



City of Mandurah
Register of Delegated Authority

REVIEW

Reviewed by	Date approved	References
Council	23 Jun 2020	G.21/6/20
CEO	29 Jun 2020	CEO Approval 29/06/2020
Council	25 May 2021	Council Minute G.6/5/21 - 25 May 2021
Chief Executive Officer	26 May 2021	Memo signed by Chief Executive Officer 26 May 2021 - Delegated Authority Review 2020-21
Council	24 May 2022	Annual Review Register of Delegated Authority 2021-2022 Council Minute G.9/5/22
Chief Executive Officer	25 May 2022	Annual Review of Delegations and Subdelegations 2021-2022 following Council review (24 May 2022) - CEO Approval - 25 May 2022
Chief Executive Officer	4 May 2023	CEO Memo Signed 24/05/2023
Council	23 May 2023	G.3/5/23 Council Meeting 23/5/2023 Register of Delegated Authority - 2022/23 Review

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INTRODUCTION

Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the CEO to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the CEO to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

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

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

Planning and Development Act 2005 and associated regulations
Dog Act 1976 and regulations;
Cat Act 2011 and regulations
Bush Fires Act 1954, regulations and local law created under that Act;
Litter Act 1979 and regulations
Local Government (Miscellaneous Provisions) 1960 as amended;
Caravan Parks and Camping Grounds Act 1995;
Control of Vehicles (Off-Road Areas) Act 1978 and regulations;
Environmental Protection Act 1986
Environmental Protection (Noise) Regulations 1997
Building Act 2011

N.B. – This is not an exhaustive list.

DELEGATIONS

Building Controls

Delegation	DA-BUI 01 Building and Demolition Permits
Category	Building Controls
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s. 127(1) & (3) Delegation by local government
Express power or duty delegated	<i>Building Act 2011:</i> s. 17 Uncertified applications to be considered by building surveyor s. 18 Further information s. 20 Grant of building permit s. 21 Grant of demolition permit s. 22 Further grounds for not granting an application s. 23 Time for deciding application for building or demolition permit s. 24 Notice of decision not to grant building or demolition permit s. 27 Conditions imposed by permit authority s. 88 Finishes of walls close to boundaries <i>Building Regulations 2012:</i> r. 23 Application to extend time during which a permit has effect (s.32(3)) r. 24 Extension of time during which permit has effect (s.32(3)) r. 26 Approval of new responsible person (s.35(c))
Function	To effectively deal with applications for Building and Demolition Permits as provided by: 1. Part 2, Divisions 1-4 and Part 6 Division 4 of the <i>Building Act 2011</i> ; and 2. Part 3 of the <i>Building Regulations 2012</i> .
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Building Act 2011</i> (Date of effect: 2 April 2012) <i>Building Regulations 2012</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <i>Heritage of Western Australia Act 1990</i>
Date adopted	27 September 2011
Adoption references	Minute G.35/9/11, 27 September 2011 (Date of effect : 2 April 2012 - Proclamation of Building Act 2011)

Delegation	DA-BUI 02 Occupancy Permits and Building Approval Certificates
Category	Building Controls
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s. 127(1) & (3) Delegation by local government
Express power or duty delegated	<i>Building Act 2011:</i> s. 55 Further Information s. 58 Grant of occupancy permit, building approval certificate s. 59 Time for granting occupancy permit or building approval certificate s. 60 Notice of decision not to grant occupancy permit or grant building approval certificate s. 62 Conditions imposed by permit authority s. 65 Extension of period of duration <i>Building Regulations 2012:</i> r. 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	To effectively deal with applications for Occupancy Certificate Permit and Building Approval Certificate as required under Part 4, Division 3 of the Building Act 2011 and Regulation 40 of the Building Regulations 2012.
Delegates	Chief Executive Officer
Conditions	Nil
Statutory framework	<i>Building Act 2011</i> (Date of effect: 2 April 2012) <i>Building Regulations 2012</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <i>Heritage of Western Australia Act 1990</i>
Policy	Nil
Date adopted	27 September 2011
Adoption references	Minute G.35/9/11, 27 September 2011 (Date of effect : 2 April 2012 - Proclamation of Building Act 2011)

Delegation	DA-BUI 03 Building Orders
Category	Building Controls
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s. 127(1) & (3) Delegation by local government
Express power or duty delegated	<i>Building Act 2011:</i> s. 88 Finishes of walls close to boundaries s. 110 Building Orders s. 111 Notice of proposed building order other than building order (emergency) s. 114 Service of building order s. 117 Revocation of building order s. 118 Permit authority may give effect to building order if non-compliance
Function	<p>1. Effectively deal with building orders pursuant to Part 8, Division 5 of the <i>Building Act 2011</i> in relation to:</p> <ul style="list-style-type: none"> • Building work • Demolition work • An existing building or incidental structure • Dangerous and neglected buildings <p>2. Specify the way an outward facing side of a close wall must be finished pursuant to section 88 of the <i>Building Act 2011</i>.</p>
Delegates	Chief Executive Officer
Conditions	Council to be notified of Building Orders when it is considered appropriate.
Statutory framework	<i>Building Act 2011</i> (Date of effect: 2 April 2012) <i>Building Regulations 2012</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <i>Heritage of Western Australia Act 1990</i>
Policy	Nil
Date adopted	27 September 2011
Adoption references	Minute G.35/9/11, 27 September 2011 (Date of effect : 2 April 2012 - Proclamation of Building Act 2011)

Delegation	DA-BUI 04 Smoke Alarms - Alternative Solutions
Category	Building Controls
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s. 127(1) & (3) Delegation by local government
Express power or duty delegated	<i>Building Regulations 2012:</i> r. 55 Terms used (alternative building solution approval) r. 61 Local government approval of battery powered smoke alarms
Function	<ol style="list-style-type: none"> 1. To approve alternative building solutions which meet the performance requirements of the Building Code relating to fire detection and early warning. 2. To approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval.
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Building Act 2011</i> (Date of effect: 2 April 2012) <i>Building Regulations 2012</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <i>Heritage of Western Australia Act 1990</i>
Policy	N/A
Date adopted	22 May 2018
Adoption references	Minute G.18/5/18, 22 May 2018

Delegation	DA-BUI 05 Private Swimming Pool Safety Barriers
Category	Building Controls
Delegator	Council
Express power to delegate	<i>Building Act 2011:</i> s. 127(1) & (3) Delegation by local government
Express power or duty delegated	<i>Building Regulations 2012:</i> r. 51(2), (3), (5) Approvals by permit authority
Function	<p>1. To approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children to the swimming pool as effectively as if there were compliance with Australian Standard (AS) 1926.1.</p> <p>2. To approve a door for the purpose of compliance with AS 1926.1, where a fence or barrier would cause significant problem of a structural nature or a significant problem of any other nature the cause of which is not in the control of the owner/occupier, or the pool is totally enclosed by a building or in the opinion of the City a fence or barrier between the building and pool would create a significant access problem for a person with a disability.</p> <p>3. To approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement.</p>
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Building Act 2011</i> (Date of effect: 2 April 2012) <i>Building Regulations 2012</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Building Services (Complaint Resolution and Administration) Act 2011</i> <i>Heritage of Western Australia Act 1990</i>
Date adopted	22 May 2018
Adoption references	Minute G.18/5/18

Community Services

Delegation	DA-CMS 03 Cat Act 2011
Category	Community Services
Delegator	Council
Express power to delegate	<i>Cat Act 2011:</i> s. 44 Delegation by local government
Express power or duty delegated	<p><i>Cat Act 2011:</i> s. 9 Registration s. 10 Cancellation of registration s. 11 Registration numbers, certificates and tags s. 13 Notice to be given of certain decisions under Part 2, Division 1, Subdivision 2 s. 26 Cat control notice may be given to cat owner s. 37 Approval to breed cats s. 38 Cancellation of approval to breed cats s. 40 Notice to be given of certain decisions made under Part 3, Division 4, Subdivision 2 s. 64 Extension of time s. 65 Withdrawal of notice</p> <p><i>Cat Regulations 2012:</i> Schedule 3, cl. 1(4) Reduce or Waive Fees</p> <p><i>Cat (Uniform Local Provisions) Regulations 2013:</i> r. 8 Application to keep additional number of cats r. 9 Grant or Refuse application to keep additional number of cats</p>
Function	<p>To carry out the powers or discharge of any of the duties of Council pursuant to the <i>Cat Act 2011</i>, <i>Cat Regulations 2012</i> and the <i>Cat (Uniform Local Provisions) Regulations 2013</i> including but not limited to:</p> <ol style="list-style-type: none"> 1. Grant, refuse to grant, or renew, or refuse to renew the registration of a cat. 2. Cancel the registration of a cat. 3. Allot a registration number to a cat, provide cat registration certificate and registration tag. 4. Providing notice of decisions relating to the refusal to grant or renew the registration of a cat, or cancel the registration of a cat. 5. Granting approval to breed cats. 6. Cancelling the approval to breed cats. 7. Providing notice of decisions relating to the refusal to approve, renew the approval or cancel the approval of a person to breed cats. 8. Extending the period a modified penalty is to be paid. 9. Withdrawing an infringement notice. 10. Reducing or waiving the registration fees in respect or any individual cat or any class of cat within the district. 11. Granting or refusing an application to keep additional number of cats.
Delegates	Chief Executive Officer
Conditions	1. Functions under s 64 or s 65 of the Act cannot be sub-delegated.

Statutory framework	<p><i>Cat Act 2011</i> <i>Cat Regulations 2012</i> <i>Cat (Uniform Local Provisions) Regulations 2013</i> <i>Cat Act 2011:</i></p> <p>s.79 – This delegation does not permit any of the delegates to perform the function of making local laws. s.80 – This delegation does not permit any of the delegates to perform the function of seeking the Governor’s approval to make a local law under the Cat Act 2011 that applies outside its district.</p>
Date adopted	24 September 2013
Adoption references	Minute G.30/9/13

Delegation	DA-CMS 04 Dog Act 1976
Category	Community Services
Delegator	Council
Express power to delegate	<i>Dog Act 1976:</i> s. 10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s. 10A Payments to veterinary surgeon – cost of sterilisation s. 11(1) Staff and services – dog management facility s. 15(4A) and (4B) Registration periods and fees s. 16(3) Registration procedure s. 17(4) and (6) Refusal or cancellation of registration s. 17A Notice if no application for registration made s. 19 Refund of fee on cancellation s. 26 Keeping of dogs – Limitation as to numbers s. 27 Licensing of approved kennel establishments s. 29(11) Seized dogs -Power of disposal and sale s. 33E Individual dog may be declared to be dangerous dog (declared) s. 33F Owner to be notified of making a declaration - consider objections s. 33G(4) Seizure and destruction s. 33H Local government may revoke declaration to destroy s. 33M Local government expenses to be recoverable

Function	<p>To carry out the powers or discharge of any of the duties of the <i>Dog Act 1976</i> including but not limited to:</p> <p>a.) Making payments to registered veterinary surgeons towards the cost of sterilisation of a dog owned by an eligible person where the eligible person is the registered owner of the dog and is suffering financial hardship.</p> <p>b.) Establishing and maintaining a dog management facility.</p> <p>c.) Directing registration officers to refuse or cancel the registration of a dog for one or any of the following reasons;</p> <ul style="list-style-type: none"> • The owner has been convicted, or has paid a modified penalty, within the previous 3 years in respect of 2 or more offences against the <i>Dog Act 1976</i>, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or • The dog in question has been shown to the satisfaction of the local government to be destructive, unduly mischievous, or to be suffering from a contagious or infectious disease; or • The local government is not satisfied that the dog is, or will be, effectively confined in or at premises where the dog is, or will be, ordinarily kept; or • The dog is required to be micro-chipped but is not micro-chipped; or • The dog is a dangerous dog. <p>d.) Giving notice that a dog cannot be registered</p> <p>e.) Discounting or waiving the registration fees for any individual dog or any class of dogs within the district under prescribed conditions. This option does not apply to dangerous dogs.</p> <p>f.) Refunding proportionate registration fees of a dog that has had its registration cancelled.</p> <p>g.) Making application to a Justice of the Peace for an order to seize a dog that has had its registration refused or cancelled.</p> <p>h.) Determining an application to keep more than the prescribed 2 dogs over 3 months of age.</p> <p>i.) Grant, refuse to grant or cancel a licence to operate an approved kennel establishment.</p> <p>j.) Dispose of or sell dogs which are liable to be destroyed.</p> <p>k.) Consider objections.</p> <p>l.) Recover expenses.</p> <p>m.) Declaring a dog dangerous as a result of its aggressive behaviour.</p> <p>n.) Receiving a request from an owner to review a seizure and destruction notice of a dangerous dog.</p> <p>o.) Revoking a declaration of a dangerous dog or proposal to destroy a dangerous dog.</p>
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer (CEO) has authority to sub delegate all the powers and duties in this delegation to any person who the CEO determines is suitably capable of exercising the relevant powers and duties. 2. Proceeds from the sale of dogs sold under s. 29(11) are to be paid into the City of Mandurah Municipal Fund. 3. Under s. 11(1) the establishment of a dog management facility is limited to the CEO and must not be delegated.
Statutory framework	<p><i>Dog Act 1976</i>:</p> <p>s. 10AA – The Council must give express authority to sub delegate any power under the Act</p> <p>s. 31 – This delegation does not permit the delegate to designate dog prohibited areas, dog exercise area, dog on leash area</p> <p>s. 49 – This delegation does not permit the delegate to perform the function of making local laws</p>
Date adopted	28 October 2014

Adoption references	Minute G.31/10/14
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Corporate Management

Delegation	DA-CPM 02 Invite Expressions of Interests and Tenders
Category	Corporate Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> • s.3.57 Tenders for providing goods and services <i>Local Government (Functions and General) Regulations 1996:</i> <u>Expressions of interest:</u> r.21 Limiting who can tender, procedure for <u>Tenders:</u> r.11(1) When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for excluding 14(5)
Function	Authority to: <ol style="list-style-type: none"> 1. Determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services r.21 2. Call tenders r.11(1). 3. Invite tenders although not required to do so r.13. 4. Determine in writing, before tenders are called, the criteria for acceptance of tenders r.14(2a).
Delegates	Chief Executive Officer
Conditions	Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the financial year prior to the adoption of a new Annual Budget where: <ol style="list-style-type: none"> I. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the City; or II. a current supply contract expiry is imminent; and III. the value of the proposed new contract has been included in the Long-Term Financial Plan; and IV. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.

Statutory framework	<i>Local Government Act 1995</i> s. 3.57 <i>Local Government (Functions and General) Regulations 1996</i> Division 2
Policy	POL-CPM 02 Procurement POL-CPM 01 Regional Price Preference
Date adopted	29 January 2008
Adoption references	Minute G.33/1/08,

Delegation	DA-CPM 04 Rejecting and Accepting Expressions of Interests and Tenders; Variation Before Contract
Category	Corporate Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Part 4 of the <i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> • Regulation 18 Rejecting and accepting tenders • Regulation 23 Rejecting and accepting expressions of interest to be an acceptable tenderer • Regulation 20(1), (2), (3) Variation of requirements before entry into contract
Function	<ol style="list-style-type: none"> 1. To determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender r.18(2). 2. To evaluate tenders, by written evaluation, and decide which is the most advantageous r.18(4). 3. To decline to accept any tender r.18(5). 4. To accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract r.18(6) & (7). 5. To consider Expressions of Interest which have not been rejected and determine those capable of satisfactorily supplying the goods and services for listing as acceptable tenders r.23. 6. To determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract r.20(1) and (3).
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The following functions are delegated to the CEO only and must not be sub delegated: <ul style="list-style-type: none"> • To evaluate tenders, by written evaluation, and decide which is the most advantageous. • To decline to accept any tender. • To accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract. • To consider Expressions of Interest which have not been rejected and determine those capable of satisfactorily supplying the goods and services for listing as acceptable tenders. 2. CEO is delegated to accept or decline to accept any tenders where the consideration is, or is expected to be, \$3,000,000 (GST exclusive) or less
Statutory framework	<i>Local Government Act 1995</i> s. 3.57 <i>Local Government (Functions and General) Regulations 1996</i> Division 2

Policy	POL-CPM 02 Procurement POL-CPM 01 Regional Price Preference
Date adopted	29 January 2008
Adoption references	Minute G.33/1/08

Delegation	DA-CPM 05 Varying Contracts and Exercising Contract Extension Options
Category	Corporate Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Part 4 of the Local Government (Functions and General) Regulations 1996: r.11(2)(j) Exercising contract extension options r.21A Varying a contract for the supply of goods or services
Function	<ol style="list-style-type: none"> 1. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). 2. Authority to vary a tendered contract, after it has been entered into in accordance with r. 21A
Delegates	Chief Executive Officer
Conditions	<p>The following condition relates to r.21A:</p> <ul style="list-style-type: none"> • where a price increase is requested for a schedule of rates contract, price increases in excess of contract provisions must in be accordance with the Annual Budget and must only be approved by the CEO.
Statutory framework	<i>Local Government Act 1995</i> s. 3.57 <i>Local Government (Functions and General) Regulations 1996</i> Division 2
Policy	POL-CPM 02 Procurement POL-CPM 01 Regional Price Preference
Date adopted	24 May 2022
Adoption references	Minute G.9/5/22

Delegation	DA-CPM 06 Tenders for Goods and Services – Exempt Procurement
Category	Corporate Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Part 4 of the <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited (exemptions)
Function	<ol style="list-style-type: none"> 1. Authority to undertake tender exempt procurement r.11(2). 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier r.11(2)(f)
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. The power and duties of the CEO under regulation 11(2)(f) and regulation 11(2)(ja) cannot be subdelegated. 2. Tender exempt procurement under r.11(2)(f) may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> i. a detailed specification; ii. the outcomes of market testing of the specification; iii. the reasons why market testing has not met the requirements of the specification; and iv. rationale for why the supply is unique and cannot be sourced through other suppliers. 3. Tender exempt procurement under r.11(2)(ja) may only be approved where a record is retained that evidences: <ol style="list-style-type: none"> i. a satisfactory performance review being undertaken; and ii. that the procurement is included in Council's annual Budget.
Statutory framework	Local Government Act 1995 s. 3.57 Local Government (Functions and General) Regulations 1996 Division 2
Policy	POL-CPM 02 Procurement POL-CPM 01 Regional Price Preference
Date adopted	24 May 2022
Adoption references	Minute G.9/5/22

Council Properties

Delegation	DA CNP 02 Disposing of Property
Category	Council Properties
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation by local government s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 3.58 Disposing of property under this section. s. 3.18(1) Disposing of property, not covered by s. 3.58, in order to perform the necessary functions under the <i>Local Government Act 1995</i> .
Function	<p>1. Authority to determine the method of disposal and dispose of property to:</p> <p>a) the highest bidder at public auction s.3.58(2)(a); or b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender s.3.58(2)(b).</p> <p>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and where required prior to the disposal, to consider any submissions received following the giving of public notice s.3.58(3).</p>
Delegates	Chief Executive Officer
Conditions	<p>Disposal of the land (lease and license)</p> <p>The following conditions relate to the disposition of land by lease or license:</p> <ol style="list-style-type: none"> 1. Approve and determine the appropriate method to dispose of property in accordance with s3.58 of the Local Government Act 1995. 2. Disposal of land is limited to: <ul style="list-style-type: none"> • Matters specified in the Annual Budget or in any other case, requires a specific resolution of Council; or • Disposal of land is limited to a maximum value of \$150,000 (including options); and • Satisfies the conditions below: <p><u>Lease & Licence – Reg 30 Exempt Entities</u></p> <ul style="list-style-type: none"> • The term and options to extend the term does not exceed a total of 5 years; • Cannot exceed the lease period that the City holds the head lease for, if applicable; • No breach of the current agreement has occurred; and • The conditions of the lease or licence is consistent with standard leasing practices of the City.

	<p><u>Licence - Commercial Entities</u></p> <ul style="list-style-type: none"> • The licence term is less than 3 years; • Cannot exceed the licence period that the City holds the head licence for, if applicable; • Rent aligns with current independent market valuation carried out no more than 2 years from the proposed licence commencement date; and • The licence conditions are consistent with standard leasing and licencing practices with the City. <p>Note: This only applies to licences for commercial entities. All leases for commercial entities must be approved by Council.</p> <p><u>Assignment of Leases/Licences</u></p> <ul style="list-style-type: none"> • The assignee continues to meet all terms and conditions of the current lease/licence; • No extension nor variation of the lease/licence is available; • Relevant checks are conducted confirming the new business has no bankruptcy listed against the directors, or any court action pending; and • The lease/licence is currently not in breach. <p><u>Sublease/ Sublicence (where the City is the sublessor or sublicensor)</u></p> <ul style="list-style-type: none"> • The head lessee/licensee remains fully responsible for terms and conditions of head lease/licence, • The purpose of the sublease/ sublicence is consistent with purpose or similar purpose of the head lease/licence; and • Term of sublease/sublicence does not exceed head lease/licence. <p>Disposition other than land</p> <p>The following conditions relate to the disposition of property (other than land) may be undertaken:</p> <ul style="list-style-type: none"> • Where the market value of the property is determined as being less than \$20,000 (F&G r.30(3) excluding disposal); or • Its market value is less than \$20 000; or the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000; and • Council has resolved to dispose of property via Council resolution or in the Adopted Budget; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal; and • Must be in accordance with Council and City policies and procedures.
<p>Statutory framework</p>	<p><i>Local Government Act 1995:</i> s.3.58 Disposing of Property s3.18 General Functions</p> <p><i>Local Government (Functions and General) Regulations 1966:</i> r. 30 Disposing of property exempt from s. 3.58</p>
<p>Date adopted</p>	<p>25 June 2019</p>

Adoption references	Minute G.18/6/1
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Emergency Services

Delegation	DA-EMS 01 Bush Fires Act 1954 - Variations to Burning Times
Category	Emergency Services
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s. 17(10) and s. 18(5C) Delegation from local government to Mayor and Chief Bush Fire Control Officer
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s. 17(7) and (8) Variation to prohibited burning times s. 18(5) and (5C) Variation to restricted burning times
Function	To carry out the powers and duties of the <i>Bush Fires Act 1954</i> with respect to variations of the restricted or prohibited burning times.
Delegates	Chief Bush Fire Control Officer Mayor
Conditions	* <i>When the Mayor and the Chief Bush Fire Control Officer exercise this power and duty it is to be carried out jointly.</i> Delegates must request that the Executive Manager Development and Compliance and Coordinator Ranger Services report quarterly on any recommendations relevant to this delegation.
Statutory framework	<i>Bush Fires Act 1954:</i> s.48 Delegated power cannot be subdelegated s. 17 and s. 18 How variation made
Policy	Nil
Date adopted	29 January 2008
Adoption references	Minute G.33/1/08

Delegation	DA-EMS 02 Bush Fires Act 1954 - General
Category	Emergency Services
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s. 48 Delegation by local government to CEO
Express power or duty delegated	All powers and duties of the local government under the <i>Bush Fires Act 1954</i> and the <i>Bush Fires Regulations 1954</i> , except as set out in the conditions of this delegation.
Function	Undertake the performance of any of the functions under the Bush Fires Act 1954, including but not limited to: <ol style="list-style-type: none"> 1. Insuring certain persons for injury caused while engaged in normal brigade activities. 2. Appointing bush fire control officers. 3. Issuing directions to a bush fire control officer to burn bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the City of Mandurah. 4. Placing further restrictions on the burning of garden refuse.
Delegates	Chief Executive Officer
Conditions	This delegation excludes any powers or duties under the <i>Bush Fires Act 1954</i> that require a resolution by Council including the power to make local laws under section 62. This delegation must be exercised in accordance with any relevant Council Policy, that may be in force from time to time.
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Bush Fires (Infringement) Regulations 1978</i>
Policy	POL-EMS 01 Bush Fire Prevention and Control Policy
Date adopted	29 January 2008
Adoption references	Minute G.33/1/08

Delegation	DA-EMS 03 Bush Fires Act 1954 - Prosecution
Category	Emergency Services
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s 59(3) Prosecution of offences
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s 59 Prosecution of offences s 59A(2), (3) and (5) Alternative Procedure – infringement notices
Function	Undertake the performance of any of the functions under s59 and certain functions under s59A of the Bush Fires Act 1954 including but not limited to: <ul style="list-style-type: none"> • Institute proceedings under the Act. • Issue infringement notices under the Act. • Withdraw infringement notices under the Act.
Delegates	Chief Executive Officer Coordinator Ranger Services Director Business Services Executive Manager Development and Compliance Ranger Senior Ranger
Conditions	Director Business Services, Executive Manager Development and Compliance and Coordinator Ranger Services are authorised for the purposes of s59 and s59A(5) only. Senior Ranger and Ranger are authorised for the purposes of s59(3) and s59A(2) only with the written approval of the Chief Executive Officer.
Statutory framework	<i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i>
Date adopted	25 May 2021
Adoption references	Council Minute G.6/5/21

Financial Management

Delegation	DA-FCM 02 Payments from Municipal Funds or Trust Funds
Category	Financial Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.10(d) Financial management regulations <i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund
Function	To make payments from the Municipal Fund or the Trust Funds in accordance with Regulation 12 of the Local Government (Financial Management) Regulations 1996.
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	Regulation 12 of the <i>Local Government (Financial Management) Regulations 1996</i> <i>Sections 5.42, 5.44 and 6.10(d) of the Local Government Act 1995</i>
Policy	Nil
Date adopted	21 August 2001
Adoption references	Minute: G.46/8/01

Delegation	DA-FCM 03 Investment of Funds
Category	Financial Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation by local government
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 6.14 Power to invest
Function	Invest funds in accordance with Section 6.14 of the <i>Local Government Act 1995</i> and the policies and guidelines established from time to time by Council.
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Local Government Act 1995:</i> s. 6.14
Policy	POL-FCM 02 - Finance Investment
Date adopted	19 September 2006
Adoption references	Minute G.40/9/06

Delegation	DA-FCM 04 Non-Rateable Status for Land
Category	Financial Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 6.76(4) and (5) Grounds of objections
Function	To consider an objection to a rate record and either allow or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person to whom made the objection. To extend the time for a person to make an objection to a rate record.
Delegates	Chief Executive Officer
Conditions	Where the delegation is exercised in respect of a new application for land used in accordance with section 6.26(2)(g), non- rateable status may only be granted where the annual value of general rates does not exceed \$20,000. Where the delegation is exercised in respect of a renewal of non-rateable status, there are no conditions or financial limits imposed on the delegate.
Statutory framework	<i>Local Government Act 1995:</i> s. 6.26 Rateable Land s. 6.76 Grounds of objections
Policy	Nil
Date adopted	15 January 2013
Adoption references	Minute G.15/1/13

Delegation	DA-FCM 06 Defer, Grant Concessions for, or Waive Fees or Write off Debts
Category	Financial Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 6.12 Power to defer, grant concessions, waive or write off debts
Function	Defer, waive or grant concessions in relation to fees, or write off debts in relation to the following matters: <ul style="list-style-type: none"> • Abandoned Vehicles • Food Premises • Impounded Animals • Impounded/Seized Trolleys and Signs • Hire Fees for Community Halls, Pavilions, Public Open Space, Sports Flood Lighting and other hire fees including serviced recreation facilities and libraries. • Planning, Health and Building Service and Application Fees • General Debts
Delegates	Chief Executive Officer
Conditions	This delegation is subject to section 6.12(2) of the <i>Local Government Act 1995</i> , which specifies that a local government cannot grant a waiver or concession for a rate or service charge. The suspension of interest of rates may only be waived for a maximum term of 12 months and in accordance with Council and CEO policies, and procedures. A waiver, write off, deferment or concession given under this delegation may only be granted to a maximum value of \$100,000 per occurrence, except where the decision is due to an administrative error having been made by the City of Mandurah.
Statutory framework	<i>Local Government Act 1995:</i> s. 6.12 <i>Local Government (Financial Management) Regulations 1996:</i> 19AA cannot waive or grant concession in relation to amounts owed under the <i>Local Government (Administration) Regulations 1996</i> , r. 34AE.
Policy	POL-FCM 08 Collection of Overdue Debts
Date adopted	25 June 2019
Adoption references	Minute G.18/6/19,

Delegation	DA-FCM 07 Payment Arrangements for Unpaid Rates and Service Charges and Other Debtors
Category	Financial Management
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s5.42 Delegation of some powers and duties to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s6.49. Agreement as to payment of rates and service charges
Function	Accept an alternative payment of a rate or service charge or other debtor due and payable by a person, in accordance with an agreement made with the person.
Delegates	Chief Executive Officer
Conditions	The conditions are in accordance with the relevant and current Council Policies and work procedures.
Statutory framework	<i>Local Government Act 1995</i>
Policy	POL-FCM 08 Collection of Overdue Debts
Date adopted	25 February 2020
Adoption references	G.14/2/20

Governance

Delegation	DA-GVN 06 Revoking Suspension of Decisions under Objection
Category	Governance
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s5.42 Delegation of some powers and duties to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s 9.9(1)(b) Decision not to suspend the effect of a decision the subject of an objection under Part 9 of the Act
Function	To decide that the effect of a decision the subject of an objection should not be suspended.
Delegates	Chief Executive Officer
Conditions	The CEO can only exercise this power if they consider that: (a) there are urgent reasons why the effect of the decision should not be suspended; or (b) suspension of the effect of the decision is reasonably likely to endanger the safety of any person, cause damage to property, or to create a serious public nuisance.
Statutory framework	<i>Local Government Act 1995, Part 9 Objections</i>
Date adopted	25 May 2021
Adoption references	Council Minute G.6/5/21 - 25 May 2021

Land Use and Planning

Delegation	DA-LUP 01 Private Works on, over or under Public Places
Category	Land Use and Planning
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> Regulation 17 (3) and (5) Private works on, over, or under public places – Sch.9.1 cl.
Function	<ol style="list-style-type: none"> 1. 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 r.17(3). 2. Impose conditions on permission including those prescribed in r.17(5) and (6)
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. v. Where appropriate, a dilapidation survey may be requested.
Statutory framework	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures
Date adopted	24 May 2022
Adoption references	Council Minute G.9/5/22

Delegation	DA-LUP 02 Public Thoroughfare – Dangerous Excavations
Category	Land Use and Planning
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	<ol style="list-style-type: none"> 1. 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 r.11(1). 2. 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 r.11(4). 3. Impose conditions on granting permission r.11(6). 4. Renew a permission granted or vary at any time, any condition imposed on a permission granted r.11(8).
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. 2. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory framework	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
Date adopted	24 May 2022
Adoption references	Council Minute G.9/5/22

Delegation	DA-LUP 03 Obstruction of Footpaths and Thoroughfares
Category	Land Use and Planning
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	<p>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials r.5(2).</p> <p>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare r.6(2) and (4).</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</p> <p>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare r.7A.</p> <p>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare r.7.</p>
Delegates	Chief Executive Officer
Conditions	<p>1. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</p> <p>2. Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p>

Statutory framework	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p> <p><i>Local Government Property and Public Places Local Law 2016</i></p>
Date adopted	24 May 2022
Adoption references	Council Minute G.9/5/22

Delegation	DA-LUP 04 Crossing – Construction, Repair and Removal
Category	Land Use and Planning
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land - r12(1). 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government - r12(1)(a). 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing - r.13(1). 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person - r.13(2).
Delegates	Chief Executive Officer
Conditions	Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Property and Public Places Local Law 2016</i>
Date adopted	24 May 2022
Adoption references	Council Minute G.9/5/22

Laws and Enforcement

Delegation	DA-LWE 01 Prosecutions/Recovery of Unpaid Rates, Service Charges, Fees and Charges
Category	Laws and Enforcement
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to CEO</p> <p><i>Building Act 2011:</i> s. 127(6A)</p>
Express power or duty delegated	<p><i>Local Government Act 1995:</i> s. 6.56 and 6.64 Rates and Service Charges Unpaid</p>
Function	<p>Serve a notice, or undertake legal proceedings or prosecutions for any breach, offence or claim for which it is the duty of the local government to enforce in relation to:</p> <ul style="list-style-type: none"> • unpaid rates or service charges, or other fees and charges under the <i>Local Government Act 1995</i> and associated Regulations <p>Lodge or remove a caveat in relation to land for which rates and service charges are unpaid.</p> <p>Delegates will use best endeavours to resolve specific issues through mediation and other means. Legal proceedings will only be initiated where necessary to resolve each specific matter dependant on the nature of the breach, offence or claim.</p>
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> 1. If in the opinion of the CEO or a subdelegated officer, the situation warrants it, the initiation of the prosecution will be referred to Council for approval. 2. For legal proceedings relating to recovery of rates or services charges unpaid, the conditions are in accordance with the Council Policy.
Statutory framework	<i>Local Government Act 1995</i>
Policy	POL-FCM 08 Collection of Overdue Debts
Date adopted	17 March 2009
Adoption references	Minute G.26/03/09

Delegation	DA-LWE 02 Directions in Relation to Development Matters
Category	Laws and Enforcement
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to CEO
Express power or duty delegated	<i>Planning and Development Act 2005:</i> s. 214 (2), (3) and (5) Illegal development, responsible authority's powers
Function	To issue a direction to a person contravening section 214 of the <i>Planning and Development Act 2005</i> .
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Planning and Development Act 2005</i>
Date adopted	5 January 2010
Adoption references	Council Approval - 5 January 2010

Delegation	DA-LWE 03 Action, notices, proceedings, prosecutions and withdrawals – any other written law
Category	Laws and Enforcement
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers and duties to CEO As determined by the Act under which the function to be performed.
Express power or duty delegated	The exercise of any powers, the enforcement of any statutory provisions or the protection of any legal interests under any other written law which includes any Council Local Law but does not include the Local Government Act 1995 or its subsidiary legislation.
Function	The taking of any action, serving or withdrawal of a notice or otherwise, commencement of legal proceedings or prosecutions on behalf of the City of Mandurah.
Delegates	Chief Executive Officer
Conditions	The Act under which the function is to be performed has express power to delegate the function. Any conditions or requirements of performing the function are as determined by the Act under which the function is to be performed.
Statutory framework	Local Government Act 1995 City of Mandurah Local Laws
Policy	City of Mandurah Prosecution Guidelines
Date adopted	23 August 2022
Adoption references	G.7/8/22 New delegation adopted by Council

Delegation	DA-LWE 06 Disposal of Impounded Goods/Vehicles
Category	Laws and Enforcement
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 3.46 Goods may be held until costs paid s. 3.47 Confiscated or uncollected goods, disposal of s. 3.40A (4) Abandoned vehicle wreck may be taken 3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 1. Authority to sell or otherwise dispose of impounded goods that have not been collected within the period specified in section 3.47(2b) of the date a notice is given under sections 3.42(1)(b) or 3.44. 2. Authority declare an impounded vehicle an abandoned vehicle wreck in accordance with the provision of section 3.40A. 3. Authority to sell or otherwise dispose of any vehicle that has not been collected within two (2) months of a notice having been given under section 3.40(3) or 7 days of a declaration being made that a vehicle is an abandoned wreck. 4. Authority to refuse to allow impounded goods to be collected until the costs of removing, impounding and keeping them have been paid to the local government. 5. Authority to recover expenses incurred from removing, impounding, and disposing of confiscated or uncollected goods in accordance with section 3.48.
Delegates	Chief Executive Officer
Conditions	Money received under 3.47(5) must be credited to the City of Mandurah Municipal Fund.
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996:</i> r. 29A
Date adopted	20 June 2002
Adoption references	Origin - SD 5.2 - 20 June 2002

Delegation	DA-LWE 07 Authorised Officers / Persons
Category	Laws and Enforcement
Delegator	Council
Express power to delegate	<p><i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to CEO</p> <p><i>Building Act 2011:</i> s. 127(1) Delegation by local government</p>
Express power or duty delegated	<p><i>Local Government (Miscellaneous Provisions) Act 1960:</i> s. 449 Appoint Pound Keeper and Ranger</p> <p><i>Building Act 2011:</i> s. 96(3) Designate authorised person</p> <p><i>Building Regulations 2012:</i> r. 70 (1) and (2) Appoint authorised officer and approved officer</p>
Function	Appointing persons/officers or classes of persons/officers as authorised for the purpose of fulfilling prescribed functions under the <i>Local Government (Miscellaneous Provisions) Act 1960</i> , <i>Building Act 2011</i> and <i>Building Regulations 2012</i> .
Delegates	Chief Executive Officer
Conditions	The power to appoint authorised persons, under all legislation referred to in this delegation, cannot be sub delegated.
Statutory framework	<i>Building Regulations 2012:</i> r. 70. Only certain people may be appointed as authorised officer or approved officer – see regulation.
Date adopted	15 July 2008
Adoption references	Council Minute G.30/7/08

Delegation	DA-LWE 09 Graffiti Vandalism
Category	Laws and Enforcement
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s. 16 Delegation by local government s. 17 Delegation by CEO of local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> s. 18 Notice requiring removal of graffiti s. 19 Additional powers when notice is given s. 24 (1)(b) Decision that notice should not be suspended s. 25 local government graffiti powers on land not local government property s. 28 Notice of entry
Function	To carry out the powers or discharge of any of the duties of the Graffiti Vandalism Act 2016 including but not limited to: <ul style="list-style-type: none"> 1. Issuing notices requiring removal of graffiti. 2. Recover costs for removal of graffiti. 3. Removal of graffiti on land not local government property. 4. Issuing notices of an intended entry onto private land as requested by Council.
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Graffiti Vandalism Act 2016</i>
Policy	POL-CNP 02 Graffiti Vandalism
Date adopted	14 February 2017
Adoption references	Council Minute G.12/2/17

Delegation	DA-LWE 10 Disposal of Sick or Injured Impounded Animals
Category	Laws and Enforcement
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to CEO s. 5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 3.47A Sick or injured animals, disposal of s 3.48 Impounding expenses, recovery of
Function	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating is not practicable, and to humanely destroy the animal and dispose of the carcass (s3.47A(1)) 2. Authority to recover expenses incurred from removing, impounding, and disposing of confiscated or uncollected goods in accordance with section 3.48.
Delegates	Chief Executive Officer
Conditions	Delegation may only be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Statutory framework	<i>Local Government Act 1995</i>
Date adopted	24 May 2022
Adoption references	Council Minute G.9/5/22

Local Laws

Delegation	DA-LOC 01 Trading Permits
Category	Local Laws
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to the CEO
Express power or duty delegated	<i>Local Government Property and Public Places Local Law 2016:</i> All powers and duties under Part 12 – Permits, in relation to Trading Permits
Function	1. To determine a Trading Permit application; or 2. Cancel, suspend or vary an approved Permit;
Delegates	Chief Executive Officer
Conditions	In accordance with the relevant Council Local Law and associated policy or guidelines.
Statutory framework	<i>Local Government Property and Public Places Local Law 2016</i>
Policy	Trading Permit Guidelines
Date adopted	12 December 2001
Adoption references	Minute G.23/12/01,

Delegation	DA-LOC 02 Alfresco Dining Permits
Category	Local Laws
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to CEO
Express power or duty delegated	<i>Local Government Property and Public Places Local Law:</i> All powers and duties of the local government under Part 11 and Part 12 in relation to Alfresco Dining Permits.
Function	To approve or refuse alfresco dining permits.
Delegates	Chief Executive Officer
Conditions	In accordance with the relevant provisions of the City's local laws and any associated policy or guidelines that support the assessment of alfresco permits.
Statutory framework	<i>Local Government Act 1995</i> <i>Local Government Property and Public Places Local Law</i>
Date adopted	21 July 2009
Adoption references	Council Minute G.38/7/09

Delegation	DA-LOC 03 City of Mandurah Local Laws – Administration
Category	Local Laws
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 Delegation of some powers and duties to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> Section 3.18 – Performing executive functions under: <i>City of Mandurah Environment and Nuisance Local Law 2010</i> <i>City of Mandurah Cat Local Law 2019</i> <i>City of Mandurah Dog Local Law 2010</i> <i>City of Mandurah Health Local Law 1996</i> <i>City of Mandurah Local Government Property and Public Places Local Law 2016</i> <i>City of Mandurah Bush Fire Brigades Local Law 2010</i> <i>City of Mandurah Cemeteries Local Law 2010</i> <i>City of Mandurah Fencing Local Law 2015</i> <i>Jetties Waterways and Marina Local Law 2010</i> <i>Parking and Parking Facilities Local Law 2015</i> <i>Waste Management Local Law 2010</i> <i>City of Mandurah Blasting, Quarry and Excavations Consolidated Local Law</i> <i>City of Mandurah Enforcement of Local Laws Consolidated Local Law</i> <i>City of Mandurah Objections and Appeals and Miscellaneous Consolidated Local Law</i> <i>City of Mandurah Buildings Consolidated Local Law</i>
Function	Authority to: Administer and enforce the City's Local Laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the City's Local Laws and the authority to subdelegate this function.
Delegates	Chief Executive Officer
Conditions	The delegation may only be exercised in accordance with the relevant Council Local Law and associated policy or guidelines in force at the time
Statutory framework	<i>Local Government Act 1995:</i> Section 3.18(1)
Date adopted	24 May 2022
Adoption references	Council Minute G.9/5/22

Planning and Development

Delegation	DA-PAD 01 Development Applications for Single Houses
Category	Planning and Development
Delegator	Council
Express power to delegate	Local Planning Scheme No 12 Clause 82 of the 'Deemed Provisions' (Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>)
Express power or duty delegated	All powers and duties of the local government under Part 7, 8 and 9 of the Deemed Provisions and State Planning Policy 7.3 (Residential Design Codes Volume 1) ('R-Codes') in respect to Single Houses (*) <i>*Note: includes the erection or extension to a single house, including all the matters outlined in items 6 and 7 in the Table found in Schedule 2 clause 61(1) of the Deemed Provisions and items 6A and 7A in Schedule A and clause 61(1) of Local Planning Scheme No 12 which includes an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool.</i>
Function	To undertake the functions including consultation and determination of development applications as required for applications for development approval for single houses, which includes the assessment of proposals against the 'design principles' of the Residential Design Codes as described in the relevant provisions of the R-Codes.
Delegates	Chief Executive Officer
Conditions	1. In making an exercise of judgement under the relevant provisions of the R-Codes, the assessment is to be reviewed by the R-Code Review Group, consisting of no less than 2 of the following officers the: <ul style="list-style-type: none"> • Director Business Services; • Executive Manager Development and Compliance; • Coordinator Statutory Planning and Lands or a Senior Planner; and • Coordinator Building and Compliance or a Senior Building Surveyor. 2. Where consultation has been undertaken under the relevant provisions of the R-Codes, any person who has made a submission objecting to the application being notified in writing of the City's intention to approve the application and be provided with a further 7 days in which to provide further comment.
Statutory framework	<i>Local Planning Scheme No 12</i>
Date adopted	12 December 2001
Adoption references	Council Minute G.23/12/01

Delegation	DA-PAD 02 Development Application (excluding Single Houses)
Category	Planning and Development
Delegator	Council
Express power to delegate	<i>Local Planning Scheme No 12</i> Clause 82 of the 'Deemed Provisions' (Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>)
Express power or duty delegated	All powers and duties of the local government under the <i>Local Planning Scheme No 12</i> , necessary to fulfil the Functions as set out below.
Function	To undertake the functions, including consultation, and to determine development applications as required for applications for development approval.
Delegates	Chief Executive Officer
Conditions	<p>This delegation is subject to the following conditions:</p> <ol style="list-style-type: none"> 1. where an application is required to be advertised, due to the proposed development seeking to vary the development standards required under Local Planning Scheme No 12, a structure plan, a precinct structure plan, local development plan or local planning policy, and no submission(s) have been received objecting the proposal in relation to relevant matters except for proposals for Grouped or Multiple Dwelling. 2. where consultation has been undertaken for Grouped or Multiple Dwelling, any person who has made a submission objecting to the application being notified in writing of the City's intention to approve the application and be provided with a further 7 days in which to provide further comment 3. all applications that require discretionary provisions of a Local Planning Scheme No 12, a structure plan, precinct structure plan, local development plan or local planning policy to be applied are to be reviewed by a Planning Review Group consisting of at least 2 of the following: <ul style="list-style-type: none"> • Director Business Services; • Executive Manager Development and Compliance; • Coordinator Statutory Planning and Lands; • Senior Planner.
Statutory framework	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Local Planning Scheme No 12</i>
Date adopted	12 December 2001
Adoption references	Council Minute G.23/12/01

Delegation	DA-PAD 03 Structure Plans
Category	Planning and Development
Delegator	Council
Express power to delegate	<i>Local Planning Scheme No 12</i> Clause 82 of the 'Deemed Provisions' (Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>)
Express power or duty delegated	All the powers and duties of the local government under Part 4 (Structure Plans) of the Deemed Provisions.
Function	<ol style="list-style-type: none"> 1. To prepare a Structure Plan; 2. Where an application is made for a Structure Plan determine that the information provided is in accordance with clause 17 of the Deemed Provisions and is satisfactory for the purposes of advertising; 3. Determine that an amendment to a Structure Plan is of a minor nature and does not require advertising in accordance with clause 29 of the Deemed Provisions; 4. Provide the Local Government Report to the Western Australian Planning Commission for amendments to an approved Structure Plan for: <ol style="list-style-type: none"> (a) administrative or clarification purposes; or (b) where additional details are required by the approved Structure Plan; or (c) where the amendments do not alter the overall intent and design of the approved Structure Plan; or (d) where amendments are advertised and no relevant submissions are received during the advertising process, unless otherwise 'called in' by two or more Elected Members; <p>in accordance with clause 20 of the Deemed Provisions.</p>
Delegates	Chief Executive Officer
Conditions	Elected Members must be provided with an update.
Statutory framework	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2 (Deemed Provisions for Local Planning Schemes) - Part 4 and Part 5
Date adopted	12 December 2001
Adoption references	Council Minute G.23/12/01

Delegation	DA-PAD 04 Local Development Plans
Category	Planning and Development
Delegator	Council
Express power to delegate	<i>Operative Local Planning Scheme</i> Clause 82 of the 'Deemed Provisions' (Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>)
Express power or duty delegated	All powers and duties of the local government under Part 6 of the Deemed Provisions (Local Development Plans).
Function	<ol style="list-style-type: none"> 1. To prepare Local Development Plans, where appropriate. 2. Where an application is made, determine that the information provided is satisfactory for the purposes of advertising in accordance with clause 49 of the Deemed Provisions; 3. Where an application is made, determine that a Local Development Plan does not require advertising in accordance with clause 50(3) of the Deemed Provisions; 4. Where an application is made, determine to approve, modify or refuse the Local Development Plan in accordance with clause 52 of the Deemed Provisions subject to where the plan has been advertised, no submissions have been received on relevant matters that can be considered in making a determination on a Local Development Plan; 5. To extend the period of approval for a Local Development Plan in accordance with clause 57 (3) of the Deemed Provisions; 6. Determine that an amendment is of a minor nature and does not require advertising in accordance with clauses 59(4) of the Deemed Provisions. 7. To extend the period of approval of the Local Development Plan in accordance with clause 59(5) of the Deemed Provisions.
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Planning and Development (Local Planning Schemes) Regulations 2015:</i> Schedule 2 (Deemed Provisions for Local Planning Schemes) Part 6
Date adopted	27 June 2017
Adoption references	Council Minute G.51/6/17

Public Health

Delegation	DA-PBH 03 Food Act 2008
Category	Public Health
Delegator	Council
Express power to delegate	<i>Food Act 2008:</i> s. 118 Functions of enforcement agencies and delegations
Express power or duty delegated	<i>Food Act 2008:</i> s. 65 Prohibition Orders s. 66 Certificate of clearance to be given in certain circumstances s. 67 Request for re-inspection s. 110 Registration of food businesses s. 112 Variation of conditions or cancellation of registration of food business
Function	1. Issue prohibition orders. 2. Clear and remove a prohibition order. 3. Provide written notification not to issue a certificate of clearance. 4. Grant, apply conditions, refuse, vary or cancel registration of a food business.
Delegates	Coordinator Health Services Executive Manager Development and Compliance
Conditions	Nil.
Statutory framework	<i>Food Act 2008</i>
Date adopted	15 December 2009
Adoption references	Council Minute G.45/12/09

Delegation	DA-PBH 04 Food Act 2008 - Appointments
Category	Public Health
Delegator	Council
Express power to delegate	<i>Food Act 2008:</i> s. 118 Functions of enforcement agencies and delegation
Express power or duty delegated	<i>Food Act 2008:</i> s. 122 Appointment of authorised officers s. 126(2), (6) and (7) Infringement notices
Function	1. Appoint authorised officers. 2. Appoint designated officers to issue infringement notices. 3. Appoint designated officers to extend payment period for infringement notices or withdraw infringement notices.
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Food Act 2008</i>
Date adopted	15 December 2009
Adoption references	Council Minute G.45/12/09,

Delegation	DA-PBH 10 Public Health Act 2016 - Functions of an Enforcement Agency
Category	Public Health
Delegator	Council
Express power to delegate	<i>Public Health Act 2016:</i> s. 21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016:</i> s. 24 Designation of Authorised Officers s. 280 Commencing proceedings
Function	To exercise the powers or duties conferred or imposed on a local government, as an enforcement agency, under the <i>Public Health Act 2016</i> , relating to: 1. Designating Authorised Officers; 2. Commencing legal proceedings
Delegates	Chief Executive Officer
Conditions	Nil.
Statutory framework	<i>Public Health Act 2016</i> s. 21 Limits delegations to either CEO or an authorised officer Division 4 – Authorised Officers
Date adopted	20 December 2016
Adoption references	Minute G.26/12/16 (Date of effect: 24 January 2017 – Implementation of Stage 3)

Delegation	DA-PBH 11 Public Health Act 2016 - Reports by Enforcement Agency
Category	Public Health
Delegator	Council
Express power to delegate	<i>Public Health Act 2016:</i> s. 21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016:</i> s. 22 Reports by and about enforcement agencies
Function	To exercise the powers or duties conferred or imposed on a local government, as an enforcement agency, under the <i>Public Health Act 2016</i> , relating to: 1. Preparing and providing to the Chief Health Officer, the local government's report on the performance of its functions, or a report detailing any proceedings for an offence under the Act.
Delegates	Coordinator Health Services Executive Manager Development and Compliance
Conditions	Nil.
Statutory framework	<i>Public Health Act 2016:</i> s. 21 Limits delegations to either CEO or an authorised officer
Date adopted	23 June 2020
Adoption references	Council Minute G.21/6/20

Delegation	DA-PBH-12 Health (Asbestos) Regulations - Enforcement
Category	Public Health
Delegator	Council
Express power to delegate	<i>Health (Asbestos) Regulations 1992:</i> r 15D(7)
Express power or duty delegated	<i>Health (Asbestos) Regulations 1992:</i> r 15D(5)
Function	Appoint authorised officers and approved officers.
Delegates	Chief Executive Officer
Conditions	The power to appoint authorised officers and approved officers cannot be sub-delegated.
Statutory framework	<i>Health (Asbestos) Regulations 1992</i>
Date adopted	25 May 2021
Adoption references	Council Minute G.6/5/21 - 25 May 2021

Traffic and Transport

Delegation	DA-TFT 01 Parking Administration
Category	Traffic and Transport
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 local government may delegate some powers and duties to the CEO
Express power or duty delegated	<i>City of Mandurah Parking and Parking Facilities Local Law 2015:</i> cl. 3.1 Determination of parking bays and parking stations cl. 4.3 Event parking
Function	<p>1. To constitute, determine or vary parking bays, parking stations and parking areas, including the introduction of parking restrictions, including but not limited to:</p> <ul style="list-style-type: none"> • No Parking; • No Stopping; • Loading Zones; • Accessible parking; • Authorised only parking; • Revoke a parking permit. <p>2. To authorise temporary variations to parking to facilitate events or other required use of a carparking area.</p>
Delegates	Chief Executive Officer
Conditions	<ul style="list-style-type: none"> ▪ This delegation does not include: <ul style="list-style-type: none"> o the introduction or varying of metered zones; and o the introduction of permanent timed parking restrictions in excess of 10 bays. ▪ Delegates must maintain an appropriate register to record all parking restrictions implemented as well as the standard delegated authority reporting which will be made available to Elected Members
Statutory framework	<i>Local Government Act 1995</i> <i>City of Mandurah Parking and Parking Facilities Local Law 2015</i>
Date adopted	17 February 2004
Adoption references	Council Minute G.39/2/04,

Delegation	DA-TFT 02 Closing of Certain Thoroughfares to Vehicles
Category	Traffic and Transport
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s. 5.42 local government may delegate some powers and duties to CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s. 3.50 Closing certain thoroughfares to vehicles s. 3.50A Partial closure of thoroughfare for repairs or maintenance s. 3.51 Affected owners to be notified of certain proposals
Function	<ol style="list-style-type: none"> 1. To close any thoroughfare that the City manages for the passage of vehicles, wholly or partially, for a period not exceeding four (4) weeks; 2. To close any thoroughfare that the City manages for the passage of vehicles, wholly or partially, for a period exceeding four (4) weeks. 3. To revoke an order to close a thoroughfare; 4. To partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have a significant adverse effect on users of the thoroughfare; 5. 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.
Delegates	Chief Executive Officer
Conditions	<p>In respect of Function 1) above: Where practicable to do so, any proposal to close a thoroughfare should be advertised in advance of the closure. Where a thoroughfare is closed without advance public notice, local public notice of the closure is to occur as soon as practicable.</p> <p>In respect of Function 2) above: Prior to a decision being made to close a thoroughfare, local public notice of the intentions and reasons for the closure should be undertaken. In addition, consideration of any submissions received should take place.</p>
Statutory framework	<i>Local Government Act 1995</i> s. 3.50 – 3.51 set out the procedure and legislative requirements which must be followed when closing thoroughfares.
Date adopted	25 May 2010
Adoption references	Council Minute G.28/5/10