TOWN of CLAREMONT

Delegated Authority Register

Our vision and mission

OUR VISION

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

OUR MISSION

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

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Delegations made under the *Local Government Act 1995*

DA 2.1.1 Disposing of Property

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s 5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.58(2) and (3) Disposing of Property *Local Government (Functions and General) Regulations 1996*: r.30 Dispositions of property excluded from the Act s.3.58
Delegate:	**Chief Executive Officer**
Function:	1. Authority to dispose of property to: a. the highest bidder at public auction [s.3.58(2)(a)]. 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)]. 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)].
Conditions on this Delegation:	a. Compliance with any applicable Council policies. 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. c. The Chief Executive Officer may approve leases of Council property where the key lease terms have been determined by Council resolution. 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. e. Methods of Disposal • Where a public auction is determined as the method of disposal: ▪ Reserve price is to be set by independent valuation. ▪ 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. • 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. • Where a direct negotiation is determined as the method of disposal, the delegate is authorised to: ▪ Negotiate the sale of the property up to a -10% variance on the valuation; and ▪ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s. 5.44 CEO may delegate some powers and duties to other employees

DA 2.1.2 Rate Record – Objections

Delegator:	Town of Claremont Council

Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.76 Grounds of Objection
Delegate:	**Chief Executive Officer**
Function:	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 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)].
Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

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

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.12 Power to Defer, Grant Discounts, Waive or Write Off Debts
Delegate:	**Chief Executive Officer**
Function:	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)].
Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s. 5.44 CEO may delegate some powers and duties to other employees

DA 2.1.4 Rate Record Amendment

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.39(2)(b) Rate Record
Delegate:	**Chief Executive Officer**
Function:	Authority to determine any requirement to amend the rate record for the five years preceding the current financial year [s.6.39(2)(b)].
Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.5 Payments of Accounts from Municipal or Trust Funds

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

DA 2.1.6 Tenders for Goods and Services

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996* **(F&G)***:* 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
Delegate:	**Chief Executive Officer**
Function:	1. Authority to call tenders [F&G r.11(1)]. 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&G r.11(2)(f)]. 3. Authority to seek quotes using a tender exemption where the expense is included in the adopted Annual Budget [F&G.r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 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&G r.14(5)]. 8. Authority to determine whether or not to reject tenders that do not comply with the requirements specified in the invitation to tender [F&Gr.18(2)]. 9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r. 18(4a)]. 10. Authority to evaluate tenders, by written evaluation, decide which is the most advantageous and recommend to council award of the tender [F&G r.18(4)]. 11. Authority to decline to accept any tender [F&G r.18(5)]. 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&G r.18(6) & (7)]. 13. Authority to determine whether variations in goods or services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 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&G r.20(2)].

	15. Authority to: 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 by more than 10% of the total contract value. b. Exercise a contract extension option that was included in the original tender specification and contract in accordance with F&G r.11(2)(j).
Conditions on this Delegation:	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: 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 ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption; and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. 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&G r.11(2)(j) and the contractor's performance has been reviewed evidencing the rationale for entering into the extended term. 3. A decision to award a contract following the CEO undertaking tender exempt procurement is to be made by Council. 4. Compliance with any applicable Council policies.
Express Power to Sub-Delegate:	*Local Government Act* 1995: s.5.44 CEO may delegate some powers and duties to other employees.

DA 2.1.7 Power to Invest and Manage Investments

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996*: r.19 Investments, control procedures for
Delegate:	**Chief Executive Officer**
Function:	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [r.19].
Conditions on this Delegation:	a. All investment activity must comply with regulation 19C of the *Local Government (Financial Management) Regulations 1996 and* any applicable Council policies. 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.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s. 5.44 CEO may delegate some powers and duties to other employees

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

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* s.3.27 Particular things local governments can do on land that is not local government property
Delegate:	**Chief Executive Officer**
Function:	The power to do any of the things prescribed in Schedule 3.2 of the *Local Government Act 1995* even though the land on which it is done is not local government property and the Town does not have consent to do it.
Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.9 Closure of Thoroughfares

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* 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
Delegate:	**Chief Executive Officer**
Function:	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)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: 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 b. consider submissions relevant to the road closure(s) proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 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] 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 [s3.51].
Conditions on this Delegation:	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)]. b. Maintain access to adjoining land [s.3.52(3)].
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.10 Control Reserves and Certain Unvested Facilities

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995* s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	**Chief Executive Officer**
Function:	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)]. 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 *Parks and Reserves Act 1895*. [s.3.54(1)].
Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.11 Declare Vehicle is Abandoned Vehicle Wreck

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

DA 2.1.12 Confiscated or Uncollected Goods

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* 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
Delegate:	**Chief Executive Officer**
Function:	1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]. 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.13 Agreement as to Payment of Rates and Service Charges

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.49 Agreement as to payment of rates and service charges
Delegate:	**Chief Executive Officer**
Function:	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Conditions on this Delegation:	a. Agreements must be made in consideration of any applicable Council policies. b. An agreement must be in writing and signed by the person and the Delegate. 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. 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 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.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.14 Recovering of Rates or Service Charges

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	**Chief Executive Officer**
Function:	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)]. 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)].
Council Conditions on this Delegation:	Compliance with any applicable Council policies.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.15 Powers of Entry (Local Government Act)

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* 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
Delegate:	**Chief Executive Officer**
Function:	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]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34 (1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	*Local Government Act* 1995: s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.16 Disposal of Sick or Injured Animals

Delegator:	Town of Claremont
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	**Chief Executive Officer**
Function:	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)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Conditions on this Delegation:	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees.

DA 2.1.17 Administration of the Town's Local Laws

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995:* s 3.18(1) Performing Executive Functions
Delegate:	**Chief Executive Officer**
Function:	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 1. Activities on Thoroughfares and Public Places Local law 2003; 2. Animal Local Law 2024; 3. Fencing Local Law 2000; 4. Foreshore Building Line Freshwater Bay local law 2000; 5. Health Local Law 1997; 6. Height of Buildings- Freshwater Bay Local Law 2000; 7. Local Government Property Local Law 2000; 8. Parking Local Law 2016; 9. Meeting Procedures Local Law 2018; 10. Signs Local Law; 11. Site Erosion and Sand Drift Local Law 2016; 12. Waste Local Law 2017.
Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.19 Obstruction of Footpaths and Thoroughfares

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996:* 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
Delegate:	**Chief Executive Officer**
Function:	1. 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: a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission, including imposing appropriate conditions, or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. 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)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner 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].
Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in *the Local Government (Uniform Local Provisions) Regulations 1996.* b. In relation to function 2, permission may only be granted where the proponent has: i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction; ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works; iii. Provided evidence of sufficient Public Liability Insurance; and iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.20 Public Thoroughfare – Dangerous Excavations

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996:* r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare
Delegate:	**Chief Executive Officer**
Function:	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)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: 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; 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; iii. Provided evidence of sufficient Public Liability Insurance; and iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.21 Crossing – Construction, Repair and Removal

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government (Uniform Local Provisions) Regulations 1996:* r.12(1) Crossing from public thoroughfare to private land or private thoroughfare r.13(1) Requirement to construct or repair crossing
Delegate:	**Chief Executive Officer**
Function:	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)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 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)]. 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)].
Conditions on this Delegation:	Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.22 Private Works on, over or under Public Places

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: r.17 Private works on, over, or under public places
Delegate:	**Chief Executive Officer**
Function:	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)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the *Local Government (Uniform Local Provisions) Regulations 1996*. b. Permission may only be granted where, the proponent has: 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. 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. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

DA 2.1.23 Minor Amendments to Delegations Register and Policies

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO
Delegate:	**Chief Executive Officer**
Function:	Authority to make amendments to format, spelling, grammar, titling, responsible/affected business units/officers and minor errors within the text of Delegations and Policies that have already been endorsed by Council.
Conditions on this Delegation:	Any changes made under this delegation must not alter the intent of the document.
Express Power to Sub-Delegate:	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees

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

DA 2.2.1 *Planning and Development (Local Planning Schemes) Regulations 2015*

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Planning and Development (Local Planning Schemes) Regulations 2015:* cl.82 Delegations by local government
Express Power or Duty Delegated:	All powers and duties under the Town of Claremont Local Planning Scheme No. 3 and Schedule 2 (Deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015*: with the exception of: cl. 3-6 (inclusive) Local planning policies cl. 20 Local government report to Commission cl. 29 Amendment of structure plan cl. 52 Decision of local government cl. 59 Amendment of local development plan cl. 78 Powers of local government
Delegate:	**Chief Executive Officer**
Function:	To enter into heritage agreements, require heritage assessments, and issue heritage conservation notices. To prepare and advertise structure plans. To prepare and advertise local development plans. To determine applications for development approval.
Conditions on this Delegation:	This delegation does not extend to the determination of an application for development approval: • previously determined by Council and that is subject to review by the State Administrative Tribunal. • for a proposal previously determined by Council, unless in the opinion of the delegate or sub-delegate, the changes to the proposal are of a minor nature or they satisfy the requirements of the planning framework. • for Bulk Retail Sales, Fast Food Outlet (unless located within a shopping centre), Hospital, Hotel/Tavern, Open Air Display or Restricted Premises. • where three (3) or more objections are received from landowners/occupiers as a result of advertising requirements, and where the issue/s raised in the objection: ○ cannot be resolved via condition(s) of development approval or by modifying the design; and ○ relate to valid planning and development considerations; and ○ for residential developments, relate to variations to the Residential Design Codes deemed-to-comply provisions (Vol. 1) or acceptable outcomes (Vol. 2) for lot boundary (side and rear) setbacks, building height, visual privacy and/or solar access for adjoining sites, and, in the opinion of the delegate or sub-delegate, the variations do not satisfy the corresponding objectives or design principles.
Express Power to Sub-Delegate:	*Planning & Development (Planning Schemes) Regulations 2015:* cl.83 Local government CEO may delegate powers

DA 2.2.2 Illegal Development – Direction to Stop Work

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Local Government Act 1995:*

	s.5.42(1)(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	*Planning and Development Act* 2005 s.214(2), (3) and (5) Illegal development, responsible authority's powers as to
Delegate:	**Chief Executive Officer**
Function:	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; 2. Give a written direction to the owner or any other person who undertook an unauthorised development to: (a) remove, pull down, take up, or alter the development; and (b) restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme would prejudice the effective operation of the planning scheme.
Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Local Government Act 1995:* s. 5.44 CEO may delegate some powers and duties to other employees

DA 2.2.3 Planning Matters

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Planning and Development (Local Planning Schemes) Regulations 2015:* cl.82 Delegations by local government
Express Power or Duty Delegated:	See relevant provisions and clauses set out in functions below of the: ▪ *Planning and Development Act 2005* ▪ *Planning and Development (Local Planning Schemes) Regulations 2015*
Delegate:	**Chief Executive Officer**
Function:	**1. Structure Plans (including Precinct Structure Plan)** (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. (b) The advertising of a structure plan under cl.18(2) of the Deemed Provisions. (c) The provision of advice and assistance to the Commission under cl.23 of the Deemed Provisions. (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. (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. **2. Local Development Plans** (a) The determination not to advertise a Local Development Plan under cl.50(3) of the Deemed Provisions. (b) The approval of a Local Development Plan with or without conditions under cl.52(1)(a) of the Deemed Provisions. (c) The determination to require modifications to a Local Development Plan under a cl.52(1)(b) of the Deemed Provisions. (d) The determination to amend an approved Local Development Plan under cl.59(1) of the Deemed Provisions. (e) The refusal of a Local Development Plan under cl.52(1)(c) of the Deemed Provisions. **1. Subdivision** (a) To make comments and recommendations to the Western Australian Planning Commission (WAPC), and any other government body, in respect of any application to subdivide or amalgamate land within the district [s.142(2)]. **4. Heritage** (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. (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.

	(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.
Conditions on this Delegation:	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. The following applications may be determined under this delegation without prior notice to Council Members: (a) Applications for clearance of subdivision conditions and plans. (b) Applications for strata approval consistent with previously determined Development Applications. (c) Comment on applications for Section 40 Certificate Liquor Licences. 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.
Express Power to Sub-Delegate:	*Planning & Development (Planning Schemes) Regulations 2015:* cl.83 Local government CEO may delegate powers

2.3 Delegations made under the *Building Act 2011*

DA 2.3.1 Authority Relating to Building Provisions

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Building Act 2011:* s. 127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011:* s. 18 Further information s. 20 Grant building permit s. 21 Grant of demolition permit s. 22 Further grounds for not granting an application s. 27(1) and (3) Impose conditions on permit s. 55 Further information s. 58 Grant of occupancy permit, building approval certificate s. 62(1) and (3) Conditions imposed by permit authority s. 65(4) Extension of period of duration s. 131(2) Inspection, copies of building records s. 145A Local government functions *Building Regulations 2012:* r. 23 Application to extend time during which permit has effect (s. 32) r. 24 Extension of time during which permit has effect (s. 23(3)) r. 26 Approval of new responsible person (s. 35(c)) r. 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s. 65)
Delegate:	**Chief Executive Officer**
Function:	<u>Building and Demolition Permits</u> 1. Authority to require an applicant to provide any documentation or information required to determine a building or demolition permit application [s. 18(1)]. 2. Authority to grant or refuse to grant a building or demolition permit [s. 20 - s. 22]. 3. Authority to impose, vary or revoke conditions on a building or demolition permit [s. 27(1) and (3)]. 4. Authority to determine an application to extend time during which a building or demolition permit has effect [r. 23]: 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)] ii. Authority to impose any condition on the building or demolition permit extension that could have been imposed under s. 27 [r. 24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building or demolition permit [r. 26]. <u>Occupancy Permits and Building Approval Certificates</u> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s. 55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s. 58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s. 62(1) and (3)].

	4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s. 65(4) and r. 40]. <u>Inspection and Copies of Building Records</u> 1. Authority to determine an application from an interested person to inspect and copy a building record [s. 131(2)]. <u>Referrals and Issuing Certificates</u> 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)]. 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)].
Conditions on this Delegation:	a. Issuing of Demolition Permits is limited to buildings which are not included on Town's Local Government Heritage List. 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 *Building Act 2011*. c. Decisions made by authorised persons are to be in accordance with r. 5 of the *Building Regulations 2012*.
Express Power to Sub-Delegate:	*Building Act 2011:* s. 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

DA 2.3.2 Issue and Revocation of Building Orders

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Building Act* 2011: s.127(1) and (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act* 2011: 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
Delegate:	**Chief Executive Officer**
Function:	1. Authority to make Building Orders in relation to: a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the *Building Act 2011*.
Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

DA 2.3.3 Private Pool Barrier-Alternative and Performance Solutions

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.51 Approvals by permit authority
Delegate:	**Chief Executive Officer**
Function:	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)] 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)] 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)].
Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

DA 2.3.4 Smoke Alarms – Performance Solutions

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Regulations 2012:* r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	**Chief Executive Officer**
Function:	1. Authority to approve performance solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 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].
Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	*Building Act 2011:* s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

DA 2.3.5 Designate Authorised and Approved Persons

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Building Act 2011:* s. 127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	*Building Act 2011:* s. 96(3) Authorised persons s. 99(3) Limitations on powers of authorised person *Building Regulations 2012:* r.4A Authorised persons (s. 93(2)(d)) r. 70 Approved officers and authorised officers
Delegate:	**Chief Executive Officer**
Function:	Designate Authorised Persons 1. Authority to designate an employee as an Authorised Person [s. 96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s. 99(3)]. 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)]. 4. Authority to appoint an approved officer for the purposes of s. 6(a) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(1) and (1A). 5. Authority to appoint an authorised officer for the purposes of s. 6(b) of the *Criminal Procedure Act 2004*, in accordance with Building Regulation 70(2).
Conditions on this Delegation:	a. Identity cards must be given to all authorised persons in accordance with s. 97 of the *Building Act 2011* and r. 4B of the *Building Regulations 2012*. b. Decisions under this delegated authority are to be in accordance with r. 5 of the Building Regulations 2012. 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). d. Only employees appointed under s 9.10 of the *Local Government Act 1995* and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).
Express Power to Sub-Delegate:	*Building Act 2011:* s. 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

2.4 Delegations made under the *Dog Act 1976*

DA 2.4.1 *Dog Act 1976*

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Dog Act 1976:* s.10AA Delegation of local government powers and duties

Express Power or Duty Delegated:	The authority to perform any power or duty of the 'local government' under the Dog Act 1976.
Delegate:	**Chief Executive Officer**
Function:	
Conditions on this Delegation:	a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)]. b. Registration Officers are to be appointed in writing by issuing a Certificate of Authorisation.
Express Power to Sub-Delegate:	*Dog Act 1976:* s.10AA(3) the delegation may expressly authorise the delegate to further delegate the power or duty

2.5 Delegations made under the *Cat Act 2011*

DA 2.5.1 *Cat Act 2011*

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Cat Act 2011:* s.44 Delegation by local government
Express Power or Duty Delegated:	The authority to perform any power or duty of the 'local government' under the Cat Act 2011.
Delegate:	**Chief Executive Officer**
Function:	
Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011.*
Express Power to Sub-Delegate:	*Cat Act 2011:* s.45 Delegation by CEO of local government

2.6 Delegations made under the *Public Health Act 2016*

DA 2.6.1 Designate Authorised Officers

Delegator:	Enforcement Agency (Town of Claremont)
Express Power to Delegate:	*Public Health Act 2016* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.24(1) and (3) Designation of authorised officers
Delegate:	**Chief Executive Officer**
Function:	1. Authority to designate a person or class of persons as authorised officers for the purposes of: a. The *Public Health Act 2016* or other specified Act. b. Specified provisions of the *Public Health Act 2016* or other specified Act. c. Provisions of the *Public Health Act 2016* or another specified Act, other than the specified provisions of that Act. Including: a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers; OR c. a mixture of the two [s.24(1) and (3)].
Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

DA 2.6.2 Enforcement Orders

Delegator:	Enforcement Agency (Town of Claremont)
Express Power to Delegate:	*Public Health Act 2016* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.216 Issue of Enforcement Orders s.218 Extension of period of compliance with enforcement order s.223 Certificate of clearance to be given in certain circumstances s.224 Request for assessment
Delegate:	**Manager Environmental Health**
Function:	Authority to: 1. give an enforcement order in accordance with s.216; 2. extend the period for compliance specified in the order; 3. to take any action reasonably necessary to implement sufficient compliance with an enforcement order that has not be complied with, in accordance with s.219(2); 4. to sign a certificate stating the amount of any costs and the manner in which they were incurred as evidence of the matters certified, in accordance with s.221(2) 5. give a certificate of clearance (in an approved form), where an assessment report of an authorised officer finds the enforcement order has been complied with and there is no longer a serious public health risk to be prevented or mitigated; 6. Where requested under s.224, cause an assessment by another authorised officer to be made for the purposes of s.233 (clearance certificate) and give notice of a decision to not give a clearance certificate after assessment.
Conditions on this Delegation:	The contents of the enforcement order must comply with the provisions of s.217
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

DA 2.6.3 Dealing with Seized Items

Delegator:	Enforcement Agency (Town of Claremont)
Express Power to Delegate:	*Public Health Act 2016* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.260 Return of seized item s.264 Compensation
Delegate:	**Manager Environmental Health**
Function:	1. Authority to determine if no contravention of the Public Health Act 2016 has occurred and returned seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it; 2. Authority to recover the costs of destruction or disposal of forfeited items; 3. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any items seized under Part 16 fi there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure, depreciated in value.
Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

DA 2.6.4 Appoint Designated Officer – Information Sharing

Delegator:	Enforcement Agency (Town of Claremont)
Express Power to Delegate:	*Public Health Act 2016* s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	*Public Health Act 2016* s.299 Information Sharing
Delegate:	**Chief Executive Officer**
Function:	Authority to appoint Designated Officer/s for the purposes of s.299(1) Information Sharing.
Conditions on this Delegation:	
Express Power to Sub-Delegate:	Nil

2.7 Delegations made under the *Bush Fires Act 1954*

DA 2.7.1 *Bush Fires Act 1954*

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Bush Fires Act 1954:* s.48 Delegation by local government
Express Power or Duty Delegated:	The authority to form any power or duty of the 'local government' under the Bush Fires Act 1954.
Delegate:	**Chief Executive Officer**
Function:	
Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	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

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation
Express Power or Duty Delegated:	*Food Act 2008:* s.110 Registration of food businesses s.112 Variation of conditions or cancellation of registration of food businesses s.122 Appointment of authorised officers
Delegate:	**Chief Executive Officer** **Manager Environmental Health**
Function:	Council delegates: 1. to the Chief Executive Officer the following powers: 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)]; b. Authority to appoint an Authorised Officer for the purposes of the Act [s.122]; c. Issue of certificates of authority under s.123 of the Act; d. Authority to institute proceedings under the Act [s.125]; e. Authority to appoint an Authorised Officer appointed under s.122(2) of the Act or s.24(1) of the *Public Health Act 2016,* to be a Designated Officer for the purposes of issuing Infringement Notices under the Act [s.126(13)]; 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 g. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51]. 2. to the Manager Environmental Health the following powers: a. Authority to serve a prohibition order on the proprietor of a food business [s.65]. b. Authority to give a certificate of clearance where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 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)]. d. 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)]. e. Authority to vary the conditions or cancel the registration of a food business [s.112].

Conditions on this Delegation:	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.
Express Power to Sub-Delegate:	Nil. The *Food Regulations 2009* do not provide the power to sub delegate.

2.9 Delegations made under the *Graffiti Vandalism Act 2016*

DA 2.9.1 Graffiti

Delegator:	Town of Claremont Council
Express Power to Delegate:	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express Power or Duty Delegated:	The authority to perform any power or duty of the 'local government' under the Graffiti Vandalism Act 2016.
Delegate:	**Chief Executive Officer**
Function:	
Conditions on this Delegation:	
Express Power to Sub-Delegate:	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government

2.10 Delegations made under the Health (Miscellaneous Provisions) Act 1911

DA 2.10.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator:	Town of Claremont Council
Express Power to Delegate:	Health (Asbestos) Regulations 1992 r 15D(7) Infringement Notices
Express Power or Duty Delegated:	Health (Asbestos) Regulations 1992 r.15D(5) Infringement Notices
Delegate:	**Manager Environmental Health**
Function:	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].
Conditions on this Delegation:	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D (6)].
Express Power to Sub-Delegate:	Nil – the Health (Asbestos) Regulations 1992 do not provide a power to sub-delegate.

3. Statutory Delegations to the Town of Claremont from State Government Entities

Development Applications for Crown Land

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,

in respect of development applications being made under or referred to in:

(i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);

(ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);

(iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);

(iv) section 122A of the Planning and Development Act 2005 in respect of which approval is required under an improvement scheme (as that term is defined in that Act);

(v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);

Column 2

City of Albany
City of Armadale
Shire of Ashburton
Shire of Augusta-Margaret River
Town of Bassendean
City of Bayswater
City of Belmont
Shire of Beverley
Shire of Boddington
Shire of Boyup Brook
Shire of Bridgetown-Greenbushes
Shire of Brookton
Shire of Broome
Shire of Broomehill-Tambellup
Shire of Bruce Rock
City of Bunbury
Shire of Busselton
Town of Cambridge
City of Canning
Shire of Capel
Shire of Carnamah
Shire of Carnarvon
Shire of Chapman Valley
Shire of Chittering
Shire of Christmas Island
Town of Claremont
City of Cockburn
Shire of Cocos (Keeling) Islands
Shire of Collie
Shire of Coolgardie
Shire of Coorow
Shire of Corrigin
Town of Cottesloe
Shire of Cranbrook
Shire of Cuballing
Shire of Cue
Shire of Cunderdin
Shire of Dalwallinu
Shire of Dandaragan
Shire of Dardanup
Shire of Denmark
Shire of Derby/West Kimberley
Shire of Donnybrook-Balingup
Shire of Dowerin
Shire of Dumbleyung
Shire of Dundas
Town of East Fremantle
Shire of East Pilbara
Shire of Esperance
Shire of Exmouth
City of Fremantle
City of Greater Geraldton

Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:
Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

(vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;

(vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

Shire of Gingin
Shire of Gnowangerup
Shire of Goomalling
City of Gosnells
Shire of Halls Creek
Shire of Harvey
Shire of Irwin
Shire of Jerramungup
City of Joondalup
Shire of Kalamunda
City of Kalgoorlie-Boulder
Shire of Katanning
Shire of Kellerberrin
Shire of Kent
Shire of Kojonup
Shire of Kondinin
Shire of Koorda
Shire of Kulin
City of Kwinana
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
City of Mandurah
Shire of Manjimup
Shire of Meekatharra
City of Melville
Shire of Menzies
Shire of Merredin
Shire of Mingenew
Shire of Moora
Shire of Morawa
Town of Mosman Park
Shire of Mount Magnet
Shire of Mt Marshall
Shire of Mukinbudin
Shire of Mundaring
Shire of Murchison
Shire of Murray
Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjarraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016

Strata Titles Act

PL402

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—

A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;

B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the *Strata Titles Act 1985* as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;

C. TO AMEND "Del 2020/01—Powers of Local Governments" to give effect to its resolution and to publish an updated, consolidated instrument.

SAM FAGAN, Western Australian Planning Commission.

Schedule 1

1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications under section 15 of the *Strata Titles Act 1985*, except those applications that—

(a) propose the creation of a vacant lot;

(b) propose vacant air stratas in multi-tiered strata scheme developments;

(c) propose the creation or postponement of a leasehold scheme;

(d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);

(e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—

i. a type of development; and/or

ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

(a) section 21 of the *Strata Titles Act 1985*;

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.

PL402

PLANNING AND DEVELOPMENT ACT 2005

NOTICE OF AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENTS

Notice of amendment to the Instrument of Delegation 2020/01 Powers of Local Governments gazetted on 29 January 2021 (and as amended).

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under s16 of the Act (delegation)

On 31 August 2022, pursuant to section 16 of the Act, the WAPC RESOLVED—

A. TO AMEND the Instrument of Delegation 2020/01 Powers of Local Governments as gazetted on 29 January 2021 (and as amended), as set out in Schedule 1 below.

SAM FAGAN, Secretary, Western Australian Planning Commission.

Schedule 1

1. Instrument of delegation amended

The amendments within this Schedule are to the Schedules set out in the Instrument of Delegation 2020/01 Powers of Local Governments as gazetted on 29 January 2021, and as amended.

2. Amendments to clause 1 of Schedule 1

Add the following immediately after 1(e)—

(f) in the opinion of the relevant local government as notified to the WAPC in writing, propose development of a type which the local government considers would warrant the imposition of a condition requiring the ceding of land for public open space or payment in lieu thereof.

Powers of Local Governments – Metropolitan Region Scheme

NOTE: WAPC Delegation 2025/04 must be read in conjunction with the conditions set out in WAPC Resolution 2021/01

Del 2025/04 Powers of Local Governments Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme.

Preamble

Unless exempted by clause 29 and 30, under clause 27 of the Metropolitan Region Scheme (MRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 28 of the MRS.

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published on a website maintained by, or on behalf of, the WAPC, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 19 FEBRUARY 2025, pursuant to section 16 of the Act, the WAPC resolved—

A. TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 8, 9 and 10 of the Metropolitan Region Scheme, of applications (within their respective districts) for approval to commence and carry out development of the type specified in Column 1 of Schedule 1, subject to the conditions specified in Column 2 of Schedule 1 and the requirements in Schedule 2.

B. TO REVOKE its delegation of powers and functions to local governments as detailed in the notice entitled "DEL 2022/03 Powers of local governments (MRS)" published in the *Government Gazette* on 18 January 2022, to give effect to this delegation.

C. TO RESOLVE that this resolution takes effect on 31 March 2025.

The delegation was amended by resolution of the WAPC on 22 APRIL 2026.

Sam Boucher Secretary,

Western Australian Planning Commission.

SCHEDULE 1 – TYPES OF DEVELOPMENT AND LOCATION

Column 1 **(Land and Application type)**	**Column 2** **(Conditions)**
1. Proposals concerning **reserved land** and for which approval is required.	
1.1. Application concerns land on or abutting a regional road reservation.	Power may be exercised: 1. if the delegate complies with referral requirements set out in Schedule 2 below; 2. all public authorities consulted, concur; and 3. the delegate accepts the advice and/or recommendations (if any received) of the public authority/s. 4. the application is <u>not</u> for public works undertaken by a public authority.
2. Proposals concerning **zoned land** and for which approval is required. <u>Does not apply</u> to public works undertaken by a public authority, the Kwinana Industrial Area, North Coogee Area and Parliament House - Inner Precinct.	
2.1. Application concerns zoned land which abuts a primary regional road reservation.	Power may be exercised if the delegate: 1. complies with the referral requirements set out in Schedule 2 below; and 2. accepts and applies the advice and/or recommendation (if any) from the public authority specified in cl.2, Schedule 2 below.
2.2. Application concerns zoned land which abuts an other regional road reservation	
2.3. Application concerns zoned land which abuts a regional open space reservation.	
2.4. Application concerns zoned land which is adjacent to a railway reservation or abuts a port installation reservation	
2.5. Application concerns zoned land within or adjacent to a Bush Forever Area	Power may be exercised if the delegate: 1. consults the DPLH; 2. provides DPLH at least 30 days within which to respond; and

	3. accepts the advice and / or recommendation received (if any) from DPLH.
2.6. Application concerns development within an Activity Centre	Power may be exercised if the delegate: 1. consults the DPLH; 2. provides DPLH at least 30 days within which to respond; and 3. accepts the advice and / or recommendation received (if any) from DPLH.
2.7. Application concerns zoned land which is in or abuts the Swan and Canning Development Control Area	Power may be exercised if the delegate: 1. consults the Swan River Trust in accordance with clause 45; and 2. accepts the advice and / or recommendation (if any) received from the Swan River Trust.
2.8. Application to extend or change a non-conforming use on zoned land.	Power may be exercised if the delegate: 1. consults the DPLH; 2. provides DPLH at least 30 days within which to respond; and 3. accepts the advice and / or recommendation received (if any) from DPLH.

SCHEDULE 2

Referral Requirements

1) An application for development in or abutting land reserved under the Metropolitan Region Scheme must be referred to the public authority responsible for that reserved land within 7 days of the delegate receiving the application or, if further information or material is required, within 7 days of the process in clause 38 to 40 concluding.

2) For the purposes of paragraph (1) of this delegation, the public authority responsible for reserved land is:
   (a) In the case of reservation for regional open space: the Department of Planning Lands and Heritage;
   (b) In the case of reservation for primary regional roads: Main Roads Western Australia;
   (c) In the case of reservation for other regional roads: the Department of Planning Lands and Heritage;
   (d) In the case of other reservations: the public authority for which the land is reserved or that owns or manages the reserved land.
   (e) In the case of a development in or adjacent to a Bush Forever area (as defined in the Metropolitan Region Scheme): the Department of Planning Lands and Heritage.

3) Each public authority to which the application is referred must be:
   (a) provided at least 30 days within which to respond; and
   (b) informed that if no response is received within that time, the application may be determined on the information available.

4) Where the advice and/or recommendation provided by the public authority specified in clause 2 above, is not acceptable to the delegate, the application, together with the advice and/or recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the delegate, shall be referred immediately to the WAPC for determination.

Interpretation and Guidance

In this Instrument of Delegation, unless the context otherwise requires—

- Powers delegated under this instrument may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme

- "*development*" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005*.

- "other regional roads" are delineated in blue and identified on plan SP 694, as amended from time to time (copy attached).

- "primary regional roads" are delineated in red and identified on plan SP 693, as amended from time to time (copy attached).

- "*public authority*" has the meaning given in the *Planning and Development Act 2005*.

- If the conditions set out in Column 2 cannot be met, the power cannot be exercised by the delegate and the application, together with the advice and/or recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the delegate, must be sent to the WAPC for determination.

- Note, clause 45 applies where development is of land affecting the Swan and Canning Development Control Area.

- The Kwinana Industrial Area covers land within WAPC plan No. 3.2859, as per the WAPC's Notice of resolution made under clause 28 of the Metropolitan Region Scheme

- North Coogee Area covers land within WAPC plan No. 4.1675 as per the WAPC's Notice of resolution made under clause 28 of the Metropolitan Region Scheme

- Parliament House Inner Precinct covers land within WAPC plan No. 3.2858 as per the WAPC's Notice of resolution made under clause 28 of the Metropolitan Region Scheme

Noise Control - Environmental Protection Notice

EV401

ENVIRONMENTAL PROTECTION ACT 1986

SECTION 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.
Dr JUDY EDWARDS MLA, Minister for the Environment.

Noise Control – Noise Management Plans for specific works or venues

EV402*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to—

(a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B;

(b) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);

(c) community activities—noise control notices in respect of community noise under regulation 16;

(d) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;

(e) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;

(f) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;

(g) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation—

(i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by—

JOHN DAY, Acting Minister for Environment; Heritage.

Noise Control – Noise Management Plans

EV405*

ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NO. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of—

(a) Chief Executive Officer under the *Local Government Act 1995;* and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997,* other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Authority to use traffic signs and devices at events

mainroads
WESTERN AUSTRALIA

ABN: 50 860 676 021

Enquiries: Gareth Peers on 9323 4110
Our Ref: 04/1706-08
Your Ref:

TOWN OF CLAREMONT
RECEIVED 9 December 2013
DEPT:
12 DEC 2013
FILE:
X-REF:
DOC. ID:

Stephen Goode
Town of Claremont
PO Box 54
CLAREMONT WA 6910

Dear Mr Goode

AUTHORITY TO USE TRAFFIC SIGNS AND DEVICES AT EVENTS
INSTRUMENT OF AUTHORISATION – TOWN OF CLAREMONT

I refer to your request to gain authority to use traffic signs and devices at events on roads under the Town of Claremont's jurisdiction.

Please find enclosed an Instrument of Authorisation executed by the Commissioner of Main Roads, for your retention. This Instrument of Authorisation enables the Town of Claremont and specified Representatives to use traffic signs and devices on roads within its jurisdiction for the purposes of managing traffic for events, subject to the conditions attached to the Instrument of Authorisation, without further approval from Main Roads.

The register on the Main Roads' website at www.mainroads.wa.gov.au (Our Roads > Traffic Management > Events on Roads), had been amended to acknowledge the Town of Claremont as an Authorised Body.

I thank you for taking the opportunity to become an Authorised Body relating to traffic management by signing the Instrument of Authorisation and trust that the Town of Claremont will use traffic signs and devices in a safe and appropriate manner as per Main Roads' Traffic Management for Events on Roads Code of Practice.

If you require any further information please contact me on (08) 9323 4619.

Yours faithfully

Gareth Peers
ROAD SAFETY OFFICER
ROAD SAFETY BRANCH

Enc – Instrument of Authorisation executed by the Commissioner of Main Roads for Traffic Management for Events

Australian Business Excellence Awards
Bronze Award 2007

Don Aitken Centre, Waterloo Crescent, East Perth or PO Box 6202 EAST PERTH Western Australia 6892
Telephone: (08) 9323 4111 Facsimile: (08) 9323 4174 TTY: (08) 9428 2230
Email: roadtraff@mainroads.wa.gov.au Website: www.mainroads.wa.gov.au

WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises **(Town of Claremont)** ("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;

ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or

iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

(a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;

(b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and

(c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and

2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Dated: 21/11/2013

THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS

WAS AFFIXED BY

COMMISSIONER OF MAIN ROADS

FOR THE TIME BEING IN THE
PRESENCE OF:

Signature of Witness

Peter Winterton

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

THE TOWN OF CLAREMONT ..... agrees to unconditionally observe,
(Town of Claremont)
perform and be bound by the above conditions.

THE COMMON SEAL of

the Town of Claremont
(Town of Claremont)

Was affixed pursuant to a resolution of
the Council in the presence of:

Signature of Chief Executive Officer

Signature of Witness

JOHN GILBERT BARKER

Name of Witness (please print)

Approval to use vehicles as special use vehicles

Government of **Western Australia**
Department of **Transport**
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

(a) the *Local Government Act 1995*;

(b) regulations made under the *Local Government Act 1995*;

(c) a local law;

(d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or

(e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "*special use vehicle*" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:

Approval to display yellow warning lights on Ranger vehicles

Government of **Western Australia**
Department of **Transport**
Driver and Vehicle Services

ROAD TRAFFIC ACT 1974

Road Traffic Code 2000

RTC-2017-202046.2

APPROVAL UNDER REGULATION 289(1)(a)(ii) TO DISPLAY YELLOW FLASHING WARNING LIGHTS ON RANGER VEHICLES

Pursuant to regulation 289(1)(a)(ii) of the *Road Traffic Code 2000* (the Code), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles ("Approved Vehicles"), owned by a local government while used by a person authorised or appointed by that local government ("Authorised Person") to perform functions on the behalf of the local government under:

(a) the *Local Government Act 1995*;

(b) regulations made under the *Local Government Act 1995*;

(c) a local law;

(d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or

(e) any combination of the above paragraphs (a) to (d);

in the course of carrying out their duties, to use yellow flashing warning lights subject to the following conditions:

CONDITIONS

1. The yellow flashing warning lights may only be used when the Authorised Person is using the vehicle in the course of carrying out their duties.
2. The yellow flashing warning lights may only be used while the vehicle is occupying a hazardous position on a road, while stationary, or while manoeuvring at a speed not exceeding 20 km/h.
3. Approved Vehicles must only use yellow flashing warning lights and no other colours of flashing warning lights.
4. The yellow flashing warning lights must be removed or covered when an Approved Vehicle is not being operated in accordance with the conditions of this approval.
5. This approval only applies to a vehicle if it:
   (a) has words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and

(b) where the vehicle is a station wagon or van, has the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.

This condition 5 is not intended to prevent the use of additional words on the vehicle.

Christopher Davers
Assistant Director, Strategy and Policy
Driver and Vehicle Services
Department of Transport

Dated the 5th day of September 2017

Revisions

Date	Reference	Details
16/05/2017	Council Resolution 065/17	Annual Review of Delegated Authority Register
17/07/2018	Council Resolution 122/18	Annual Review of Delegated Authority Register
18/06/2019	Council Resolution 066/19	Annual Review of Delegated Authority Register
05/05/2020	Council Resolution 052/20	Adoption of DA42 Agreement as to Payment of Rates and Service Charges
16/06/2020	Council Resolution 080/20	Annual Review of Delegated Authority Register
02/03/2021	Council Resolution 021/21	DA45A Parking Infringements amended
04/05/2021	Council Resolution 054/21	DA57 Complaints Committee adopted
15/06/2021	Council Resolution 077/21	Annual Review of Delegated Authority Register: • Amendments to DA7, DA10, DA22, DA25, DA30A, DA33, DA36, DA37, DA39, DA40, DA41, DA45A, DA56 • Deletion of DA3
31/05/2022	Council Resolution 051/22	Annual Review of Council Delegations Adoption of new delegation numbering – refer Council Meeting Minutes
27/09/2022	Council Resolution 125/22	• Amendments to DA 2.2.1 and DA 2.2.2 • Adoption of DA 2.2.3 • Deletion of DA 4.1
30/05/2023	Council Resolution 049/23	Annual review of Council Delegations Adoption of DA 2.7.3 Firebreaks
06/02/2024	Council Resolution 012/24	• DA 2.3.1 Amended • DA 2.3.5 Adopted
26/03/2024	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
24/06/2025	Council Resolution 83/25	Annual review of Council delegations: • Revocation of DA 2.1.18, DA 2.4.1 and DA 2.6.1 • Adoption of DA 2.4.1, DA 2.4.2, DA 2.4.3, DA 2.4.4, DA 2.4.5, DA 2.4.6, DA 2.6.3 and DA 2.6.4
26/05/2026	Council Resolution 73/26	Amendment to sub-delegation DA 2.1.6 point 15(a) relating to varying a contract. Approve a new delegation DA 2.1.23 Minor Amendments to Delegations Register and Policies.
26/05/2026	Council Resolution 73/26	Amendment to delegation DA 2.1.6 Tenders for Goods and Services. New delegation DA 2.1.23 Minor Amendments to Delegations Register and Policies
30/06/2026	Council Resolution 88/26	Annual Review of Delegated Authority Register
22/07/2026	Delegation	Statutory Delegations to the Town Claremont from State Government Entities added
24/07/2026	Delegation	Reference to Health Local Law 2010 amended to correct title of Health Local Laws 1997.