



Register of Delegations and Authorisations from Council 2023/2024

Adopted 27 June 2023

Table of Contents

PART 1 – STATUTORY DELEGATIONS UNDER THE LOCAL GOVERNMENT ACT 1995.....	1
1.1 Local Government Act 1995 and Associated Regulations.....	1
Notices requiring certain things to be done by owner or occupier of land.....	1
Additional powers when notice is given to the owner or occupier of land under section 3.25.	1
Land that is not local government property	1
Powers of entry.....	2
Abandoned vehicle wreck may be taken.....	2
Confiscated or uncollected goods.....	2
Disposal of sick or injured animals.....	2
Closing certain thoroughfares to vehicles	2
Control of certain unvested facilities and reserves	3
Tenders	3
Disposing of property [s 3.58(2)].....	4
Disposing of property [s 3.58(3)].....	4
Senior employees.....	5
Payments from municipal or trust fund.....	5
Power to defer, grant discounts, waive or write off debts	5
Power to invest and manage investments.....	5
Imposing specified area rates	5
Imposing service charges	5
Agreement as to payment of rates and service charges	5
Rates or service charges due and payable	5
Local Government may require lessee to pay rent.....	6
Actions against land where rates or service charges unpaid.....	6
Rate record – objections.....	6
Obstruction of public thoroughfare by things placed and left – Schedule 9.1 clause 3(1)(a)	6
Dangerous excavation in or near public thoroughfare – Schedule 9.1 clause 6	6
Private works on, over or under public places.....	7
Interfering with, or taking from, local government land.....	7
Obstruction of public thoroughfare by things placed and left [Local Government Act 1995 Schedule 9.1, Clause 3(1)(a)(b), 3(2)]	7
Obstruction of public thoroughfare by fallen things	7
Encroaching on public thoroughfare	7
1.2 City Local Laws	8
Activities in Thoroughfares and Public Places Local Law.....	8
Local Government Property Local Law	10
Parking Facilities Local Laws.....	10
Signs Local Law	11
Trading in Public Places Local Law	12
PART 2 – STATUTORY DELEGATIONS UNDER OTHER LEGISLATION	14

2.1	<i>Building Act 2011</i>	14
	Uncertified application to be considered by building surveyor	14
	Further information	14
	Approve or refuse to grant building permit	14
	Approve or refuse to grant demolition permit	14
	Building or demolition permit conditions.....	14
	Application to extend time during which permit has effect.....	14
	Extend the time during which a permit has effect.....	15
	Approval of new responsible person	15
	Further information	15
	Approve or refuse to grant occupancy permit and building approval certificate	15
	Occupancy permit or building approval certificate conditions	15
	To approve or refuse to approve applications submitted under section 65.....	15
	Time limited occupancy permit or building approval certificate.....	15
	Extension of period of duration	15
	Finishes of walls close to boundaries.....	15
	Authorised persons [s 96(3)].....	15
	Authorised persons [s 96(6)].....	16
	Limitation of powers of authorised person.....	16
	Make building orders	16
	Consider submissions on proposed building order.....	16
	Serve building orders.....	16
	Revoke building orders	16
	Non-compliance with building orders	16
	Inspection, copies of building records	17
	Prosecutions.....	17
	Approvals by local government.....	17
	Approvals of battery powered smoke alarms	17
	Approved officers and authorised officers	17
2.2	<i>Bush Fires Act 1954</i>	18
	Powers, duties and functions of the local government	18
	Prosecution of offences	18
2.3	<i>Cat Act 2011</i>	19
	Powers, Duties and Functions of the Local Government.....	19
2.4	<i>Dog Act 1976</i>	20
	Powers, Duties and Functions of the Local Government and Power to Sub-Delegate	20
2.5	City of Subiaco Local Planning Scheme and the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	21
	Exercise any of the powers or discharge any of the duties of the local government under the City's local planning scheme.....	21
2.6	Delegations under the <i>Heritage Act 2018</i>	23
	Co-opted members and role of CEO.....	23
2.7	<i>Food Act 2008</i>	24
	Serve prohibition order	24

Certificate of clearance	24
Request for reinspection.....	24
Priority classification system and frequency of auditing	24
Registration of food business.....	24
Variation of conditions or cancellation of registration of food businesses	24
Appointment of authorised officers.....	25
Institution of proceedings.....	25
Infringement notices	25
Enforcement agency may make list of food businesses publicly available	25
2.8 Graffiti Vandalism Act 2016	26
Powers, duties and functions of the local government	26
2.9 Planning and Development Act 2005	27
Subdivision and Development Control	27
2.10 Public Health Act 2016	28
Appoint Environmental Health Officers	28
Enforcement agency functions.....	28
Designate authorised officers	28
PART 3 – STATUTORY DELEGATIONS FROM EXTERNAL AGENCIES.....	29
3.1 Delegations under the Metropolitan Redevelopment Authority Act 2011.....	29
3.2 Planning and Development Act 2005 – Western Australian Planning Commission.....	29
Exercising powers under the <i>Planning and Development Act 2005</i>	29
3.3 Strata Titles Act 1985.....	29
3.4 Delegations from the Western Australia Planning Commission under the Strata Titles Act 1985.....	30
Power to determine applications for the issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i> , 30	
PART 4 – STATUTORY AUTHORISATIONS.....	31
4.1 Local Government Act 1995 – Affix Common Seal and Sign Documents	31
Affix common seal	31
Sign documents.....	31
4.2 Health (Miscellaneous Provisions) Act 1911 – Deputies	33
Appoint and authorise deputies	33
4.3 Health (Asbestos) Regulations 1992.....	34
Infringement notices	34

Part 1 – Statutory Delegations under the *Local Government Act 1995*

1.1 *Local Government Act 1995* and Associated Regulations

KEY	
Local Government Act 1995	LGA
Local Government (Functions and General) Regulations 1996	F&G
Local Government (Financial Management) Regulations 1996	FM
Local Government (Uniform Local Provisions) Regulations 1996	ULP

Statutory Power to Delegate

Local Government Act 1995 – section 5.42 – Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
- this Act other than those referred to in section 5.43; or
 - the *Planning and Development Act 2005* section 214(2), (3) or (5).
- * Absolute majority required.

Statutory Power to Sub-Delegate

Local Government Act 1995 - section 5.44 – CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

Delegations from Council under the <i>Local Government Act 1995</i> and Associated Regulations		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by Council.	
s 3.25(1)	Notices requiring certain things to be done by owner or occupier of land. Give an owner or occupier a notice requiring them to do something to the land if it is specified in schedule 3.1. (Notice issued under s.3.25 relates to nuisance / risk impacts on any land.)	CEO
s.3.26(2) and (3)	Additional powers when notice is given to the owner or occupier of land under section 3.25. The authority to: 1. Do anything considered necessary to achieve the purpose for which a notice has been given [s.3.26(2)]. 2. To recover costs associated with achieving the purpose for which a notice has been given [s.3.26(3)].	CEO
s.3.27(1)	Land that is not local government property The authority to go onto private land in the circumstances prescribed in schedule 3.2 and carry out works, even without consent of owner or occupier.	CEO

Delegations from Council under the Local Government Act 1995 and Associated Regulations		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by Council.	
s.3.28 s.3.32 s.3.33 s.3.34(1) and (3) s.3.36	Powers of entry The authority to: 1. Exercise powers of entry to enter onto land to perform any of the local government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Give notice of entry [s.3.32]. 3. Seek and execute an entry under warrant [s.3.33]. 4. Execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Give notice and effect entry by opening a fence [s.3.36].	CEO
s.3.40A(4)	Abandoned vehicle wreck may be taken Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].	CEO
s.3.46 s.3.47 s.3.48	Confiscated or uncollected goods The authority to: 1. Refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government [s.3.46]. 2. Sell or otherwise dispose of confiscated, uncollected or impounded goods or vehicles [s.3.47]. 3. Recover costs of expenses incurred by removing, impounding or disposing of confiscated or uncollected goods [s.3.48].	CEO
s.3.47A(1)	Disposal of sick or injured animals Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].	CEO
s.3.50(1), (1a), (2), (4) and (6) s.3.50A s.3.51	Closing certain thoroughfares to vehicles The authority to: 1. Close a thoroughfare to the passage of vehicles (wholly or partially) to all vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s.3.50(1)]. 2. Determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • 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. To revoke an order to close a thoroughfare [s.3.50(6)]. 4. Close a thoroughfare, partially and temporarily, without giving local public notice if the closure is for repairs or maintenance, where it is unlikely to have a significant adverse effect on users of the thoroughfare [s.3.50A].	CEO

Delegations from Council under the Local Government Act 1995 and Associated Regulations		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	<p style="text-align: center;">This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by Council.</p>	
	<p>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 [s.3.51].</p>	
s.3.53(3) s.3.54(1)	<p>Control of certain unvested facilities and reserves</p> <p>The authority to:</p> <ol style="list-style-type: none"> 1. Agree on the method of control and management of an unvested facility which is partially within 2 or more local government districts [s.3.53(3)]. 2. Do anything for the purpose of controlling and managing land under the control and management of the City that the City could do under s5 of the <i>Parks and Reserves Act 1895</i> [s.3.54(1)]. 	CEO
LGA s 3.57 F&G regs 11(1)(f), 11(2)(j), 13, 14(2a), 14(4)(a), 14(5), 18(2), 18(4)–(5), 18(6) and (7) 20(1)–(2)- (3), 21A, 21(1), 23(3)	<p>Tenders</p> <p>The authority to:</p> <ol style="list-style-type: none"> 1. Invite public tenders [F&G r.11(1)]. 2. Because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Invite public tenders although not required to do so [F&G r.13]. 4. Determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 5. Determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 6. Vary tender information after public notice of invitation to tender and before the close of tenders taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 7. Evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 8. Authority to accept, or reject tenders, in an amount not exceeding \$300,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 10. Decline to accept any tender [F&G r.18(5)]. 11. Accept another tender where within 6 months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) and (7)]. 12. Determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, within the \$300,000 value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)]. 13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r. 20(2)]. 	CEO

Delegations from Council under the <i>Local Government Act 1995 and Associated Regulations</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	<p style="text-align: center;">This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by Council.</p> <p>14. Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract; Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].</p> <p>15. Make a preliminary selection from amongst prospective tenderers by giving State-wide public notice that the City is seeking expressions of interest for the supply of goods or services [F&G r. 21(1)].</p> <p>16. Consider expressions of interest that have not been rejected and decide which are capable of satisfactorily supplying the goods or services to be listed as acceptable tenderers [F&G r. 23(3)].</p> <p>Council Conditions:</p> <p>1. Acceptance or rejection of a tender valued at \$300,000 or below.</p>	
s.3.58(2)	<p>Disposing of property [s 3.58(2)]</p> <p>The authority to dispose of property to:</p> <p>(a) The highest bidder at public auction [s.3.58(2)(a)].</p> <p>(b) The person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)].</p> <p>Council Conditions:</p> <p>1. The sale of land requires a Council resolution prior to the CEO exercising delegated authority under this section.</p> <p><u>Note:</u> Exemptions apply under Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i> - Dispositions of property excluded from Act s.3.58.</p>	CEO
3.58(3)	<p>Disposing of property [s 3.58(3)]</p> <p>The authority to dispose of property other than under section 3.58(2) if, before agreeing to dispose of the property:</p> <p>(a) it gives local public notice of the proposed disposition:</p> <p style="margin-left: 20px;">(i) describing the property concerned; and</p> <p style="margin-left: 20px;">(ii) giving details of the proposed disposition; and</p> <p style="margin-left: 20px;">(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and</p> <p>(b) it considers any submissions made to it before the date specified in the notice and the decision and the reasons for it are recorded.</p> <p>Council Conditions:</p> <p>1. Elected members are to be notified of the giving of public notice.</p> <p>2. The sale of land requires a Council resolution prior to the CEO exercising delegated authority under this section.</p>	CEO

Delegations from Council under the <i>Local Government Act 1995 and Associated Regulations</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by Council.	
	<u>Note:</u> Exemptions apply under Regulation 30 of the <i>Local Government (Functions and General) Regulations 1996</i> - Dispositions of property excluded from Act s.3.58.	
s.5.37(1)	Senior employees The authority to designate any employee or class of employees to be a senior employee.	CEO
s.6.10 FM r.12(1)(a)	Payments from municipal or trust fund Authority to make payments from the municipal or trust fund.	CEO
s.6.12(1)	Power to defer, grant discounts, waive or write off debts The authority to: 1. Waive or grant a concession in relation to any amount of money which is owed to the City, [6.12(1)(b)]. 2. Write off any amount of money which is owed to the City [s.6.12(1)(c)]. <u>Note:</u> Section 6.12(2) of the <i>Local Government Act 1995</i> does not allow money owed to the City in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.	CEO
s.6.14(1) FM r.19	Power to invest and manage investments Authority to: 1. Invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].	CEO
s.6.37(5)	Imposing specified area rates The authority to refund or credit overpayments of specified area rates.	CEO
s.6.38(5)	Imposing service charges The authority to refund or credit overpayments service charges.	CEO
s.6.49	Agreement as to payment of rates and service charges Authority to make an agreement with a person for the payment of rates or service charges.	CEO
s.6.50	Rates or service charges due and payable Authority to determine the date on which rates or service charges become due and payable to the City.	CEO

Delegations from Council under the Local Government Act 1995 and Associated Regulations		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by Council.	
s.6.60(2), (4)	<p>Local Government may require lessee to pay rent</p> <p>The authority to:</p> <ol style="list-style-type: none"> 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 of Subiaco [s 6.60(2)]. To recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice [s.6.60(4)]. 	CEO
s 6.64(1), (3)	<p>Actions against land where rates or service charges unpaid</p> <p>The authority to:</p> <ol style="list-style-type: none"> To take possession of land and hold the land as against a person having an estate or interest in the land where any rates or service charges in respect of the rateable land have been unpaid for at least three years [s.6.64(1)]. To lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. 	CEO
s 6.76(4), (5)	<p>Rate record – objections</p> <p>The authority to:</p> <ol style="list-style-type: none"> Extend the time for a person to make an objection to a rate record [s.6.76(4)]. Consider an objection to a rate record and either allow it or disallow it wholly or in part [s.6.76(5)]. 	CEO
ULP r.6(2), (4), (6) and (8)	<p>Obstruction of public thoroughfare by things placed and left – Schedule 9.1 clause 3(1)(a)</p> <ol style="list-style-type: none"> 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)]. 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)]. Authority to grant permission under this regulation a fee, within the limit prescribed to the person to whom permission is granted [ULP r.6(8)]. 	CEO
ULP r.11(1), (4), (6) and (8)	<p>Dangerous excavation in or near public thoroughfare – Schedule 9.1 clause 6</p> <p>Authority to:</p> <ol style="list-style-type: none"> Determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. Determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. Impose conditions on granting permission [ULP r.11(6)]. 	CEO

Delegations from Council under the <i>Local Government Act 1995 and Associated Regulations</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by Council.</p> <p>4. Renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</p>	
ULP r.17	<p>Private works on, over or under public places</p> <p>Authority to:</p> <ol style="list-style-type: none"> Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. Renew or cancel permission [ULP r.17(4)]. Impose conditions on permission including those prescribed in r 17(5) and (6) [ULP r.17(5)]. 	CEO
ULP r 5(2)	<p>Interfering with, or taking from, local government land</p> <p>Authority to:</p> <ol style="list-style-type: none"> Serve written notice on a person working over or near a footpath on land that is local government property, require the person to cover the footpath for a specified period to prevent damage to the footpath or inconvenience to the public. 	CEO
ULP r 6	<p>Obstruction of public thoroughfare by things placed and left [Local Government Act 1995 Schedule 9.1, Clause 3(1)(a)(b), 3(2)]</p> <p>Authority to:</p> <ol style="list-style-type: none"> Grant or renew permission to place on a specified part of public thoroughfare one or more specified things for a specified period, with or without condition, including a charge for any damage caused. 	CEO
ULP r 7A	<p>Obstruction of public thoroughfare by fallen things</p> <p>Authority to:</p> <ol style="list-style-type: none"> Give notice under the Act and if not complied with, do what the notice requires and recover the cost. 	CEO
ULP r 7	<p>Encroaching on public thoroughfare</p> <p>Authority to:</p> <ol style="list-style-type: none"> Give notice under the Act and if not complied with, do what the notice requires and recover the cost. 	CEO

1.2 City Local Laws

Statutory Power to Delegate

Local Government Act 1995 – section 5.42 – Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
- (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).
- * Absolute majority required.

Statutory Power to Sub-Delegate

Local Government Act 1995 – section 5.44 – CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

Activities in Thoroughfares and Public Places Local Law

Delegations from Council under the Activities in Thoroughfares and Public Places Local Law		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
cl 2.1 (c)(i)	Authorise in writing the removal of a street tree.	CEO
cl 2.2(2)	Authority to exempt a person from compliance with clause 2.2(1).	CEO
cl 2.4	Authority to approve applications for a permit for temporary crossings.	CEO
cl 2.5(2)	Authority to give written notice to an owner or occupier of a lot requiring them to remove any part of a crossing, or reinstate any part of a kerb, drain, footpath, verge or thoroughfare.	CEO
cl 2.10	Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements.	CEO
cl 2.14	Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned.	CEO
cl 2.16	Authority to erect signs on a public place specifying the conditions of use that apply to that place.	CEO
cl 4.6(1)	Authority to advise retailers to collect abandoned shopping trolleys.	CEO
cl 5.1(2)(a) cl 5.1(3) cl 5.1(4) cl 5.1(5)	Authority to: <ol style="list-style-type: none"> 1. Determine the form of an application for a permit [cl 5.1(2)(a)]. 2. Require an applicant to provide additional information reasonably required to determine the application for a permit [cl 5.1(3)]. 3. Require a permit applicant to give local public notice of the application for a permit [cl 5.1(4)]. 4. Refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl 5.1(5)]. 	CEO

Delegations from Council under the Activities in Thoroughfares and Public Places Local Law		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
cl 5.2(1) cl 5.2(2) cl 5.2(3) cl 5.2(4) cl 5.2(5)	Authority to: 1. Approve an application unconditionally or subject to any conditions or refuse an application [cl 5.2(1)]. 2. Issue a permit and determine the form of the permit [cl 5.2(2)]. 3. Give written notice of a refusal of an application [cl 5.2(3)]. 4. Impose conditions on a permit [cl 5.2(4)]. 5. Refuse an application for a permit [cl 5.2(5)].	CEO
cl 5.3	Authority to approve an application subject to conditions.	CEO
cl 5.4(2)	Authority to approve an application subject to conditions by reference to a policy.	CEO
cl 5.5(2)	Authority to vary conditions imposed on a permit.	CEO
cl 5.7	Authority to renew a permit.	CEO
cl 5.8	1. Authority to approve the transfer of a permit. 2. Authority to refuse to approve a transfer of a permit or approve with conditions.	CEO
cl 5.10	Authority to cancel a permit if conditions are breached, or any other written law relating to the activity regulated by the permit is breached.	CEO
cl 7.1	Authority to give notice to the owner or occupier of land abutting a thoroughfare to alter the direction of a sprinkler or other watering equipment.	CEO
cl 7.2(1)	Authority to give notice to the owner or occupier of land abutting a thoroughfare to remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare.	CEO
cl 7.3	Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to repair or replace that portion of a thoroughfare, which a person has caused damage to, to the satisfaction of the City.	CEO
cl 7.4	Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to remove anything placed in a thoroughfare in contravention of this Local Law.	CEO
cl 8.2	Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so.	CEO

Local Government Property Local Law

Delegations from Council under the Local Government Property Local Law 2014		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
cl 3.2(5)	Authority to refuse to consider a non-compliant application.	CEO
cl 3.7	Authority to enter into an agreement with a permit holder in respect of the ownership of the materials in the building.	CEO
cl 3.10(3)	Authority to endorse a transfer of a permit by signing the permit.	CEO
cl 3.13(2) cl 3.13(3)	Authority to: <ol style="list-style-type: none"> Exempt a person from compliance with clause 3.13(1) upon application [cl 3.13(2)]. Exempt local government property or a class of local government property from the application of clause 3.13(1)(a) [cl 3.13(3)]. 	CEO
cl 4.8	Authority to erect signs on local government property specifying any conditions of use which apply to that property.	CEO

Parking Facilities Local Laws

Delegations from Council under the Parking Facilities Local Laws 1997		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
cl 1.6	Authorise all dealings with parking signs.	CEO
cl 2.1	Authority to determine prohibitions, regulations or restrictions for the parking or standing of vehicles – including the erection of parking signs.	CEO
cl 2.17(1), (2)	Authority to: <ol style="list-style-type: none"> Set aside all or any part of a parking station, road or public place for the parking of vehicles by persons attending a particular event [cl 2.17(1)]. Issue tickets for parking in an area set aside for a particular event under clause 2.17(1) [cl 2.17(2)]. 	CEO
cl 2.18(1), (2) and (4)	Authority to: <ol style="list-style-type: none"> Set aside all or part of a parking station or road for the parking of vehicles by authorised persons [cl 2.18(1)]. Authorise persons to park in the area set aside [cl 2.18(1)]. Issue permits to persons authorised under sub-clause (1) [cl 2.18(2)]. Revoke a permit issued under sub-clause (2) at any time [cl 2.18(4)]. 	CEO
Cl 3.3(b)	Authority to permit required payment for a parking station to be made in another form.	CEO
cl 3.10	Authority to lock parking stations outside of operating hours.	CEO
cl 5.2	Authority to authorise a person to drive, park or stop a vehicle, or allow a vehicle to remain parked, on a reserve.	CEO

Delegations from Council under the Parking Facilities Local Laws 1997		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
cl 6.2(3)	Authority to determine applications for residential visitor's parking permits.	CEO
cl 6.7(1) and (2)	Authority to: <ol style="list-style-type: none"> Determine applications for renewal or replacement of a residential or visitor's parking permit [cl 6.7(1)]. Waive application fees [cl 6.7(2)]. 	CEO
cl 6.8	Authority to determine applications for temporary visitor's parking permits including waive of any fees under section 6.8(3).	CEO
cl 6.9	Authority to determine applications for special purpose permits including waive of any fees under section 6.9(2).	CEO
cl 6.10	Authority to revoke permits.	CEO
cl 8.4	Authority to return impounded vehicles to the alleged offender pending prosecution, upon collection of expenses.	CEO

Signs Local Law

Delegations from Council under the Signs Local Law 2004		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
cl 3.1(3)	Authority to refuse to process an application for a licence that is not presented in accordance with subclause (2) or any other clause relating to the requirements.	CEO
cl 3.2(1) cl 3.2(2) cl 3.2(3)	Authority to: <ol style="list-style-type: none"> Refuse an application or approve it with conditions [cl 3.2(1)]. Have regard to a prescribed series of circumstances when determining an application [cl 3.2(2)]. Refuse an application under prescribed circumstances [cl 3.2(3)]. 	CEO
cl 3.4	Authority to vary the terms and conditions of a licence on application by licensee.	CEO
cl 3.8(1)	Authority to cancel a licence.	CEO
cl 3.9(1), (2), (3)	Authority to determine the form of an application to transfer a licence, and approve or refuse the transfer.	CEO
cl 6.1(1)	Authority to issue a notice to the owner or occupier requiring that person to have a sign repaired, modified or removed.	CEO

Trading in Public Places Local Law

Delegations from Council under the Trading in Public Places Local Law 2014		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
cl 2.3(2) cl 2.3(3) cl 2.3(4) cl 2.3(5)	Authority to: <ol style="list-style-type: none"> Determine the form of a permit application [cl 2.3(2)]. Require an applicant to provide additional information reasonably required to determine the application [cl 2.3(3)]. Require a permit applicant to give local public notice of the application for a permit [cl 2.3(4)]. Refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl 2.3(5)]. 	CEO
cl 2.5(1)(a),(b) cl 2.5(2)	Authority to: <ol style="list-style-type: none"> Approve application unconditionally or subject to conditions, or refuse to approve application [cl 2.5(1)(a)(b)]. Determine the form of permit [cl 2.5(2)]. 	CEO
cl 2.8(2) and (3)	Authority to: <ol style="list-style-type: none"> Amend or decline to amend a permit in response to application [cl. 2.8(2)]. Amend terms and conditions of a permit irrespective of application [cl. 2.8(3)]. 	CEO
cl 2.10	Authority to require permit holder to resubmit details for renewal.	CEO
cl 2.12(1)	Authority to suspend a permit if reasonable grounds to believe Clause 2.12(1)(a), 2.12(1)(b) or 2.12(1)(c) have been satisfied.	CEO
cl 2.12(2)	Authority to suspend a permit for purpose and duration of works.	CEO
cl 2.13(1)	Authority to determine that the local government is satisfied required steps have been taken.	CEO
cl 2.13(2)	Authority to revoke suspension of permit if appropriate to do so.	CEO
cl 2.15(1)	Authority to cancel a permit subject to conditions prescribed in the Local Law cl 2.15(1)(a)(b)(c).	CEO
cl 2.17(3) cl 2.17(4) cl 2.17(5)	Authority to: <ol style="list-style-type: none"> Refuse to consider or determine application for transfer not in accordance with Clause 2.17(2) [cl 2.17(3)]. Approve application to transfer, refuse or approve subject to conditions [cl 2.17(4)]. Make specification in regard to date of transfer where transfer approved [cl 2.17(5)]. 	CEO
cl 2.18	Authority to waive a fee where permit holder is a charitable organisation or an incorporated association.	CEO
cl 3.2(2) and (4)	<ol style="list-style-type: none"> Authority to exempt person or class of persons from requirement to obtain an outdoor dining permit [cl 3.2(2)]. Authority to grant an exemption subject to conditions [cl 3.2(4)]. 	CEO

Delegations from Council under the Trading in Public Places Local Law 2014		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
cl 3.7	Authority to cancel an outdoor dining permit for the specified reasons.	CEO
cl 5.5(2)(h), (i) and (j)	Authority to approve the use by a street trading permit holder of any: <ol style="list-style-type: none"> 1. loud hailer, microphone, amplifier or sound device [cl 5.5(h)]; 2. record, tape, bell or musical instrument [cl 5.5(i)]; 3. flashing or intermittent lighting device [cl 5.5(j)]. 	CEO
cl 6.5(3)(b)	Authority to provide written approval for the sale of goods by a street entertainment permit holder.	CEO
cl 6.6	Authority to cancel or vary a street entertainment permit for the specified reasons.	CEO
cl 7.1(1)	Authority to require a bond for purpose of ensuring outdoor dining or street market area restored.	CEO
cl 7.2(1)	Authority to carry out or cause to be carried out the required restoration work where Clause 7.2(1)(a) or (b) apply.	CEO
cl 7.2(3)	Authority to apply proceeds of bond provided under Clause 7.1 to pay costs required by Clause 7.2(2).	CEO
cl 8.1(1), (3) and (4)	Authority to: <ol style="list-style-type: none"> 1. Issue notices requiring works to be done [cl 8.1(1)]. 2. Carry out works where notice not complied with and recover the costs incurred [cl 8.1(3) and (4)]. 	CEO

Part 2 – Statutory Delegations under Other Legislation

2.1 Building Act 2011

Statutory Power to Delegate

Building Act 2011 section 127 - Delegation: special permit authorities and local governments

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision of this Act.
- (2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority, or to an employee of one of the legal entities that comprise the special permit authority.
- (3) A delegation of a local government's powers or duties may be only to a local government employee.

Statutory Power to Sub-Delegate

Building Act 2011 section 127 (6A) - The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty —

- (a) the CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and
- (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

Delegations from Council under the <i>Building Act 2011</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
s.17(1)	Uncertified application to be considered by building surveyor Refer an uncertified application to a building surveyor.	CEO
s.18	Further information Authority to require an applicant for a building or demolition permit to supply any additional document or information required. Refuse to consider an application if requirement not complied with in specified time.	CEO
s 20 and 22	Approve or refuse to grant building permit Authority to approve or refuse to approve a certified or uncertified application for a building permit in accordance with Section 20 of the <i>Building Act 2011</i> .	CEO
s 21 and 22	Approve or refuse to grant demolition permit Authority to approve or refuse to approve an application for a demolition permit in accordance with Section 21 and 22 of the <i>Building Act 2011</i> .	CEO
s 27	Building or demolition permit conditions Authority to impose, add, vary or revoke conditions on the granting of a building permit or demolition permit in accordance with Section 27 of the <i>Building Act 2011</i> .	CEO
s.32 reg 23	Application to extend time during which permit has effect Refuse to accept application to extend time during which permit has effect.	CEO

Delegations from Council under the <i>Building Act 2011</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
s.32 reg 24	Extend the time during which a permit has effect Authority to extend the time during which a permit has effect.	CEO
s.35(c) reg 26	Approval of new responsible person Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r 26].	CEO
s.55(1) and (2)	Further information 1. Require the applicant of an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s 55(1)]. 2. Refuse to consider an application if applicant doesn't comply [s 55(2)].	CEO
s.58	Approve or refuse to grant occupancy permit and building approval certificate To approve, modify or refuse to approve applications submitted under Section 58 of the <i>Building Act 2011</i> .	CEO
s.62	Occupancy permit or building approval certificate conditions Impose, add and/or vary conditions on an occupancy permit or modification or building approval certificate in accordance with Section 62 of the <i>Building Act 2011</i> .	CEO
s.65	To approve or refuse to approve applications submitted under section 65 Approve or refuse to approve an application to extend the time in which an occupancy permit or modification or building approval certificate has effect in accordance with Section 65 of the <i>Building Act 2011</i> .	CEO
s 65, reg 40(2)	Time limited occupancy permit or building approval certificate Refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect.	CEO
s.65, reg 40(5)	Extension of period of duration 1. Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for a shorter period than requested by the applicant. 2. Give the applicant written notice of the reasons and the right of review.	CEO
s.88(3)	Finishes of walls close to boundaries Specify the way in which an outward facing side of a particular close wall must be finished.	CEO
s.96(3)	Authorised persons [s 96(3)]	CEO

Delegations from Council under the <i>Building Act 2011</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p>	
	<p>Designate an employee of the local government as an authorised person for the purposes of the <i>Building Act 2011</i> in relation to buildings and incidental structures located, or proposed to be located, in the district of the City of Subiaco.</p> <p>Conditions:</p> <p>An authorised person must:</p> <ol style="list-style-type: none"> Be employed by the City of Subiaco in accordance with s 5.36 of the <i>Local Government Act 1995</i>; and Be authorised in writing. 	
s.96(6)	<p>Authorised persons [s 96(6)]</p> <p>Revoke a designation at any time.</p>	CEO
s.99(2), (3)	<p>Limitation of powers of authorised person</p> <p>Limit the powers of an authorised person by imposing conditions on a person's instrument of designation or by written notice.</p>	CEO
s.110	<p>Make building orders</p> <p>Make a building order in accordance with Section 110 of the <i>Building Act 2011</i> in relation to:</p> <ol style="list-style-type: none"> building work; demolition work; and/or an existing building or incidental structure whether completed before or after commencement day. 	CEO
s.111(1) (a) and (c)	<p>Consider submissions on proposed building order</p> <p>Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s 111(1) (a) and (c)].</p>	CEO
s.114	<p>Serve building orders</p> <p>Serve a building order in accordance with Section 114 of the <i>Building Act 2011</i>.</p>	CEO
s.117	<p>Revoke building orders</p> <p>Revoke a building order in accordance with Section 117 of the <i>Building Act 2011</i>.</p>	CEO
s.118(2) and (3)	<p>Non-compliance with building orders</p> <p>If there is non-compliance with a building order, cause an authorised person to [s 118(2)]:</p> <ol style="list-style-type: none"> Take any action specified in the building order; Commence or complete any work specified in the building order; or 	CEO

Delegations from Council under the <i>Building Act 2011</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p> <p>(c) If any specified action was required by the building order to cease, take such steps as are reasonable in the circumstances to cause the action to cease.</p> <p>In a court of competent jurisdiction, recover as a debt from a person who has been served with a building order, the reasonable costs and expenses incurred in doing anything in relation to the building order [s 118(3)].</p>	
s.131(2)	<p>Inspection, copies of building records</p> <p>Allow an interested person to inspect a building record and provide to the interested person a copy of the building record.</p>	CEO
s.133	<p>Prosecutions</p> <p>Authority to commence a prosecution for an offence against the <i>Building Act 2011</i>.</p>	CEO
reg 51(2), (3) and (5)	<p>Approvals by local government</p> <ol style="list-style-type: none"> Approve alternative requirements to r.50(4)(b) if satisfied that the alternative requirements will restrict access by young children to the swimming pool as effectively as if there were compliance with Australian Standard AS 1926.1 [reg 51(2)]. Approve a door for the purposes of r.50(4)(c)(ii) if the door is in accordance with the requirements of Australian Standard AS 1926.1 and the conditions in r.51(3) are satisfied [reg 51(3)]. Approve an alternative solution to a Building Code pool barrier requirement [reg 51(5)]. 	CEO
reg 61(1) and (2)	<p>Approvals of battery powered smoke alarms</p> <ol style="list-style-type: none"> Approve battery powered smoke alarm if mains smoke alarm would involve a sufficient problem [reg 61(1)]. Approval in relation to an alarm that was installed before the approval is to be given [reg 61(2)]. 	CEO
reg 70(1) and (2)	<p>Approved officers and authorised officers</p> <p>Appoint approved officers and authorised officers.</p>	CEO

2.2 *Bush Fires Act 1954*

KEY	
Manager Health and Compliance Services	MHCS
Coordinator Compliance Services	CCS
Senior Ranger	SR

Statutory Power to Delegate

Bush Fires Act 1954 - section 48 – Delegation by local governments.

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) ...
- (3) A delegation under this section does not include the power to sub-delegate.

Statutory Power to Sub-Delegate

Nil.

Delegations from Council under the <i>Bush Fires Act 1954</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
s.48(1)	<p>Powers, duties and functions of the local government</p> <p>Exercise the powers, discharge the duties and perform the functions of the 'local government' under the <i>Bush Fires Act 1954</i>.</p>	CEO
s.59(3)	<p>Prosecution of offences</p> <p>Consider allegations of offences alleged to have been committed against this Act in the district of the local government, institute and carry on proceedings.</p>	MHCS CCS SR

2.3 Cat Act 2011

Statutory Power to Delegate

Cat Act 2011 – section 44 – Delegation by local government

- (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.

Statutory Power to Sub-Delegate

Cat Act 2011 – section 45 - Delegation by CEO of local government

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s duties under another provision of this Act.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 44, but in the case of such a power or duty —
 - (a) the CEO’s power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO’s delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

Delegations from Council under the <i>Cat Act 2011</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
s.44(1)	<p style="text-align: center;">This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p> <p>Powers, Duties and Functions of the Local Government</p> <p>Exercise the powers, discharge the duties and perform the functions of the ‘local government’ under the <i>Cat Act 2011</i>.</p>	CEO

2.4 Dog Act 1976

Statutory Power to Delegate

Dog Act 1976 – section 10AA – Delegation of local government powers and duties

- (1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.

Statutory Power to Sub-Delegate

Dog Act 1976 – section 10AA – Delegation of local government powers and duties

- (3) The delegation may expressly authorise the delegate to further delegate the power or duty.

Delegations from Council under the <i>Dog Act 1976</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
s.10AA(1) s.10AA(3)	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p> <p>Powers, Duties and Functions of the Local Government and Power to Sub-Delegate</p> <p>The authority to:</p> <ol style="list-style-type: none"> Exercise the powers, discharge the duties and perform the functions of the 'local government' under the <i>Dog Act 1976</i> [10AA(1)]. Sub-delegate those powers, duties and functions to employees [10AA(3)]. 	CEO

2.5 City of Subiaco Local Planning Scheme and the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015

Relationship between the Deemed Provisions and the City’s Local Planning Scheme No 5 (LPS 5)

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) were introduced in October 2015 and include Deemed Provisions which introduce uniform processes and procedures across local government.

The Deemed Provisions apply to all local planning schemes and replace existing LPS 5 provisions which deal with similar matters.

Statutory Power to Delegate

Planning and Development (Local Planning Schemes) Regulations 2015 – clause 82 – Delegations by local government

- (1) The local government may, by resolution, delegate to a committee or to the local government CEO the exercise of any of the local government’s powers or the discharge of any of the local government’s duties under this Scheme other than this power of delegation.

Statutory Power to Sub-Delegate

Planning and Development (Local Planning Schemes) Regulations 2015 – clause 83 – Local government CEO may delegate powers

- (1) The local government CEO may delegate to any employee of the local government the exercise of any of the CEO’s powers or the discharge of any of the CEO’s functions under this Scheme other than this power of delegation.
- (2) A delegation under this clause must be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Subject to any conditions imposed by the local government on its delegation to the local government CEO under clause 82, this clause extends to a power or duty the exercise or discharge of which has been delegated by the local government to the CEO under that clause.

Delegations from Council under the City Local Planning Scheme		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
cl.82 of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulation 2015</i>	<p>The CEO has Authority to:</p> <p>Exercise any of the powers or discharge any of the duties of the local government under the City’s local planning scheme.</p> <p>Council Conditions:</p> <ol style="list-style-type: none"> 1. Does not apply to applications for unauthorised development (retrospective applications), where prosecution is recommended. 2. Does not apply to an application for complete demolition of any building or structure which is subject to a declaration under clause 8 - <i>Heritage List</i> of the Deemed Provisions of the LPS Regulations that it is significant and worthy of preservation. 3. Does not apply to an application for <i>complete</i> demolition of any building or structure which is subject to a declaration under clause 9 – <i>Designation of Heritage Areas</i> or by any heritage agreement under clause 10 – <i>Heritage Agreements</i>. 	CEO

Delegations from Council under the City Local Planning Scheme		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p> <ol style="list-style-type: none"> 4. Does not apply to an application for <i>partial</i> demolition of any building or structure which is subject to a declaration under clause 8 - <i>Heritage List</i> of the Deemed Provisions of the LPS Regulations <u>unless</u> supported by positive heritage advice. 5. Does not apply to an application for <i>partial</i> demolition of any building or structure which is subject to a declaration under clause 9 – <i>Designation of Heritage Areas</i> or by any heritage agreement under clause 10 – <i>Heritage Agreements</i> <u>unless</u> supported by positive heritage advice. 6. Does not apply where 5 or more objections are received on valid planning grounds and where those issues cannot be addressed through a condition of approval or modification to the proposal unless the City decides to refuse the application on its merits. 7. Does not apply to applications seeking to amend and/or extend the term of planning approval where the original decision was made by Council or Committee, unless the Director Development Services (DDS) deems the variation minor, or where the planning framework is materially the same. 	

2.6 Delegations under the *Heritage Act 2018*

Delegations from Council under the <i>Heritage Act 2018</i>		
Source of Power / Duty	The authority to	Delegated to
s 15 (1), (2) and (3)	<p>Co-opted members and role of CEO</p> <p>Heritage Act 2018 – section 15 - Co-opted members and role of CEO</p> <p>(1) The Council may appoint any person having relevant specialised knowledge or experience to be a co-opted member of the Council for a period, or in relation to matters, specified in the instrument of appointment.</p> <p>(2) A person appointed under subsection (1) or a nominee of that person —</p> <p>(a) may, for the period or in relation to the matters in respect of which the person is appointed, take part in the deliberations of the Council but cannot vote on a matter unless authorised to do so under the regulations; and</p> <p>(b) otherwise, has all the functions and entitlements of a member for that period or in relation to those matters.</p> <p>(3) The CEO, or a nominee of the CEO, is entitled to attend any meeting of the Council and to take part in the consideration and discussion of any matter before a meeting other than a matter concerning the performance of the CEO, but cannot vote on any matter.</p> <p>Council Conditions:</p> <p>1. Does not apply where a formal request is made for a response from Council regarding proposals for the entry of a place or places onto the State Register of Heritage Places on an interim or permanent basis.</p>	CEO

2.7 Food Act 2008

KEY	
Director Technical Services	DTS
Manager Health and Compliance Services	MHCS
Coordinator Environmental Health	CEH

Statutory Power to Delegate

Food Act 2008 – section 118 - Functions of enforcement agencies and delegation

- (1) ...
- (2) A function conferred or imposed on an enforcement agency may be delegated —
- if the enforcement agency is the CEO — in accordance with section 117; or
 - if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations — subject to subsections (3) and (4), in accordance with the regulations.

Statutory Power to Sub-Delegate

Nil.

Delegations from Council under the <i>Food Act 2008</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
s 65(1)	Serve prohibition order Serve a prohibition order on the proprietor of a food business.	CEO DTS MHCS CEH
s 66	Certificate of clearance Give a certificate of clearance.	CEO DTS MHCS CEH
s 67 (4)	Request for reinspection Give written notification to a proprietor of a food business on whom a prohibition order has been served of a decision to not give a certificate of clearance.	CEO DTS MHCS CEH
s 100 (1) and (4)	Priority classification system and frequency of auditing Determine the priority classification of a food business and change priority classification.	MHCS CEH
s 110 (1) and (5)	Registration of food business Grant an application for registration of a food business, with or without conditions, or refuse the application.	DTS MHCS CEH
s 112	Variation of conditions or cancellation of registration of food businesses Vary the conditions of or cancel the registration of a food business in respect of any premises under Part 9 of this Act.	DTS MHCS CEH

Delegations from Council under the <i>Food Act 2008</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
s 122 (1)	Appointment of authorised officers Appoint persons to be authorised officers if they have appropriate qualifications and experience to perform the functions of an authorised officer. <u>Note:</u> Section 9.10 of the <i>Local Government Act 1995</i> relating to the appointment of authorised persons does not extend to the <i>Food Act 2008</i> .	CEO
s 125	Institution of proceedings Institute proceedings for an offence under the <i>Food Act 2008</i> .	CEO DTS MHCS
s 126(13)	Infringement notices Designate authorised officers under this Act to be designated officers for the purposes of section 126(2), (3), (6) or (7). Council conditions: 1. A person who is designated for the purposes of s 126(2) cannot be a designated officer for the purposes of the other subsections.	CEO

Delegations from Council under the <i>Food Regulations 2009</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
r 51	Enforcement agency may make list of food businesses publicly available Make a list of food businesses publicly available.	CEO DTS MHCS CEH

2.8 Graffiti Vandalism Act 2016

Statutory Power to Delegate

Graffiti Vandalism Act 2016 – section 16 – Delegation by local government

- (1) The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.

Statutory Power to Sub-Delegate

Graffiti Vandalism Act 2016 – section 17 – Delegation by CEO of local government

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.

Delegations from Council under the <i>Graffiti Vandalism Act 2016</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
s 16	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p> <p>Powers, duties and functions of the local government</p> <p>Exercise the powers, discharge the duties and perform the functions of the 'local government' under the <i>Graffiti Vandalism Act 2016</i>.</p>	CEO

2.9 Planning and Development Act 2005

Statutory Power to Delegate

Planning and Development Act 2009 – section 16 – Delegation by Commission

- (1) The Commission may, by resolution, delegate to a person or body referred to in subsection (3) any function of the Commission under this Act or any other written law, except this power of delegation.
- (2) ...
- (3) A delegation under subsection (1) may be made to —
- (a) ...
 - (b) ...
 - (c) ...
 - (d) ...
 - (e) a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

Statutory Power to Sub-Delegate

Nil.

Delegations from Council under the <i>Planning and Development Act 2005</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p>	
pt 10 - Subdivision and Development Control	<p>Subdivision and Development Control</p> <p>Referrals to the Western Australian Planning Commission (WAPC) in respect of applications for subdivision and/or strata subdivision approval is required to be determined by the Commission or in the case of the Subiaco Redevelopment Authority by the Minister.</p> <p>Council Conditions:</p> <ol style="list-style-type: none"> 1. Does not apply where the proposal would result in a net increase of 10 or more lots. 	CEO
pt 10	Clearance of conditions of subdivision, strata subdivision or amalgamation approval where the local government is identified as the responsible agency in the WAPC preliminary approval advice.	CEO

2.10 Public Health Act 2016

Statutory Power to Delegate

Public Health Act 2016 – section 21 – Enforcement agency may delegate

- (1) A power or duty conferred or imposed on an enforcement agency may be delegated —
- (a) . . .
 - (b) if the enforcement agency is a local government, to —
 - (i) the chief executive officer of the local government; or
 - (ii) an authorised officer designated by the local government;

Statutory Power to Sub-Delegate

Nil.

Delegations from Council under the <i>Public Health Act 2016</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
s 17(1)	Appoint Environmental Health Officers The authority to appoint persons as Environmental Health Officers.	CEO
s 21	Enforcement agency functions Perform the powers and/or duties of an 'enforcement agency' under the <i>Public Health Act 2016</i> .	CEO
s 24(1)	Designate authorised officers The authority to designate a person or class of persons as Authorised Officers for the purposes or provisions of the <i>Public Health Act 2016</i> or another specified Act. <u>Note:</u> Section 9.10 of the <i>Local Government Act 1995</i> relating to the appointment of authorised persons does not extend to the <i>Public Health Act 2016</i> .	CEO

Part 3 – Statutory Delegations from External Agencies

3.1 Delegations under the *Metropolitan Redevelopment Authority Act 2011*

Delegations from Council under the <i>Metropolitan Redevelopment Authority Act 2011</i>		
Source of Power / Duty	The authority to	Delegated to
Consultation with other authorities: May make submissions on the proposed development to the Authority.	<p>Recommendations relating to referrals under the Subiaco Redevelopment Scheme in respect of applications for development approval is required to be determined by the Metropolitan Redevelopment Authority.</p> <p>Council Conditions:</p> <ol style="list-style-type: none"> Does not apply when application proposes significant variations to the applicable policy, standard or design guidelines. 	CEO

3.2 *Planning and Development Act 2005* – Western Australian Planning Commission

Delegations from the Western Australian Planning Commission under the <i>Metropolitan Region Scheme</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p>	
Metropolitan Region Scheme pt 4 – Development 29(3), 30 and 31	<p>Exercising powers under the <i>Planning and Development Act 2005</i>.</p> <p>Council Conditions:</p> <ol style="list-style-type: none"> Does not apply where the application is deemed to be a “significant application” under Local Planning Policy 1.4. Does not apply where five or more objections are received on planning grounds and those objections are not capable of being addressed by way of the recommendation of a planning condition imposed on the proposed development. 	CEO

3.3 *Strata Titles Act 1985*

Delegations from Council under the <i>Strata Titles Act 1985</i>		
Source of Power / Duty	The authority to	Delegated to
s 24	<ol style="list-style-type: none"> The local government may make a preliminary determination that the plans and specifications are of sufficient standard to be brought under this Act as a building in a strata scheme. The local government may fix, charge and recover fees to be paid for determinations under the <i>Strata Titles Act 1985</i>. 	CEO

3.4 Delegations from the Western Australia Planning Commission under the *Strata Titles Act 1985*

Delegations from the Western Australian Planning Commission under the <i>Strata Titles Act 1985</i>		
Source of Power / Duty	Function Delegated / Conditions	Delegated to
Strata Titles Act 1985 – section 15	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by Council.</p> <p>Power to determine applications for the issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i>, except those applications that:</p> <ul style="list-style-type: none"> a) propose the creation of a vacant lot; b) propose vacant air stratas in multi- tiered strata scheme developments; c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to – <ul style="list-style-type: none"> i. a type of development; and/or ii. land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application. <p>WAPC Condition:</p> <ol style="list-style-type: none"> 1. Clause 2, Schedule 1 in Delegation 2020/01 – Powers of Local Governments, (Government Gazette No 46 of 27 March 2020), a local government that exercises the power referred to in clause 1 is to provide the WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC. 	CEO

Part 4 – Statutory Authorisations

4.1 Local Government Act 1995 – Affix Common Seal and Sign Documents

Statutory Power to Delegate

Local Government Act 1995 – section 9.49(4) – Execution of documents

- (4) A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

Statutory Power to Sub-Delegate

Nil.

Authorisations made by Council under the Local Government Act 1995		
Source of Power / Duty	Function Authorised / Conditions	Person/s Authorised
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
s 9.49A(2)	<p>Affix common seal</p> <p>The authority to affix the Common Seal of the City to any document that needs the City's Common Seal to be legally effective in the presence of the Mayor.</p> <p>Council Conditions:</p> <ol style="list-style-type: none"> The authority only applies to documents necessary or appropriate to carry out the functions of the CEO under any written law. 	CEO
s 9.49A (4) and (5)	<p>Sign documents</p> <p>Specified officers are authorised to sign documents in accordance with Schedule 1 and the following conditions:</p> <p>Council Conditions:</p> <ol style="list-style-type: none"> The execution of a document must not be inconsistent with a Council policy or resolution. The authority only applies to documents necessary or appropriate to carry out officer functions under any written law. It does not apply to documents which would by law require a Council resolution, where that Council resolution has not been made. For the avoidance of doubt the authority does not apply to the execution of documents relating to the introduction, amendment or repeal of local laws or planning strategies, schemes, plans or policies, or the entry into leases, mortgages, loans or debentures, without a Council resolution to do so. 	

Schedule 1

Authorised Signatory	Type of Document
CEO	All documents

<p>Directors</p>	<p>All documents during a period where the incumbent CEO is on a period of planned or unplanned leave, where there is no Acting CEO appointed under Policy 3.2 – Acting or Temporary CEO</p> <p>The following documents where relevant to that Director’s function and within procurement limits:</p> <ul style="list-style-type: none"> - General deeds, legal and service agreements - Licenses and access agreements and associated documents - Documents required when the City owns the land - Documents required when the city manages the land under a management order - Documents prepared for registration at Landgate, not including mortgage documents or Transfer of Land Forms - Indemnity given by the City to a third party - Grant funding agreements
<p>Officers</p>	<p>Contracts for the purchase of goods or services in accordance with their procurement delegation.</p>

4.2 Health (Miscellaneous Provisions) Act 1911 – Deputies

KEY	
Manager Health and Compliance Services	MHCS
Coordinator Environmental Health	CEH

Statutory Power to Delegate

Health (Miscellaneous Provisions) Act 1911– section 26 – Powers of local government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

Statutory Power to Sub-Delegate

Nil.

Appointments made by Council under the <i>Health (Miscellaneous Provisions) Act 1911</i>		
Source of Power / Duty	Function Authorised / Conditions	Person/s Authorised
s 26	<p>This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.</p> <p>Appoint and authorise deputies</p> <p>The authority to exercise the powers, discharge the duties and perform the functions of the local government as the City's appointed and authorised deputy, under the <i>Health (Miscellaneous Provisions) Act 1911</i> and the regulations, local laws (City of Subiaco Health Local Laws 1999) and orders made thereunder.</p>	<p>CEO MHCS CEH</p>

4.3 Health (Asbestos) Regulations 1992

Statutory Power to Delegate

Health (Asbestos) Regulations 1992 – regulation 15D – Infringement Notices, clause (7) – Power to delegate
 (7) A local government may delegate a power or duty conferred or imposed on it by this regulation to the chief executive officer of the local government.

Statutory Power to Sub-Delegate

Nil.

Delegations from Council under the <i>Health (Asbestos) Regulations 1992</i>		
Source of Power / Duty	Function Delegated / Conditions	Person/s Delegated
	This information is for reference only. Delegates are required to act in full understanding of relevant legislative provisions, and in accordance with conditions imposed by council.	
r 15D(5)	Infringement notices Appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2.	CEO