

DELEGATED AUTHORITY REGISTER

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CITY OF MANDURAH

DELEGATION OF AUTHORITY

PROSECUTIONS – LEGAL PROCEEDINGS

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to serve a Notice and/or undertake legal proceedings and prosecutions for any breach or offence for which it is the duty of the local government to enforce under any of the following legislation:

- *Local Government Act 1995* and associated Regulations,
 - *Local Government (Miscellaneous Provisions) Act 1960*,
 - Council's Local Laws.
- 1 Best endeavours to resolve specific issues through mediation and legal proceedings will only be initiated where necessary to resolve each specific matter dependent on the nature of the breach.
 - 2 The initiation of a prosecution will not be undertaken without the express approval of the Chief Executive Officer or where deemed necessary by the Chief Executive Officer, the approval of Council.

The delegation shall remain in force indefinitely.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 17 March 2009
Minute: G.26/3/09

Delegation Reviewed:
Date:
Minute:



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY**PROSECUTIONS – LEGAL PROCEEDINGS**

The Chief Executive Officer of the City of Mandurah hereby sub-delegates authority to the Corporate Lawyer to serve a notice and/or undertake legal proceedings and prosecutions for any breach or offence for which it is the duty of the local government to enforce under any of the following legislation:

- *Local Government Act 1995* and associated Regulations,
- *Local Government (Miscellaneous Provisions) Act 1960*,
- Council's Local Laws.

- 1 Best endeavours to resolve specific issues through mediation and legal proceedings will only be initiated where necessary to resolve each specific matter dependent on the nature of the breach.
- 2 The initiation of a prosecution will not be undertaken without the express approval of the Chief Executive Officer or where deemed necessary by the Chief Executive Officer, the approval of Council.

The Chief Executive Officer of the City of Mandurah hereby sub-delegates authority to the Manager Infrastructure Management to issue notices under section 3.25 of the *Local Government Act 1995* for the purposes of graffiti removal only.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

.....
 Mark R Newman
 Chief Executive Officer

Origin of Delegation:

Date: 17 March 2009

Minute: G.26/3/09

Delegation Reviewed:

Date:

Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

EXECUTION OF DOCUMENTS

The [Council of the City of Mandurah](#) hereby delegates authority to the Mayor and Chief Executive Officer to sign and affix the Common Seal to documents requiring same.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

EXECUTION OF DOCUMENTS

The **Chief Executive Officer** hereby sub-delegates authority to the Corporate Lawyer to sign and affix the Common Seal to documents requiring same.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

CAVEATS - WITHDRAWAL

The [Council of the City of Mandurah](#) hereby delegates authority to the Chief Executive Officer to withdraw a caveat that has been lodged on a property, where the purpose for which the caveat was lodged has been satisfied.

Furthermore, the Council also delegates authority to the Mayor and the Chief Executive Officer jointly, to approve the temporary withdrawal and re-lodgement of a caveat to allow dealings on a title in circumstances where Council's legal adviser is satisfied that Council's interests arising from the caveat are fully protected.

All other applications to withdraw a caveat when the purpose has not been fully satisfied are to be referred to Council.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

CAVEATS - WITHDRAWAL

The **Chief Executive Officer** hereby sub-delegates authority to the Corporate Lawyer to withdraw a caveat that has been lodged on a property, where the purpose for which the caveat was lodged has been satisfied.

Furthermore, the Chief Executive Officer also sub-delegates authority to the Corporate Lawyer, to approve the temporary withdrawal and re-lodgement of a caveat to allow dealings on a title in circumstances where Council's legal adviser is satisfied that Council's interests arising from the caveat are fully protected.

All other applications to withdraw a caveat when the purpose has not been fully satisfied are to be referred to Council.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

ELECTION OF COMMITTEE CHAIRPERSONS

The **Chief Executive Officer** hereby delegates authority to the Corporate Lawyer and the Executive Manager Strategy and Business Performance to be responsible for the conduct of elections for Chairpersons to Council's Committees in accordance with Section 5.12 of the *Local Government Act 1995*, should the Chief Executive Officer be unable or unavailable to do so.

The delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 13 May 2005
Minute: N/A

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY**AUTHORISED OFFICERS**

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to appoint Authorised Officers under the following pieces of legislation.

Legislation	Section	Authority
<i>Local Government Act 1995</i>	3.39	Power to remove and impound
	9.10	Enforcement & Legal Proceedings - Appointment of Authorised Officers
	9.11	Enforcement & Legal Proceedings - Name on demand
	9.13	Enforcement & Legal Proceedings - Onus of proof in vehicle offences
	9.17	Enforcement & Legal Proceedings - Content of notice
	9.19	Enforcement & Legal Proceedings – Extension of time
	9.20	Enforcement & Legal Proceedings – Withdrawal of notice
	9.23	Enforcement & Legal Proceedings – Restriction on appointment if authorised officers
	9.29(2)	Enforcement & Legal Proceedings – Representing Local Government in court

The delegation shall remain in force until the next annual review

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 15 July 2008
Minute: G.30/7/08

Delegation Reviewed:
Date: 18 November 2008
Minute: 28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

**PARKING LOCAL LAWS: TEMPORARY VARIATIONS AT
COMMUNITY EVENTS**

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer, to authorise temporary variations to the City's Local Laws relating to parking to facilitate community events.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995* and Section 16.5 of the City of Mandurah Consolidated Local Laws.

Origin of Delegation:
Date: 17 February 2004
Minute: G.39/2/04

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

**PARKING LOCAL LAWS: TEMPORARY VARIATIONS AT
COMMUNITY EVENTS**

The Chief Executive Officer hereby sub-delegates authority to the Director Community and Economic Development, to authorise temporary variations to the City's Local Laws relating to parking to facilitate community festivals and events.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995* and Section 16.5 of the City of Mandurah Consolidated Local Laws.

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 17 February 2004
Minute: G.39/2/04

Delegation Reviewed:
Date: 1 December 2008
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

**MANDURAH AQUATIC AND RECREATION
CENTRE/HALLS HEAD COMMUNITY RECREATION
CENTRE – OPEN HOURS AND PERIODS OF CLOSURE**

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer, to amend/vary the opening hours/periods of closure of the Recreation Centres as outlined in the guidelines following:

Mandurah Aquatic and Recreation Centre

Monday to Thursday 5.30am to 9pm
Friday 5.30am to 8.30pm
Saturday & Sunday 7.30am to 6pm

Halls Head Community Recreation Centre

Monday & Wednesday 6am to 9pm
Tuesday & Thursday 8am to 9pm
Friday 8am to 8.30pm
Saturday 8am to 2.00pm
Sunday 8am to 2.00pm

In addition the Saturday and Sunday opening hours at the Halls Head Community Recreation Centre be subject to a 6 month evaluation period, and if less than 30 members are using the facility those hours be reduced to those recommended by officers (ie. Saturday 8.00am – 12.00pm and Sunday – Closed)

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 19 May 2009
Minute: G46/5/09

Delegation Reviewed:
Date:
Minute:



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

**MANDURAH AQUATIC AND RECREATION
CENTRE/HALLS HEAD COMMUNITY RECREATION
CENTRE – OPEN HOURS AND PERIODS OF CLOSURE**

The Chief Executive Officer hereby sub-delegates authority to the Manager Recreation Centres and Services to amend/vary the opening hours/periods of closure of the Recreation Centres as outlined in the guidelines following:

Mandurah Aquatic and Recreation Centre

Monday to Thursday 5.30am to 9pm
Friday 5.30am to 8.30pm
Saturday & Sunday 7.30am to 6pm

Halls Head Community Recreation Centre

Monday & Wednesday 6am to 9pm
Tuesday & Thursday 8am to 9pm
Friday 8am to 8.30pm
Saturday 8am to 2.00pm
Sunday 8am to 2.00pm

In addition the Saturday and Sunday opening hours at the Halls Head Community Recreation Centre be subject to a 6 month evaluation period, and if less than 30 members are using the facility those hours be reduced to those recommended by officers (ie. Saturday 8.00am – 12.00pm and Sunday - Closed)

This delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads 'Mark R Newman'.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 19 May 2009
Minute: G.46/5/09

Delegation Reviewed:
Date:
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

**WAIVER / REDUCTION OF HIRE FEES FOR USE OF A
COMMUNITY FACILITY**

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer, to approve requests for the waiver or reduction of hire fees for the use of a Council controlled community Facility in accordance with Section 6.12 (1) (b) of the *Local Government Act 1995*.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

(Refer Council Policy CS-R07 Donations to Community Groups for use of Recreation Centres)

Origin of Delegation:
Date: 23 January 2002
Minute: N/A

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

**WAIVER / REDUCTION OF HIRE FEES FOR USE OF A
COMMUNITY FACILITY**

The Chief Executive Officer hereby sub-delegates authority to the Manager Community Services and the Manager Recreation Services, to approve requests for the waiver or reduction of hire fees for the use of a Council controlled community facility in accordance with Section 6.12 (1) (b) of the *Local Government Act 1995*.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.
(Refer Council Policy CS-R07 Donations to Community Groups for use of Recreation Centres)

A handwritten signature in blue ink that reads 'Mark R Newman'.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 23 January 2002
Minute: N/A

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

LIQUOR & GAMING PERMITS

The [Chief Executive Officer](#) delegates authority to the Manager Eco Services and Environmental Health, Manager Community Services and the Manager Recreation Services & Centres to approve applications for Liquor and Gaming Permits/ Licences upon land owned or vested in Council and leased on a community or commercial basis.

Approval can only be granted subject to:-

1. approval by the City's Development and Environmental Health Departments; and
2. a copy of the Licence or Permit, including any restricting conditions, being submitted to the City for its records.

The delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This delegation is pursuant to [Section 5.44 of the Local Government Act 1995](#).

A handwritten signature in blue ink that reads "Mark R Newman".

.....
[Mark R Newman](#)
[Chief Executive Officer](#)

Origin of Delegation:
Date: 21 December 1999
Minute: G.35/12/99

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

ELECTORAL ENROLMENT ELIGIBILITY APPLICATIONS

The **Chief Executive Officer** hereby delegates authority to the Rates Supervisor to:-

- Accept and/or reject electoral enrolment eligibility applications in accordance with Sections 4.32 (4), (5) and (6) of the *Local Government Act 1995*.
- Decide that a person is no longer eligible to be enrolled to vote and taking the necessary action as detailed in Section 4.35 of the *Local Government Act 1995*.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads "Mark R Newman".

Mark R Newman
Chief Executive Officer

Origin of Delegation:

Date:

Minute:

Delegation Reviewed:

Date: 18 November 2008

Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

WRITE-OFF OF DEBTS

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer, to approve the writing off of debts in accordance with Section 6.12 (1) (c) of the *Local Government Act 1995*.

Any debt written off under this delegation must be:-

- a) up to \$1000 only, or
- b) where the debt occurred due to an error or oversight by Officers.

In all other cases where a debt is to be written off, a separate report is to be submitted to Council for consideration.

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The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

WRITE-OFF OF DEBTS

The Chief Executive Officer hereby sub-delegates authority to the Manager Financial Services, to approve the writing off of debts in accordance with Section 6.12 (1) (c) of the *Local Government Act 1995*.

Any debt written off under this delegation must be:-

- a) up to \$1000 only, or
- b) where the debt occurred due to an error or oversight by Officers.

In all other cases where a debt is to be written off, a separate report is to be submitted to Council for consideration.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads 'Mark R Newman'.

Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 29 January 2008
Minute: G33/1/08

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

PAYMENTS FROM MUNICIPAL OR TRUST FUNDS

The Council of the City of Mandurah delegates authority to the Chief Executive Officer to make payments from the Council's Municipal or Trust Funds in accordance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996*.

All payments from the Municipal or Trust Funds are to be signed in accordance with Council's policy FS07 – Payments from the Trust or Municipal Funds.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 6.10 (d) of the *Local Government Act 1995* and Regulation 12 *Local Government (Financial Management) Regulations 1996*.
(Refer Council Policy FS-07 Payments from the Trust Fund or the Municipal Fund)

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY**PAYMENTS FROM MUNICIPAL OR TRUST FUNDS**

The **Chief Executive Officer** hereby sub-delegates authority to make payments from the Council's Municipal or Trust Funds in accordance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996* to-

- Director Corporate Services
- Manager Financial Services
- Financial Accountant
- Management Accountant

All payments from the Municipal or Trust Funds are to be signed in accordance with Council's policy FS07 – Payments from the Trust or Municipal Funds.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 6.10 (d) of the *Local Government Act 1995* and Regulation 12 *Local Government (Financial Management) Regulations 1996*.

(Refer Council Policy FS-07 Payments from the Trust Fund or the Municipal Fund)

Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 1 December 2008
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

EXPRESSIONS OF INTEREST

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to:-

Seek Expressions of Interest in accordance with Regulation 21 of the *Local Government (Functions & General) Regulations 1996*.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 21 September 1999
Minute: G.53/9/99

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

EXPRESSIONS OF INTEREST

The Chief Executive Officer hereby sub-delegates authority to the Manager Procurement & Governance Services to:-

Seek Expressions of Interest in accordance with Regulation 21 of the *Local Government (Functions & General) Regulations 1996*.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads 'Mark R Newman'.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 21 September 1999
Minute: G.53/9/99

Delegation Reviewed:
Date: 1 December 2008
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY**TENDERS**

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to:-

1. Award contracts for tenders, or negotiate the final contract with a preferred tenderer or extending any contract which includes an option to extend, involving the following categories of purchases, subject to the preferred supplier's tender bid being within the budget allocation for the procurement:

Category of Acquisition	Examples of Acquisition	Value
Plant and equipment	Large trucks, rollers, graders, sound systems, furniture for a facility fit-out, traffic signals etc	Up to a total value of \$250,000
Annual supplies of goods and services	Supply of road base course material, gravel, weed control services, legal services etc	Up to a total value of \$750,000 for the entire contract, with a maximum of \$250,000 per annum
Minor works and services	Construction of public ablution facilities, bores, architectural services, other consultancy services etc	Up to a total value of \$250,000

2. Decline to accept any tender submission for tenders in the above categories.
3. Publicly invite tenders for purchase of goods and services in accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996*; and
4. Determine, in writing, the selection criteria for deciding which tender should be accepted in accordance with Regulations 14 (2a) of the *Local Government (Functions and General) Regulations 1996*, excluding tenders for all major purchases in excess of \$2 million.

If the preferred supplier's tender bid is in excess of the budget allocation or the threshold as mentioned above, the determination of the tender will be referred to Council.

The delegation shall remain in force until reviewed by Council from time to time.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 29 January 2008
Minute: G.33/1/08

Delegation Reviewed:
Date: 21 August 2009
Minute: G.37/7/09



CITY OF MANDURAH
SUB-DELEGATION OF AUTHORITY

TENDERS

The Chief Executive Officer hereby sub-delegates authority to the Corporate Lawyer, Executive Manager Strategy and Business Performance, the Director of Works and Services and Manager Financial Services to:-

1. Award contracts for tenders, or negotiate the final contract with a preferred tenderer or extending any contract which includes an option to extend, involving the following categories of purchases, subject to the preferred supplier's tender bid being within the budget allocation for the procurement:

Category of Acquisition	Examples of Acquisition	Value
Plant and equipment	Large trucks, rollers, graders, sound systems, furniture for a facility fit-out, traffic signals etc	Up to a total value of \$250,000
Annual supplies of goods and services	Supply of road base course material, gravel, weed control services, legal services etc	Up to a total value of \$750,000 for the entire contract, with a maximum of \$250,000 per annum
Minor works and services	Construction of public ablution facilities, bores, architectural services, other consultancy services etc	Up to a total value of \$250,000

2. Decline to accept any tender submission for tenders in the above categories.
3. Publicly invite tenders for purchase of goods and services in accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996*; and
4. Determine, in writing, the selection criteria for deciding which tender should be accepted in accordance with Regulations 14 (2a) of the *Local Government (Functions and General) Regulations 1996*, excluding tenders for all major purchases in excess of \$2 million.

If the preferred supplier's tender bid is in excess of the budget allocation or the threshold as mentioned above, the determination of the tender will be referred to Council.

The delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 21.07.09
Minute: G.37/7/09

Delegation Reviewed:
Date:
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

DESTRUCTION OF ELECTORAL MATERIAL

The **Chief Executive Officer** hereby delegates authority to the Manager Procurement & Governance Services to supervise the destruction of all electoral material relating to local government elections, which are able to be destroyed in accordance with clause 82 (3) and (4) of the Local Government (Elections) Regulations 1997.

The delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 1 December 2008
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

PLANNING APPLICATIONS

The Council of the City of Mandurah hereby delegates authority to Director Sustainable Development and Manager Planning and Projects to:-

1. Determine planning applications and applications for 'Variations to the Residential Design Codes', under Town Planning Scheme No 3 and the Peel Region Scheme under the following circumstances:
 - a) where the planning application is a permitted ('P') use in Town Planning Scheme No 3;
 - b) where the planning application is an incidental ('IP') use in Town Planning Scheme No 3 (including any relaxations to Scheme requirements);
 - c) where the planning application is a discretionary ('AA') use in Town Planning Scheme No 3 (including any relaxations to Scheme requirements);
 - d) where the planning application is a discretionary use that must be advertised ('SA') in Town Planning Scheme No 3 (including any relaxations to Scheme requirements).
 - e) where a planning application is for a use which is not specifically mentioned in any of the Zoning Tables as referred to and in accordance with clause 3.2.3 of Town Planning Scheme No 3.
 - f) where a planning application is on a Scheme Reserve, in accordance with clause 2.1.2 of Town Planning Scheme No 3.

- g) where a planning application is an existing development, as referred to in clause 7.10 of Town Planning Scheme No 3.
- h) where a planning application is a non-conforming use in accordance with clause 8.2 and 8.3 Town Planning Scheme No 3.

and to impose any condition, as may be seen fit, in order for the development to relate to the proper and orderly planning of the locality.

This delegation is subject to:

- the application meeting the development standards required under Town Planning Scheme No 3; or where an application is required to be advertised, where the proposed development seeks to vary the development objectives required under Town Planning Scheme No 3, and no submission(s) have been received; and
 - when a submission is received for an application for a planning application, the application shall be dealt with according to the Consultation Procedure Working Practice.
2. To refuse planning applications under Town Planning Scheme No 3 and the Peel Region Scheme, under the following circumstances:
- a) where the planning application is not a permitted use in Town Planning Scheme No 3;
 - b) where the planning application seeks variations under the discretionary provisions of Town Planning Scheme No 3 which are not in keeping with the proper and orderly planning of the locality.
 - c) where the planning application does not comply with the non-discretionary provisions of Town Planning Scheme No 3;
 - d) where the planning application does not comply with any Outline Development Plan, Detailed Area Plan, Local Law, Local Planning

Policy or Precinct Plan, as provided for in the subject policy or plan.
(NOTE: These provisions include the Residential Design Codes)

and to set out any refusal reasons as may be seen fit, in order to maintain the proper and orderly planning of the locality.

This delegation includes applications for land uses, advertising, signage, setback variations, rural-residential building envelopes, fencing, land clearing, the retaining and filling of lots, and applications relating to tree preservation.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Clause 9.7 of Town Planning Scheme No 3 and sections 5.42 and 5.44 of the Local Government Act 1995.

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

ADVERTISING OF PLANNING APPLICATIONS

The [Council of the City of Mandurah](#) delegates authority to:-

- Director Sustainable Development;
- Manager Planning and Projects
- Planning Coordinator; and
- Coordinator Building and Development Compliance Services

To determine the degree of advertising and consultation required for planning applications, Outline Development Plans, Precinct Plans, Structure Plans, Amendments to Town Planning Scheme No 3 and building licence applications in accordance with the relevant provisions of Town Planning Scheme No 3, and the Consultation Procedure Working Practice:

- Persons who wish to submit comments to Council in respect of consultation/advertising should do so prior to the closing date. If a submission is received after the closing date then that submission may be considered at the discretion of the Manager Planning and Projects, provided it is received prior to the application being determined.
- If a submission is received, the Manager Planning and Projects may determine if there is any relevance between the purpose of the advertising/consultation and submissions received. If there is no town planning relevance, then the submission can be disregarded. Similarly, if objections made as part of a submission are not substantiated on appropriate town planning grounds, the Manager Planning and Projects may disregard the submission.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Clause 9.7 and 7.3 of Town Planning Scheme No 3.

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

PLANNING/BUILDING APPLICATION FEES

The [Council of the City of Mandurah](#) delegates authority to [Chief Executive Officer](#) to:

Waiver, reduce or refund the payment of a planning or building service and application fee to in the following circumstances:

- The application is on the behalf of a non-profit or charitable organisation;
- A major development application made on behalf of local government or government department where most assessment has already been conducted; or
- Where an application is cancelled prior to final determination.

Any waiver, reduction or refund of a fee shall be based on the following criteria:

- Be reflective of the benefit of the proposal to the community;
- The proposal not being intended to be a money making venture for the benefit of the organisation; The level of work undertaken by the City of Mandurah at the time of cancellation:
- Cover administrative, advertising and other such costs incurred by the City of Mandurah.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Sections 6.12 and 5.42 of the *Local Government Act 1995* and Clause 9.7 of Town Planning Scheme No 3.

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

PLANNING/BUILDING APPLICATION FEES

The Chief Executive Officer hereby subdelegates authority to the following Officers:-

In respect of a planning service or application:

- Director Sustainable Development;
- Manager Planning and Projects

In respect to a building service or application:

- Director Sustainable Development;
- Manager Building, Development Compliance and Ranger Services; and
- Principal Building Surveyor.

The authority is as follows:

Waiver, reduce or refund the payment of a planning or building service and application fee to in the following circumstances:

- The application is on the behalf of a non-profit or charitable organisation;
- A major development application made on behalf of local government or government department where most assessment has already been conducted; or
- Where an application is cancelled prior to final determination.

Any waiver, reduction or refund of a fee shall be based on the following criteria:

- Be reflective of the benefit of the proposal to the community;

- The proposal not being intended to be a money making venture for the benefit of the organisation; The level of work undertaken by the City of Mandurah at the time of cancellation:
- Cover administrative, advertising and other such costs incurred by the City of Mandurah.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Sections 6.12 and 5.44 of the *Local Government Act 1995* and Clause 9.7 of Town Planning Scheme No 3.



Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

TRADING IN PUBLIC PLACES

The Council of the City of Mandurah delegates authority to the Chief Executive Officer to:

Determine a Trading in Public Places application in accordance with Council's Trading in Public Places Local Law and relevant policy.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to [Sections 5.42 of the *Local Government Act 1995*](#).

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

TRADING IN PUBLIC PLACES

The Chief Executive Officer sub-delegates authority to the following Officers:

- Director Sustainable Development;
- Manager Planning and Projects; and
- Planning Coordinator.

To determine a Trading in Public Places application in accordance with Council's Trading in Public Places Local Law and relevant policy.

The delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This delegation is pursuant to [Sections 5.44 of the Local Government Act 1995](#).

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

LIQUOR LICENSING - SECTION 40 CERTIFICATES

The Council of the City of Mandurah delegates authority to the Chief Executive Officer to issue a certificate in accordance with Section 40 of the Liquor Control Act 1988.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to [Section 5.42 of the Local Government Act 1995](#) and Section 40 of the *Liquor Control Act 1988*

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

LIQUOR LICENSING - SECTION 40 CERTIFICATES

The Chief Executive Officer hereby sub-delegates authority to issue a certificate in accordance with Section 40 of the Liquor Licensing Act 1988 to the following Officers:-

- Director Sustainable Development;
- Manager Planning and Projects; and
- Planning Coordinator.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to [Sections 5.44 of the Local Government Act 1995](#) and Section 40 of the *Liquor Control Act 1988*

A handwritten signature in blue ink that reads 'Mark R Newman'.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

ENDORSEMENT OF APPLICATIONS

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to endorse the following applications on behalf of the City of Mandurah for land owned or under the care, control and management of the City of Mandurah, subject to a preliminary assessment being undertaken to ensure that the application can be considered favourably by the relevant approval authority:

- Town Planning Scheme No 3 Planning Application Form;
- Peel Region Scheme Planning Application Form (Form 1);
- Application to the Western Australian Planning Commission for Approval of a Plan of Subdivision, Amalgamation or Survey-Strata (Form 1A);
- Application to the Western Australian Planning Commission for Endorsement of a Diagram/Plan of Survey/Deposited Plan (Form 1C); and
- Clearing Applications

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 20 July 2004
Minute: G.30/7/04

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY**ENDORSEMENT OF PLANNING APPLICATIONS**

The Chief Executive Officer hereby sub-delegates authority to the Corporate Lawyer to endorse the following applications on behalf of the City of Mandurah for land owned or under the care, control and management of the City of Mandurah, subject to a preliminary assessment being undertaken to ensure that the application can be considered favourably by the relevant approval authority:

- Town Planning Scheme No 3 Planning Application Form;
- Peel Region Scheme Planning Application Form (Form 1);
- Application to the Western Australian Planning Commission for Approval of a Plan of Subdivision, Amalgamation or Survey-Strata (Form 1A);
- Application to the Western Australian Planning Commission for Endorsement of a Diagram/Plan of Survey/Deposited Plan (Form 1C); and
- Clearing Applications.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 20 July 2004
Minute: G.30/7/04

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

**ADVERTISING OF MODIFICATIONS TO APPROVED
OUTLINE DEVELOPMENT PLANS**

The [Council of the City of Mandurah](#) hereby delegates authority to the Chief Executive Officer to commence advertising of modifications to existing Outline Development Plans seeking minor modifications, providing the modifications do not alter the overall intent and design of the approved Outline Development Plan approved under Town Planning Scheme No 3.

This delegation shall remain in force until the next annual review.

This delegation is pursuant to [Clause 9.7 and Part 7 of Town Planning Scheme No 3](#).

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

**ADVERTISING OF MODIFICATIONS TO APPROVED
OUTLINE DEVELOPMENT PLANS**

The **Chief Executive Officer** hereby sub-delegates authority to commence advertising of modifications to existing Outline Development Plans seeking minor modifications, providing the modifications do not alter the overall intent and design of the approved Outline Development Plan approved under Town Planning Scheme No 3 to the following Officers :-

- Director Sustainable Development; and
- Manager Planning and Projects.

This sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to *Clause 9.7 and Part 7 of Town Planning Scheme No 3*.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

SUBDIVISION

The [Council of the City of Mandurah](#) delegates authority to [Chief Executive Officer](#) to:

1. Provide comments to the Western Australian Planning Commission on a subdivision application for no more than twenty (20) lots, to either support or not support the application, in accordance with:

- Town Planning Scheme No 3;
- District Structure Plan;
- Any draft or endorsed Outline Development Plan;
- Precinct Plan;
- Policies endorsed by Council.

2. Provide comments to the Western Australian Planning Commission on a subdivision application over twenty lots, to either support or not support the application, where it is generally in accordance with an approved Outline Development Plan, Precinct Plan or Local Planning Policy and the application has been processed according to the City of Mandurah's subdivision procedure.

This delegation includes applications for survey-strata and strata title lots.

3. Provide comments to the Western Australian Planning Commission to either delete or modify any condition imposed on a subdivision application or provide comments requesting a revised determination by the Western Australian Planning Commission, where in the opinion of the Chief Executive Officer, any request to reconsider a condition is justifiable and not contrary to the intent of Council's recommendation on the subdivision application.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*

Origin of Delegation:

Date: 12 December 2001

Minute: G.23/12/01

Delegation Reviewed:

Date: 18 November 2008

Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

SUBDIVISION

The **Chief Executive Officer** hereby **sub-delegates** authority to the following Officers:

- Director Sustainable Development;
- Manager Planning and Projects; and
- Planning Coordinator; to

1. Provide comments to the Western Australian Planning Commission on a subdivision application for no more than twenty (20) lots, to either support or not support the application, in accordance with:

- Town Planning Scheme No 3;
- District Structure Plan;
- Any draft or endorsed Outline Development Plan;
- Precinct Plan;
- Policies endorsed by Council.

2. Provide comments to the Western Australian Planning Commission on a subdivision application over twenty lots, to either support or not support the application, where it is generally in accordance with an approved Outline Development Plan, Precinct Plan or Local Planning Policy and the application has been processed according to the City of Mandurah's subdivision procedure.

3. Provide comments to the Western Australian Planning Commission to either delete or modify any condition imposed on a subdivision application or provide comments requesting a revised determination by the Western Australian Planning Commission, where in the opinion of the Chief Executive Officer, any

request to reconsider a condition is justifiable and not contrary to the intent of Council's recommendation on the subdivision application.

This sub-delegation includes applications for survey-strata and strata title lots.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*



.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

CLEARANCE OF SUBDIVISION CONDITIONS

The **Council of the City of Mandurah** delegates authority to **Chief Executive Officer** to:

Provide for the clearance of conditions of subdivisions including relevant strata applications with the endorsement of a Diagram or Plan of Survey, in accordance with a subdivision approval issued by the Western Australian Planning Commission.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY**CLEARANCE OF SUBDIVISION CONDITIONS**

The **Chief Executive Officer** hereby sub-delegates authority to the following Officers:-

- Director Sustainable Development;
- Manager Planning and Projects;
- Planning Coordinator;
- Manager Infrastructure Development; and
- Principal Building Surveyor (strata applications only) to

Provide for the clearance of conditions of subdivisions including relevant strata applications with the endorsement of a Diagram or Plan of Survey, in accordance with a subdivision approval issued by the Western Australian Planning Commission.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 1 December 2008
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

**CROWN LAND (RESERVES)
MANAGEMENT ORDERS TO COUNCIL**

The Council of the City of Mandurah delegates authority to the Chief Executive Officer to accept Management Orders for Crown Land (Reserves) from Landgate, in the name of the City of Mandurah.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 46 of the *Land Administration Act 1997* and [Section 5.42 of the *Local Government Act 1995*](#).

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

CROWN LAND (RESERVES) MANAGEMENT ORDERS TO COUNCIL

The Chief Executive Officer hereby sub-delegates authority to accept Management Orders for Crown Land (Reserves) from Landgate, in the name of the City of Mandurah to the following Officers:-.

- Director Sustainable Development;
- Manager Planning and Projects; and
- Coordinator Land Management.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 46 of the *Land Administration Act 1997* and [Section 5.44 of the Local Government Act 1995](#).

.....
 Mark R Newman
 Chief Executive Officer

Origin of Delegation:
Date: 29 January 2008
Minute: G.33/1/08

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

ACQUISITION OF LAND FOR ROAD PURPOSES

The **Council of the City of Mandurah** hereby delegates authority to the Chief Executive Officer, to purchase budgeted portions of land up to the value of \$100,000 to facilitate truncations and easements for road widening purposes.

All Transfer of Land Documents are to be signed by the Corporate Lawyer.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Part 2.1.12 of Town Planning Scheme No 3 and Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 29 January 2008
Minute: G.33/1/08

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

ACQUISITION OF LAND FOR ROAD PURPOSES

The **Chief Executive Officer** hereby sub-delegates authority to the Director Sustainable Development to purchase budgeted portions of land to up to the value of \$100,000 to facilitate truncations and easements for road widening purposes.

All Transfer of Land Documents are to be signed by the Corporate Lawyer.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Part 2.1.12 of Town Planning Scheme No 3 and Section 5.44 of the *Local Government Act 1995*.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

BUSHLAND GRANTS

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to assess and approve Bushland Management Grants in accordance with guidelines and subject to the total grant not exceeding \$1500 per property or the maximum annual amount in line with adopted budget.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Sections 3.1 and [5.42 of the Local Government Act 1995](#).

Origin of Delegation:
Date: 29 January 2008
Minute: G.33/1/08

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

BUSHLAND GRANTS

The Chief Executive Officer hereby sub-delegates the authority to assess and approve Bushland Management Grants in accordance with guidelines and subject to the total grant not exceeding \$1500 per property or the maximum annual amount in line with adopted budget. to the following Officers:-

- Director Sustainable Development
- Manager Eco-Services and Environmental Health
- Coordinator EcoServices

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Sections 3.1 and [5.44 of the Local Government Act 1995](#).

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 29 January 2008
Minute: G.33/1/08

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

MANAGEMENT PLANS

The Council of the City of Mandurah hereby delegates authority to the [Chief Executive Officer](#) to approve foreshore, wetland or bushland management plans.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to the conditions imposed by the Western Australian Planning Commission and Section [5.42 of the Local Government Act 1995](#).

Origin of Delegation:
Date: 29 January 2008
Minute: G.33/1/08

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

MANAGEMENT PLANS

The **Chief Executive Officer** hereby delegates authority to the following Officers:

- Director Sustainable Development;
- Manager Eco Services and Environmental Health; and
- Coordinator EcoServices.

To approve foreshore, wetland or bushland management plans.

The delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This delegation is pursuant to the conditions imposed by the Western Australian Planning Commission and Section [5.44 of the Local Government Act 1995](#).

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 29 January 2008
Minute: G.33/1/08

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY**DETERMINATION OF APPLICATION FOR BUILDING LICENCE AND BUILDING APPROVAL CERTIFICATES**

The Council of the City of Mandurah hereby delegates authority to the Building Surveyors who hold a contract of service with the City of Mandurah to determine to approve or refuse to approve plans and specifications submitted under section 374 of the *Local Government (Miscellaneous Provisions) Act 1960* or unauthorised building work in relation to any buildings provided that the Building Surveyor holds the appropriate qualification prescribed by Regulation 6 of the *Local Government (Building Surveyors) Regulations 2008*.

Building Surveyors when determining such applications must also ensure that they have observed the limitation on delegation of this authority prescribed by Regulation 5 of the *Local Government (Building Surveyor) Regulations 2008*.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 374AAB(1) of the *Local Government (Miscellaneous Provisions) Act 1960*.

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

CLASSIFICATION OF BUILDINGS

The **Council of the City of Mandurah** hereby delegates authority to the Chief Executive Officer to issue Classification Certificates pursuant to Section 374C of the Local Government (Miscellaneous Provisions) Act 1960 subject to the building complying with the Building Regulations 1989, Building Code of Australia and other relevant building legislation.

Those buildings requiring the issuance of a Classification Certificate, pursuant to the provisions of the Building Regulations, shall be inspected at practical completion.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

CLASSIFICATION OF BUILDINGS

The **Chief Executive Officer** hereby sub-delegates authority to the Principal Building Surveyor and Manager Building, Development Compliance and Ranger Services (or person acting in his capacity) to issue Classification Certificates pursuant to Section 374C of the Local Government (Miscellaneous Provisions) Act 1960 subject to the building complying with the Building Regulations 1989, Building Code of Australia and other relevant building legislation.

Those buildings requiring the issuance of a Classification Certificate, pursuant to the provisions of the Building Regulations, shall be inspected at practical completion.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY**NOTICES - PART XV LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1960**

The Council of the City of Mandurah hereby delegates authority to the [Chief Executive Officer](#) to issue notices pursuant to [Part XV – Buildings of the *Local Government \(Miscellaneous Provisions\) Act 1960*](#) in the following instances: -

- Section 401
Where a building is being constructed without the permission of Council, or is a substantial departure from the approved plan or is unsafe or prejudicial to public interests.
- Section 401A
Where an order is required to direct the builder to stop work.
- Section 403
Where a building is considered dangerous and has been the subject of a survey by the Building Surveyor.
- Sections 407, 408 & 409
Where a building is found to be in a neglected or dilapidated state.
- Section 409A
Where the building has not been completed within a specified time, being the duration of the building licence.
- Section 411
Where a person has been convicted of an offence under Part XV and the building is required to be brought into conformity.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 16 January 1996
Minute: G.7579

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY**NOTICES - PART XV LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1960**

The Chief Executive Officer hereby sub-delegates authority to the Manager Building, Development Compliance and Rangers Services, Principal Building Surveyor and Corporate Lawyer to issue notices pursuant to Part XV – Buildings of the *Local Government (Miscellaneous Provisions) Act 1960* in the following instances: -

- Section 401
Where a building is being constructed without the permission of Council, or is a substantial departure from the approved plan or is unsafe or prejudicial to public interests.
- Section 401A
Where an order is required to direct the builder to stop work.
- Section 403
Where a building is considered dangerous and has been the subject of a survey by the Building Surveyor.
- Sections 407, 408 & 409
Where a building is found to be in a neglected or dilapidated state.
- Section 409A
Where the building has not been completed within a specified time, being the duration of the building licence.
- Section 411
Where a person has been convicted of an offence under Part XV and the building is required to be brought into conformity.

The Manager Building, Development Compliance and Rangers Services may refer Notices to the Corporate Lawyer where it is considered appropriate.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.



.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 16 January 1996
Minute: G.7579

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY**STREET AWNINGS WITHIN ROAD RESERVE**

The Council of the City of Mandurah hereby delegates authority to the **Chief Executive Officer** to approve structures over public land in accordance with the provisions of Section 400 (2) of the *Local Government (Miscellaneous Provisions) Act 1960* and Council's requirements for Structures over Public Land. The Chief Executive Officer is also delegated authority to: -

- undertake the removal of a structure over public land and/or instigate legal proceedings where the required public liability insurance is not maintained, or
- upgrade, replace or remove a structure at the owner or occupier's expense, where repairs to the structure have not been carried out as requested by Council;
- reduce the minimum clearance of a structure from 2.75 metres above the footpath, pavement or ground level immediately below the structure, to 2.40 metres, or a lesser height where appropriate, where the following criteria has been met:-
 - a) the consent of the Minister for Local Government has been obtained by Council in accordance with Section 400 (1b) of the *Local Government (Miscellaneous Provisions) Act 1960*; and
 - b) the structure is not located within a road reserve and the Chief Executive Officer is satisfied that it is unlikely that the structure will be struck by an errant vehicle.
- ensure approval is obtained from the Department of Land Administration.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY**STREET AWNINGS WITHIN ROAD RESERVE**

The Chief Executive Officer hereby sub-delegates authority to the Manager Building, Development Compliance and Rangers Services, Manager Planning and Projects and the Principal Building Surveyor to approve structures over public land in accordance with the provisions of Section 400 (2) of the *Local Government (Miscellaneous Provisions) Act 1960* and Council's requirements for Structures over Public Land. The delegated authority includes the ability to:-

- undertake the removal of a structure over public land and/or instigate legal proceedings where the required public liability insurance is not maintained, or
- upgrade, replace or remove a structure at the owner or occupier's expense, where repairs to the structure have not been carried out as requested by Council;
- reduce the minimum clearance of a structure from 2.75 metres above the footpath, pavement or ground level immediately below the structure, to 2.40 metres, or a lesser height where appropriate, where the following criteria has been met:-
 - c) the consent of the Minister for Local Government has been obtained by Council in accordance with Section 400 (1b) of the *Local Government (Miscellaneous Provisions) Act 1960*; and
 - d) the structure is not located within a road reserve and the Chief Executive Officer is satisfied that it is unlikely that the structure will be struck by an errant vehicle.
- ensure approval is obtained from the Department of Land Administration.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.



.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/01

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

STRATA TITLES

The Council of the City of Mandurah delegates authority to the following Officers :-.

- Director Sustainable Development
- Manager Planning and Projects
- Manager Natural and Built Environment
- Coordinator Building and Development Compliance Services

to sign the below certificates required to be provided by the Local Government under the *Strata Titles Act 1985*:

- Form 7, section 5B(2), 8A(f) and 23(1) – Description of Parcel and Building
- Form 9, section 10(2)(a) – Consent to Conversion to Common Property
- Form 18, section 9(3)(b) – Consent to Strata Plan of Consolidation of Lots

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 23 (4) of the *Strata Titles Act 1985*.

Origin of Delegation:
Date: 12 December 2001
Minute: G.23/12/2001

Delegation Reviewed:
Date: 21 July 2009
Minute: G.38/7/09



CITY OF MANDURAH

DELEGATION OF AUTHORITY

ILLUMINATED STREET SIGNS

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to approve illuminated street name signs and shall reserve the right to refer an application to the Council, should an unresolved issue concerning conflict exist, or should the need be considered otherwise.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Part 6.2 of Town Planning Scheme No 3 and Section [5.42 of the Local Government Act 1995](#).

Origin of Delegation:
Date: 15 August 2006
Minute: G.62/8/06

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY**ILLUMINATED STREET SIGNS**

The Chief Executive Officer hereby sub-delegates authority to the Manager Building, Development Compliance and Rangers Services to approve illuminated street name signs and shall reserve the right to refer an application to the Council, should an unresolved issue concerning conflict exist, or should the need be considered otherwise.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Part 6.2 of Town Planning Scheme No 3 and Section [5.44 of the Local Government Act 1995](#).

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 15 August 2006
Minute: G.62/8/06

Delegation Reviewed:
Date: 12 November 2009
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

DEMOLITION LICENCES

The [Council of the City of Mandurah](#) hereby delegates authority to the Chief Executive Officer to issue demolition Licences pursuant to Section 374A of the Local Government (Miscellaneous Provisions) Act 1960 subject to the following:

- The relevant approvals comply with the Heritage of Western Australia Act as required by Section 374A(2a).
- Payment of the Building Construction Industry Training Levy has been made as required under Section 374AB.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 30 January 2007
Minute: G.34/1/07

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY**DEMOLITION LICENCES**

The **Chief Executive Officer** hereby sub-delegates authority to the Principal Building Surveyor and Senior Building Surveyor to issue demolition Licences pursuant to Section 374A of the Local Government (Miscellaneous Provisions) Act 1960 subject to the following:

- The relevant approvals comply with the Heritage of Western Australia Act as required by Section 374A(2a).
- Payment of the Building Construction Industry Training Levy has been made as required under Section 374AA.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

.....
 Mark R Newman
 Chief Executive Officer

Origin of Delegation:
Date: 30 January 2007
Minute: G.34/1/07

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

PROHIBITED BURNING TIMES

The [Council of the City of Mandurah hereby](#) delegates authority jointly to the Mayor and the Chief Bushfire Control Officer of Mandurah its powers and duties under Section 17 (7) and (8) of the Bush Fires Act 1954 with respect to prohibited burning times.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to [Section 17 \(10\) of the *Bush Fires Act 1954*](#).

Origin of Delegation:
Date:
Minute:

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

IMPOUNDED / ABANDONED VEHICLES

The [Council of the City of Mandurah](#) delegates authority to the Chief Executive Officer to determine and accept any submission for purchase of an impounded or abandoned vehicle, not exceeding \$2000.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

(Refer to Delegation of Authority FS-P02 Disposal of Property as detailed in Section 3.47 & 3.58 of the Local Government Act 1995 and in accordance with Community Development Procedure 1.11 – Disposal of Abandoned Vehicles dated 12 June 2002)

Origin of Delegation:
Date: 20 June 2002
Minute: N/A

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

IMPOUNDED / ABANDONED VEHICLES

The Chief Executive Officer hereby sub-delegates authority to the Coordinator Ranger Services to approve the disposal of impounded or abandoned vehicles, in accordance with DA–SD 5.2 which have a market value of less than two thousand dollars (\$2,000).

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

(Refer to Delegation of Authority FS-P02 Disposal of Property as detailed in Section 3.47 & 3.58 of the Local Government Act 1995 and in accordance with Community Development Procedure 1.11 – Disposal of Abandoned Vehicles dated 12 June 2002)

A handwritten signature in blue ink that reads 'Mark R Newman'.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 20 June 2002
Minute: N/A

Delegation Reviewed:
Date: 1 December 2008
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

BUSH FIRES ACT 1954

The [Council of the City of Mandurah](#) hereby delegates authority to the Chief Executive Officer to undertake the performance of any of its functions under the Bush Fires Act 1954.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to section 48 of the Bush Fires Act 1954.

Origin of Delegation:
Date: 29 January 2008
Minute: G.33/1/08

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY**PUBLIC ENVIRONMENTAL HEALTH RISKS**

The [Council of the City of Mandurah hereby](#) delegates authority to the Chief Executive Officer, Director Sustainable Development, Manager Natural & Built Environment and Principal Environmental Health Officer to initiate immediate action where a public/environmental health risk is evident.

1. General

Where a public/environmental health risk is evident or an offence occurs under the provisions of the *Health Act 1911 (as amended)* or supplementary legislation, and immediate action is deemed necessary, delegates are authorised to serve formal Notice to abate the public/environmental health issue/s. The delegates shall Inform Elected Members of his or her actions in this regard via the Weekly Update Newsletter.

This delegation shall remain in force until the next annual review.

This delegation is pursuant to [Section 26 of the Health Act 1911 \(as amended\)](#).

Origin of Delegation:
Date: 16 September 2008
Minute: G.27/9/08

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

ALFRESCO DINING LICENCES

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to approve or refuse alfresco dining licences in accordance with Part XIII - Eating Areas in Streets and Other Public Places, of the Consolidated Local Laws.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 21 July 2009
Minute: G. 38/7/09

Delegation Reviewed:
Date:
Minute:



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

ALFRESCO DINING LICENCES

The Chief Executive Officer of the City of Mandurah hereby sub-delegates authority to the:

- Director Sustainable Development
- Principal Environmental Health Officer
- Manager Planning and Projects

This sub-delegation is to approve or refuse alfresco dining licences in accordance with Part XIII - Eating Areas in Streets and Other Public Places, of the Consolidated Local Laws.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Section 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink that reads "Mark R Newman".

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 21 July 2009
Minute: G. 38/7/09

Delegation Reviewed:
Date:
Minute:



CITY OF MANDURAH

DELEGATION OF AUTHORITY

LIGHT VEHICLE FLEET

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to purchase light vehicles through the State Government Contract in accordance with the appropriate buyer's guide, within the limits of approved budget.

The delegation shall remain in force until the next annual review.

This delegation is pursuant to Regulation 11 of the *Local Government (Functions and General) Regulations 1996* and Sections 5.42 of the *Local Government Act 1995*.

Origin of Delegation:
Date: 21 August 2001

Delegation Reviewed:
Date: 28 November 2008

Minute: G.56/8/01

Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

LIGHT VEHICLE FLEET

The Chief Executive hereby sub-delegates authority to the Manager Infrastructure Management to purchase light vehicles through the State Government Contract in accordance with the appropriate buyers guide, within the limits of approved budget.

The sub-delegation shall remain in force until reviewed by the Chief Executive Officer from time to time.

This sub-delegation is pursuant to Regulation 11 of the *Local Government (Functions and General) Regulations 1996* and Sections 5.44 of the *Local Government Act 1995*.

A handwritten signature in blue ink, reading "Mark R Newman".

Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 21 August 2001
Minute: G.56/8/01

Delegation Reviewed:
Date: 18 November 2008
Minute: G28/11/08



CITY OF MANDURAH

DELEGATION OF AUTHORITY

STREETSIDE BENCH ADVERTISING

The Council of the City of Mandurah hereby delegates authority to the Chief Executive Officer to undertake negotiations of the final Contract.

The delegation shall remain in force until the above has been completed.

This delegation is pursuant to Section [5.42 of the *Local Government Act 1995*](#).

Origin of Delegation:
Date: 20 November 2007
Minute: G.32/11/07

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

SUB-DELEGATION OF AUTHORITY

STREETSIDE BENCH ADVERTISING

The Chief Executive Officer hereby delegates authority to the Director Works and Services to undertake negotiations of the final Contract.

The delegation shall remain in force until the above has been completed.

This delegation is pursuant to Section [5.44 of the Local Government Act 1995](#).

A handwritten signature in blue ink that reads 'Mark R Newman'.

.....
Mark R Newman
Chief Executive Officer

Origin of Delegation:
Date: 20 November 2007
Minute: G.32/11/07

Delegation Reviewed:
Date: 18 November 2008
Minute: G.28/11/08



CITY OF MANDURAH

EXTERNAL DELEGATION OF AUTHORITY

APPROVAL OF CERTAIN STRATA DEVELOPMENTS

The Western Australian Planning Commission, on the 26 May 2009, determined to delegate their power under Section 25 of the *Strata Titles Act 1985*.

The abovenamed Act states:

“Subject to this section every strata plan and every plan of re-subdivision or consolidation for a strata scheme lodged for registration under this Act shall be accompanied by a certificate of approval given by the Commission unless the proposed subdivision, re-subdivision or consolidation is exempt from the requirement of such a certificate by reason of regulations made under this section”

The W.A.P.C. hereby delegates authority to the -

- Director Sustainable Development,
- Manager Natural and Built Environment
- Manager Planning and Projects
- Coordinator Building and Development Compliance Services

This delegation allows relevant officers to approve certain strata developments rather than the application requiring approval from the WAPC.

The delegation shall remain in force until the next annual review.

Local Governments are required to provide the WAPC with a report outlining all applications determined under the instrument of delegation at the conclusion of each financial year.

This delegation is pursuant to Section 25 of the *Strata Titles Act 1985* and Section 16 of the *Planning & Development Act 2005*.

Origin of Delegation:
Govt Gazette 98
Date: 9/06/09

Delegation Reviewed: