated funds to ensure CCTV equipment is maintained.</b>               |
| <b>Conditions</b>    | a) That the Chief Executive Officer act in accordance with legislative provisions relating to surveillance.<br><br>b) That decisions taken do not reduce the effectiveness of the CCTV system in the Town.<br><br>c) That expenditure is within Council approved limits. |

#### 49. RESIDENTIAL PARKING PERMITS - APPROVE THE ISSUE AND CANCELLATION OF

|                     |               |
|---------------------|---------------|
| <b>Date Adopted</b> | February 2001 |
|---------------------|---------------|

|                      |  |
|----------------------|--|
| <b>Date Reviewed</b> | February 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42  |
| <b>Reference</b>     | Minutes Ordinary Council Meeting, 20 February 2001, Resolution Number 795/01   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to approve the issue of Residential Parking Permits.</b> |
| <b>Conditions</b>    | None.  |

#### 50. SUPERANNUATION

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S5.47   |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to provide superannuation and other benefits for its employees.</b> |
| <b>Conditions</b>    | Superannuation and other benefits to be as required by law, Council policy or resolution.   |

#### 51. TENDERS FOR WORKS AND SERVICES

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S3.57<br>Local Government (Functions and General) Regulations 1996  |
| <b>Delegation</b>    | <b>Council delegates its authority and power to the Chief Executive Officer to invite tenders and expressions of interest before the Town of Claremont enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be , worth more than \$50,000.</b><br><br><b>Council delegates its authority and power to the Chief Executive Officer (subject to compliance with Regulation 18 of the Local Government (Functions and General) Regulations 1996) to receive and consider all complying tenders and expressions of interest and to accept any tender on behalf of Council that does not exceed a total amount of \$100,000.</b><br><br><b>Council delegates its authority and power to the Chief Executive Officer, with the approval of the successful tenderer, to make minor variations to a contract for goods or services before entering into a contract on behalf of the Town with the successful tenderer.</b> |
| <b>Conditions</b>    | Compliance with the requirements of Part 4 – Tenders for Providing Goods and Services of the Local Government (Functions  |

and General) Regulations 1996.

## 52. VARIATIONS TO CAPITAL WORKS AND OPERATING COSTS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - Schedule 2.2(6)   |
| <b>Delegation</b>    | <b>Council delegates its authority to the Chief Executive Officer to approve variations to capital works and operating costs to a level +/- 15% of the approved budget of Council for a specific project or operating item.</b>   |
| <b>Conditions</b>    | Council will be advised of variations and reasons.<br><br>Compliance to come under or on target with the overall capital and operating budget of Council.<br><br>Capital works and operating budgets are to be kept separate and not combined for the purpose of this delegation. |

## 53. WARD BOUNDARY REVIEW - EQUALISATION

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | April 2000  |
| <b>Date Reviewed</b> | 2002  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - Schedule 2.2(6)   |
| <b>Delegation</b>    | <b>Council delegates its authority to the Chief Executive Officer to undertake a review of ward boundaries and offices of Council for each ward with a view to achieving equalisation of the number of Councillors elected to each Ward from time to time so that not more than 8 years elapses between successive reviews.</b> |
| <b>Conditions</b>    | Compliance with conditions contained in Schedule 2.2(6) of the Local Government Act 1995 - Provisions about Wards and Representation<br><br>A comprehensive review to be effected by the 31st December 2000   |

## 54. EXECUTION OF LEASES

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | March 2004  |
| <b>Date Reviewed</b> | 2007  |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Local Government Act 1995 - S3.58   |
| <b>Delegation</b>    | Council delegates its authority to the Chief Executive Officer to execute and apply the Council seal to new leases, subject, where applicable, to the approval by the Minister for Lands, with the Claremont/Nedlands Cricket Club, Claremont Community Kindergarten, Claremont Playgroup, Claremont Lawn Tennis Club, Claremont Recreation Club, Westside Wolves Hockey Club and Scouts Association of Australia, on the basis that the leases are |

similar to the lease detail adopted at the Ordinary Council Meeting 16 March 2004, Resolution Number 97/04.

**Conditions**

Compliance with the Local Government Act 1995 and any other written law.

Chief Executive Officer and Mayor to sign the lease document.

The rent is to be the amount applicable in the last year of the current lease, plus the movement in the Perth Consumer Price Index for the most recent year.

The subsidy is to be the previously agreed percentage of the rent.

**55. AMALGAMATIONS**

Deleted by Resolution Number 59/08 at the Ordinary Council Meeting on 18 March 2008

**56 DESIGN ADVISORY COMMITTEE**

**Date Adopted** 15 June 2004

**Date Reviewed** Nil

**Authority** Local Government Act 1995 - S5.42

**Reference** Town Planning Scheme No. 3, Clause 76

**Delegation** **That Council authorise the Chief Executive Officer to refer development and planning matters to the Design Advisory Committee for advice and that this advice be provided to Council**

**Conditions**

1. The Chief Executive Officer is the only authorised employee to refer matters to the Design Advisory Committee.
2. Referrals to the Design Advisory Committee to be in accordance with the Design Advisory Committee Terms of Reference.

**57. NON-RESIDENTIAL DEVELOPMENT APPLICATIONS**

Deleted by Resolution Number 59/08 at the Ordinary Council Meeting on 18 March 2008.

**58. HOME OCCUPATION APPLICATIONS**

Deleted by Resolution Number 59/08 at the Ordinary Council Meeting on 18 March 2008.

**59. RESIDENTIAL PARKING RESTRICTIONS**

**Date Adopted** 20 February 2007

**Date Reviewed** 2 October 2007

**Authority** Local Government Act 1995 - S5.42

**Reference** Parking & Parking Facilities Local Law

**Delegation** **That Council authorise the Chief Executive Officer to implement parking restrictions in residential streets to encompass all streets and/or verges within the municipality, as required.**

**Conditions** Nil

**60. HEALTH ACT 1911 FUNCTIONS**

**Date Adopted** 15 May 2007

**Date Reviewed** Nil

**Authority** Health Act 1911 – S 26

**Reference** Health Act 1911 – S 26

**Delegation**

1. **Council delegates its authority and power to the Manager Environmental Health, or person acting in that position from time to time, to administer the provisions of the Health Act 1911, pursuant to Section 26 of the Act, and regulations and local laws made thereunder including the issuing of licenses, certificates and registrations.**
2. **Council delegates its authority and power to the Manager Environmental Health, or person acting in that position from time to time, to initiate legal proceedings for offences under the Health Act 1911 and regulations and local laws made thereunder. The power to prosecute any person is only exercised subject to the written agreement of the Chief Executive Officer.**

**Conditions** Compliance with the Health Act, Regulations and Local Laws.

**61. LIQUOR CONTROL ACT 1988 FUNCTIONS**

**Date Adopted** 19 June 2007

**Date Reviewed** Nil

**Authority** Liquor Control Act 1988 – S 39 & 40

**Reference** Liquor Control Act 1988 – S 39 & 40

**Delegation**

1. Council delegates its authority and power to the CEO, or person acting in that position from time to time, to administer the provisions of the Liquor Control Act 1988, pursuant to Section 39 of the Act.
2. Council delegates its authority and power to the CEO, or person acting in that position from time to time, to administer the provisions of the Liquor Control Act 1988, pursuant to Section 40 of the Act.

**Conditions**

- Compliance with the: Health Act 1911, Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960 and the Town Planning Scheme.
- This delegation is not to be exercised until Council has adopted a policy on licenced premises.

## 62. ASSESSMENT OF PLANNING APPLICATIONS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | 18 March 2008   |
| <b>Date Reviewed</b> | N/A   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42   |
| <b>Reference</b>     | Planning & Development Act 2005; Town Planning Scheme No. 3   |
| <b>Delegation</b>    | <ul style="list-style-type: none"><li>a) Extensions or alternations to existing single houses and grouped dwellings involving setback variations to the Residential Design Codes may be approved where no objections have been received, or where objections have been resolved and where the application meets the Performance Criteria of the RD Codes, and complies with relevant polices.</li><li>b) Extensions or alterations to existing single houses and grouped dwellings which already contravene the setback requirements of the RD Codes may be approved provided that such extensions or alterations conform to the building line, which has been set by that existing dwelling, where no objections have been received or where objections have been resolved and the application meets the Performance Criteria of the RD Codes, and complies with relevant polices.</li><li>c) Subdivisions producing only two lots or amalgamation of lots (any number) may be recommended for approval or refusal to the Western Australian Planning Commission and the clearance of such subdivisions and amalgamations as necessary.</li><li>d) Home Occupations and renewal applications, which comply with Council's Town Planning Scheme, Policies and conditions of approval, where no objections have been received or where objections have been resolved.</li><li>e) Single storey houses and single storey grouped dwellings, which propose variations, where there are no objections or where objections have been resolved and the application meets the Performance Criteria of the RD Codes.</li><li>f) Two storey single houses which do not propose variations to the Scheme, RD Codes or Policies, where no objections are received or where objections have been resolved.</li><li>g) Refuse planning applications that do not comply with the Council's Town Planning Scheme and the RD Codes and or where no discretion exists for Council to approve the variations.</li></ul> |
| <b>Conditions</b>    | <ul style="list-style-type: none"><li>1. That the CEO informs Elected Members about any Development Application for which delegation 62 is to be exercised, and allows Elected Members 48 hours to comment.</li><li>2. "Any 3 Councillors can in writing stating reasons, call for an application to be referred to a formal OCM for determination prior to exercising of delegation 62.</li></ul>  |

63 LAKEWAY RESIDENTIAL SUB-DIVISION SALE OF LOTS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | <b>21 July 2008</b>   |
| <b>Date Reviewed</b> | -   |
| <b>Authority</b>     | Local Government Act 1995 - S5.42 and 5.43(d)                             |
| <b>Reference</b>     | Local Government Act 1995 - S5.42   |
| <b>Delegation</b>    | <b>Council delegates to the Chief Executive Officer its authority to:</b> |

1. **Dispose of the single residential lots with respect to the land development known as Lakeway on Narla Road, Swanbourne, by either**
  - 1.1. **Public auction (subject to part 2);**
  - or
  - 1.2 **Private treaty if not sold at auction (subject to part 2).**
2. **Accept a bid during the conduct of the auction, or accept an offer up to 6 months after the auction, providing that it is more than the minimum price determined by the method detailed in the report on this item;**
3. **Determine the reserve price for each of the lots based upon a market appraisal supplied by the Town's marketing consultant and on a valuation supplied by an independent valuer, both being obtained immediately prior to the auction.**

**Conditions**

The lots are to be sold at the best possible price, applying the principles in the above delegation.

Council must reconsider the method of selling any unsold lots if the CEO is of the opinion (based on professional marketing and valuation advice) that some or all of them should be sold other than by public auction or private treaty within 6 months of the auction.

Council must consider whether any lots that are unsold as at the date of the consideration by the Council of the proposed Long-Term Investment Plan should be disposed of or retained.

Pursuant to Section 5.46(3) of the Local Government Act and Clause 19 of the Local Government (Administration) Regulations, I advise the following details in regard to the exercise of a power or the discharge of a duty delegated to me for the period from 1 July to 31 July 2008

| Relevant Section of Act or Regulations | How the Power or Duty Exercised/Discharged | Property Address             | Approval Date | Person/Class of Person (other than staff, Council or Committee members) directly affected |
|--|--|------------------------------|---------------|---|
| Clause 99 TPS No. 3                    | Approved Development Application           | 31A Loch Street, Claremont   | 14 July 2008  | Irene Miller  |
| Clause 99 TPS No. 3                    | Approved Development Application           | 94 Shenton Road, Swanbourne, | 14 July 2008  | Paul Sanbrook   |
| Clause 99 TPS No. 3                    | Approved Development Application           | 3 Agett Road, Claremont      | 15 July 2008  | Robert King   |
| Clause 99 TPS No. 3                    | Approved Development Application           | 11 Shenton Road, Swanbourne  | 21 July 2008  | Bruce Haynes  |

These applications accord with the provisions of Delegation 39 to the Chief Executive Officer.

Pursuant to Section 5.46(3) of the Local Government Act and Clause 19 of the Local Government (Administration) Regulations, I advise the following details in regard to the exercise of a power or the discharge of a duty delegated to me for the period from 1 June to 31 June 2008

**[These two Development Applications were not shown on the Delegated Authority listing for June 2008, therefore are included here.]**

|                     |                                  |                            |              |             |
|---------------------|----------------------------------|----------------------------|--------------|-------------|
| Clause 99 TPS No. 3 | Approved Development Application | 17 Mengler, Claremont      | 25 June 2008 | Hira Singh  |
| Clause 99 TPS No. 3 | Approved Development Application | 32 Melvista Ave, Claremont | 12 June 2008 | Moody/Beeck |

These applications accord with the provisions of Delegation 39 to the Chief Executive Officer

65. CARAVAN AND CAMPING GROUNDS ACT 1995 FUNCTIONS

|                      |   |
|----------------------|---|
| <b>Date Adopted</b>  | <b>2 September 2008</b>   |
| <b>Date Reviewed</b> |   |
| <b>Authority</b>     | <b>Caravan and Camping Grounds Act 1995 – S 17 &amp; S23</b>  |
| <b>Reference</b>     | <b>Caravan and Camping Grounds Act 1995 – S17 &amp; S23</b>   |
| <b>Delegation</b>    | <p><b>Council delegates its authority and power to the Chief Executive Officer, Executive Manager Regulatory Services, Manager Environmental Health or persons acting in those positions from time to time to administer the provisions of the Caravan and Camping Grounds Act 1995, pursuant to Section 17 and Section 23 of the Act, and regulations made thereunder.</b></p> <p><b>Council delegates its authority and power to the Environmental Health Officers, Building Surveyors, Planning Officers and Rangers or person acting in those positions from time to time, to administer the provisions of the Caravan and Camping Grounds Act 1995, pursuant to Section 17 and Section 23(2)(3) of the Act, and regulations made thereunder.</b></p> <p><b>Council delegates its authority and power to the Chief Executive Officer, Manager Environmental Health, or person acting in that position from time to time, to initiate legal proceedings for offences under the Caravan and Camping Grounds Act and Regulations made thereunder. The power to prosecute any person is only exercised subject to the written agreement of the Chief Executive Officer.</b></p> |
| <b>Conditions</b>    | <p>The Caravan Parks and Camping Grounds Act 1995 does not allow Council to delegate this decision to the Chief Executive Officer to appoint authorised persons.</p> <p>Compliance with the Caravan and Camping Grounds Act 1995, Regulations and Local Laws.</p> <p>Compliance with the Health Act 1911.</p> <p>Compliance with the Building Codes of Australia.</p> <p>Compliance with the Town Planning Scheme 3</p> <p>Compliance with the Metropolitan Regional Scheme</p> <p>Compliance with the Dog Act 1976 and Local Laws</p> <p>Compliance with the Parking and Parking Facilities Local Law</p>  |