



Register of Delegated Authority

Local government to Chief Executive
Officer, officers and committees

2022–23



Table of Contents

Explanation notes	5
PART 1	9
Delegations to Committees of Council	9
1.1 Delegated Committees of Council	10
PART 2	12
Delegations to the Chief Executive Officer	12
2.1 Administration of local laws	13
2.2 Investing and managing investments	14
2.3 Defer payment, grant a concession, waive fees and write off debts	15
2.4 Disposing of property	16
2.5 Payments from municipal or trust fund	18
2.6 Determine grants and sponsorship allocations	19
2.7 Agreements for payment of rates and service	20
2.8 Require lessee to pay rent in satisfaction of rates or services charge	21
2.9 Objection to rate record - objection and review	22
2.10 Rate exemptions	23
2.11 Expressions of interest and tenders	24
2.12 Sole supplier of goods and services	26
2.13 Appoint persons to receive and withdrawals of complaints	27
2.14 Additional powers when notice is given to the owner or occupier of land under Section 3.25	28
2.15 Particular things local governments can do on land that is not local government property	29
2.16 Crossing from public thoroughfare to private land or private thoroughfare	30
2.17 Powers of entry	31
2.18 Disposing of confiscated or uncollected goods	32
2.19 Disposal of sick or injured animals	33
2.20 Close thoroughfares to vehicles	34
2.21 Reserves under control of local government	35
2.22 Dangerous excavations in or near public thoroughfares	36



2.23 Private works on, over or under public places	37
PART 3	38
Delegations from other legislation	38
<i>Bush Fires Act 1954</i>	39
3.1 <i>Bush Fires Act 1954</i> Powers, duties and functions of a local government	39
<i>Food Act 2008</i>	40
3.2 <i>Food Act 2008</i> Appoint authorised and designated officers	40
3.3 <i>Food Act 2008</i> Prohibition orders	41
3.4 <i>Food Act 2008</i> Prosecutions	42
3.5 <i>Food Act 2008</i> Registration of food businesses	43
3.6 <i>Food Act 2008</i> Determine compensation	44
<i>Building Act 2011</i>	45
3.7 <i>Building Act 2011</i> Approve or refuse building permit	45
3.8 <i>Building Act 2011</i> Approve or refuse demolition permit	46
3.9 <i>Building Act 2011</i> Grant occupancy permit or building approval certificate	47
3.10 <i>Building Act 2011</i> Designate authorised persons	48
3.11 <i>Building Act 2011</i> Issue and revocation of building orders	49
3.12 <i>Building Act 2011</i> Inspection and copies of building records	50
<i>Litter Act 1979</i>	51
3.13 <i>Litter Act 1979</i> Withdrawal of infringement notices	51
<i>Dog Act 1976</i>	52
3.14 <i>Dog Act 1976</i> Functions	52
<i>Cat Act 2011</i>	53
3.15 <i>Cat Act 2011</i> Functions	53
<i>Graffiti Vandalism Act 2016</i>	54
3.16 <i>Graffiti Vandalism Act 2016</i> Functions	54
<i>Public Health Act 2016</i>	55
3.17 <i>Public Health Act 2016</i> Functions of an Enforcement Agency	55
<i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>	56
3.18 <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> Appointment of prosecution officers	56



Planning and Development Act 2005	57
3.19 <i>Planning and Development Act 2005</i> Illegal development	57
City of Fremantle Local Planning Scheme No. 4	59
3.20 City of Fremantle Local Planning Scheme No. 4 Enforcement and appeals	59
3.21 City of Fremantle Local Planning Scheme No. 4 Development Control	60
3.22 Modifications to the Heritage List and Municipal Heritage Inventory	61
Health (Asbestos) Regulations 1992	62
3.23 <i>Health (Asbestos) Regulations 1992 Appointment of authorised officers and approved officers</i>	62
Health (Miscellaneous Provisions) Act 1911	63
3.24 <i>Health (Miscellaneous Provisions) Act 1911 Powers of local government</i>	63
PART 4	64
Delegations to local government from external agencies	64
Environmental Protection Act 1986	65
4.1 Noise Control – Serve Environmental Protection Notices [S65(1)]	65
4.2 Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]	66
4.3 Noise Control – Noise Management Plans – Construction Sites [Reg.13]	67
Planning and Development Act 2005	68
4.4 Referral arrangements - Western Australian Planning Commission	68
4.5 Development applications - Western Australian Planning Commission	76
Strata Titles Act 1985	91
4.6 Western Australian Planning Commission - Strata Title Scheme Applications –	91
Heritage Act 2018	93
4.7 Section 19 of the Heritage Act 2018 - Department of Planning, Lands and Heritage	93
PART 6	94
Delegations from Other Council Meetings	94
6.1 Ordinary Council Meeting – 22 August 2018 – Item SPT1808-2	95
6.2 Special Council Meeting – 31 October 2018 – Item SCM1810-4	96
6.3 Ordinary Meeting of Council – 27 May 2020 – Item C2005-22	97
6.4 Special Council Meeting – 8 June 2021 – Item SC2106-1	98
Table of amendments/review	99



Explanation notes

General

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if they desire. The powers cannot, however, be further sub delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer, and which the Chief Executive Officer has further delegated to officers.

Limits on delegations to the CEO

Section 5.43

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or

- such other duties or powers that may be prescribed by the Act.

Purpose of delegating authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The register details the related document(s) where the power to delegate is derived from.

This delegated authority register will be reviewed in accordance with the Act on an annual basis.

Councils understanding

It is that by delegating its authority it is granting sufficient power to enable the City's responsibilities to be fulfilled in a timely, open and accountable manner.

It is the expectation of council that the Chief Executive Officer and other officers will use the delegated authority conferred on them in a manner that aligns with council's values and objectives and they will demonstrate appropriate judgment and accountability in regard to the circumstances and extent of the use of that power.

Legislation

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in section 5.43. All delegations made by the council must be by absolute majority decision {S5.42 (1)}.

Associated legislation

Legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- *Building Act 2011* and associated regulations;



- *Bush Fires Act 1954* and associated regulations;
- *Cat Act 2011* and associated regulations;
- *Caravan Parks and Camping Grounds Act 1955* and associated regulations;
- City of Fremantle Local Laws;
- *Control of Vehicles (Off-Road Areas) Act 1978* and associated regulations;
- *Dog Act 1976* and associated regulations;
- Local Planning Scheme No. 4;
- *Environmental Protection Act 2005* and associated regulations;
- *Food Act 2008* and associated regulations;
- *Freedom of Information Act 1992* and regulations;
- *Health Act 1911* and associated regulations;
- *Land Administration Act 1997* and associated regulations;
- *Litter Act 1979* and associated regulations;
- *Local Government (Miscellaneous Provisions) Act 1960* and associated regulations;
- *Planning and Development Act 2005* and associated regulations;
- *Spear-guns Control Act 1955*;
- *Strata Titles Act 1985* and associated regulations;

Acting through another person

Section 5.45

Nothing in this Division (Division 4 – Local Government Employees) is to be read as preventing –

- a. *a local government from performing any of its functions by acting through a person other than the CEO; or*

- b. *a CEO from performing any of his or her functions by acting through another person.*

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right, as though he or she were the original decision maker. Alternatively, where a person is ‘acting through’ they are making a decision as previously instructed.

The difference between a delegated authority to exercise discretion on behalf of the City and acting through another person to undertake a function on behalf of the City where no discretion exists is reinforced by Section 56 of the *Interpretation Act 1984* which states:

“May” imports a discretion, “shall” is imperative

- (1) *Where in a written law the word “may” is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word “shall” is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

The City’s Delegated Authority Register and Authorisations Management Procedures should be read in conjunction with this

Delegation by the Chief Executive Officer

The Act allows for the CEO to delegate any of the powers to another employee {S5.44 (1)}. This must be done in writing {S5.44 (2)} The Act allows for the CEO to place Limitations on any delegations if desired {S 5.44 (4)}

Transfer of authority due to absence

Where an officer has been appointed to act in a delegated position in the absence of the usual officer, the authority shall transfer to the officer acting as appointed, for the duration of the authorisation.



Register of, and records relevant to delegations Section 5.46

A register of delegations is to be kept and reviewed at least once every financial year.

If an officer is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The onus is on the officer exercising delegated authority to ensure that a record is made.

A person to whom a power is delegated under the Act is considered to be a 'designated employee' under S 5.74(b) of the Act and is required to complete a primary and annual return each year.

There is no power for a person other than the CEO to delegate a power {S 5.44 (1)}.

Authority to amend the Delegated Authority Register

The Manager Governance is authorised to effect non-substantive changes to the Delegated Authority Register to reflect:

- (a) Changes to titles or positions,
- (b) changes to legislative references,
- (c) Expired positions; and
- (d) Corrections to spelling and grammatical errors or inconsistencies



How to read a delegation table	
Delegator:	Council
Date adopted:	The date on which Council adopts the delegated authority.
Delegation:	A reference to: <ul style="list-style-type: none"> • The legislation allowing delegation. • The legislation under which the delegation is made.
Delegated to:	The position/s to which the power or duty is delegated.
Limitations on delegation:	Council imposed limitations on the extent of use of this delegation.
Power to sub delegate:	A reference to the legislation allowing sub delegation, if any. Some legislation does not include the power to sub delegate.
Description of sub delegation	
Delegator	Chief Executive Officer
Date approved:	The date in which the Chief Executive Officer approves the sub delegation.
Sub delegated to:	The position/s to which the power or duty is sub delegated.
Limitations on sub delegation:	Chief Executive Officer imposed limitations on the extent of use of this delegation.
Reporting requirements	
The information required to be recorded when this delegation has been used. (who, what, when, why and how much)	



PART 1

Delegations to Committees of Council



1.1 Delegated Committees of Council									
Delegator:	Council								
Date adopted:									
Delegation:	<p>Council delegates to the</p> <ul style="list-style-type: none"> • Finance, Policy, Operations and Legislation Committee • Planning Committee • Strategic Planning and Transport Committee <p>all of its powers and functions as a local government, except any power or duty that requires a decision of an absolute majority or a 75% majority of the local government, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%; border-right: 1px solid black; padding: 5px;">Legislation</th> <th style="padding: 5px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Local Government Act 1995</i></td> <td style="padding: 5px;">5.16 and 5.17</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Planning and Development Act 2005</i></td> <td style="padding: 5px;">214(2), (3) or (5).</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>City of Fremantle Local Planning Scheme No. 4</i></td> <td style="padding: 5px;"><i>Planning and Development (Local Planning Schemes) Regulations 2015 section 82</i></td> </tr> </tbody> </table> <p>For the purpose of the effective decision making by the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.16 and 5.17	<i>Planning and Development Act 2005</i>	214(2), (3) or (5).	<i>City of Fremantle Local Planning Scheme No. 4</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015 section 82</i>
Legislation	Section								
<i>Local Government Act 1995</i>	5.16 and 5.17								
<i>Planning and Development Act 2005</i>	214(2), (3) or (5).								
<i>City of Fremantle Local Planning Scheme No. 4</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015 section 82</i>								
Delegated to:	<ul style="list-style-type: none"> • Finance, Policy, Operations and Legislation Committee • Planning Committee • Strategic Planning and Transport Committee 								



<p>Limitations:</p>	<p>The Finance, Policy, Operations and Legislation Committee, Planning Committee and Strategic Planning and Transport Committee are Delegated committees are provided all of the above powers and functions of the local government in accordance with the following limitations:</p> <ol style="list-style-type: none"> 1. A decision of committee can only be made by the votes of at least five members of the committee. 2. When approving leases of council property: <ol style="list-style-type: none"> a. the term must not exceed ten (10) years, b. the disposal must be in accordance with Sections 3.58 and 3.59 of the Local Government Act 1995. 3. When approving closure of council carparks, the closure must not exceed fourteen (14) days. 4. When accepting or declining to accept tenders, they must be within budget. 5. May not determine final approval for: <table border="0" style="width: 100%; margin-left: 20px;"> <tr> <td style="vertical-align: top;"> <ul style="list-style-type: none"> • Council Policies. • Strategic community plan • Corporate business plan • Strategies as defined in the City’s Council Policy • City related international travel </td> <td style="vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <ul style="list-style-type: none"> • Local Planning policies • Local Planning Schemes • Local development Plans • Structure Plans • Scheme amendments </td> </tr> </table> 	<ul style="list-style-type: none"> • Council Policies. • Strategic community plan • Corporate business plan • Strategies as defined in the City’s Council Policy • City related international travel 	<ul style="list-style-type: none"> • Local Planning policies • Local Planning Schemes • Local development Plans • Structure Plans • Scheme amendments
<ul style="list-style-type: none"> • Council Policies. • Strategic community plan • Corporate business plan • Strategies as defined in the City’s Council Policy • City related international travel 	<ul style="list-style-type: none"> • Local Planning policies • Local Planning Schemes • Local development Plans • Structure Plans • Scheme amendments 		
<p>Power to sub delegate:</p>	<p>Nil</p>		
<p>Reporting requirements</p>			
<p>All minutes of delegated committees must Finance, Policy, Operations and Legislation Committee Minutes shall record and identify each decision made under this delegation in accordance with legislative requirements.</p>			



PART 2

Delegations to the Chief Executive Officer



2.1 Administration of local laws			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to undertake all actions and processes and otherwise administer the City's local laws in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>	Section 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>	Section 5.42 and 5.43		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			



2.2 Investing and managing investments			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> Invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose. Establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment. <p>in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section</p> <p>5.42, 5.43 and 6.14(1)</p> <p>Regulation 19</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<p>Section</p> <p>5.42, 5.43 and 6.14(1)</p> <p>Regulation 19</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<p>Section</p> <p>5.42, 5.43 and 6.14(1)</p> <p>Regulation 19</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section</p> <p>5.44</p> </td> </tr> </table>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> Is to be presented in a report to each monthly Council meeting. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			



2.3 Defer payment, grant a concession, waive fees and write off debts									
Delegator:	Council								
Date adopted:									
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.42, 5.43, and 6.2</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p> <p>Note: Section 6.12(2) of the <i>Local Government Act 1995</i> does not allow money owed to the City in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42, 5.43, and 6.2				
Legislation	Section								
<i>Local Government Act 1995</i>	5.42, 5.43, and 6.2								
Delegated to:	Chief Executive Officer								
Limitations on delegation:	<p>Where all reasonable avenues of recovery have been exhausted the Chief Executive Officer may, up to the maximum amount indicated below:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 75%;">Defer Payment of a debt:</td> <td style="width: 25%; text-align: right;">\$500,000.00</td> </tr> <tr> <td>Waive or grant a concession (discount):</td> <td style="text-align: right;">\$100,000.00</td> </tr> <tr> <td>Write – Off a debt other than an infringement debt:</td> <td style="text-align: right;">\$50,000.00</td> </tr> <tr> <td>Write – Off an infringement debt:</td> <td style="text-align: right;">\$10,000.00</td> </tr> </table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>	Defer Payment of a debt:	\$500,000.00	Waive or grant a concession (discount):	\$100,000.00	Write – Off a debt other than an infringement debt:	\$50,000.00	Write – Off an infringement debt:	\$10,000.00
Defer Payment of a debt:	\$500,000.00								
Waive or grant a concession (discount):	\$100,000.00								
Write – Off a debt other than an infringement debt:	\$50,000.00								
Write – Off an infringement debt:	\$10,000.00								
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44				
Legislation	Section								
<i>Local Government Act 1995</i>	5.44								
Reporting requirements									
<p>Use of this delegation,</p> <ol style="list-style-type: none"> 1. When waiving or writing off debts valued at \$1000 or above per debtor this must be reported to the Audit and Risk Management Committee. 2. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 									



2.4 Disposing of property					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. Dispose of property to: <ol style="list-style-type: none"> a. the highest bidder at public auction or b. the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender 2. Dispose of property by direct negotiation only in accordance with section 3.58(3) of the Act. (give public notice and consider submissions). 3. Dispose of property excluded from s. 3.58 of the Act. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 40%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.42, 5.43, 3.58(2) and (3)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42, 5.43, 3.58(2) and (3)
Legislation	Section				
<i>Local Government Act 1995</i>	5.42, 5.43, 3.58(2) and (3)				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	<p>The Chief Executive Officer may approve leases of council property where:</p> <ol style="list-style-type: none"> 1. The key lease terms and performance criteria have been agreed by council; or <ol style="list-style-type: none"> a. the lease is not for a period greater than six months (short term lease only); or b. the lease agreement does not require a business plan; or c. the disposal of property is in accordance with s.3.58 of the <i>Local Government Act 1995</i>; and d. the lease is in accordance with relevant council policies. <p>The Chief Executive Officer may, up to the maximum amount indicated below:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Approve disposals of land:</td> <td style="width: 30%; text-align: right;">\$50,000.00</td> </tr> <tr> <td>Approve disposals of property other than land</td> <td style="text-align: right;">\$20,000.00</td> </tr> </table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>	Approve disposals of land:	\$50,000.00	Approve disposals of property other than land	\$20,000.00
Approve disposals of land:	\$50,000.00				
Approve disposals of property other than land	\$20,000.00				
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 40%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44
Legislation	Section				
<i>Local Government Act 1995</i>	5.44				



Reporting requirements

Use of this delegation:

1. Must be reported to the Audit and Risk Management Committee.
2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.



2.5 Payments from municipal or trust fund								
Delegator:	Council							
Date adopted:								
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to make payments from the municipal or trust fund in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding: 5px;">Legislation</td> <td style="width: 50%; padding: 5px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Local Government Act 1995</i></td> <td style="padding: 5px;">5.42, 5.43 and 6.9(4)</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Local Government (Financial Management) Regulations 1996</i></td> <td style="padding: 5px;">Trust Fund Regulation 12(1)(a)</td> </tr> </table>		Legislation	Section	<i>Local Government Act 1995</i>	5.42, 5.43 and 6.9(4)	<i>Local Government (Financial Management) Regulations 1996</i>	Trust Fund Regulation 12(1)(a)
Legislation	Section							
<i>Local Government Act 1995</i>	5.42, 5.43 and 6.9(4)							
<i>Local Government (Financial Management) Regulations 1996</i>	Trust Fund Regulation 12(1)(a)							
Delegated to:	Chief Executive Officer							
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.							
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44						
Reporting requirements								
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be presented in a report to each monthly council meeting. 2. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 								



2.6 Determine grants and sponsorship allocations			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine allocation of the City’s grants, and sponsorships in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p>Section</p> <p>5.42 and 5.43</p> <p>Regulation 12(1)(a)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<p>Section</p> <p>5.42 and 5.43</p> <p>Regulation 12(1)(a)</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i></p>	<p>Section</p> <p>5.42 and 5.43</p> <p>Regulation 12(1)(a)</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p>Section</p> <p>5.44</p> </td> </tr> </table>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be reported to the Audit and Risk Management Committee. 2. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



2.7 Agreements for payment of rates and service			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to make an agreement with a person for the payment of rates or services charges.</p> <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 5.42, 5.43 and 6.49</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43 and 6.49
Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43 and 6.49		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section Section 5.44
Legislation <i>Local Government Act 1995</i>	Section Section 5.44		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be reported to the Audit and Risk Management Committee. 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 			



2.8 Require lessee to pay rent in satisfaction of rates or services charge			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <p>Give notice to a lessee of land in respect of which there is an unpaid rate or service charge requiring the lessee to pay its rent to the local government. Recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.</p> <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-right: 1px solid black; padding: 5px;">Legislation <i>Local Government Act 1995</i></td> <td style="padding: 5px;">Section 5.42, 5.43, 6.60(2) and (4)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43, 6.60(2) and (4)
Legislation <i>Local Government Act 1995</i>	Section 5.42, 5.43, 6.60(2) and (4)		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border-right: 1px solid black; padding: 5px;">Legislation <i>Local Government Act 1995</i></td> <td style="padding: 5px;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



2.9 Objection to rate record - objection and review						
Delegator:	Council					
Date adopted:						
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to make decisions regarding objections to the rates record including extending the time for a person to make an objection and following consideration, make a decision whether to allow or disallow the objection, either wholly or in part,</p> <p>In accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Local Government Act 1995</i></td> <td>5.42, 5.43, 6.76(4) and (5)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle</p>		Legislation	Section	<i>Local Government Act 1995</i>	5.42, 5.43, 6.76(4) and (5)
Legislation	Section					
<i>Local Government Act 1995</i>	5.42, 5.43, 6.76(4) and (5)					
Delegated to:	Chief Executive Officer					
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.					
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44				
Reporting requirements						
<p>Use of this delegation:</p> <ol style="list-style-type: none"> Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 						



2.10 Rate exemptions					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine applications for rate exemptions in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.42, 5.43 and 6.26</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42, 5.43 and 6.26
Legislation	Section				
<i>Local Government Act 1995</i>	5.42, 5.43 and 6.26				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44
Legislation	Section				
<i>Local Government Act 1995</i>	5.44				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be reported to the Audit and Risk Management Committee. 2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 					



2.11 Expressions of interest and tenders			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> 1. To call tenders. 2. To call tenders for the disposal of impounded goods. 3. To invite tenders though not required to do so. 4. The criteria for accepted tenders. 5. To vary tender information after public notice of invitation to tender and before the close of tenders. 6. Seek clarification from tenderers in relation to information contained in their tender submission. 7. To evaluate tenders and decide which is the most advantageous. 8. To accept or reject tenders. 9. To decline any tender. 10. Minor variations before entering into a contract. 11. 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. 12. When to seek expressions of interest and to invite expressions of interest to supply goods or services. 13. Consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p> </td> <td style="width: 50%; vertical-align: top; border-left: 1px solid black; padding-left: 10px;"> <p>Sections</p> <p>3.57, 3.47, 5.42 and 5.43</p> <p>Regulations</p> <p>11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p>	<p>Sections</p> <p>3.57, 3.47, 5.42 and 5.43</p> <p>Regulations</p> <p>11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p>	<p>Sections</p> <p>3.57, 3.47, 5.42 and 5.43</p> <p>Regulations</p> <p>11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</p>		
Delegated to:	Chief Executive Officer		



<p>Limitations on delegation:</p>	<ol style="list-style-type: none"> 1. May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new annual budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date and the value of the proposed contract has been included in the draft annual budget papers. 2. May accept a tender where the consideration under the resulting contract is \$500 000 or less and the item is identified in the adopted annual budget. 3. May only agree to variations before a contract is entered into in accordance with relevant City of Fremantle policies. 4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 	
<p>Power to sub delegate:</p>	<p>Legislation <i>Local Government Act 1995</i></p>	<p>Section 5.44</p>
<p>Reporting requirements</p>		
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 		



2.12 Sole supplier of goods and services			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority:</p> <ol style="list-style-type: none"> To determine that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p> </td> <td style="width: 50%; padding-left: 10px;"> <p>Section</p> <p>5.42 and 5.43</p> <p>Regulation 11(2)(f)</p> </td> </tr> </table>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p>	<p>Section</p> <p>5.42 and 5.43</p> <p>Regulation 11(2)(f)</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Functions and General) Regulations 1996</i></p>	<p>Section</p> <p>5.42 and 5.43</p> <p>Regulation 11(2)(f)</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	<p>The Chief Executive Officer being satisfied that:</p> <ol style="list-style-type: none"> The final amount spent does not exceed \$50 000. adequate market research has been undertaken to verify that no alternative supplier of the goods or services is available; and Sufficient investigation into the use of potential substitute goods or services has been undertaken. Determinations to be reported to the Audit and Risk Management Committee at least annually. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 50%; padding-left: 10px;"> <p>Section</p> <p>5.44</p> </td> </tr> </table>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> Is to be reported to the Audit and Risk Management Committee. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



2.13 Appoint persons to receive and withdrawals of complaints			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the Authority to appoint 1 or more persons for the purpose of receiving and withdrawals of complaints in accordance with the <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act (Model Code of Conduct) Regulations 2021</i></td> <td style="padding-left: 10px;">Section 11(3)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>	Section 11(3)
Legislation <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>	Section 11(3)		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="padding-left: 10px;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting Requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



2.14 Additional powers when notice is given to the owner or occupier of land under Section 3.25			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to do anything necessary to achieve the purpose for which a notice has been given and to recover costs associated with achieving the purpose for which a notice has been given, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 3.26, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>	Section 3.26, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>	Section 3.26, 5.42 and 5.43		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



2.15 Particular things local governments can do on land that is not local government property					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>3.27, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	3.27, 5.42 and 5.43
Legislation	Section				
<i>Local Government Act 1995</i>	3.27, 5.42 and 5.43				
Delegated to:	Chief Executive Officer				
Limitations delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44
Legislation	Section				
<i>Local Government Act 1995</i>	5.44				
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 					



2.16 Crossing from public thoroughfare to private land or private thoroughfare			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. Approve the construction of a crossing giving access from a thoroughfare to private land or a private thoroughfare serving the land. 2. Give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. <p>in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section</p> <p>Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p>
<p>Legislation</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</p> <p>5.42 and 5.43</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	<ol style="list-style-type: none"> 1. Approval must be in writing for the crossing under regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996. 2. Due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> must be followed. 3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 		
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section</p> <p>5.44</p> </td> </tr> </table>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



2.17 Powers of entry			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. Enter on to land to perform any function of the local government under the Act. 2. Give a notice of entry. 3. Seek and execute an entry under warrant. 4. Execute entry in an emergency. 5. Give notice and effect entry by opening a fence. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>	Section 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>	Section 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



2.18 Disposing of confiscated or uncollected goods						
Delegator:	Council					
Date adopted:						
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to sell or otherwise dispose of confiscated or uncollected goods and to recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>3.47, 3.48 3.58 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Local Government Act 1995</i>	3.47, 3.48 3.58 5.42 and 5.43
Legislation	Section					
<i>Local Government Act 1995</i>	3.47, 3.48 3.58 5.42 and 5.43					
Delegated to:	Chief Executive Officer					
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.					
Power to sub delegate:	Legislation <i>Local Government Act 1995</i>	Section 5.44				
Reporting requirements						
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 						



2.19 Disposal of sick or injured animals						
Delegator:	Council					
Date adopted:						
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to destroy and dispose of an animal that is determined to be too sick or injured to treat, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>3.47A(1), 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Local Government Act 1995</i>	3.47A(1), 5.42 and 5.43
Legislation	Section					
<i>Local Government Act 1995</i>	3.47A(1), 5.42 and 5.43					
Delegated to:	Chief Executive Officer					
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.					
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44	
Legislation	Section					
<i>Local Government Act 1995</i>	5.44					
Reporting requirements						
Use of this delegation: <ol style="list-style-type: none"> Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 						



2.20 Close thoroughfares to vehicles					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> 1. Close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles. 2. Give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks. 3. Where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation</td> <td style="width: 50%; padding-left: 10px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Local Government Act 1995</i></td> <td style="padding-left: 10px;">3.50, 3.50(A), 3.51, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	3.50, 3.50(A), 3.51, 5.42 and 5.43
Legislation	Section				
<i>Local Government Act 1995</i>	3.50, 3.50(A), 3.51, 5.42 and 5.43				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation</td> <td style="width: 50%; padding-left: 10px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Local Government Act 1995</i></td> <td style="padding-left: 10px;">5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44
Legislation	Section				
<i>Local Government Act 1995</i>	5.44				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative 					



2.21 Reserves under control of local government			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to do anything for the purposes of controlling and managing land that is vested in or under the management of the City, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 3.54, 5.42 and 5.43</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation <i>Local Government Act 1995</i>	Section 3.54, 5.42 and 5.43
Legislation <i>Local Government Act 1995</i>	Section 3.54, 5.42 and 5.43		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Local Government Act 1995</i></td> <td style="width: 50%; padding-left: 10px;">Section 5.44</td> </tr> </table>	Legislation <i>Local Government Act 1995</i>	Section 5.44
Legislation <i>Local Government Act 1995</i>	Section 5.44		
Reporting Requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



2.22 Dangerous excavations in or near public thoroughfares							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation</td> <td style="width: 50%; padding-left: 10px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Local Government Act 1995</i></td> <td style="padding-left: 10px;">5.42 and 5.43</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Local Government (Uniform Local Provisions) Regulations 1996</i></td> <td style="padding-left: 10px;">Regulation 11 Sch.9.1 cl.6</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42 and 5.43	<i>Local Government (Uniform Local Provisions) Regulations 1996</i>	Regulation 11 Sch.9.1 cl.6
Legislation	Section						
<i>Local Government Act 1995</i>	5.42 and 5.43						
<i>Local Government (Uniform Local Provisions) Regulations 1996</i>	Regulation 11 Sch.9.1 cl.6						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	<ol style="list-style-type: none"> 1. That due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> is followed. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 						
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation</td> <td style="width: 50%; padding-left: 10px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Local Government Act 1995</i></td> <td style="padding-left: 10px;">5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44		
Legislation	Section						
<i>Local Government Act 1995</i>	5.44						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



2.23 Private works on, over or under public places			
Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section</p> <p>Regulation 17 Sch.9.1 cl.8</p> <p>5.42 and 5.43</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>Regulation 17 Sch.9.1 cl.8</p> <p>5.42 and 5.43</p>
<p>Legislation</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>Regulation 17 Sch.9.1 cl.8</p> <p>5.42 and 5.43</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	<p>Subject to:</p> <ol style="list-style-type: none"> 1. Schedule 3.1, Division 2, item 3 of the <i>Local Government Act 1995</i>. 2. That due process for the issuing of a notice under section 3.25 of the Act is followed. 3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 		
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Legislation</p> <p><i>Local Government Act 1995</i></p> </td> <td style="width: 50%; vertical-align: top;"> <p>Section</p> <p>5.44</p> </td> </tr> </table>	<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>
<p>Legislation</p> <p><i>Local Government Act 1995</i></p>	<p>Section</p> <p>5.44</p>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 			



PART 3

Delegations from other legislation



Bush Fires Act 1954

3.1 Bush Fires Act 1954 Powers, duties and functions of a local government					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer all powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>, in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Legislation</td> <td style="width: 50%;">Section</td> </tr> <tr> <td><i>Bush Fires Act 1954</i></td> <td>48</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Bush Fires Act 1954</i>	48
Legislation	Section				
<i>Bush Fires Act 1954</i>	48				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	<p>Authority excludes powers and duties that:</p> <ol style="list-style-type: none"> 1. Are prescribed in the Act with a requirement for a resolution of the local government. 2. Are prescribed by the Act for performance by designated officers. 3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 				
Power to sub delegate:	Nil.				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 					



Food Act 2008

3.2 Food Act 2008 Appoint authorised and designated officers							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to appoint a person:</p> <ol style="list-style-type: none"> 1. To be an authorised officer for the purposes of the <i>Food Act 2008</i>. 2. To be a designated officer for the purposes of the <i>Food Act 2008</i>. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation</td> <td style="width: 50%; padding-left: 10px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Food Act 2008</i></td> <td style="padding-left: 10px;">122(1) and 126(13)</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Food Act 2008</i></td> <td style="padding-left: 10px;">118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Food Act 2008</i>	122(1) and 126(13)	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)
Legislation	Section						
<i>Food Act 2008</i>	122(1) and 126(13)						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	Nil.						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



3.3 Food Act 2008 Prohibition orders							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services and Senior Environmental Health Officer authority to determine:</p> <ol style="list-style-type: none"> 1. Serve a prohibition order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65]. 2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices. 3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation</td> <td style="width: 50%; padding-left: 10px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Food Act 2008</i></td> <td style="padding-left: 10px;">118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Food Act 2008</i></td> <td style="padding-left: 10px;">65(1), 66, and 67(4)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	65(1), 66, and 67(4)
Legislation	Section						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<i>Food Act 2008</i>	65(1), 66, and 67(4)						
Delegated to:	<p>Chief Executive Officer Director City Business Director Strategic Planning and Projects Manager Field Services Senior Environmental Health Officer</p>						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	Nil.						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



3.4 Food Act 2008 Prosecutions							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, and Senior Environmental Health Officer authority to institute proceedings for an offence under the <i>Food Act 2008</i> in accordance with:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left;">Legislation</th> <th style="width: 50%; text-align: left;">Section</th> </tr> </thead> <tbody> <tr> <td><i>Food Act 2008</i></td> <td>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td> </tr> <tr> <td><i>Food Act 2008</i></td> <td>125</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	125
Legislation	Section						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<i>Food Act 2008</i>	125						
Delegated to:	Chief Executive Officer Director City Business Director Strategic Planning and Projects Manager Field Services Senior Environmental Health Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	Nil.						
Reporting requirements							
Use of this delegation: <ol style="list-style-type: none"> Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



3.5 Food Act 2008 Registration of food businesses							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, Senior Environmental Health Officer and all Environmental Health Officers authority to:</p> <ol style="list-style-type: none"> 1. Determine applications for registration of a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration. 2. After considering an application, grant (with or without Limitations) or refuse the application. 3. Vary the Limitations or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i>. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black; padding-right: 10px;">Legislation</th> <th style="text-align: left; padding-left: 10px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Food Act 2008</i></td> <td style="padding-left: 10px;">118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Food Act 2008</i></td> <td style="padding-left: 10px;">110(1) and (5) and 112</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	110(1) and (5) and 112
Legislation	Section						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<i>Food Act 2008</i>	110(1) and (5) and 112						
Delegated to:	<p>Chief Executive Officer Director City Business Director Strategic Planning and Projects Manager Field Services Senior Environmental Health Officer All Environmental Health Officers</p>						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	Nil.						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



3.6 Food Act 2008 Determine compensation							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to determine to refuse or pay on an application for compensation from a person on whom a prohibition notice has been served, who has suffered loss as a result of the making of the order; and considers that there were insufficient grounds for making the order, in accordance with:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Legislation</th> <th style="width: 50%;">Section</th> </tr> </thead> <tbody> <tr> <td><i>Food Act 2008</i></td> <td>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td> </tr> <tr> <td><i>Food Act 2008</i></td> <td>70(2) and (3)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	70(2) and (3)
Legislation	Section						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<i>Food Act 2008</i>	70(2) and (3)						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	<ol style="list-style-type: none"> 1. The level of compensation to be paid in respect of any single claim is not to exceed \$5 000. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 						
Power to sub delegate:	Nil.						
Reporting requirements							
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



Building Act 2011

3.7 Building Act 2011 Approve or refuse building permit

Delegator:	Council									
Date adopted:										
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Grant a building permit. 2. Refuse a building permit. 3. Determine approved alternative building solution to meet performance requirement in the Building Code relating to fire detection and early warning. 4. Determine approval / refusal of battery powered smoke alarm and determine application form. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black;">Legislation</th> <th style="text-align: left;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>127</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Building Act 2011</i></td> <td>20, 27(1) and (3)</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Building Regulations 2012</i></td> <td>Regulation 55 and 61</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	20, 27(1) and (3)	<i>Building Regulations 2012</i>	Regulation 55 and 61
Legislation	Section									
<i>Building Act 2011</i>	127									
<i>Building Act 2011</i>	20, 27(1) and (3)									
<i>Building Regulations 2012</i>	Regulation 55 and 61									
Delegated to:	Chief Executive Officer									
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.									
Power to sub delegate:	Legislation <i>Building Act 2011</i>	Section 127(6A)								

Reporting requirements

Use of this delegation:

1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.



3.8 Building Act 2011 Approve or refuse demolition permit								
Delegator:	Council							
Date adopted:								
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Grant a demolition permit. 2. Refuse a demolition permit. 3. Impose, vary or revoke Limitations on a demolition permit. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black; padding-right: 10px;">Legislation</th> <th style="text-align: left; padding-left: 10px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Building Act 2011</i></td> <td style="padding-left: 10px;">127</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Building Act 2011</i></td> <td style="padding-left: 10px;">21, 27(1) and (3)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	21, 27(1) and (3)
Legislation	Section							
<i>Building Act 2011</i>	127							
<i>Building Act 2011</i>	21, 27(1) and (3)							
Delegated to:	Chief Executive Officer							
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.							
Power to sub delegate:	Legislation <i>Building Act 2011</i>	Section 127(6A)						
Reporting requirements								
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 								



3.9 <i>Building Act 2011</i> Grant occupancy permit or building approval certificate							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Require an applicant to provide any document or information required in order to determine an application. 2. Grant or modify an occupancy permit or building approval certificate. 3. Impose, add, vary or revoke Limitations on an occupancy permit or building approval certificate. 4. The period in which an occupancy permit or modification, or building approval certificate has effect. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black; padding: 5px;">Legislation</th> <th style="text-align: left; padding: 5px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Building Act 2011</i></td> <td style="padding: 5px;">127</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Building Act 2011</i></td> <td style="padding: 5px;">58, 62(1) and (3)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	58, 62(1) and (3)
Legislation	Section						
<i>Building Act 2011</i>	127						
<i>Building Act 2011</i>	58, 62(1) and (3)						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black; padding: 5px;">Legislation</th> <th style="text-align: left; padding: 5px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Building Act 2011</i></td> <td style="padding: 5px;">127(6A)</td> </tr> </tbody> </table>	Legislation	Section	<i>Building Act 2011</i>	127(6A)		
Legislation	Section						
<i>Building Act 2011</i>	127(6A)						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



3.10 <i>Building Act 2011</i> Designate authorised persons										
Delegator:	Council									
Date adopted:										
Delegation:	<p>Council delegates to the Chief Executive Officer authority to designate an employee as an authorised person, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Legislation</th> <th style="width: 5%;"></th> <th style="width: 45%;">Section</th> </tr> </thead> <tbody> <tr> <td><i>Building Act 2011</i></td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td>127</td> </tr> <tr> <td><i>Building Act 2011</i></td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td>96(3)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation		Section	<i>Building Act 2011</i>		127	<i>Building Act 2011</i>		96(3)
Legislation		Section								
<i>Building Act 2011</i>		127								
<i>Building Act 2011</i>		96(3)								
Delegated to:	Chief Executive Officer									
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.									
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Legislation</th> <th style="width: 5%;"></th> <th style="width: 45%;">Section</th> </tr> </thead> <tbody> <tr> <td><i>Building Act 2011</i></td> <td style="border-left: 1px solid black; border-right: 1px solid black;"></td> <td>127(6A)</td> </tr> </tbody> </table>	Legislation		Section	<i>Building Act 2011</i>		127(6A)			
Legislation		Section								
<i>Building Act 2011</i>		127(6A)								
Reporting requirements										
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 										



3.11 Building Act 2011 Issue and revocation of building orders							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Make building orders in relation to: <ol style="list-style-type: none"> a. Building work. b. Demolition work. c. An existing building or incidental structure. 2. Give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)] 3. Revoke a building order [s.117]. 4. If there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> a. Take any action specified in the order. b. Commence or complete any work specified in the order. 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. 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. Initiate a prosecution pursuant to section 133(1) for noncompliance with a building order made pursuant to section 110 of the Building Act 2011. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black; padding: 5px;">Legislation</th> <th style="text-align: left; padding: 5px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Building Act 2011</i></td> <td style="padding: 5px;">127</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Building Act 2011</i></td> <td style="padding: 5px;">110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle</p>	Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)
Legislation	Section						
<i>Building Act 2011</i>	127						
<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black; padding: 5px;">Legislation</th> <th style="text-align: left; padding: 5px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black; padding: 5px;"><i>Building Act 2011</i></td> <td style="padding: 5px;">127(6A)</td> </tr> </tbody> </table>	Legislation	Section	<i>Building Act 2011</i>	127(6A)		
Legislation	Section						
<i>Building Act 2011</i>	127(6A)						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



3.12 <i>Building Act 2011</i> Inspection and copies of building records							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to determine an application from an interested person to inspect and copy a building record, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Legislation</th> <th style="border-left: 1px solid black;">Section</th> </tr> </thead> <tbody> <tr> <td><i>Building Act 2011</i></td> <td style="border-left: 1px solid black;">127</td> </tr> <tr> <td><i>Building Act 2011</i></td> <td style="border-left: 1px solid black;">131(2)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	131(2)
Legislation	Section						
<i>Building Act 2011</i>	127						
<i>Building Act 2011</i>	131(2)						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Legislation</th> <th style="border-left: 1px solid black;">Section</th> </tr> </thead> <tbody> <tr> <td><i>Building Act 2011</i></td> <td style="border-left: 1px solid black;">127(6A)</td> </tr> </tbody> </table>	Legislation	Section	<i>Building Act 2011</i>	127(6A)		
Legislation	Section						
<i>Building Act 2011</i>	127(6A)						
Reporting requirements							
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



Litter Act 1979

3.13 Litter Act 1979 Withdrawal of infringement notices

Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to:</p> <ul style="list-style-type: none"> • Chief Executive Officer • Director City Business • Manager Field Services • Team Leader Community Safety and Parking <p>the authority to determine if an infringement is to be withdrawn; and to sign withdrawal notices sent under subsection 4 of the <i>Litter Act 1979</i>.</p> <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Legislation</td> <td style="border-left: 1px solid black; text-align: center;">Section</td> </tr> <tr> <td style="text-align: center;"><i>Litter Act 1979</i></td> <td style="border-left: 1px solid black; text-align: center;">30(4a)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Litter Act 1979</i>	30(4a)
Legislation	Section				
<i>Litter Act 1979</i>	30(4a)				
Delegated to:	<p>Chief Executive Officer Director City Business Director Strategic Planning and Projects Manager Field Services Team Leader Community Safety and Parking</p>				
Limitations on delegation:	<ol style="list-style-type: none"> 1. An individual infringement notice cannot be withdrawn or extended by the same officer that has issued it. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 				
Power to sub delegate:	Nil.				

Reporting requirements

Use of this delegation:

1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.



Dog Act 1976

3.14 Dog Act 1976 Functions

Delegator:	Council			
Date adopted:				
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all the powers and duties of the local government under the <i>Dog Act 1976</i>, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation <i>Dog Act 1976</i></td> <td style="width: 50%; padding-left: 10px;">Section 10AA</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation <i>Dog Act 1976</i>	Section 10AA
Legislation <i>Dog Act 1976</i>	Section 10AA			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	Legislation <i>Dog Act 1976</i>	Section 10AA(3)		

Reporting requirements

Use of this delegation:

1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.



Cat Act 2011

3.15 Cat Act 2011 Functions

Delegator:	Council					
Date adopted:						
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Cat Act 2011</i>, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding-right: 10px;">Legislation</td> <td style="width: 50%; padding-left: 10px;">Section</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"><i>Cat Act 2011</i></td> <td style="padding-left: 10px;">44</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Cat Act 2011</i>	44
Legislation	Section					
<i>Cat Act 2011</i>	44					
Delegated to:	Chief Executive Officer					
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.					
Power to sub delegate:	Legislation <i>Cat Act 2011</i>	Section 45				

Reporting requirements

Use of this delegation:

1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.



Graffiti Vandalism Act 2016

3.16 Graffiti Vandalism Act 2016 Functions								
Delegator:	Council							
Date adopted:								
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i>, in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black;">Legislation</th> <th style="text-align: left;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Graffiti Vandalism Act 2016</i></td> <td>16</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Graffiti Vandalism Act 2016</i></td> <td>Part 3</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	<i>Graffiti Vandalism Act 2016</i>	16	<i>Graffiti Vandalism Act 2016</i>	Part 3
Legislation	Section							
<i>Graffiti Vandalism Act 2016</i>	16							
<i>Graffiti Vandalism Act 2016</i>	Part 3							
Delegated to:	Chief Executive Officer							
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.							
Power to sub delegate:	Legislation <i>Graffiti Vandalism Act 2016</i>	Section 17						
Reporting requirements								
Use of this delegation: <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 								



Public Health Act 2016

3.17 Public Health Act 2016 Functions of an Enforcement Agency

Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer authority to exercise all of the powers and duties conferred or imposed on a local government, as an enforcement agency, under the <i>Public Health Act 2016</i>.</p> <p>in accordance with:</p> <table border="0"> <tr> <td style="border-right: 1px solid black;">Legislation</td> <td>Section</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Public Health Act 2016</i></td> <td>21</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Public Health Act 2016</i>	21
Legislation	Section				
<i>Public Health Act 2016</i>	21				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	<ol style="list-style-type: none"> 1. The designation of authorised officers is to be in accordance with section 25 of the <i>Public Health Act 2016</i>. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 				
Power to sub delegate:	Nil.				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 					



Fines, Penalties and Infringement Notices Enforcement Act 1994

3.18 Fines, Penalties and Infringement Notices Enforcement Act 1994 Appointment of prosecution officers					
Delegator:	Council				
Date adopted:					
Delegation:	<p>Council delegates to the Chief Executive Officer authority to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>, in accordance with:</p> <table border="1"> <thead> <tr> <th>Legislation</th> <th>Section</th> </tr> </thead> <tbody> <tr> <td><i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i></td> <td>13 and 13(2)</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>	13 and 13(2)
Legislation	Section				
<i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>	13 and 13(2)				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	Nil.				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 					



Planning and Development Act 2005

3.19 Planning and Development Act 2005 Illegal development							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or alter the development b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order. <p>in accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 40%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.42</td> </tr> <tr> <td><i>Planning and Development Act 2005</i></td> <td>214(2), (3) and (5)</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42	<i>Planning and Development Act 2005</i>	214(2), (3) and (5)
Legislation	Section						
<i>Local Government Act 1995</i>	5.42						
<i>Planning and Development Act 2005</i>	214(2), (3) and (5)						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 40%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.44</td> </tr> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44		
Legislation	Section						
<i>Local Government Act 1995</i>	5.44						



Reporting requirements

Use of this delegation:

1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.



City of Fremantle Local Planning Scheme No. 4

3.20 City of Fremantle Local Planning Scheme No. 4 Enforcement and appeals

Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to take action under part 13 of the <i>Planning and Development Act 2005</i> for any failure to comply with the provisions of Local Planning Scheme No 4 or the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions). As well as the power to determine a position in respect to any mediation resulting from an application for review made under Part 14 of the <i>Planning and Development Act 2005</i> in response to a decision made under delegated authority; and</p> <p>The determination of the City's position with respect to any appeal to the State Administrative Tribunal on a decision made under delegated authority.</p> <p>In accordance with:</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>Legislation</p> <p><i>Planning and Development Act 2005</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> </td> <td style="vertical-align: top; border-left: 1px solid black;"> <p>Section</p> <p>Parts 13 and 14</p> <p>Division 2 of Schedule 2, cl. 82</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation</p> <p><i>Planning and Development Act 2005</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p>	<p>Section</p> <p>Parts 13 and 14</p> <p>Division 2 of Schedule 2, cl. 82</p>
<p>Legislation</p> <p><i>Planning and Development Act 2005</i></p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p>	<p>Section</p> <p>Parts 13 and 14</p> <p>Division 2 of Schedule 2, cl. 82</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	<table border="0"> <tr> <td style="vertical-align: top;"> <p>Legislation</p> <p>Planning and development (Local Planning Schemes) Regulations 2015</p> </td> <td style="vertical-align: top; border-left: 1px solid black;"> <p>Section</p> <p>Sch 2 cl. 83</p> </td> </tr> </table>	<p>Legislation</p> <p>Planning and development (Local Planning Schemes) Regulations 2015</p>	<p>Section</p> <p>Sch 2 cl. 83</p>
<p>Legislation</p> <p>Planning and development (Local Planning Schemes) Regulations 2015</p>	<p>Section</p> <p>Sch 2 cl. 83</p>		

Reporting requirements

Use of this delegation:

1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.



3.21 City of Fremantle Local Planning Scheme No. 4 Development Control							
Delegator:	Council						
Date adopted:							
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> 1. applications for planning approval (including the exercise of discretion under Local Planning Scheme No. 4 and the Residential Design Codes); 2. all matters which arise out of the imposition of conditions on planning approvals; and 3. all matters delegated to the City of Fremantle under the <i>Planning and Development Act 2005</i>, or functions that the City is authorised to exercise under that Act. <p>in accordance with:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black; padding-right: 10px;">Legislation</th> <th style="text-align: left; padding-left: 10px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Local Government Act 1995</i></td> <td>5.42 and 5.43</td> </tr> <tr> <td style="border-right: 1px solid black;"><i>Local Government Act 1995</i></td> <td>6.49</td> </tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42 and 5.43	<i>Local Government Act 1995</i>	6.49
Legislation	Section						
<i>Local Government Act 1995</i>	5.42 and 5.43						
<i>Local Government Act 1995</i>	6.49						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
Power to sub delegate:	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-right: 1px solid black; padding-right: 10px;">Legislation</th> <th style="text-align: left; padding-left: 10px;">Section</th> </tr> </thead> <tbody> <tr> <td style="border-right: 1px solid black;"><i>Local Government Act 1995</i></td> <td>5.44</td> </tr> </tbody> </table>	Legislation	Section	<i>Local Government Act 1995</i>	5.44		
Legislation	Section						
<i>Local Government Act 1995</i>	5.44						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



3.22 Modifications to the Heritage List and Municipal Heritage Inventory							
Delegator:	Council						
Date adopted:							
Authorised function:	<p>The Chief Executive Officer is authorised to modify the Heritage List and Municipal Heritage Inventory to maintain their currency by:</p> <ul style="list-style-type: none"> • amending listing information to more accurately describe the listed property, and • reclassifying to Historic Record Only and removing from the Heritage List any properties which have been subdivided from the originally listed parent lot which do not retain heritage significance in their own right or maintain a significant contribution to the heritage significance of the original property. <p>In accordance with:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 40%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995</i></td> <td>5.42</td> </tr> <tr> <td><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></td> <td>Division 2 of Schedule 2</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Local Government Act 1995</i>	5.42	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Division 2 of Schedule 2
Legislation	Section						
<i>Local Government Act 1995</i>	5.42						
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Division 2 of Schedule 2						
Delegated to:	Chief Executive Officer						
Limitations on delegation:	<ol style="list-style-type: none"> 1. Any amendments must have the support of the effected landowner where consultation is required under legislation. 2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions. 						
Power to sub delegate:	Yes						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements. 							



Health (Asbestos) Regulations 1992

3.23 Health (Asbestos) Regulations 1992 Appointment of authorised officers and approved officers

Delegator:	Council		
Date adopted:			
Delegation:	<p>Council delegates to the Chief Executive Officer the appointment in writing of persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 in relation to infringement notices under the <i>Health (Asbestos) Regulations 1992</i>, in accordance with:</p> <table border="0"> <tr> <td style="border-right: 1px solid black; padding-right: 10px;"> <p>Legislation <i>Health (Asbestos) Regulations 1992</i></p> </td> <td> <p>Section Regulation 15D(5)</p> </td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p>Legislation <i>Health (Asbestos) Regulations 1992</i></p>	<p>Section Regulation 15D(5)</p>
<p>Legislation <i>Health (Asbestos) Regulations 1992</i></p>	<p>Section Regulation 15D(5)</p>		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Power to sub delegate:	Nil		

Reporting requirements

Use of this delegation:

1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.



Health (Miscellaneous Provisions) Act 1911

3.24 Health (Miscellaneous Provisions) Act 1911 Powers of local government

Delegator:	Council				
Date adopted:					
Delegation:	<p>Council appoints the Chief Executive Officer to be its deputy, and in that capacity to exercise the powers and functions of the local government under the <i>Health (Miscellaneous Provisions) Act 1911</i>, in accordance with:</p> <table border="0"> <tr> <td style="vertical-align: top;">Legislation</td> <td style="border-left: 1px solid black; vertical-align: top;">Section</td> </tr> <tr> <td style="vertical-align: top;"><i>Health (Miscellaneous Provisions) Act 1911</i></td> <td style="border-left: 1px solid black; vertical-align: top;">26</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Health (Miscellaneous Provisions) Act 1911</i>	26
Legislation	Section				
<i>Health (Miscellaneous Provisions) Act 1911</i>	26				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
Power to sub delegate:	Nil				

Reporting requirements

Use of this delegation:

1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.



PART 4

Delegations to local government from external agencies

The delegations outlined in part 4 of this register are externally established and may be subject to change. Please check the Government Gazette for most current version and use this register for reference only.



Environmental Protection Act 1986

4.1 Noise Control – Serve Environmental Protection Notices [S65(1)]

Noise Control – Serve Environmental Protection Notices [S65(1)]

Published in Government Gazette No.47, 19 March 2004

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.



4.2 Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]

Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]

Published in Government Gazette No.232, 20 December 2013

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—

- (1) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B
- (2) 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);
- (3) community activities—noise control notices in respect of community noise under regulation 16;
- (4) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;
- (5) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;
- (6) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (7) 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—
 - (a) 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.



4.3 Noise Control – Noise Management Plans – Construction Sites [Reg.13]

Noise Control – Noise Management Plans – Construction Sites [Reg.13]

Published in Government Gazette No.71 – 16 May 2014

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 —

- (8) Chief Executive Officer under the *Local Government Act 1995*; and
- (9) 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.

Approved by—
Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage



Planning and Development Act 2005

4.4 Referral arrangements - Western Australian Planning Commission

Western Australian Planning Commission – Referral Arrangements

~~Government Gazette No. 65 – 9 May 2014 (pages 1410 – 1412)~~

~~PL403*~~

~~**PLANNING AND DEVELOPMENT ACT 2005**~~

~~RESOLUTION~~

~~RES-2014/01 RESOLUTION UNDER CLAUSE 32 OF THE MRS~~

~~**Resolution made under clause 32 of the Metropolitan Region Scheme regarding development control powers of the Western Australian Planning Commission**~~

~~On 25 March 2014, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) resolved—~~

- ~~A. TO REVOKE its resolution made under clause 32 of the MRS as detailed in the notice entitled “RES-2011/01 Resolution under Clause 32 of the MRS” published in the *Government Gazette* of 1 November 2011 (pages 4612-4614);~~
- ~~B. TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of the Schedule 1 to the WAPC for determination;~~
- ~~C. TO REQUIRE the local governments specified in clauses 5 to 10 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 10 of Schedule 1 to the WAPC for determination;~~
- ~~D. TO CONFIRM that words used in the schedule to this resolution have the meanings given to them in the *Planning and Development Act 2005* (Act) and the MRS. In the case of any inconsistency, the Act prevails;~~
- ~~E. TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.~~

~~TIM HILLYARD, Secretary, Western Australian Planning Commission.~~



SCHEDULE 1

REFERRAL ARRANGEMENTS FOR LOCAL GOVERNMENTS IN THE AREA COVERED BY THE MRS

1. Development of state or regional significance

All applications made under clause 28 of the MRS for approval to commence and carry out development that the WAPC, by notice in writing in each case, advises the local government are of State or regional importance or in the public interest.

2. Development in the rural zone

The following classes of applications made under clause 28 of the MRS for approval to commence and carry out development on land in the rural zone in the MRS—

- extractive industry—all applications
- any other use which in the opinion of the local government or the WAPC may not be consistent with the rural zone.

3. Poultry farms

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square meters to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS.

4. Development in activity centres

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop retail purposes—

- (a) Where the local government or the WAPC considers that the development proposed may be of state or regional significance.
- (b) Where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the activity centre hierarchy that the activity centre in which it is proposed to be located.
- (c) Where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the activity centre hierarchy that the activity centre in which it is proposed to be located.
- (d) For Strategic metropolitan centre or Secondary centre developments where the development proposed is major development.
- (e) For District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m² of shop/retail floorspace (net lettable area).
- (f) Where the development proposed is wholly or partly located in zoned land in specialised centres.



~~except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.~~

~~For the purpose of this resolution—~~

~~"activity centre" means the categories of activity centres set out in Table 2 and Table 3 of State Planning Policy 4.2, namely—~~

- ~~• capital city~~
- ~~• strategic metropolitan centres~~
- ~~• secondary centres~~
- ~~• district centres~~
- ~~• neighbourhood centres.~~

~~"activity centre structure plan" means a structure plan prepared as required under 6.4 of State Planning Policy 4.2;~~

~~"major development" means development as defined in appendix 1 of State Planning Policy 4.2, namely—~~

- ~~• Development of any building where the building is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the proposed building is more than 10000m²; or~~
- ~~• Development of any extension/s to an existing building where the extension/s is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the extension/s is more than 5000m².~~
- ~~•~~

~~"net lettable area" is defined in Appendix 1 of State Planning Policy 4.2;~~

~~"shop-retail" means the land use activities included in "Planning land use category 5: Shop/retail" as defined by the WAPC's Perth Land Use and Employment Survey (as amended from time to time);~~

~~"specialised centres" means the centres identified in clause 5.1.1 of State Planning Policy 4.2, which focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility;~~

~~"State Planning Policy 4.2" means State Planning Policy No.4.2—Activity Centres for Perth and Peel, published in the *Government Gazette* on 31 August 2010.~~



~~REFERRAL ARRANGEMENTS FOR SPECIFIC LOCAL GOVERNMENTS~~

~~7. Stirling and Glendalough Station Precincts~~

~~The City of Stirling, in the areas defined in WAPC plan No. 4.1495/1, is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—~~

- ~~(i) All applications that include non-residential uses and/or development; and~~
- ~~(ii) All application for 5 or more residential dwellings.~~

~~8. Kwinana Industrial Area~~

~~The city of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.~~

~~9. North Coogee Industrial Area~~

~~The City of Cockburn is to refer for determination by the WAPC all application made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1472/1.~~

~~10. Parliament House Precinct 6~~

~~The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—~~

- ~~(i) The area depicted as the Inner Precinct on WAPC plan 3.2096; and~~
- ~~(ii) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.~~

~~11. Lots 6, 8 and 9 Scarborough Beach Road, Osborne Park~~

~~The City of Stirling is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1544.~~

~~12. Leach Highway and Stock Road—Leach Highway to South Street~~

~~The Cities of Fremantle and Melville are to refer for determination by the WAPC those applications made MRS for the area shown on WAPC plan 1.7068.~~



Government Gazette No. 8 – 18 January 2022 (pages 115 - 117)

PL406

PLANNING AND DEVELOPMENT ACT 2005

NOTICE OF RESOLUTION

Resolution under Clause 32 of the MRS

RES 2021/01

Notice of resolution made under clause 32 of the Metropolitan Region Scheme (MRS) regarding development control powers of the Western Australian Planning Commission

Under clause 32 of the MRS, the WAPC may, by resolution, identify land and require that applications for all or certain classes of development on that land, be referred to the WAPC for determination.

Resolution under clause 32 of the MRS

On 8 December 2021, pursuant to clause 32 of the MRS, the WAPC RESOLVED—

- A. TO REVOKE its resolution made under clause 32 of the MRS as detailed in the *Government Gazette* of 12 June 2015 at pages 2062 and 2063 and as published in the *Government Gazette* of 11 December 2011 concerning Lots 202 and 203, Corner Kwinana Freeway, Beeliar Drive and Wentworth Parade, Success.
- B. TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of Schedule 1 to the WAPC for determination.
- C. TO REQUIRE the local governments specified in clauses 5 to 8 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 8 of Schedule 1 to the WAPC for determination.
- D. TO CONFIRM that words used in the schedule to this resolution have the meanings given to them in the *Planning and Development Act 2005* (Act) and the MRS, unless the context otherwise requires, the meanings defined in Schedule 3. In the case of any inconsistency, the Act prevails;
- E. TO DECLARE that the resolution takes effect when notice of it is published in the *Government Gazette*.

SAM FAGAN, Secretary, Western Australian Planning Commission.



SCHEDULE 1

All Local Governments in the area covered by the MRS

1. Development of state or Regional Significance

Development in respect of which the WAPC, by notice in writing in each case, advises the local government that the development is of state or regional significance or that, in the public interest, the development should be subject of an application determined by the WAPC.

2. Development in the rural zone

Extractive Industry applications and any other uses which in the opinion of the WAPC or the local government may not be consistent with the rural zone.

3. Poultry Farms

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square meters to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS.

4. Development in Activity Centres

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop-retail purposes –

- (a) where the local government or the WAPC considers that the development proposed may be of State or regional significance;
- (b) where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (c) where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the Activity Centre Hierarchy that the activity centre in which it is proposed to be located;
- (d) for Strategic metropolitan centre or Secondary centre developments where the development proposed is major development;
- (e) for District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m² of shop/retail floorspace (net lettable area); or
- (f) where the development proposed is wholly or partly located in zoned land in specialised centres.

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

Referral arrangements for specific local governments

5. Stirling and Glendalough Station Precinct

Unless a structure plan is in place for the areas defined in the WAPC plan No. 4.1495/1, the City of Stirling is to refer for determination to the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land –

- (a) Applications that include non-residential uses and/or development;



- (b) Applications for 5 or more residential dwellings.

6. Kwinana Industrial Area

The City of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

7. North Coogee Industrial Area

The City of Cockburn is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan 4.1622.

8. Parliament House Precinct 6

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within –

- (a) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (b) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

Interpretation

In this notice of resolution, words have the meaning given to them in the Act and the MRS. Unless the context otherwise requires –

"activity centre" is defined in section 9 of State Planning Policy 4.2;

"activity centre hierarchy" means the categories of activity centres set out in Appendix 1 of State Planning Policy 4.2, namely–

- Capital City
- Strategic centres
- Specialised centres
- Secondary centres
- District centres
- Neighbourhood centres; and
- Local centres

"Advice agency" means a department public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

"Category A activity centre uses" means land uses as defined in section 9 of State Planning Policy 4.2;

"Forward to the WAPC" and similar expressions mean convey by email, by hand or electronically to the office of the Department of Planning Lands and Heritage.

"major development" means development as defined in section 9 of State Planning Policy 4.2;

"net lettable area" is defined in section 9 of State Planning Policy 4.2;

"precinct structure plan or equivalent" means a precinct structure plan prepared for an activity centre as required under 7.2 of State Planning Policy 4.2, and includes what were previously referred to as an activity centre plan;



"*Planning approval*" means the planning approval of the WAPC as required under the MRS and this resolution, whether granted by the WAPC or by delegates of the WAPC including committees, or officers.



4.5 Development applications - Western Australian Planning Commission

Western Australian Planning Commission – Development Applications

~~Government Gazette No. 104 – 30 May 2017 (pages 2738 – 2743)~~

PL403

~~PLANNING AND DEVELOPMENT ACT 2005~~

~~Instrument of delegation~~

~~DEL 2017/02 Powers of Local Governments and Department of Transport~~

~~Metropolitan Region Scheme~~

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

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 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 24 May 2017, 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 Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the Limitations set out in clauses 1 to 4 of Section B;~~
- ~~B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the Limitations set out in clause 5 of Section B.~~
- ~~C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2011/02 Powers of local governments (MRS)” published in the *Government Gazette* on 10 June 2014, to give effect to this delegation,~~

~~KERRINE BLENKINSOP, Secretary,~~

~~Western Australian Planning Commission.~~



PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1.—Development on zoned land

~~Applications for development on land zoned under the MRS except—~~

- ~~(a) where the land is subject to a resolution under Clause 32 of the MRS; or~~
- ~~(b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or~~
- ~~(c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or~~
- ~~(d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest; or~~
- ~~(e) in respect of public works undertaken by public authorities.~~

2.—Development on regional road reservations

~~Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.~~

3.—Large Format Digital Signage applications

~~Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.~~

SECTION B—Limitations

1.—Referral requirements for development on land within or abutting a regional road reservation

~~The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.~~

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

~~The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).~~

~~The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—~~

- ~~(a) the permissible vehicular access arrangements to the subject land via the~~



~~regional road frontage~~

- ~~• **Category 1 road** means that frontage access is not allowed (control of access);~~
 - ~~• **Category 2 road** means that frontage access may be allowed subject to approval; and~~
- ~~(b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS~~
- ~~• **Category 3 road** means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.~~

~~**“Category 1 road”** applies where regional roads—~~

- ~~(a) are constructed or planned to a fully controlled and grade separated freeway standard; or~~
- ~~(b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.~~

~~**“Category 2 road”** applies where regional roads—~~

- ~~(a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or~~
- ~~(b) have direct frontage access to abutting properties due to the historic development of the road and properties.~~

~~**“Category 3 road”** applies where regional road reservation is not accurately defined or is under review.~~

~~For enquiries and assistance regarding—~~

- ~~(a) PRR Category 1, 2 and 3 call Main Roads WA on 138 138.~~
- ~~(b) ORR Category 1, 2 and 3 call Department of Planning on (08) 6551 9000.~~

~~Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.~~



Table 1—Referral process of development applications with respect to

Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)

Referral is required in these instances	Referral is not required in these instances
<p>1. Where a development application has one or more of the following characteristics—</p> <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. 	<p>1. Where the local government first decides to refuse the application under the MRS; or</p> <p>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)

Referral is required in these instances	Referral is not required in these instances
<p>1. Where a development application has one or more of the following characteristics—</p> <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or 	<p>1. Where the local government first decides to refuse the application under the MRS; or</p> <p>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>



Respective referral agency (as per Section B)

Referral is required in these instances	Referral is not required in these instances
<p>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</p> <p>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</p> <p>(e) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or <p>(f) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000 	
<p>Referral is required in these instances</p> <p>2. Where a development application has one or more of the following characteristics—</p> <p>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</p> <p>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</p> <p>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</p>	<p>Referral is not required in these instances</p> <p>3. Where the local government first decides to refuse the application under the MRS; or</p> <p>4. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>



Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in

the MRS)	
Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>2. Where a development application has one or more of the following characteristics—</p> <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or 	<p>3. Where the local government first decides to refuse the application under the MRS; or</p> <p>4. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<ul style="list-style-type: none"> (c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$20 000; or (f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • none of the proposed development is within the regional road reservation; and • has a construction value greater than \$150 000 	



Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS

Notes—

- (1) ~~Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC’s website: “Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)”. (<http://www.planning.wa.gov.au/1212.asp>)~~
- (2) ~~In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission’s DC Policy—5.1 Regional Roads (Vehicular Access), the Transport Impact Assessment Guidelines, and MRWA Driveways Policy, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
(<http://www.planning.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>)~~
- (3) ~~Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC’s Transport Impact Assessment Guidelines. <http://www.planning.wa.gov.au/publications/1197.asp>~~
- (4) ~~With regard to proposals for new noise sensitive developments, the local government shall have due regard to the provisions of Commission’s State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning. (<http://www.planning.wa.gov.au/publications/1182.asp>)~~
- (5) ~~With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission’s DC Policy 5.4 Advertising on Reserved Land. (<http://www.planning.wa.gov.au/publications/825.asp>)~~

2.—Referral requirements for development on land abutting the Swan River Trust Development Control Area

~~Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.~~

3.—Referral requirements for development on land abutting other reservations

~~Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.~~

~~In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.~~



~~4.—For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—~~

- ~~(a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.~~
- ~~(b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.~~
- ~~(c) The powers delegated to a member or officer of a local government 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.~~

~~5.—Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation~~

~~Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—~~

- ~~(a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;~~
- ~~(b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;~~
- ~~(c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and~~
- ~~(d) the delegate is not bound to follow any recommendation received.~~

Interpretation

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

- A reference to a ‘position’ or ‘classification’ contemplates and includes a reference to its successor in title.
- “access” means both entry and exit from either a road or abutting development by a vehicle.
- “Commission” or “WAPC” means the “Western Australian Planning Commission”.
- “development” has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or “development means the development or use of any land, including—
 - ~~(a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;~~
 - ~~(b) the carrying out on the land of any excavation or other works;~~
 - ~~(c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—

 - ~~(i) is likely to change the character of that place or the external appearance of any building; or~~
 - ~~(ii) would constitute an irreversible alteration of the fabric of any building”.~~~~
- “DoT” means the Department of Transport



- ~~"Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m².~~
- ~~"local government" means a local government within the area covered by the MRS.~~
- ~~"local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.~~
- ~~"not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.~~
- ~~Main Roads WA means Main Roads Western Australia~~
- ~~"Public authority" means any of the following—~~
 - ~~(a) a Minister of the Crown in right of the State;~~
 - ~~(b) a department of the Public Service, State trading concern, State instrumentality or State public utility;~~
 - ~~(c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;~~
- ~~"regional road" means any road designated under the region Scheme as follows—~~
 - ~~(a) land coloured red in the Scheme Map—Primary Regional Roads; and~~
 - ~~(b) land coloured dark blue in the Scheme Map—Other Regional Roads.~~
- ~~"reserved land" means land reserved under Part II of the MRS.~~
- ~~"road reservation" means land reserved for the purposes of a regional road in the MRS.~~
- ~~"significant increase in traffic" means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission's *Transport Impact Assessment Guideline*.~~



Government Gazette No. 8 – 18 January 2022 (pages 111 – 115)

PL405

PLANNING AND DEVELOPMENT ACT 2005

Instrument of delegation

DEL 2022/03 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

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 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 8 December 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 functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the conditions set out in clauses 1 to 4 of Section B;
- B. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled “DEL 2017/02 Powers of local governments (MRS)” published in the *Government Gazette* on 30 May 2017, to give effect to this delegation,

SAM FAGAN, Secretary, Western Australian Planning Commission.



PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (f) where the land is subject to a resolution under Clause 32 of the MRS; or
- (g) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (h) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area and the Swan River Trust objects to the proposal, or a referral body recommends refusal; or
- (i) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (j) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road.

SECTION B—Conditions

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning, Lands and Heritage, as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning, Lands and Heritage

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
 - **Category 1 road** means that frontage access is not allowed (control of access);
 - **Category 2 road** means that frontage access may be allowed subject to approval; and



- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
 - **Category 3 road** means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“Category 1 road” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“Category 2 road” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“Category 3 road” applies where regional road reservation is not accurately defined or is under review.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.



Table 1—Referral process of development applications with respect to Category 1 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves direct vehicle access to and/or from the regional road reservation. 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

Table 2—Referral process of development applications with respect to Category 2 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> (a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or (b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or (c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or (d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or (e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • all or part of the proposed development is within the regional road reservation; and • has a construction value greater than \$50 000; or (f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> • none of the proposed development is within the 	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.



- regional road reservation; and
- has a construction value greater than \$250 000

Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local governments first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS.

Notes—

- Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC’s website: “Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)”. (<http://www.DPLH.wa.gov.au/1212.asp>).
- In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission’s D C Policy—5.1 *Regional Roads (Vehicular Access)*, the Transport Impact Assessment Guidelines, and MRWA *Driveways Policy*, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads.
<http://www.DPLH.wa.gov.au/publications/812.asp>; and <https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx>
- Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC’s *Transport Impact Assessment Guidelines*.
<http://www.DPLH.wa.gov.au/publications/1197.asp>
- With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission’s *State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. (<http://www.DPLH.wa.gov.au/publications/1182.asp>)

2. Referral requirements for development on land abutting the Swan River Trust Development Control Area

Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.

3. Referral requirements for development on land abutting other reservations

Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.

In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning, Lands and Heritage before being determined by the local government.



4. For the purpose of this Instrument of Delegation

- (a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.
- (b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.
- (c) The powers delegated to a member or officer of a local government 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.

Interpretation

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

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
 - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
 - (b) the carrying out on the land of any excavation or other works;
 - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building".
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "regional road" means any road designated under the region Scheme as follows—
 - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
 - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- "reserved land" means land reserved under Part II of the MRS.
- "road reservation" means land reserved for the purposes of a regional road in the MRS.
- "significant increase in traffic" means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission's *Transport Impact Assessment Guideline*.



Strata Titles Act 1985

4.6 Western Australian Planning Commission - Strata Title Scheme Applications –

Western Australian Planning Commission – Strata Title Scheme Applications

Government Gazette –29 January 2021 (Pages 449-450)

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, within their respective districts, subject to the conditions set out in clause 2 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, Secretary,
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*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the power 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.



Heritage Act 2018

4.7 Section 19 of the Heritage Act 2018 - Department of Planning, Lands and Heritage

Section 19 of the Heritage Act 2018 - Department of Planning, Lands and Heritage

Government Gazette No.138 – 24 September 2019 (Page 3407)

HR401

HERITAGE ACT 2018

INSTRUMENT OF DELEGATION

City of Fremantle

620/2019

Pursuant to section 19 of the Heritage Act 2018 (Act), the Heritage Council (Council) resolved to—

1. Revoke the delegation instrument, which was published on 8 February 2019; and
2. Delegate all powers, duties and functions arising under sections 73 and 74 of the Act to the Strategic Planning Manager (delegate) of the City of Fremantle (City) with respect to proposals concerning any land within the West End, Fremantle (West End), excluding the following types of proposals—
 - (a) 'Large, complex or contentious projects' as defined in the Delegation Framework, which was published on 8 February 2019;
 - (b) Places owned or occupied by, or where the management body is the City;
 - (c) Proposals where the decision maker is not the City; or
 - (d) Proposals that may affect another registered place within the West End, and any land immediately adjacent to the West End.
3. Advice complies with the Council's policy titled "Delegation Framework v.2", published in July 2019

This delegation shall come into operation on the date this instrument is published in the Government Gazette. The Delegation Framework and its supporting documents can be found on the Department of Planning, Lands and Heritage website at dplh.wa.gov.au

Dated the 24th day of September 2019.

VAUGHAN DAVIES, Assistant Director-General,
Heritage and Property Services,
Department of Planning, Lands and Heritage.



PART 6

Delegations from Other Council Meetings



~~6.1 Ordinary Council Meeting 22 August 2018 Item SPT1808-2~~

~~Fremantle Oval Indicative Development Plan~~

Fremantle Oval Indicative Development Plan					
Delegator:	Council				
Date adopted:					
Authorised function:	<p>Authorises the Chief Executive Officer to negotiate a partnership approach with LandCorp, expressed through a Memorandum of Understanding (MoU) document, to further investigate the feasibility of developing the precinct in a manner that addresses the vision, goals, objectives and principles, with additional reference to:</p> <ul style="list-style-type: none"> a. ensuring that any future development will be subjected to planning objectives and controls derived from extending the application of the Local Planning Scheme into the oval precinct, as opposed to a new Redevelopment Scheme being imposed; b. the importance of creating a great public realm within the redevelopment area that is connected, legible, safe and draws its pattern, form and character from the cultural significance of the site and its surrounds. c. the MoU to reference the existing Steering and Reference Groups established by the Council, and the ongoing consultative roles these bodies will serve during the next stage; <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 40%;">Section</td> </tr> <tr> <td>Local Government Act 1995:</td> <td>5.42</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	Local Government Act 1995:	5.42
Legislation	Section				
Local Government Act 1995:	5.42				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	Nil				
Power to sub delegate:	N/A				
Reporting requirements					
<p>Use of this delegation:</p> <ul style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 					



~~6.2 — Special Council Meeting — 31 October 2018 — Item SCM1810-1~~

~~Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library~~

Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library							
Delegator:	Council						
Date adopted:							
Authorised function:	<p>The Chief Executive Office is authorised to agree to any variation to the works under the construction contract entered into under paragraphs 3 or 4 of the Council Decision, provided that the single or cumulative upward adjustment to the contract sum does not exceed 5% of the contract sum.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 5%;"></td> <td style="width: 35%;">Section</td> </tr> <tr> <td><i>Local Government Act 1995:</i></td> <td></td> <td>5.42</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation		Section	<i>Local Government Act 1995:</i>		5.42
Legislation		Section					
<i>Local Government Act 1995:</i>		5.42					
Delegated to:	Chief Executive Officer						
Limitations on delegation:	Nil						
Power to sub delegate:	N/A						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 							



~~6.3 Ordinary Meeting of Council 27 May 2020 Item C2005-22~~

~~Fremantle Leisure Centre Roof Replacement~~

Fremantle Leisure Centre Roof Replacement	
Delegator:	Council
Date adopted:	
Authorised function:	<p>The Chief Executive Officer is authorised to accept a tender up to a value of \$950,000 for the works to replace the Leisure Centre Pool Roof.</p> <p style="text-align: center;">Legislation Local Government Act 1995</p> <p style="text-align: center;">Section Section 5.42</p> <p>For the purpose of effective management of the City of Fremantle.</p>
Delegated to:	Chief Executive Officer
Limitations on delegation:	• subject to suitable tender submissions and Council budget approval
Power to sub delegate:	Yes
Reporting requirements	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements. 	



~~6.4 — Special Council Meeting — 8 June 2021 — Item SC2106-1~~

~~Walyalup Civic Centre — Contractor Engagement and Project Delivery~~

Walyalup Civic Centre — Contractor Engagement and Project Delivery					
Delegator:	Council				
Date adopted:					
Authorised function:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ul style="list-style-type: none"> • formally terminate the Construction Contract with Pindan Pty Ltd at the appropriate time; and • authorise project expenditure to complete the works up to the available value of the retained performance bonds (\$3,673,056.40). <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Legislation</td> <td style="width: 40%;">Section</td> </tr> <tr> <td>Local Government Act 1995:</td> <td>5.42</td> </tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	Local Government Act 1995:	5.42
Legislation	Section				
Local Government Act 1995:	5.42				
Delegated to:	Chief Executive Officer				
Limitations on delegation:	Nil				
Power to sub delegate:	Nil				
Reporting requirements					
Use of this delegation:					
1. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.					



Table of amendments/review

Delegation reference	Reason for change	Decision reference