



Register of Delegations

May 2023

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1 INTRODUCTION

1.1 Delegations

A number of Acts administered by local governments allow the peak decision-making body (the Council) to delegate power to certain committees, its CEO, and in some cases employees or other persons.

Section 59 of the *Interpretation Act 1984* prescribes the overall framework for how delegated authority must be structured in Western Australian law.

In summary:

1. The written law (head of power) must include an express power to delegate, which specifically enables a person (the delegator) to make a delegation;
2. In that same written law, there must be an express power or duty conferred or imposed on the delegator and it must be capable of being delegated. This means that:
 - a. The power or duty proposed for delegation must be written in the same law as the express power to delegate; and
 - b. That written law must not prohibit the power or duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds.
3. The power to delegate cannot be delegated;
4. Delegations must be in writing (the instrument of delegation); and
5. Delegations must be advised to the delegate in writing.

Note that nothing prevents the delegating body or person from taking back a delegation or sub delegation, or actually making the relevant decision on a particular issue. Similarly, a delegator does not have to exercise the delegation and may refer the decision back to the delegator.

Similarly, section 59(2) provides that:

The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

Some Acts of Parliament which confer powers on local governments allow a Council for example to delegate to a committee of the local government, the local governments CEO, other persons or employees and more. The purpose of delegating a power is generally aimed at dealing with matters that are routine, may have a time constraint, can change rapidly, or is simply more efficient.

The delegations of authority contained within are made to Committees pursuant to Section 5.16 and to the Chief Executive Officer pursuant to Section 5.42 of the *Local Government Act 1995* (the Act) and, where listed, some of these functions are delegated by the Chief Executive Officer to City of Cockburn employees pursuant to Section 5.44 of the Act. All delegations made by the Council must be by an absolute majority decision.

Section 5.43 of the Act provides that 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 of the Council.
- Accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph.
- Any of the local government's powers under sections 5.98, 5.98A, 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.
- The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government.
- Any power or duty that requires the approval of the Minister or Governor.
- Such other duties or powers that may be prescribed by the Act.

The Act allows 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 required.

A person to whom a duty or power is delegated under the Act is a 'designated employee' under s5.74(b) of the Act and is required to:

- disclose relevant interests
- complete a Primary Return
- complete Annual Returns

Although these requirements relate only to delegations under the Act, compliance requirements are applied uniformly to employees exercising delegated authority. Any sub delegations by the Chief Executive Officer will be updated in this register as and when required, without presentation to Council, as delegations of power by the Chief Executive Officer to employees are to be determined by the Chief Executive Officer.

1.2 Acting Through

Employees do not always need delegations or sub delegations to carry out their tasks and functions on behalf of the local government. A function may be undertaken through the "acting through" concept where a person has no discretion in carrying out that function – the outcome will not be substantially different regardless of the circumstances or who exercised the power.

Section 5.16(4) of the Act provides that:

(4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

Similarly, s5.45(2) Act provides that:

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 Chief Executive Officer; or b) a Chief Executive Officer 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 a decision-making function in his or her own right. For example, an employee may pay an account or issue an approval if directed to do so by another employee who has the power to make such a decision and chooses to “act through” another employee.

1.3 Authorisations

Authorised persons (and who under some Acts do not necessarily have to be employees of the local government but often are) are given powers to do certain things under an Act, Regulation or local law; usually to issue an infringement, make inquiries, enter on to property, issue a notice or to enforce a provision.

An authorised person, once appointed, is responsible for fulfilling the powers and duties assigned under law to an authorised person, which may be specified or limited in an Act or Regulation, or the certificate of authorisation.

An authorised person cannot delegate their powers and duties to another person.

The City’s Register of Authorised Persons can be located in the City’s website.

1.4 Register of Delegated Authority

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person 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. All officers are required to maintain relevant records when exercising the power or discharge of duty delegated to them.

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.

In addition to delegations made in accordance with the Act, a number of delegations are also made to the Chief Executive Officer, or directly to other officers in some instances, in accordance with the provisions of other legislation.

The aim of the delegated authority register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the City’s commitment to a strong customer service focus.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation. This delegated authority register will be reviewed in accordance with the Act on an annual basis.

2 LOCAL GOVERNMENT ACT 1995

2.1 Council to Committees of Council

2.1.1 Audit Risk and Compliance Committee

POWER DELEGATED:

Authority to meet with the City's Auditor at least once every year on behalf of Council.

Local Government Act 1995

S7.12A(2) Duties of Local Government with respect to audits

DELEGATE:

Audit Risk and Compliance Committee

CONDITIONS:

Nil

POWER TO DELEGATE:

Local Government Act 1995

S5.16 Delegation of some powers and duties to certain committees

S7.1B Delegation of some powers and duties to audit committees

COMPLIANCE LINKS

Audit Risk and Compliance Committee Terms of Reference

SUB-DELEGATE/S:

Nil. Sub-delegation prohibited by s7.1B

DIVISION:	Governance & Strategy
BUSINESS UNIT:	Legal and Compliance
SERVICE UNIT:	Legal and Compliance
DATE FIRST ADOPTED:	11 May 2023
DATE LAST REVIEWED:	
VERSION NO.	1

2.1.2 Code of Conduct Complaints Committee

POWER DELEGATED:

1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)].
2. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].
3. Where a finding is made that a breach has occurred, authority to:
 - a) take no further action [MCC.cl.12(4(a))]; or
 - b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)].
 - c) Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].

Local Government (Model Code of Conduct) Regulations 2021

Clause 12 Dealing with a complaint

Clause 13 Dismissal of complaint

DELEGATE:

Code of Conduct Complaints Committee

CONDITIONS:

Nil

POWER TO DELEGATE:

Local Government Act 1995

S5.16 Delegation of some powers and duties to certain committees

COMPLIANCE LINKS

Elected Member Code of Conduct – Complaints of Alleged Behaviour Breach Policy

SUB-DELEGATE/S:

Nil

DIVISION:	Governance and Strategy
BUSINESS UNIT:	Legal and Compliance
SERVICE UNIT:	Legal and Compliance
DATE FIRST ADOPTED:	11 May 2023
DATE LAST REVIEWED:	
VERSION NO.	1

2.2 Council to CEO

2.2.1 Acquisition and Disposal of Property

POWER DELEGATED:

The authority to acquire and dispose of property up to the value of \$750,000.

Local Government Act 1995

S3.58 Disposing of property

s5.43 (d) Limits of delegations to the CEO

DELEGATE:

Chief Executive Officer

CONDITIONS:

1 Elected Members to be provided with notification in advance of the proposal.

POWER TO DELEGATE:

Local Government Act 1995

s5.42 Delegation of some powers or duties to the CEO

s5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Commercial Leasing & Other Dispositions of City of Cockburn Owned or Controlled Property Policy

SUB-DELEGATE/S:

Appointed by the CEO

Nil.

DIVISION:	Office of the Chief Executive Officer
BUSINESS UNIT:	Office of the Chief Executive Officer
SERVICE UNIT:	Office of the Chief Executive Officer
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

2.2.2 Calling of Tenders, Expressions of Interest or Panel of Pre-Qualified Suppliers

POWER DELEGATED:

1. Authority to invite public tenders (or equivalent), expressions of interests or a panel of pre-qualified suppliers for the provision of goods and services to Council and the disposal of property and undertake the functions in accordance with the *Local Government Act s3.57* and *Local Government Functions and General Regulations 1996 Part 4*.
2. Authority to, because of the unique nature of the goods or services, or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement.

Local Government Act 1995 s3.57 and 3.58
Local Government (Functions and General) Regulations 1996, Part 4

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Copies of all tender (or equivalent), expression of interest or panel of pre-qualified suppliers documents and advertisement to be retained on the relevant System.
- (2) Notification that tenders (or equivalent), expression of interests or a panel of pre-qualified suppliers has been called to be included in Elected Members Portal (Hub).

POWER TO DELEGATE:

Local Government Act 1995
s5.42 Delegation of some powers or duties to the CEO
s5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Procurement Policy

SUB-DELEGATE/S:

Appointed by the CEO

Chief Financial Officer
Chief Operations Officer
Chief of Community Services
Chief of Built and Natural Environment
Executive Governance and Strategy
Executive Corporate Affairs
Executive People Experience and Transformation

DIVISION:	Finance
BUSINESS UNIT:	Finance
SERVICE UNIT:	Procurement
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

2.2.3 Contract Variations (Tender or Equivalent)

POWER DELEGATED:

Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10%, to a maximum of \$1,000,000 (ex GST) [F&G r.21A(a)].

Local Government Act 1995

S3.57 Tenders for providing goods or services

Local Government (Functions and General) Regulations 1996

r. 21A - Varying a contract for the supply of goods or services.

DELEGATE:

Chief Executive Officer

CONDITIONS:

Nil

POWER TO DELEGATE:

Local Government Act 1995

s5.42 Delegation of some powers or duties to the CEO

s5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Procurement Policy

SUB-DELEGATE/S:

Appointed by the CEO

Chief Financial Officer

Chief Operations Officer

Chief of Community Services

Chief of Built and Natural Environment

Executive Governance and Strategy

Executive Corporate Affairs

Executive People Experience and Transformation

DIVISION:	Finance
BUSINESS UNIT:	Finance
SERVICE UNIT:	Procurement
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	12

2.2.4 Particular Things Local Governments Can Do on Land That is Not Local Government Property

POWER DELEGATED:

The authority to go onto private land in the circumstances prescribed in Schedule 3.2 of the *Local Government Act 1995* and carry out works, even if it does not have consent of the owner.

Local Government Act 1995

S3.27 Particular things local governments can do on land that is not local government property

DELEGATE:

Chief Executive Officer

CONDITIONS:

Nil

POWER TO DELEGATE:

Local Government Act 1995

s5.42 Delegation of some powers or duties to the CEO

s5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

SUB-DELEGATE/S:

Appointed by the CEO

Chief Operations Officer

Head of Operations

Manager, Parks, Environment and Streetscapes

DIVISION:	Operations
BUSINESS UNIT:	Operations and Maintenance
SERVICE UNIT:	Environment, Parks and Landscape
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

2.2.5 Defer, Grant Discounts, Waive or Write Off Debts

POWER DELEGATED:

The authority to write-off any amount of money, or to waive or grant a concession in relation to any amount of money owing to the City (other than rates & prescribed service charges).

Local Government Act 1995:

s.6.12 Power to defer, grant discounts, waive or write off debts

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Authority only applies to amounts of money owing to a maximum value of \$5,000 per debtor or transaction.
- (2) Authority does not apply to amounts of money owing for rates or prescribed service charges.
- (3) All reasonable endeavours must be used to recover outstanding debts before any write off is made.
- (4) A summary of transactions utilising this delegation is to be reported to the Audit Risk and Compliance Committee on an annual basis.

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

SUB-DELEGATE/S:

Appointed by the CEO

Chief Financial Officer

DIVISION:	Finance
BUSINESS UNIT:	Finance
SERVICE UNIT:	Revenue Management
DATE FIRST ADOPTED:	9 August 2012
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	7

2.2.6 Objections to the Rate Record and Rateable Status of Land Powers Delegated

POWER DELEGATED:

1. Authority to extend the time for a person to make an objection in relation to the rate record.
2. Authority to consider any objections to the rates record and allow/disallow the objection either wholly or in part.

Local Government Act 1995:
s.6.76 Grounds of objection

DELEGATE:

Chief Executive Officer

CONDITIONS:

1. Objections allowed on the grounds of non-rateability of Land are limited to where general rates to be charged do not, or would not, exceed \$5,000 per annum.
2. Written notice is to be served upon the person by whom the objection was made, of the decision on the objection and a statement of their reason for that decision.

POWER TO DELEGATE:

Local Government Act 1995:
s.5.42 Delegation of some powers or duties to the CEO
s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Nil

SUB-DELEGATE/S:

Appointed by the CEO

Chief Financial Officer
Head of Finance

DIVISION:	Finance
BUSINESS UNIT:	Finance
SERVICE UNIT:	Revenue Management
DATE FIRST ADOPTED:	13 December 2013
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	8

2.2.7 Obstruction of Footpaths and Thoroughfares

POWER DELEGATED:

1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:
 - (a) prevent damage to the footpath; or
 - (b) prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].
2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].
3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].
4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].
5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].

Local Government (Uniform Local Provisions) Regulations 1996

r. 5(2) - Interfering with, or taking from, local government land

r. 6 - Obstruction of public thoroughfare by things placed and left

r. 7A - Obstruction of public thoroughfare by fallen things

r. 7 - Encroaching on public thoroughfare

DELEGATE:

Chief Executive Officer

CONDITIONS:

1. Actions under this Delegation must comply with procedural requirements detailed in the [Local Government \(Uniform Local Provisions\) Regulations 1996](#).
2. Permission may only be granted where, the proponent has:
 - a. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.
 - b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.

- c. Provided evidence of sufficient Public Liability Insurance.
- d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Local Government Act (Uniform Local Provisions) Regulations, 1996

SUB-DELEGATE/S:

Appointed by the CEO

- Chief Operations Officer
- Head of Operations and Maintenance
- Head of Planning
- Manager Transport and Traffic
- Transport and Traffic Coordinator
- Transport Engineer
- Civil Infrastructure Manager

DIVISION:	Operations
BUSINESS UNIT:	Operations and Maintenance
SERVICE UNIT:	Civil Infrastructure
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	12

2.2.8 Payments from Municipal and Trust Funds

POWER DELEGATED:

The authority to make payments from the City's Municipal Fund and Trust Fund.

Local Government Act 1995

s. 6.7 - Municipal fund (incurring expenditure or income to)

s. 6.9(3) and (4) - Trust fund (management and payments from)

Local Government (Financial Management) Regulations 1996:

r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) All electronic bank file payments are to be authorised as follows:
 1. payment files under \$500,000 require one/authorised Delegate,
 2. payments files over \$500,000 require two Authorised Delegates
- (2) Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:
 1. the payee's name;
 2. the amount of the payment;
 3. the date of the payment; and
 4. sufficient information to identify the transaction

This list is to be:

1. presented to the Council at the next Ordinary Meeting of the Council following the preparation of the list; and
2. recorded in the Minutes of the meeting at which it is presented.

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Local Government (Financial Management) Regulations 1996 Regulation 12

SUB-DELEGATE/S:

Appointed by the CEO

Chief Financial Officer
Executive Governance & Strategy
Head of Finance
Financial Controller

DIVISION:	Finance
BUSINESS UNIT:	Finance
SERVICE UNIT:	Financial Accounting
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	12

2.2.9 Procurement Selection and Award

POWER DELEGATED:

The authority to:

- (1) Determine the criteria for evaluating all tenders (or equivalent), expression of interest and a panel of pre-qualified suppliers before inviting tenders (or equivalent), expressions of interest and a panel of pre-qualified suppliers;
- (2) Publicly invited tenders (or equivalent), expression of interest and panel of pre-qualified suppliers;
- (3) Accept or reject all tenders (or equivalent), expression of interest and a panel of pre-qualified suppliers where the consideration under the contract is, or is expected to be less than \$1,000,000 (GST exclusive); and
- (4) Determine minor variations (in accordance with the Procurement Management Practice) before entering into a contract with the successful tenderer.

Local Government Act 1995

s. 3.57 - Tenders for providing goods or services

Local Government (Functions and General) Regulations 1996

r. 18 - Rejecting and accepting tenders.

DELEGATE

Chief Executive Officer

CONDITIONS

- (1) The Tender (or equivalent) relating to the provision of goods and services to Council being within Budget;
- (2) Record of public tenders (or equivalent) received to be maintained in the Tender Register;
- (3) Details of all public advertised tenders (or equivalent) and all tenders (or equivalent) accepted pursuant to this Authority will be notified via "Council Information" publication;
- (4) Any Tender (or equivalent) accepted for a value of \$500,000 or greater (GST exclusive) requires the authorisation of two Delegates;
- (5) Any requirements of the Local Government Act, 1995 (Functions and General) Regulations, 1996, must be complied with.

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Procurement Policy

SUB-DELEGATE/S:

Appointed by the CEO

Chief Financial Officer

Chief Operations Officer

Executive Governance and Strategy

Chief of Built and Natural Environment

Chief of Community Services

Executive Corporate Affairs

Executive People Experience and Transformation

DIVISION:	Finance
BUSINESS UNIT:	Procurement
SERVICE UNIT:	Procurement
DATE FIRST ADOPTED:	24 August 2009
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	10

2.2.10 Preparation of Business Plans for Disposal of Land Power Delegated

POWER DELEGATED:

The Authority to prepare a Business Plan and proceed with public notification of the Plan.

Local Government Act 1995

s3.59. Commercial enterprises by local governments

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Elected Members to be informed in writing of any circumstances where delegation used.
- (2) Council to make final determination of transaction following closure of public submission period, as required by Sec 3.59(5) of the Local Government Act, 1995.

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Nil

SUB-DELEGATE/S:

Appointed by the CEO

Chief Operations Officer
Head of Property and Assets
Manager, Property Services
Property & Lands Officer

DIVISION:	Operations
BUSINESS UNIT:	Property and Assets
SERVICE UNIT:	Property and Assets
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	13

2.2.11 Recovery of Rates and Service Charges – Leased Properties

POWER DELEGATED:

1. Authority to 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 City [s.6.60(2)].
2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].

Local Government Act 1995:

s.6.60 Local Government may require lessee to pay rent

DELEGATE:

Chief Executive Officer

CONDITIONS:

Nil

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Local Government Act 1995 Section 6.60

SUB-DELEGATE/S:

Appointed by the CEO

Chief Financial Officer

Head of Finance

DIVISION:	Finance
BUSINESS UNIT:	Finance
SERVICE UNIT:	Financial Accounting
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	12

2.2.12 Notices Requiring Certain Things to be Done by Owner or Occupier of Land

POWER DELEGATED:

- (1) Give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that —
 - (a) is prescribed in Schedule 3.1, Division 1; or
 - (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 [Act, s. 3.25(1)]
- (2) Do anything the local government considers necessary to achieve, so far as is practicable, the requirements of a notice issued pursuant to s. 3.25 of the Act where the person who is given the notice fails to comply with it [Act, s. 3.26(1)].
- (3) Recover the cost of anything done by the local government pursuant to s. 3.26(2) as a debt due from the person who failed to comply with the notice [Act, s. 3.26(3)].

Local Government Act 1995

s. 3.25 - Notices requiring certain things to be done by owner or occupier of land

s. 3.26 - Additional powers when notices given.

DELEGATE:

Chief Executive Officer

CONDITIONS:

Clauses 4(2) and 5(3) of Schedule 3.1 prescribe that a notice cannot be given to an occupier who is not an owner.

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Local Government Act 1995

Schedule 3.1

SUB-DELEGATE/S:

Appointed by the CEO

DIVISION:	Office of the CEO
BUSINESS UNIT:	Office of the CEO
SERVICE UNIT:	Office of the CEO
DATE FIRST ADOPTED:	11 May 2023
DATE LAST REVIEWED:	
VERSION NO.	1

2.2.13 Crossing, Construction, Repair and Removal

POWER DELEGATED:

- (1) Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].
- (2) Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].
- (3) Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].
- (4) Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].

Local Government (Uniform Local Provisions) Regulations 1996:

r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2)

r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)

DELEGATE:

Chief Executive Officer

CONDITIONS:

1. Actions under this Delegation must comply with procedural requirements detailed in the [Local Government \(Uniform Local Provisions\) Regulations 1996](#)

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Local Government (Uniform Local Provisions) Regulations 1996
Policy 'Crossovers'

SUB-DELEGATE/S:

Appointed by the CEO

Chief Operations Officer
Head of Operations and Maintenance
Civil Infrastructure Manager

DIVISION:	Operations
BUSINESS UNIT:	Operations and Maintenance
SERVICE UNIT:	Civil Infrastructure
DATE FIRST ADOPTED:	10 December 2020
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	2

2.2.14 Sand Drift

POWER DELEGATED:

Authority to give notice to a land owner/occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].

Local Government (Uniform Local Provisions) Regulations 1996:
r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12

DELEGATE:

Chief Executive Officer

CONDITIONS:

Nil

POWER TO DLEGATE:

Local Government Act 1995:
s.5.42 Delegation of some powers or duties to the CEO
s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Nil

SUB-DELEGATE/S:

Appointed by the CEO

Chief Operations Officer
Head of Operations and Maintenance
Civil Infrastructure Manager
Senior Development Engineer

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development Assessment and Compliance
SERVICE UNIT:	Public Health Services
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	12

2.2.15 Temporary Road Closures

POWER DELEGATED:

1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].
2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to:
 - give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and
 - consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].
3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].
4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]
5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].

Local Government Act 1995:

s.3.50 Closing certain thoroughfares to vehicles

s.3.50A Partial closure of thoroughfare for repairs or maintenance

s.3.51 Affected owners to be notified of certain proposals

DELEGATE:

Chief Executive Officer

CONDITIONS:

Nil

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Temporary Road Closures Policy

SUB-DELEGATE/S:

Appointed by the CEO

Chief Operations Officer
Head of Operations and Maintenance
Head of Planning
Manager, Transport and Traffic
Transport and Traffic Coordinator
Head of Community Safety and Ranger Services (for emergencies)
Fire and Emergency Management Manager (for emergencies)

DIVISION:	Operations
BUSINESS UNIT:	Operations and Maintenance
SERVICE UNIT:	Civil Infrastructure
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	12

2.2.16 Legal Proceedings

POWER DELEGATED:

Initiate a legal proceeding, enforcement function, or legal interest under the *Local Government Act 1995* or any of its Regulations or a local law made by the City of Cockburn pursuant to the Act.

Legal proceeding may include-

- (a) The making or receiving of a legal proceeding;
- (b) The service of a notice, writ or subpoena;
- (c) The withdrawal of a legal proceeding or a notice; and
- (d) Any instruction to a solicitor or legal service provider in association with one or more of the above.

Local Government Act 1995

Section 9.24 - Prosecutions, commencing

Criminal Procedure Act 2004

20(1)(b)(i) - Who can commence prosecution - public authority, where public authority means—

- (a) a Minister of the State; or
- (b) a department of the Public Service; or
- (c) a local government or a regional local government; or
- (d) a body, whether incorporated or not, or the holder of an office, being a body or office that is established for a public purpose under a written law and that, under the authority of a written law, performs a statutory function on behalf of the State;

DELEGATE:

Chief Executive Officer

CONDITIONS:

Nil

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42 Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

Council Policy 'Obtaining Legal or Other Expert Advice & Legal Proceedings Between City of Cockburn & Other Parties'

SUB-DELEGATE/S:

Appointed by the CEO

DIVISION:	Governance and Strategy
BUSINESS UNIT:	Legal and Compliance
SERVICE UNIT:	Legal and Compliance
DATE FIRST ADOPTED:	11 May 2023
DATE LAST REVIEWED:	
VERSION NO.	1

3 BUSH FIRES ACT 1954

3.1 COUNCIL

3.1.1 Fire Breaks

POWER DELEGATED:

- (1) Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the City:
 - (a) clearing of firebreaks as determined necessary and specified in the notice; and
 - (b) act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and
 - (c) as a separate or coordinated action with any other person carry out similar actions [s.33(1)].
- (2) Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].
- (3) Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].

Bush Fires Act 1954:

s.33 Local government may require occupier of land to plough or clear fire-breaks

DELEGATE:

Chief Bush Fire Control Officer
Deputy Chief Bush Fire Control Officer

CONDITIONS:

- (1) The owner or occupier of land within the district must provide a duly completed "Request-Removal/Abatement of Fire Danger" form accompanied by the prescribed payment assessed by the Volunteer Bush Fire Brigade concerned and duly signed by the Captain of the Brigade.

POWER TO DELEGATE:

Bush Fires Act 1954:

s.48 Delegation by local government

COMPLIANCE LINKS:

Nil.

DIRECTORATE:	Office of the CEO
BUSINESS UNIT:	Office of the CEO
SERVICE UNIT:	Office of the CEO
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

3.1.2 Prohibited and Restricted Burning Period

POWER DELEGATED:

To vary prohibited and restricted burning times, in accordance with s17(7) and (8) and s18(5), regarding:

- shortening, extending, suspending or reimposing a period of prohibited or restricted burning times; or
- imposing a further period of prohibited or restricted burning times.

DELEGATE:

Mayor
Chief Bush Fire Control Officer
(jointly)

CONDITIONS:

- (1) The Mayor and Chief Bush Fire Control Officer shall jointly sign a memorandum prepared by the Chief Bush Fire Control Officer giving effect to the extension of the Prohibited Burning Period and such memorandum shall not extend the Prohibited Burning Period for a period greater than fourteen(14) days at any one time. A notice giving effect to the extension of the Prohibited Burning Period shall be published in a newspaper circulating in the district and a copy of the notice shall be distributed to:

Mayor	Chief Executive Officer
Chief Bush Fire Control Officer	Deputy Chief Bush Fire Control Officer
Rangers	Jandakot Volunteer Bush Fire Brigade
South Coogee Volunteer Bush Fire Brigade	City of Fremantle
City of Armadale	Department of Fire & Emergency Services of WA
City of Canning	Department of Biodiversity, Conservation & Attractions
City of Melville	Shire of Serpentine-Jarrahdale
City of Kwinana	Rottnest Island Authority

- (2) In the absence of the Mayor the Deputy Mayor becomes the Delegate in relation to signing of declarations as prescribed by the Bush Fires Act 1954, and in the absence of the Chief Bush Fire Control Officer the Deputy Chief Bush Fire Control Officer (Rangers and Community Safety Services Manager) becomes the Delegate.

POWER TO DELEGATE:

Bush Fires Act 1954:

s.48 Delegation by local government

s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))

COMPLIANCE LINKS:

Pursuant to the provisions of Section 17(10) of the Bush Fires Act 1954, the powers and duties of Section 17(7) and (8) of the aforesaid Act

DIRECTORATE:	Community Services
BUSINESS UNIT:	Community Safety and Ranger Services
SERVICE UNIT:	Fire and Emergency Management
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

3.1.3 Prosecution of Offences

POWER DELEGATED:

- (1) Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].
- (2) Authority to serve an infringement notice for an offence against this Act [s.59A(2)].

Bush Fires Act 1954:

s.59 Prosecution of offences

s.59A(2) Alternative procedure – infringement notices

DELEGATE:

Executive Governance and Strategy (institute legal proceedings only)

Chief Bush Fire Control Officer

Head of Ranger and Community Safety – (institute legal proceedings only)

Fire & Emergency Management Officer

Senior Ranger

Ranger

CoSafe Team Leader

CONDITIONS:

Nil

POWER TO DELEGATE:

Bush Fires Act 1954:

s.48 Delegation by local government

COMPLIANCE LINKS:

Nil.

DIRECTORATE:	Community Services
BUSINESS UNIT:	Community Safety and Ranger Services
SERVICE UNIT:	Fire and Emergency Management
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

3.1.4 Delegation of Powers and Duties

POWER DELEGATED:

All powers, duties and functions of the local government under the Bush Fires Act 1954.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Includes the authority to appoint officers to Fire Control Officers for the City of Cockburn and to the Volunteer Bush Fire Brigades established within the City of Cockburn in accordance with S41 and 43 of the Bush Fires Act 1954;
- (2) Power to withdraw infringement notices according to s59A(3) of the Bush Fires Act 1954, and Bush fires Infringements Regulation 4 (a)

Excludes powers and duties that:

- are prescribed in the Act with the requirement for a resolution by the local government;
- are prescribed in the Act for performance by prescribed offices; or,
- are subject to separate delegated authority within this register.

POWER TO DELEGATE:

Bush Fires Act 1954:
s.48 Delegation by local government

COMPLIANCE LINKS:

Nil.

DIRECTORATE:	Community Services
BUSINESS UNIT:	Community Safety and Ranger Services
SERVICE UNIT:	Fire and Emergency Services Management
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	12

4 CAT ACT 2011

4.1 Council

4.1.1 Delegation of Powers and Duties

POWER DELEGATED:

Exercise of any of its powers or the discharge of any of its duties under the Cat Act 2011.

Cat Act 2011:

- s.9 Registration
- s.10 Cancellation of registration
- s.11 Registration numbers, certificates and tags

Cat Regulations 2012

- Schedule 3, cl.1(4) Fees Payable
- s.26 Cat control notice may be given to cat owner
- s.37 Approval to Breed Cats
- s.38 Cancellation of approval to breed cats
- s.39 Certificate to be given to approved cat breeder
- s.49(3) Authorised person may cause cat to be destroyed
- Schedule 3 Fees clause 1(4)

Cat (Uniform Local Provisions) Regulations 2013:

- r.8 Application to keep additional number of cats
- r.9 Grant of approval to keep additional number of cats

DELEGATE:

Chief Executive Officer

CONDITIONS:

1. A power or duty under sections 63, 64, or 65 of the Cat Act 2011 cannot be performed by an authorised person;
 - a) Content of Infringement Notice
 - b) Extension of Time
 - c) Withdrawal of Notice
2. Appointment of authorised persons function is not sub-delegated

POWER TO DELEGATE:

Cat Act 2011

- s. 44 - Delegation by local government.

COMPLIANCE LINKS:

Nil.

SUB-DELEGATE/S:

Appointed by the CEO

Head of Community Safety and Ranger Services
Service Support Lead
Workforce Scheduler
Ranger Services Manager

DIRECTORATE:	Community Services
BUSINESS UNIT:	Community Safety and Ranger Services
SERVICE UNIT:	Ranger Services
DATE FIRST ADOPTED:	12 September 2013
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	9

5 DOG ACT 1976

5.1 Council To CEO

5.1.1 Administration and Enforcement

POWER DELEGATED:

1. Exercise of any powers or the discharge of any of its duties under the Dog Act 1976.
2. Appointment of authorised persons.

Dog Act 1976:

s.3 Terms Used (*Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act*)

s.10 A Payments to veterinary surgeons towards costs of sterilisation

s.15(2) and (4A) Registration periods and fees

s.16(3) Registration procedure

s.17A(2) If no application for registration made

s.17(4) and (6) Refusal or cancellation of registration

s.27 Licensing of approved kennel establishments

s.29(5) Power to seize dogs

s.29(11) Power to seize dogs

s.33E(1) Individual dog may be declared to be dangerous dog (declared)

s.33F(6) Owners to be notified of making of declaration

s.33G(4) Seizure and destruction

s.33H(1) and (2) Local government may revoke declaration or proposal to destroy

s.33H(5) Local government may revoke declaration or proposal to destroy

s.33M(1)(a) Local Government expenses to be recoverable

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) A power or duty under sections 33F(6) and 33G(4) of the Dog Act 1976 is not delegated.
- (2) The following powers and duties are sub-delegated:
 - Establish and maintain dog management facilities (Section 11(1));
 - Keep a register of dogs (Section 14(1));
 - Discount or waive a dog registration fee (Section 15(4A));
 - Grant exemption regarding the number of dogs that may be kept (Section 26(3));
 - Approve kennel establishments (Section 27);
 - Appoint persons to seize dogs (Section 29(1)); and
 - Declare a dog to be a dangerous dog (Section 33E).

POWER TO DELEGATE:

Dog Act 1976:

s.10AA Delegation of local government powers and duties

COMPLIANCE LINKS:

Nil.

SUB/DELEGATE/S:

Appointed by the CEO

Head of Community Safety and Ranger Services

Ranger Services Manager

Ranger Team Leader (Section 15 (4A and 33E only)

Manager Public Health and Building Services (To approve kennel establishments (Section 27) only)

DIRECTORATE:	Community Services
BUSINESS UNIT:	Community Safety and Ranger Services
SERVICE UNIT:	Ranger Services
DATE FIRST ADOPTED:	12 June 2014
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	8

6 GRAFFITI VANDALISM ACT 2016

6.1 COUNCIL TO CEO

6.1.1 Administration and Enforcement

POWER DELEGATED:

1. Exercise of any powers or the discharge of any of its duties under the Graffiti Vandalism Act 2016.
2. Appointment of authorised persons.

Graffiti Vandalism Act 2016:

s.18(2) Notice requiring removal of graffiti

s.19(3) & (4) Additional powers when notice is given

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) A power under Section 17 to delegate the exercise of this power or the discharge of this duty is sub-delegated to those positions listed within this authority.

POWER TO DELEGATE:

Graffiti Vandalism Act 2016:

s.16 Delegation by local government

COMPLIANCE LINKS:

SUB DELEGATE/S:

Appointed by the CEO

Head of Community Safety and Ranger Services
CoSafe Operations Manager

DIRECTORATE:	Community Services
BUSINESS UNIT:	Community Safety and Ranger Services
SERVICE UNIT:	CoSafe
DATE FIRST ADOPTED:	8 December 2016
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	6

7 BUILDING ACT 2011

7.1 COUNCIL TO CEO

7.1.1 Appoint Authorised Persons

POWER DELEGATED:

To designate an employee as an authorised person under Part 8, Division 2 of the *Building Act 2011*.

Building Act 2011:

s.96(3) authorised persons

s.99(3) Limitation on powers of authorised person

DELEGATE:

Chief Executive Officer

CONDITIONS:

1. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
2. An *authorised person* for the purposes of sections 96(3) and 99(3) is not an *approved officer* or *authorised officer* for the purposes of Building Reg. 70

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

Building Act 2011, s96(3) and s127(6)(A)

SUB-DELEGATE/S:

Appointed by the CEO

Head of Development and Compliance
Manager, Public Health and Building Services
Manager, Building
Manager, Development Services
Coordinator Development Compliance

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	14 February 2013
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	9

7.1.2 Approve or Refuse Building Permit

POWER DELEGATED:

The authority to approve or refuse to approve building plans, specifications, Building Permit and Certificate of Design Compliance as prescribed by s20 of the *Building Act 2011*.

The authority to approve or refuse to approve building(s) or Incidental Structures as prescribed by s20 of the *Building Act 2011*.

Building Act 2011:

- s.18 Further Information
- s.20 Grant of building permit
- s.22 Further grounds for not granting an application
- s.27(1) and (3) Impose Conditions on Permit

Building Regulations 2012:

- r.23 Application to extend time during which permit has effect (s.32)
- r.24 Extension of time during which permit has effect (s.32(3))
- r.26 Approval of new responsible person (s.35(c))

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) All relevant legislation, including Council's Town Planning Scheme No.3.
- (2) All delegates have the authority to deal with such matters relevant to this declaration and restricted to the City's expectations of their skills and qualifications in order to be able to perform the required duties.

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

Building Act 2011. s127(6)A

SUB-DELEGATE/S:

Appointed by the CEO

Manager, Public Health and Building Services

Manager, Building

Senior Building Surveyors

Building Surveyors (subject to required qualifications and registration with the Western Australian Building Commission as defined in the Building Services (Registration) Act 2011.)

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Development and Compliance
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

7.1.3 Approve or Refuse a Demolition Permit

POWER DELEGATED:

The authority to approve or refuse to approve Demolition Permits as prescribed by s21 of the *Building Act 2011*.

Building Act 2011:

- s.18 Further Information
- s.21 Grant of demolition permit
- s.22 Further grounds for not granting an application
- s.27(1) and (3) Impose Conditions on Permit

Building Regulations 2012

- r.23 Application to extend time during which permit has effect (s.32)
- r.24 Extension of time during which permit has effect (s.32(3))
- r.26 Approval of new responsible person (s.35(c))

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Applications to be completed to the satisfaction of responsible staff within Council's Building Department.
- (2) Responsible staff to become acquainted with all relevant legislation and Council's Town Planning Scheme No.3.

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

Building Act 2011, s127(6)A.

SUB-DELEGATES:

Appointed by the CEO

Manager, Public Health and Building Services

Manager, Building Services

Senior Building Surveyors (subject to required qualifications and registration with the West Australian Building Commission as defined in the *Building Services (Registration) Act 2011.*)

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

7.1.4 Approve or Refuse an Extension of Time for Building and Demolition Permits

POWER DELEGATED:

The authority to extend the duration of a Building Permit and a Demolition Permit as prescribed by s32 of the *Building Act 2011* and r24(1) of the *Building Regulations 2012*.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) All relevant legislation, including Council's Town Planning Scheme No.3.
- (2) All delegates have the authority to extend the duration of both Building and Demolition Permits for up to a maximum of 24 months beyond the standard 2 years.
- (3) Delegates can further impose conditions in relation to an extension of time.

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

Building Act 2011, s127(6)A.

SUB-DELEGATE/S:

Appointed by the CEO

Manager, Public Health and Building Services

Manager, Building

Senior Building Surveyors (Subject to required qualifications and registration with the Western Australian Building Commission as defined in the Building Services (Registration) Act 2011)

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	12

7.1.5 Issue an Occupancy Permit or Building Approval Certificate

POWER DELEGATED:

The authority to issue or modify or refuse to issue or modify an occupancy permit or a building approval certificate as prescribed by s58 of the Building Act 2011.

Building Act 2011:

s.55 Further information

s.58 Grant of occupancy permit, building approval certificate

s.62(1) and (3) Conditions imposed by permit authority

s.65(4) Extension of period of duration

Building Regulations 2012

r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) that the applicant has complied with section 54 and that the building surveyor who signed the certificate of construction compliance or certificate of Building Compliance is an independent building surveyor in relation to the application

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

Building Act 2011, s127(6)A.

SUB-DELEGATE/S:

Appointed by the CEO

Manager, Public Health and Building Services

Manager, Building

Senior Building Surveyors

Building Surveyors (subject to required qualifications and registration with the Western Australian Building Commission as defined in the Building Services (Registration) Act 2011).

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

7.1.6 Make an Order for Building or Demolition Work

POWER DELEGATED:

The authority to issue a building order in respect of particular building work or particular demolition work as prescribed by s110 of the *Building Act 2011*.

Building Act 2011:

s.110(1) A permit authority may make a building order

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) A building order must be directed to a Builder, if a building permit is in effect, or a Demolition Contractor if a demolition permit is in effect or to an owner of the land to which the particular building or demolition work is being carried out.
- (2) A time limit to comply with the building order must be included in accordance with s112 of the *Building Act 2011*.

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

Building Act 2011, s127(6)A.

SUB-DELEGATE/S:

Appointed by the CEO

Head of Development and Compliance
Coordinator Development Compliance Services
Development Compliance Officers
Manager, Public Health and Development Services
Manager, Building
Senior Building Surveyors
Building Surveyors

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Development Compliance
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

7.1.7 Revoke Order for Building or Demolition Work

POWER DELEGATED:

The authority to revoke a building order in respect of particular building work or particular demolition work as prescribed by s117 of the *Building Act 2011*.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) A building order may be revoked at any time and must be served, in writing, to each person to whom the order is directed.
- (2) A permit authority must, within 28 days of receiving a notification under section 112(3)(c) —
 1. decide whether the building order has been fully complied with; and
 2. either revoke the building order or inform each person to whom the order is directed that the building order remains in effect.

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

Building Act 2011, s127(6)A and any relevant Council Policy

SUB-DELEGATE/S:

Appointed by the CEO

Head of Development and Compliance
Coordinator Development Compliance
Development Compliance Officers
Manager, Public Health and Building Services
Manager, Building
Senior Building Surveyors

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Development Compliance
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

7.1.8 Approve or Refuse an Extension of Time for an Occupancy Permit and Building Approval Certificate

POWER DELEGATED:

The authority to extend the duration of an Occupancy Permit and a Building Approval Certificate as prescribed by s65 of the *Building Act 2011*.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) All relevant legislation, including Council's Town Planning Scheme No.3.
- (2) All delegates have the authority to extend the duration of an Occupancy Permit by up to 12 months
- (3) All delegates have the authority to extend a Building Approval Certificate for up to a maximum of 12 months beyond the expiration date of the original Building Approval Certificate.
- (4) Delegates can further impose conditions in relation to an extension of time.

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

Building Act 2011 s127(6)A, and any relevant Council Policy

SUB-DELEGATE/S:

Appointed by the CEO

Head of Development and Compliance
Manager, Public Health and Building Services
Manager, Building
Senior Building Surveyors
Building Surveyors (subject to required qualifications and registration with the Western Australian Building Commission as defined in the *Building Services (Regulations) Act 2011*).

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

7.1.9 Legal Proceedings

POWER DELEGATED:

To initiate a prosecution pursuant to s133(1) for non-compliance of the *Building Act 2011*.

Building Act 2011:

s.133(1) A permit authority may commence a prosecution for an offence against this Act

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) The City may commence a prosecution for any offences against the *Building Act 2011* where deemed necessary.

POWER TO DELEGATE:

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

COMPLIANCE LINKS:

To initiate a prosecution pursuant to s133 of the *Building Act 2011* for an offence against this Act.

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Built and Natural Environment
Head of Development and Compliance
Manager, Building
Coordinator Development Compliance

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Development and Compliance
DATE FIRST ADOPTED:	14 February 2013
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	9

8 FOOD ACT 2008

8.1 COUNCIL TO CEO

8.1.1 Food Act 2008 – Prosecution

POWER DELEGATED:

Authority to institute proceedings for an offence under the *Food Act 2008* [s125].

Food Act 2008:

s.125 Institution of proceedings

DELEGATE:

Chief Executive Officer
Chief of Built and Natural Environment
Head of Development and Compliance
Manager, Public Health and Building Services
Coordinator Environment Health

CONDITIONS:

- (1) Delegates shall only act in accordance with the delegated statute, inclusive of all relevant statutory limitations and powers.

POWER TO DELEGATE:

Food Act 2008:

s.118 Functions of enforcement agencies and delegation

- (2)(b) Enforcement agency may delegate a function conferred on it
- (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]
- (4) Sub-delegation permissible only if expressly provided in regulations

COMPLIANCE LINKS:

- *Food Act 2008*, s125 Institution of proceedings
- Statutory Power of Delegation, *Food Act 2008*, s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it
- s118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]
- s118(4) Sub-delegation only permissible if expressly provided in regulations

SUB-DELEGATE/S:

Nil (The Food Regulations 2009 does not provide for sub-delegations).

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	12 December 2013
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	8

8.1.2 Prohibition Orders

POWER DELEGATED:

- (1) Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the *Food Act 2008* [s65].
- (2) Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices [s66].
- (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 [s67(4)].

Food Act 2008:

s.65(1) Prohibition orders

s.66 Certificate of clearance to be given in certain circumstances

s.67(4) Request for re-inspection

DELEGATE:

Chief Executive Officer
Chief of Built and Natural Environment
Head of Development and Compliance
Manager, Public Health and Building Services
Environmental Health Coordinator

CONDITIONS:

1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time

POWER TO DELEGATE:

Food Act 2008:

s.118 Functions of enforcement agencies and delegation

(2)(b) Enforcement agency may delegate a function conferred on it

(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]

(4) Sub-delegation permissible only if expressly provided in regulations

COMPLIANCE LINKS:

- *Food Act 2008* s65(1) Prohibition Order, s66 Certificate of Clearance, and s67(4) Request for Re-Inspection
- Statutory Power of Delegation *Food Act 2008*, s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it
- s118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]
- s118(4) Sub-delegation only permissible if expressly provided in regulations

SUB-DELEGATE/S:

Nil (The Food Regulations 2009 does not provide for sub-delegations).

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	12 December 2013
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	8

8.1.3 Registration of Food Business

POWER DELEGATED:

- (1) Register a food business in respect of any premises for the purposes of Part 9 of the *Food Act 2008* and issue a certificate of registration [s110(1)].
- (2) After considering an application, determine to grant (with or without conditions) or refuse the application [s110(5)].
- (3) Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the *Food Act 2008* [s112(1)].

Food Act 2008:

s.110(1) and (5) Registration of food business

s.112 Variation of conditions or cancellation of registration of food businesses

DELEGATE:

Chief Executive Officer
Chief of Built and Natural Environment
Head of Development and Compliance
Manager, Public Health and Building Services
Environmental Health Coordinator

CONDITIONS:

In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:

- *Food Act 2008* Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA
- Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1
- WA Priority Classification System
- Verification of Food Safety Program Guideline

POWER TO DELEGATE:

Food Act 2008:

s.118 Functions of enforcement agencies and delegation

(2)(b) Enforcement agency may delegate a function conferred on it

(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]

(4) Sub-delegation permissible only if expressly provided in regulations

COMPLIANCE LINKS:

- *Food Act 2008*, s110(1) and (5) Registration of food business, and
- s112 Variation of conditions or cancellation of registration of food businesses.
- Statutory Power of Delegation *Food Act 2008*, s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it

- s118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]
- s118(4)Sub-delegation only permissible if expressly provided in regulations

SUB-DELEGATE/S:

Nil (The Food Regulations 2009 does not provide for sub-delegations).

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	12 December 2013
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	8

8.1.4 Appointment of Authorised Persons and Designated Officers

POWER DELEGATED:

1. Authority to appoint a person to be an authorised person for the purposes of the *Food Act 2008* [s122(1)].
2. Authority to appoint an authorised person to be a Designated Officer for the purposes of the *Food Act 2008*. [126(13)].
3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].

Food Act 2008:

s.122(1) Appointment of authorised officers
s.126(6), (7) and (13) Infringement Officers

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Delegates shall only act in accord with the delegated statute, inclusive of all relevant statutory limitations and powers.

POWER TO DELEGATE:

Food Act 2008:

s.118 Functions of enforcement agencies and delegation
(2)(b) Enforcement agency may delegate a function conferred on it
(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]
(4) Sub-delegation permissible only if expressly provided in regulations

COMPLIANCE LINKS:

Food Act 2008, s122 Appointment of Authorised Officers, and s126 Infringement Notices

Statutory Power of Delegation *Food Act 2008*, s118(2)(b) Local government (enforcement agency) may delegate a function conferred on it
s118 (3) Delegation subject to conditions [s119] and guidelines adopted [s120]
s118(4) Sub-delegation only permissible if expressly provided in regulations

SUB-DELEGATE/S:

Nil (The Food Regulations 2009 does not provide for sub-delegations).

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	12 December 2013
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	8

9 PUBLIC HEALTH ACT 2016

9.1 COUNCIL TO CEO

9.1.1 Appointment of Authorised Officers

POWER DELEGATED:

1. Authority to designate a person or class of persons as authorised officers for the purposes of:
 - i. The *Public Health Act 2016* or other specified Act
 - ii. Specified provisions of the *Public Health Act 2016* or other specified Act
 - iii. Provisions of the *Public Health Act 2016* or another specified Act, other than the specified provisions of that Act.

Including:

- a. an environmental health officer or environmental health officers as a class; OR
- b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR
- c. a mixture of the two. [s.24(1) and (3)].

Public Health Act 2016

s.24(1) and (3) Designation of authorised officers

DELEGATE:

Chief Executive Officer

CONDITIONS:

Nil

POWER TO DELEGATE:

Public Health Act 2016:

s.21 Enforcement agency may delegate

COMPLIANCE LINKS:

Public Health Act 2016 ('the Public Health Act')

SUB DELEGATE/S:

Nil

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	8 December 2016
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	6

10 LOCAL PLANNING SCHEME

10.1 COUNCIL TO CEO

10.1.1 Structure Plans and Activity Centre Plans

POWER DELEGATED:

(1) Structure Plans

1. In accordance with Clause 17(1) of the Deemed Provisions, the authority to determine whether:
 - a. A Proposed Structure Plan complies with Clause 16(1) of the Deemed Provisions; or
 - b. Further information from the applicant is required before a Proposed Structure Plan can be accepted for assessment and advertising.
2. In accordance with Clause 17(1)(b) of the Deemed Provisions, the authority to estimate and provide to the applicant the fee for dealing with a Proposed Structure Plan in accordance with the Planning and Development Regulations 2009.
3. In accordance with Clause 18 of the Deemed Provisions, the authority to advertise the Proposed Structure Plan;
4. In accordance with Clause 19(1) of the Deemed Provisions the authority:
 - a. To request further information from a person who prepared a Proposed Structure Plan and;
 - b. To advertise any modifications proposed to a Proposed Structure Plan to address issues raised in submissions.
5. In accordance with Clause 29(3) of the Deemed Provisions, the authority to decide not to advertise an amendment to a Structure Plan if, in the opinion of the officer, the amendment is of a minor nature.
6. In accordance with Clause 20(1) of the Deemed Provisions, the authority to prepare a report on an amendment to a Structure Plan, where the amendment is considered to be minor in nature, and to submit this directly to the Commission.

(2) Activity Centre Plans

1. In accordance with Clause 33(1) of the Deemed Provisions, the authority to determine whether:
 - a. A Proposed Activity Centre Plan complies with Clause 32(1) of the Deemed Provisions; or
 - b. Further information from the applicant is required before a Proposed Activity Centre Plan can be accepted for assessment and advertising.

2. In accordance with Clause 33(1)(b) of the Deemed Provisions, the authority to estimate and provide to the applicant the fee for dealing with a Proposed Activity Centre Plan in accordance with the Planning and Development Regulations 2009.
3. In accordance with Clause 34 of the Deemed Provisions, the authority to advertise the Proposed Activity Centre Plan;
4. In accordance with Clause 35(1) of the Deemed Provisions the authority:
 - a. To request further information from a person who prepared a Proposed Activity Centre Plan and;
 - b. To advertise any modifications to a Proposed Activity Centre Plan to address issues raised in submissions.
5. In accordance with Clause 45(3), the authority to decide not to advertise an amendment to an Activity Centre Plan if, in the opinion of the officer, the amendment is minor in nature.
6. In accordance with Clause 36(1) of the Deemed Provisions, the authority to prepare a report on an amendment to an Activity Centre Plan, where the amendment is considered to be minor in nature, and to submit this directly to the Commission.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Where an amendment to a Structure Plan or Activity Centre Plan may be considered minor in nature
 1. As per Clause 17 of the Structure Plan Framework, a minor amendment to a Structure Plan or Activity Centre Plan is a change or departure that:
 - a. Does not materially alter the purpose and intent of the structure plan;
 - b. Does not change the intended lot / dwelling yield by more than 10 per cent;
 - c. Does not adversely impact upon the amenity of adjoining landowners and occupiers;
 - d. Does not restrict the use and development of adjoining land;
 - e. Does not significantly impact on infrastructure provision;
 - f. Does not impact upon the environment;
 - g. Is consistent with Council adopted policies; and
 - h. Is deemed to be consistent with orderly and proper planning.

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42(b) Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

City of Cockburn Town Planning Scheme No.3

Planning and Development Act 2005

Planning & Development (Local Planning Schemes) Regulation 2015

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Built and Natural Environment

Head of Planning

Strategic Planning Coordinator

Senior Strategic Planning Officers

DIRECTORATE:	Built and Natural Environment
BUSINESS UNIT:	Planning
SERVICE UNIT:	Strategic Planning
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	9

10.1.2 Town Planning Scheme No.3 - Development Contributions

POWER DELEGATED:

The authority to adopt Cost Contribution Schedules for Development Contribution Areas and set the annual contribution rates.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) The requirements specified in State Planning Policy 3.6 Infrastructure Contributions and clause 5.3 and Table 10 of Town Planning Scheme No 3.

POWER TO DELEGATE:

Local Government Act 1995:

s.5.42(b) Delegation of some powers or duties to the CEO

s.5.43 Limitations on delegations to the CEO

COMPLIANCE LINKS:

City of Cockburn Town Planning Scheme No.3
Planning & Development Act 2005

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Built and Natural Environment
Head of Planning
Development Contributions Officer

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Planning
SERVICE UNIT:	Strategic Planning
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	14

10.1.3 Town Planning Scheme – Development Control

POWER DELEGATED:

City of Cockburn Town Planning Scheme No. 3 (TPS 3)

- (1) Local Development Plans:
 - a) The authority to approve local development plans.
 - b) The authority to refuse to approve local development plans and, to provide reasons for this to the owner.

- (2) Amending or cancelling development approval:
 - a) The authority to amend a planning approval so as to extend the period within which any development approved must be substantially commenced.
 - b) The authority to determine when a development has been ‘substantially commenced’, subject to sufficient evidence on planning grounds.
 - c) The authority to amend or delete any condition to which the approval is subject.
 - d) The authority to amend an aspect of the development approved which, if amended, would not substantially change the development approved.
 - e) The authority to cancel the approval, subject to sufficient planning grounds.

- (3) Unauthorised Existing Subsequent approval of development
The authority to determine applications excludes the determination of Category ‘A: Heritage places, the removal of ‘Significant Trees’ or ‘Protected Tree’ subject to a Tree Preservation order and those applications proposing demolition of any category of heritage building as contained in the Local Government Heritage List and Inventory except where those applications are for minor amendments or minor works as defined in Local Planning Policy LPP4.4 and the amendments or minor works are supported by the State Heritage Office.

- (4) Determination of Applications (other than ‘Industry General’ – Licensed)
 - a) The authority to grant approval with or without conditions.
 - b) The authority to refuse to grant planning approval.

- (5) Form and Date of Determination
 - a) The authority to convey its determination to the applicant in the form of the “Notice of determination on application for development approval” prescribed in TPS 3.

- (6) Temporary Planning Approval
 - a) The authority to impose conditions limiting period of time for which an approval is granted.

- (7) Approval Subject to Later Approval of Details
 - a) The authority to grant development approval subject to a condition that further detail any works or use specified in the condition must be

submitted to, and approved by, the City before the developer commences the development.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) The authority to determine applications subject to those applications being in accordance with the relevant legislative, scheme and policy requirements.
- (2) The authority to determine applications where advertising of an application is required in accordance with TPS 3 subject to:
 - a) No objections are received during the consultation period.
 - b) The objection can be resolved through a condition imposed on an approval or negotiation of a design change with the applicant.
 - c) The objection does not relate to valid planning considerations associated with the proposal (as confirmed by the Manager Development Services).
- (3) The authority to determine applications excludes the determination of category "A" Heritage places and those applications proposing demolition of any category of heritage building as contained in the Local Government Heritage List and Inventory except where those applications are for minor amendments or minor works as defined in Local Planning Policy 4.4 and the amendments or minor works are supported by the State Heritage Office.
- (4) The authority to determine applications for 'Industry – General (Licenced)' subject to:
 - (a) compliance with the minimum recommended separation distance required by the Environmental Protection Authority's 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses';
 - (b) non-objection to the proposal by the Manager, Health and Building Services
- (5) The authority to issue a renewal of a planning approval or extension of the approval period prior to expiry subject to:
 - (a) The development being substantially the same as that previously approved by Council or the City under delegation.
 - (b) Unless sufficient planning grounds are provided, any conditions of development approval shall be the same as those previously imposed.
- (6) In relation to a decision that is subject to a review in the State Administrative Tribunal, sub-delegated officers may:
 - (a) Attend directions hearings, mediations and hearings.
 - (b) Appear as an expert witness in a hearing.
 - (c) Provide evidence in a hearing.

- (d) Prepare any written documents required as part of matter the subject of a review.

COMPLIANCE LINKS:

City of Cockburn Town Planning Scheme No.3.

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Built and Natural Environment
Head of Development and Compliance
Manager Development Services
Coordinator Development Services
Senior Statutory Planning Officer (Development Services)
Statutory Planning Officer

Only in relation to Condition (6):

Transport Engineer
Manager, Transport and Traffic
Traffic and Transport Coordinator
Landscape Officer
Development Engineer
Senior Environmental Health Officer
Environmental Health Officer

DIVISION:	Built and Natural Environment
BUSINESS UNIT:	Development Assessment and Compliance
SERVICE UNIT:	Development Services
DATE FIRST ADOPTED:	11 June 2015
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

10.1.4 Building Permits/Strata Plans

POWER DELEGATED:

- (1) Building Permits and/Strata Plans ('Built Strata' Plans)
 1. The authority to approve building applications for residential development where the development proposed has a valid, or does not require, a planning approval pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015* (as amended).
 2. The authority to approve applications for outbuildings in the Residential, Rural, Rural Living and Resource Zones where planning approval is not required.
 3. The authority to approve residential applications for building permit on strata lots (built strata) that comply with a valid planning approval, or where a planning approval was not required
 4. The authority to issue or modify the 'Occupancy Permit – Strata' or 'Building Approval Certificate – Strata' in respect to buildings that may be shown on a Strata Plan to be lodged for registration, pursuant to the Strata Titles Act.
 5. The authority to refuse an 'Occupancy Permit - Strata' or 'Building Approval Certificate - Strata' in accordance with s60 of the Building Act 2011.
 7. The authority to support and where appropriate not support strata proposals that fail to comply with Council policy or the design principles of the Codes.

CONDITIONS:

- (1) Authority 1.1 subject to:
 1. Compliance with the planning framework.
 2. Non-objection from a statutory planning officer within the Development Services team where the function falls under the [Planning and Development Act 2005](#).

POWER TO DELEGATE:

COMPLIANCE LINKS:

Building Act 2011
Planning and Development Act 2005

DELEGATE/S AUTHORISED:

Chief of Built and Natural Environment
Manager, Public Health and Building Services
Manager, Building
Senior Building Surveyors
Building Surveyors

DIRECTORATE:	Built and Natural Environment
BUSINESS UNIT:	Development and Compliance
SERVICE UNIT:	Public Health and Building Services
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	8

10.1.5 Community Funding to Support Local Economic Development

POWER DELEGATED:

The authority to evaluate funding submissions in accordance with grant programs listed under policy 'Community Funding to Support Local Economic Development' and to manage and allocate funds to submissions compliant with this policy and respective guidelines.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) To approve applications for the following grant programs:
 1. Category A – Economic Development Grants

POWER TO DELEGATE:

Nil

COMPLIANCE LINKS:

Council Policy "Community Funding to support local Economic Development (Grants)" refers.

SUB-DELEGATE/S:

Appointed by the CEO

Executive Corporate Affairs
Manager, Business and Economic Development

DIRECTORATE:	Corporate Affairs
BUSINESS UNIT:	Corporate Communications
SERVICE UNIT:	Communications & Marketing
DATE FIRST ADOPTED:	10 September 2020
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	3

10.1.6 Renewal of Leases and Licenses for City Owned or Controlled Property

POWER DELEGATED:

The authority to renew a lease and licence agreement.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) As provided in Policies 'Leasing of City of Cockburn Property for Community and/or Recreational Purposes (including Not-for-Profit)' and 'Commercial Leasing of City of Cockburn Owned or Controlled Land'.

POWER TO DELEGATE:

Nil.

COMPLIANCE LINKS:

Local Government Act 1995 - s3.58.

Local Government (Functions and General) Regulations 1996 – s30.

Planning & Development (Local Planning Schemes) Regulations 2015.

Council Policies 'Leasing of City of Cockburn Property for Community and/or Recreational Purposes (including Not-for-Profit)' and 'Commercial Leasing and Other Dispositions of City of Cockburn Owned or Controlled Land' refers.

SUB-DELEGATE/S:

Appointed by the CEO

Chief Operations Officer
Head of Property and Assets
Manager, Property Services

DIRECTORATE:	Operations
BUSINESS UNIT:	Property and Assets
SERVICE UNIT:	Property Services
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	7

10.1.7 Applications to Keep More Than Two (2) Dogs at a Residential Property

POWER DELEGATED:

The authority to approve/reject applications to keep more than two (2) dogs at a residential property.

City of Cockburn (Local Government Act) Local Laws - cl 2.9

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) The premises complying in all respects with the provisions of the Act and this Local Law.
- (2) The applicant provides approval for the City's Officers to request community feedback:
 1. In residential area – within 50 metres of the applicant's premises; and
 2. in rural areas – within 100 metres of the applicant's premises.
- (3) The City has not received any objections to the notification within a period of twenty-one days of the notification having been given.
- (4) In the event that any objections are received, Council approval is required.
- (5) Any approval issued is subject to the relevant dog or dogs being registered.
- (6) The number of dogs is limited to six over the age of three months and the young of those dogs under that age.

POWER TO DELEGATE

Nil.

COMPLIANCE LINKS:

City of Cockburn (Local Government Act) Local Laws - cl 2.9

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Community Services

Head of Community Safety & Ranger Services

Ranger Services Manager

DIRECTORATE:	Community Services
BUSINESS UNIT:	Recreation Infrastructure and Services
SERVICE UNIT:	Recreation Services
DATE FIRST ADOPTED:	11 March 2021
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	10

10.1.8 Funding Assistance – Community Associations

POWER DELEGATED:

The authority to approve payment of funding and donations available in Council's Municipal Budget for Community Associations.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Funding for Community Associations will be considered under the following sub-categories as provided for in Council Policy '[Community Funding for Community Organisations and Individuals \(Grants, Donations & Sponsorships\)](#)', Category G – Major and Minor Funding
1. Publication and Distribution of Newsletters
 2. Cockburn Community Insurance Program
 3. Hire of Council Community Centres and Halls
 4. Resident Association Support

POWER TO DELEGATE:

Nil.

COMPLIANCE LINKS:

Council Policy 'Community Funding for Community Organisations and Individuals (Grants, Donations & Sponsorships)'

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Community Services
Head of Community Development
Community Development Lead

DIVISION:	Community Services
BUSINESS UNIT:	Community Development
SERVICE UNIT:	Community Grants
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	11

10.1.9 Funding Assistance for Community Organisations and Individuals

POWER DELEGATED:

The authority to allocate funds to projects, events or activities that best meet the Community Innovation and Participatory Budgeting, Grants, Small Events or Individual Sponsorships Program Criteria.

DELEGATE:

Chief Executive Officer

CONDITIONS:

The following categories are to be used to prioritise the projects to be funded or considered for funding under the below Council funded programs:-

- (1) As provided for in Council Policy 'Community Funding for Community Organisations and Individuals (Grants, Donations & Sponsorships)' for:
 1. Community Grants (Category A)
 2. Cultural Grants (Category B)
 3. Sustainability Grants (Category C)
 4. Small Events Sponsorship (Category D)
 5. Sponsorship Program (Individuals – Category F)
 6. Community Innovation and Participatory Budgeting (Category G)

- (2) Elected Members are to be informed of the outcome of applications.

POWER TO DELEGATE:

Nil.

COMPLIANCE LINKS:

Council Policy 'Community Funding for Community Organisations and Individuals (Grants, Donations & Sponsorships)'

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Community Services
Head of Community Development and Services
Community Development Lead (Category D only)

DIVISION:	Community Services
BUSINESS UNIT:	Community Development
SERVICE UNIT:	Community Grants
DATE FIRST ADOPTED:	14 March 2019
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	4

10.1.10 Funding for Community Organisations and Individuals (Grants, Donations & Sponsorships)

POWER DELEGATED:

The authority to approve payment of minor grants, sponsorships, donations and subsidies available in the City's Grants and Donation budget.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) Funding will be considered under the following sub-categories as provided for in Council Policy '[Community Funding for Community Organisations and Individuals \(Grants, Donations & Sponsorships\)](#), Category G – Major and Minor Funding:
1. Minor Donations
 2. Subsidies
 3. Minor Grants
 4. Youth Reward and Recognition
 5. Donations to Schools – Reimbursements
 6. Community Welfare Funding
 7. Covid-19 Community Funding

POWER TO DELEGATE:

Nil.

COMPLIANCE LINKS:

Council Policy – Community Funding for Community Organisations and Individuals (Grants, Donations and Sponsorship)

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Community Services
Head of Community Development and Services

DIVISION:	Community Services
BUSINESS UNIT:	Community Development
SERVICE UNIT:	Community Grants
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	14

10.1.11 Local Government Act 1995 - Usage and Management of Community and Sporting Facilities

POWER DELEGATED:

The authority to apply specific conditions for the casual hire of Council controlled Community and Sporting Facilities, in accordance with the Terms and Conditions of Hire, which may be amended from time to time.

DELEGATE:

Chief Executive Officer

CONDITIONS:

- (1) The following conditions can be approved under this delegation in conjunction with conditions listed in Council Policy "Usage and Management of Community and Sporting Facilities"
 1. Community Facilities
 2. Community Sporting Facilities
 3. Passive Reserves
- (2) Any reduction of fees may be applied a customer service measure.
- (3) Any payment extensions for unpaid usage fees that enable continued access.

POWER TO DELEGATE:

COMPLIANCE LINKS:

Council Policy 'Usage and Management of Community and Sporting Facilities' refers.

SUB-DELEGATE/S:

Appointed by the CEO

Chief of Community Services
Head of Recreation Services
Recreation Services Manager

DIVISION:	Community Services
BUSINESS UNIT:	Recreation Infrastructure and Services
SERVICE UNIT:	Recreation Services
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	11 May 2023
VERSION NO.	9