



City of
Greater Geraldton
a vibrant future



Operational Matters

ATTACHMENTS

ORGANISATIONAL PERFORMANCE

OP0044 Delegations to the Chief Executive Officer

28 May 2013



City of
Greater Geraldton
a vibrant future



Register of Delegated Authority to the Chief Executive Officer 2013 / 2014

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Local Government Act 1995

1.1 Issuing notices (section 3.25)

Function delegated	To give a person who is the owner or, unless Schedule 3.1 (of the Local Government Act 1995) 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.		
Statutory function delegated	Section 3.25 – Notices requiring things to be done by owner or occupier of land		
Statutory function delegated to	Local Government		
Statutory power of delegation	Local Government Act 1995 section 5.42		
Function delegated to	Chief Executive Officer		
Council's conditions on delegation	Nil		
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995		
CEO's delegation to	Nil		
CEO's conditions on delegation	Nil		
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Delegation Administration			
Version	Decision reference	Date delegated	
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Local Government Act 1995

1.2 Power to remove and impound (section 3.39)

Function delegated	To authorise employees to: a) remove and impound any goods that are involved in a contravention that can lead to impounding under the Local Government Act 1995; and b) remove and impound a vehicle that, in the opinion of the local government, is an abandoned vehicle wreck.		
Statutory function delegated	Section 3.39 – To authorise employees with power to remove and impound		
Statutory function delegated to	Local Government		
Statutory power of delegation	Local Government Act 1995 section 5.42		
Function delegated to	Chief Executive Officer		
Council’s conditions on delegation	Nil		
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995		
CEO’s delegation to	Nil		
CEO’s conditions on delegation	Nil		
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Delegation Administration			
Version	Decision reference	Date delegated	
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Local Government Act 1995

1.3 Closing certain thoroughfares to vehicles (section 3.50)

Function delegated	To: a) close any thoroughfare that the City manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks; and b) by local public notice, order that a thoroughfare that the City manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.		
Statutory function delegated	Section 3.50 – Closing certain thoroughfares to vehicles		
Statutory function delegated to	Local Government		
Statutory power of delegation	Local Government Act 1995 section 5.42		
Function delegated to	Chief Executive Officer		
Council’s conditions on delegation	Nil		
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995		
CEO’s delegation to	Nil		
CEO’s conditions on delegation	Nil		
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Delegation Administration			
Version	Decision reference	Date delegated	
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Local Government Act 1995

1.4 Tenders for providing goods and services (section 3.57)

Function delegated	To invite tenders before entering into a contract of a prescribed kind under which another person is to supply goods or services.		
Statutory function delegated	Local Government Act 1995, section 3.57 – Inviting tenders for providing goods and services		
Statutory function delegated to	Local Government		
Statutory power of delegation	Local Government Act 1995 section 5.42		
Function delegated to	Chief Executive Officer		
Council's conditions on delegation	Compliance with Council Policies: <ul style="list-style-type: none"> • CP010 Procurement of Goods and Services; and • CP16 Regional Price Preference. 		
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995		
CEO's delegation to	Nil		
CEO's conditions on delegation	Nil		
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Delegation Administration			
Version	Decision reference	Date delegated	
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Local Government (Functions and General) Regulations 1996

1.5 Requirements for publicly inviting tenders (regulation 14(2a))

Function delegated	Where required to invite a tender; or where not required to invite a tender, but decide to invite a tender, and before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.	
Statutory function delegated	Regulation 14(2a) - requirements for publicly inviting tenders	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
Version	Decision reference	Date delegated
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Local Government (Function and General) Regulations 1996

1.6 Choice of tender (regulation 18(4) & (5))

Function delegated	To: a) asses, by means of a written evaluation, tenders that have not been rejected under subregulation (1), (2), or (3) of regulation 18, the extent to which each tender satisfies the criteria for deciding which tender to accept and decide which of them would be most advantageous to the local government to accept; and b) decline to accept any tender.		
Statutory function delegated	Regulation 18(4) & (5) Choice of tenders		
Statutory function delegated to	Local Government		
Statutory power of delegation	Local Government Act 1995 section 5.42		
Function delegated to	Chief Executive Officer		
Council's conditions on delegation	1. The consideration under the tender is, or is expected to be, \$500 000 or less or worth \$500 000 or less; and 2. Compliance with Council Policy CP010 Procurement of Goods and Services.		
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995		
CEO's delegation to	Nil		
CEO's conditions on delegation	Nil		
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Delegation Administration			
Version	Decision reference	Date delegated	
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Local Government (Function and General) Regulations 1996

1.7 Limitations placed on who may tender (regulation 21)

Function delegated	To seek expressions of interest with respect to the supply of goods or services.	
Statutory function delegated	Regulation 21- Place limitations on who can tender	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
Version	Decision reference	Date delegated
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Local Government (Function and General) Regulations 1996

1.8 Choice of acceptable tenderers (regulation 23(3))

Function delegated	To consider expressions of interest that have not been rejected under subregulation (1) or (2) and decide which, if any, of those expressions of interest are from persons who they think would be capable of satisfactorily supplying the goods or services.	
Statutory function delegated	Regulation 23(3) – Choice of acceptable tenderers.	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council’s conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO’s delegation to	Nil	
CEO’s conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government (Function and General) Regulations 1996

1.9 Variation to contract price after awarding a contract

Function delegated	To make a variation in the goods or services required, after it has entered into a contract for the supply of the goods or services required subject to such variations in the contract as may be agreed with the contractor.	
Statutory function delegated	Nil	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Approval of variations necessary to achieve the outcome of the scope of the project and within the adopted budget of the project.	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
Version	Decision reference	Date delegated
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Local Government Act 1995

1.10 Disposing of property (section 3.58)

Function delegated	To dispose of property under section 3.58 of the Local Government Act 1995 and regulation 30(3)(a) of the Local Government (Functions and General) Regulations 1996.	
Statutory function delegated	Section 3.58 Disposing of property	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Value of property that may be disposed under this delegation shall not exceed \$500 000 including plant and assets with a depreciated value not exceeding \$500 000.	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.11 Reimbursement of fees to a council member (section 5.98(2)(b))

Function delegated	To reimburse a council member who incurs an expense of a kind prescribed as being an expense- a) to be reimbursed; or b) which may be approved for reimbursement; and c) approve reimbursement of an expense either generally or in a particular case.	
Statutory function delegated	Section 5.98(2) and (4) – Reimbursement of fees to a council member	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council’s conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO’s delegation to	Nil	
CEO’s conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.12 Payments for certain committee members (section 5.100(2))

Function delegated	To reimburse a committee member for an expense incurred by the person in relation to a matter affecting the local government to a maximum amount prescribed.	
Statutory function delegated	Section 5.100(2) - Payments for certain committee members	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.13 Expense may be funded before actually incurred (section 5.102)

Function delegated	To make a cash advance to a person in respect of an expense for which the person can be reimbursed.	
Statutory function delegated	Section 5.102 – expense funded before actually incurred	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council’s conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO’s delegation to	Nil	
CEO’s conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.14 Trust Fund (section 6.9(4))

Function delegated	To transfer money that has been held in the trust fund for 10 years to the municipal fund and repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.	
Statutory function delegated	Section 6.9(4) - Transfer funds from trust fund to municipal fund	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.15 Waive debts or grant concessions (section 6.12(1)(b) and (3))

Function delegated	To waive or grant concessions in relation to any amount of money; or write off any amount of money owed to the City; and determine conditions to be imposed when granting concessions.	
Statutory function delegated	Section 6.12(1)(b) and (3) – Waive or grant (conditional) concessions in relation to any amount of money, and write off money.	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council’s conditions on delegation	Comply with Council Policy CP05 Writing off bad debts	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO’s delegation to	Nil	
CEO’s conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.16 Power to invest (section 6.14(1))

Function delegated	To invest under the <i>Trustees Act 1962 Part III</i> , any money held in the municipal fund or the trust fund that is not, for the time being, required for any other purpose.	
Statutory function delegated	Section 6.14(1) – Power to invest	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council’s conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO’s delegation to	Nil	
CEO’s conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.17 Agreement as to payment of rates and service charges (section 6.49)

Function delegated	To accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.	
Statutory function delegated	Section 6.49 - Agreement as to payment of rates and service charges.	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.18 Rates or service charges recoverable in court (section 6.56(1))

Function delegated	To recover a rate or service charge that remains unpaid after it becomes due and payable, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.	
Statutory function delegated	Section 6.56(1) - Rates or service charges recoverable in court.	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
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Local Government Act 1995

1.19 Local government may require lessee to pay rent (section 6.60(2))

Function delegated	To give a notice to the lessee of land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge if payment of a rate or service charge imposed in respect of that land is due and payable,	
Statutory function delegated	Section 6.60(2) - Local government may require lessee to pay rent.	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
Version	Decision reference	Date delegated
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Local Government Act 1995

1.20 Unpaid rates or service charges (section 6.64)

Function delegated	To take possession of land, and hold the land as against a person having an estate or interest in the land if any rates or service charges which are due in respect of rateable land have been unpaid for at least 3 years and — (a) from time to time lease the land; or (b) sell the land; or (c) cause the land to be transferred to the Crown; or (d) cause the land to be transferred to itself; or (e) lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.		
Statutory function delegated	Section 6.64 – Actions to be taken in respect of unpaid rates or service charges.		
Statutory function delegated to	Local Government		
Statutory power of delegation	Local Government Act 1995 section 5.42		
Function delegated to	Chief Executive Officer		
Council’s conditions on delegation	Nil		
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995		
CEO’s delegation to	Nil		
CEO’s conditions on delegation	Nil		
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19		
Delegation Administration			
Version	Decision reference	Date delegated	
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Local Government Act 1995

1.21 Extend time for & respond to objection to rate record (section 6.76(4))

Function delegated	To extend the time for making an objection to the rate record; and promptly consider any objection and either disallow it or allow it, wholly or in part.	
Statutory function delegated	Section 6.76– Extend time for and respond to objection to rate record.	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council’s conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO’s delegation to	Nil	
CEO’s conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
Version	Decision reference	Date delegated
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Local Government Act 1995

1.22 Appoint authorised persons (section 9.10)

Function delegated	To appoint persons or classes of persons to be authorised for the purpose of performing particular functions under the Local Government Act 1995.	
Statutory function delegated	Section 9.10 – Appointment of authorised persons	
Statutory function delegated to	Local Government	
Statutory power of delegation	Local Government Act 1995 section 5.42	
Function delegated to	Chief Executive Officer	
Council’s conditions on delegation	Nil	
Statutory power for CEO to delegate	Section 5.44 – Local Government Act 1995	
CEO’s delegation to	Nil	
CEO’s conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19	
Delegation Administration		
Version	Decision reference	Date delegated
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City of Greater Geraldton (Mullewa) Local Planning Scheme No 2 and City of Geraldton Town Planning Scheme No 5

P1A Determine Applications for Planning Approval TPS 2 TPS 5 (Clause 10.3)

Function delegated	To determine an application for planning approval by granting approval with or without conditions; or refusing to grant approval.
Statutory function delegated	City of Greater Geraldton Local Planning Scheme (LPS) No. 2 and TPS No.5 – Clause 10.3 Determination of planning applications
Statutory function delegated to	Local Government
Statutory power of delegation	LPS No. 5 - Clause 11.3.1. LPS No. 2 - Clause 11.3.1.
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	TPS No. 5 and TPS No.2 - Clause 11.3.2 Delegation of functions
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	TPS 2 and 5 cl 11.3.4 S. 45 and 46 of LGA Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
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City of Geraldton Town Planning Scheme No 3

P1B Determine Applications for Planning Consent TPS 3 (clause 7.3)

Function delegated	To determine an application for planning consent by granting approval with or without conditions; or refusing to grant approval.
Statutory function delegated	City of Geraldton Town Planning Scheme (TPS) No. 3 – Clause 7.3 Determining an application for planning consent.
Statutory function delegated to	Local Government
Statutory power of delegation	TPS No. 3 – clause 8.6.1. Delegation functions
Function delegated to	Chief Executive Officer
Council’s conditions on delegation	Nil
Statutory power for CEO to delegate	TPS No. 3 - Clause 8.6.2 Delegation functions
CEO’s delegation to	Nil
CEO’s conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
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City of Greater Geraldton (Mullewa) Local Planning Scheme No 2

P2A Residential Design Codes LPS No. 2 (clause 5.3)

Function delegated	To permit a variation to the R10 density up to a maximum of R30 for land with a dual density code of R10/30.
Statutory function delegated	City of Greater Geraldton Local Planning Scheme (LPS) No.2 cl.5.3 - Special Application of Residential Design Codes.
Statutory function delegated to	Local Government
Statutory power of delegation	LPS No.2 - Clause 11.3.
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Before granting approval, be satisfied that: 1. the variation requested is one which the Council has the power to approve; 2. approval of that variation is consistent with the provisions of State Planning Policy 3.1 Residential Design Codes; and 3. is consistent with the provisions of LPS No.2.
Statutory power for CEO to delegate	LPS No.2 - Clause 11.3.2 Delegation of functions
CEO's delegation to	Nil.
CEO's conditions on delegation	Nil.
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

City of Geraldton Town Planning Schemes No 3

P2B Residential Design Codes TPS No. 3 (clause 5.3(d))

Function delegated	To approve the variation to any particular provision of the Residential Planning Codes relating to the erection of a single house with or without conditions or may refuse to approve the variation; and in the interests of retaining trees considered to be of significance, permit a variation to any of the provisions of the Residential Planning Code or of any other Scheme provision.
Statutory function delegated	Town Planning Scheme (TPS) No.3: <ul style="list-style-type: none"> • cl.5.3(d) – Residential Development- (approve variations to the) residential planning codes; and • 5.10.3 – Variation to allow retention of street trees.
Statutory function delegated to	Local Government
Statutory power of delegation	TPS No.3 - Clause 8.6.1.
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Before granting approval, be satisfied that approval of that variation would not compromise the objectives of the State Planning Policy 3.1 Residential Design Codes.
Statutory power for CEO to delegate	TPS No.3 - Clause 8.6.2.
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

City of Greater Geraldton Town Planning Schemes No 5

P2C Residential Design Codes TPS No. 5 (clause 8.2(b))

Function delegated	To give planning approval for the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, where the proposal requires the exercise of a discretion by the Local Government under the Scheme to vary the provisions of the Residential Design Codes.
Statutory function delegated	City of Geraldton Town Planning Policy (TPS) No.5 Cl.8.2(b) - Permitted development
Statutory function delegated to	Local Government
Statutory power of delegation	TPS No.5 - Clause 11.3.1
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	TPS No.5 - Clause 11.3.2.
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

**City of Greater Geraldton (Mullewa) Local Planning Schemes No 2 and
City of Geraldton Town Planning Scheme No 5**

**P3A Variations to Site and Development Standards and Requirements
LPS No. 2 and TPS No.5 (clause 5.5)**

Function delegated	To approve, an application unconditionally or subject to such conditions as considered necessary, a development the subject of an application for planning approval that does not comply with a standard or requirement prescribed under the Scheme, except for development in respect of which the Residential Design Codes apply, despite the noncompliance.
Statutory function delegated	Local Planning Scheme (LPS) No.2 and Town Planning Scheme (TPS) No.5 - cl.5.5 - Variations to Site and Development Standards and Requirements
Statutory function delegated to	Local Government
Statutory power of delegation	LPS No.2 and TPS No.5 - Clause 11.3.1
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	LPS No. 2 and TPS No.5 - Clause 11.3.2
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

City of Geraldton Town Planning Scheme No 3

P3B Discretion to modify development standards TPS No. 3 (clause 5.2.1 etc)

Function delegated	To approve an application for planning consent unconditionally or subject to conditions, (other than a residential development), that does not comply with a development standard prescribed by the Scheme in respect to building height, setbacks, site coverage, car parking, landscaping and related matters.	
Statutory function delegated	Town Planning Scheme (TPS) No.3: 5.2.1 – modify development standards (generally) and in particular for the following: 4.6.3 – Central Geraldton-Variation of setback 4.7.25- Local Centre- variation to setbacks 4.8.2- Site requirements- determine where setbacks will apply and permit setback reductions 4.10.2(iv) – Industry- General- Variation 4.10.3(iv) – Industry Light variation of site requirements, setback use and landscaping 4.10.4- Industry service- reduce setbacks 4.10.6- Factory units- 4.11.3 – Industry Port: Setback variation 4.15.1(v)(b) – Precinct A –Urban Conservation- setbacks 4.15.1(vi) – Precinct A –Urban Conservation- setbacks and other requirements 4.15.4(iii) – Precinct D – Special Design- wall heights 4.17.6 – Mixed Use – R Codes 5.6.2 – Vary a street alignment of Table 2	
Statutory function delegated to	Local Government	
Statutory power of delegation	TPS No.3 - Clause 8.6.1.	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	TPS No.3 - Clause 8.6.2.	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

City of Greater Geraldton Town Planning Schemes No 2; City of Geraldton Town Planning Scheme No.3 and City of Geraldton Town Planning Scheme No 5

P4 Advertising (clauses 9.4.3 and 7.2.3)

Function delegated	To give notice or require applicant to give notice of an application for planning approval or consent
Statutory function delegated	Local Planning Scheme (LPS) No. 2 (Mullewa)- Clause 9.4.3 Town Planning Scheme (TPS) No. 3- Cause 7.2.3 of Town Planning Scheme (TPS) No. 5- Clause 9.4.3
Statutory function delegated to	Local Government
Statutory power of delegation	TPS No.3 - Clause 8.6.1. LPS No.2 and TPS No.5 - Clause 11.3.1
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	TPS No.3 - Clause 8.6.2. LPS No 2 and TPS No.5 - Clause 11.3.2.
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

City of Greater Geraldton (Mullewa) Local Planning Scheme No 2

P5A Car Parking LPS No.2 (clause 5.23.5 and 5.23.6)

Function delegated	To approve, where the developer can satisfactorily show that there is not the demand for the number of parking spaces specified in the Scheme, landscaping to be provided in lieu of car parking spaces not constructed; and include such landscaped spaces in calculations as if they were car parking spaces; and accept the payment of cash in lieu of car parking spaces.
Statutory function delegated	City of Greater Geraldton (Mullewa) Local Planning Scheme (LPS) No.2 – clause 5.23.5 and 5.23.6 Car parking requirements
Statutory function delegated to	Local Government
Statutory power of delegation	LPS No.2- Clause 11.3.1
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	LPS No. 2- Clause 11.3.2
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

City of Geraldton Town Planning Scheme No 3

P5B Car Parking TPS No.3 (clause 5.7.3)

Function delegated	To accept a monetary payment, in lieu of provision of on-site parking within the City Centre and Local Centre zones.
Statutory function delegated	City of Geraldton TPS No.3 – clause 5.7.3
Statutory function delegated to	Local Government
Statutory power of delegation	TPS No.3 - Clause 11.3.
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	TPS No.3 - Clause 8.6.2.
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

City of Geraldton Town Planning Scheme No 5

P5C Car Parking TPS No.5 (clause 5.9)

Function delegated	To : <ul style="list-style-type: none"> • approve car parking spaces and all necessary access ways to be other than paved; • approve where the developer can satisfactorily show that there is not the demand for the number of parking spaces specified in the Scheme, landscaping to be provided in lieu of car parking spaces not constructed; and include such landscaped spaces in calculations as if they were car parking spaces; and accept the payment of cash in lieu of car parking spaces; and • accept a cash payment in lieu of the provision of car parking spaces in the Commercial Zone, where a developer can satisfactorily show that the minimum car parking requirements cannot be provided on the site.
Statutory function delegated	City of Geraldton Town Planning Scheme TPS No.5 – <ul style="list-style-type: none"> • cl.5.9.3 paving • cl.5.9.5 landscaping in lieu of parking bays • cl.5.9.6 cash in lieu payments in Commercial Zone
Statutory function delegated to	Local Government
Statutory power of delegation	City of Greater Geraldton Local Planning Scheme No.5 - Clause 11.3.
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Compliance with clause 5.9 of TPS No. 5.
Statutory power for CEO to delegate	TPS No.5 - Clause 11.3.2
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

P6 Subdivision, Strata and Amalgamation

Function delegated	<ol style="list-style-type: none"> 1. To determine applications for the issuing of a certificate of approval under section 24 of the Strata Titles Act 1985 for a plan of subdivision, re-subdivision or consolidation, 2. Provide comment and recommendations to the Western Australian Planning Commission and/or Department of Planning in regard to applications for subdivision, strata and amalgamation. 3. Clear subdivision, strata and amalgamation condition(s) where the local government is the relevant clearing authority and the conditions have been satisfactorily met. 4. To give a certificate under s.9 of the Strata Titles Act: <ol style="list-style-type: none"> a. consenting to the consolidation of two or more lots; and b. in a case where the proposed consolidation is exempt from the requirement of approval by the Commission, that the proposed consolidation is so exempt; and c. in a case where the Commission has granted approval subject to conditions under section 25 of the Strata Titles Act, that the conditions attached to the approval of the Commission have been complied with. 		
Statutory function delegated	s.25 Strata Titles Act - Certificate of Commission s.9 of the Strata Titles Act - Consolidation of lots		
Statutory function delegated to	Local Government		
Statutory power of delegation	Discretionary		
Function delegated to	Chief Executive Officer		
Council's conditions on delegation	Nil		
Statutory power for CEO to delegate	Nil		
CEO's delegation to	Nil		
CEO's conditions on delegation	Nil		
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19		
Delegation Administration			
Version	Decision Reference	Date Delegated	
1			

City of Greater Geraldton Town Planning Scheme No 5

P7 Relocation of Building Envelopes TPS5 (clause 5.17.4.5)

Function delegated	To approve the: a. construction of the following structures outside of building envelopes: (a) water tanks, (b) windmills, (c) stock watering and feed troughs; and (d) roofed structure open on all sides for the purpose of providing shelter to animals: and b. where permitted in TPS No.5 an alteration of the location of building envelopes.
Statutory function delegated	Clause 5.17.4.5 of Local Planning Scheme No. 5 (Greenough); and Schedule 3 Restricted Use item RR5.
Statutory function delegated to	Local Government
Statutory power of delegation	City of Greater Geraldton Local Planning Scheme No.5 - Clause 11.3.
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Compliance with clause 5.9 of TPS No. 5.
Statutory power for CEO to delegate	TPS No.5 - Clause 11.3.2
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19
Delegation Administration	

Version	Decision Reference	Date Delegated
1		

City of Geraldton Planning Scheme No 3

P8 Detailed Area Plans TPS 3 (Schedule 3)

Function delegated	To endorse a detailed area plan (DAP) prior to any approvals for development or subdivision on the site.
Statutory function delegated	City of Geraldton Town Planning Scheme No 3- Schedule 3- Special uses.
Statutory function delegated to	Local Government
Statutory power of delegation	TPS No.3 - Clause 11.3.
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	TPS No.3 - Clause 8.6.2.
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

City of Greater Geraldton Town Planning Scheme No 5

P9 Detailed Area Plans TPS 5 (clause 5.17.15.8)

Function delegated	To vary a detailed area plan in accordance with the procedures set out in clause 5.17.15 onwards provided such variations do not prejudice the intention of any related structure plan.
Statutory function delegated	Town Planning Scheme (TPS) No. 5- 5.17.15.8 Detailed Area Plan
Statutory function delegated to	Local Government
Statutory power of delegation	
Function delegated to	Chief Executive Officer
Council's conditions on delegation	
Statutory power for CEO to delegate	
CEO's delegation to	
CEO's conditions on delegation	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Building Act 2011

B1 Designation of employee (section 96)

Function delegated	To designate a person employed by City under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government
Statutory function delegated	Building Act 2011 Section 96 - Designation of employee
Statutory function delegated to	Local Government
Statutory power of delegation	Building Act 2011- Section 127(1)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Building Act 2011-Section 127 (6A)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Building Act 2011

B2 *Uncertified application to be considered by building surveyor (section 17)*

Function delegated	To refer to a building surveyor an uncertified application if the application complies with section 16.
Statutory function delegated	Building Act Section 17 - Uncertified application to be considered by building surveyor
Statutory function delegated to	Local Government
Statutory power of delegation	Building Act 2011- Section 127(1)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Building Act 2011-Section 127 (6A)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Building Act 2011

B3 Require further information from applicant (section 18)

Function delegated	To: <ul style="list-style-type: none"> require the applicant to give the permit authority, within a specified time of not more than 21 days, any document or information that it requires to determine the application and may require the applicant to verify the information by statutory declaration; and refuse to consider an application if the applicant does not comply with a requirement under subsection (1) within the specified time.
Statutory function delegated	Building Act Section 18 Require further information from applicant
Statutory function delegated to	Local Government
Statutory power of delegation	Building Act 2011- Section 127(1)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Building Act 2011-Section 127 (6A)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Building Act 2011

B4 Grant or not grant a building permit (section 20 & 27)

Function delegated	To: <ul style="list-style-type: none"> grant a building permit when satisfied as to each of the matters mentioned in (1)(a) to (s); or not grant the building permit when not satisfied as to each of the matters mentioned in subsection (1)(a) to (s); and impose conditions on the grant of a building permit in addition to any provided for in the regulations.
Statutory function delegated	Section 20 Require further information from applicant Section 27 - Conditions imposed by permit authority
Statutory function delegated to	Local Government
Statutory power of delegation	Building Act 2011- Section 127(1)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Building Act 2011-Section 127 (6A)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Building Act 2011

B5 Grant or not grant a demolition permit (section 21)

Function delegated	To: <ul style="list-style-type: none"> grant a demolition permit when satisfied as to each of the matters mentioned in (1)(a) to (o); or not grant the demolition permit when not satisfied as to each of the matters mentioned in subsection (1)(a) to (o); and impose conditions on the grant of a demolition permit in addition to any provided for in the regulations. 	
Statutory function delegated	Section 21 - Require further information from applicant Section 27 - Conditions imposed by permit authority	
Statutory function delegated to	Local Government	
Statutory power of delegation	Building Act 2011- Section 127(1)	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Building Act 2011-Section 127 (6A)	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

Building Act 2011

B6 Grant or not grant an occupancy permit and a building approval certificate (section 20)

Function delegated	To: <ul style="list-style-type: none"> grant or modify the occupancy permit or grant the building approval certificate applied for if it is satisfied; or not grant or modify the occupancy permit or grant the building approval certificate applied for unless it is satisfied as to each of the matters mentioned in subsection (1)(a) to (l); and refuse to grant or modify the occupancy permit or grant the building approval certificate applied for if it appears to the permit authority that there is an error in the information or a document provided for the application.
Statutory function delegated	Section 58 - Grant of occupancy permit, building approval certificate
Statutory function delegated to	Local Government
Statutory power of delegation	Building Act 2011- Section 127(1)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Building Act 2011-Section 127 (6A)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Building Act 2011

B7 Building orders (section 110 and 117)

Function delegated	To make an order (a building order) in respect of one or more of the following — (a) particular building work; (b) particular demolition work; (c) a particular building or incidental structure, whether completed before or after commencement day; or by notice in writing, revoke a building order at any time and must serve each person to whom the order is directed with a copy of the notice	
Statutory function delegated	Section 110 – make a building order Section 117 – revoke a building order	
Statutory function delegated to	Local Government	
Statutory power of delegation	Building Act 2011- Section 127(1)	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Building Act 2011-Section 127 (6A)	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

Building Act 2011

B8 Issue certificates (section 145A)		
Function delegated	To issue a certificate that complies with section 19, 56 or 57 of the Building Act 2011.	
Statutory function delegated	Section 145 – Issue certificates	
Statutory function delegated to	Local Government	
Statutory power of delegation	Building Act 2011- Section 127(1)	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Building Act 2011-Section 127 (6A)	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

Food Act 2008

H1 Serve a prohibition order (section 65(1))		
Function delegated	To serve a prohibition order on the proprietor of the food business.	
Statutory function delegated	Food Act section 65	
Statutory function delegated to	Local Government	
Statutory power of delegation	Food Act - section 118(2)(b)	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Food Act- section 117(4)	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Food Act 2008 - section 122(3)	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

Food Act 2008

H2 Issue a certificate of clearance (section 66)

Function delegated	To give a certificate of clearance
Statutory function delegated	Food Act section 66
Statutory function delegated to	Local Government
Statutory power of delegation	Food Act - section 118(2)(b)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Food Act- section 117(4)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Food Act 2008 - section 122(3)

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Food Act 2008

H3 Give written notice of refusal of certificate (section 67)

Function delegated	To give written notification to the proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance.
Statutory function delegated	Food Act section 67
Statutory function delegated to	Local Government
Statutory power of delegation	Food Act - section 118(2)(b)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Food Act- section 117(4)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Food Act 2008 - section 122(3)

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Food Act 2008

H4 Give written notice of determination (section 70(3))

Function delegated	To give each applicant for the payment of compensation as provided in s.70(1) written notification of — (a) the determination to pay or to refuse to pay compensation under this section; and (b) if compensation is to be paid - the determination as to the amount of compensation that is just and reasonable.
Statutory function delegated	Food Act section 70(3)
Statutory function delegated to	Local Government
Statutory power of delegation	Food Act - section 118(2)(b)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Food Act- section 117(4)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Food Act 2008 - section 122(3)

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Food Act 2008

H5 Vary or cancel registration of a food business (section 112(1))

Function delegated	To vary the conditions of, or cancel, the registration of a food business in respect of any premises Part 9.
Statutory function delegated	Food Act section 112(1)
Statutory function delegated to	Local Government
Statutory power of delegation	Food Act - section 118(2)(b)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Food Act- section 117(4)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Food Act 2008 - section 122(3)

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Food Act 2008

H6 Appoint authorised officer (section 122(1))

Function delegated	To appoint a person to be an authorised officer for the purposes of the Food Act 2008.
Statutory function delegated	Food Act section 122(1)
Statutory function delegated to	Local Government
Statutory power of delegation	Food Act - section 118(2)(b)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Food Act- section 117(4)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Food Act 2008 - section 122(3)

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Food Act 2008

H7 Register a food premises (section 110(1))		
Function delegated	To register a food business in respect of any premises for the purposes of Part 9 of the Food Act.	
Statutory function delegated	Food Act section 110(1)	
Statutory function delegated to	Local Government	
Statutory power of delegation	Food Act - section 118(2)(b)	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Food Act- section 117(4)	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Food Act 2008 - section 122(3)	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

Food Act 2008

H8 Register a food business (section 110(1))		
Function delegated	To register a food business in respect of any premises for the purposes of Part 9 of the Food Act.	
Statutory function delegated	Food Act section 110(1)	
Statutory function delegated to	Local Government	
Statutory power of delegation	Food Act - section 118(2)(b)	
Function delegated to	Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Food Act- section 117(4)	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Food Act 2008 - section 122(3)	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

Food Act 2008

H9 Issue (etc) an infringement notices (section 126(13))

Function delegated	To, designate authorised officers appointed by the agency under Part 10 Division 3 to be designated officers for the purposes of subsection (2), (3), (6) or (7) or for the purposes of 2 or more of those subsections, but a person who is a designated officer for the purposes of giving infringement notices under subsection (2) is not eligible to be a designated officer for the purposes of any of the other subsections.
Statutory function delegated	Food Act section 126(13)
Statutory function delegated to	Local Government
Statutory power of delegation	Food Act - section 118(2)(b)
Function delegated to	Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Food Act- section 117(4)
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Food Act 2008 - section 122(3)

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Bush Fires Act 1954

BF1 Variation of burning times (Section 17(10))

Function delegated	To <ul style="list-style-type: none"> • vary the prohibited burning times in respect of that year in the district or a part of the district (under sub-section (7); and • give notice of the variation to any local government whose district adjoins that district (under sub-section 8).
Statutory function delegated	Bush Fires Act- section 17(10) and (7) & (8).
Statutory function delegated to	Local Government
Statutory power of delegation	Bush Fires Act - section 118(2)(b)
Function delegated to	The mayor and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Nil
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Bush Fires Act 1954

BF2 Institute proceedings (Section 24G(2))

Function delegated	To consider allegations of offences alleged to have been committed against this Act in the district and to institute and carry on proceedings against any person alleged to have committed any of those offences.
Statutory function delegated	Bush Fires Act- section 24G(2)
Statutory function delegated to	Local Government
Statutory power of delegation	Bush Fires Act - section 118(2)(b)
Function delegated to	The Chief Executive Officer or bush fire control officer.
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Nil- Bush Fires Act section 48(3) <i>(A delegation under this section does not include the power to subdelegate. Refer also to sub-section 48(4))</i>
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Bush Fires Act 1954

BF3 Restrictions to burning garden refuse (Section 24G(2))

Function delegated	To publish in the Gazette and a newspaper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F.	
Statutory function delegated	Bush Fires Act- section 24G(2)	
Statutory function delegated to	Local Government	
Statutory power of delegation	Bush Fires Act - section 118(2)(b)	
Function delegated to	The Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Nil- Bush Fires Act section 48(3) <i>(A delegation under this section does not include the power to subdelegate. Refer also to sub-section 48(4))</i>	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

Bush Fires Act 1954

BF4 Publish notice affecting use of tractors etc (Section 27(3))

Function delegated	To publish a notice in the district by — (a) publication in a newspaper circulating in that district; (b) broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district; and (c) display in prominent positions in that district, prohibit the operation in its district of any tractor or self-propelled harvester other than a tractor or self-propelled harvester that is equipped with a fire extinguisher.
Statutory function delegated	Bush Fires Act- section 27(3)
Statutory function delegated to	Local Government
Statutory power of delegation	Bush Fires Act - section 118(2)(b)
Function delegated to	The Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Nil- Bush Fires Act section 48(3) <i>(A delegation under this section does not include the power to subdelegate. Refer also to sub-section 48(4))</i>
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Bush Fires Act 1954

BF5 Require fire breaks (Section 33(1))

Function delegated	To give notice in writing to an owner or occupier of land to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks as required.
Statutory function delegated	Bush Fires Act- section 33(1) require occupier of land to plough or clear fire-break
Statutory function delegated to	Local Government
Statutory power of delegation	Bush Fires Act - section 118(2)(b)
Function delegated to	The Chief Executive Officer
Council's conditions on delegation	Nil
Statutory power for CEO to delegate	Nil- Bush Fires Act section 48(3) <i>(A delegation under this section does not include the power to subdelegate. Refer also to sub-section 48(4))</i>
CEO's delegation to	Nil
CEO's conditions on delegation	Nil
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19

Delegation Administration

Version	Decision Reference	Date Delegated
1		

Bush Fires Act 1954

BF6 Appoint bush fire control officer (Section 38(1))		
Function delegated	To appoint a bush fire control officer as the Chief Bush Fire Control Officer and another as Deputy Chief Bush Fire Control Officer.	
Statutory function delegated	Bush Fires Act- section 38(1) appoint bush fire control officers	
Statutory function delegated to	Local Government	
Statutory power of delegation	Bush Fires Act - section 118(2)(b)	
Function delegated to	The Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Nil- Bush Fires Act section 48(3) <i>(A delegation under this section does not include the power to subdelegate. Refer also to sub-section 48(4))</i>	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		

Bush Fires Act 1954

BF6 Appoint weather officers (Section 38(8))		
Function delegated	To appoint bush fire weather officer such number of senior bush fire control officers as it thinks necessary.	
Statutory function delegated	Bush Fires Act- section 38(8) appoint weather officers	
Statutory function delegated to	Local Government	
Statutory power of delegation	Bush Fires Act - section 118(2)(b)	
Function delegated to	The Chief Executive Officer	
Council's conditions on delegation	Nil	
Statutory power for CEO to delegate	Nil- Bush Fires Act section 48(3) <i>(A delegation under this section does not include the power to subdelegate. Refer also to sub-section 48(4))</i>	
CEO's delegation to	Nil	
CEO's conditions on delegation	Nil	
Record keeping requirements	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – Regulation 19	
Delegation Administration		
Version	Decision Reference	Date Delegated
1		