



Council Register

Register of Delegations

Introduction

A register of Delegations of Authority is essential in order to inform the public of the activities, functions, powers and duties of the Local Government as well meeting the requirements of Section 5.46 of the *Local Government Act 1995* (the Act).

This Act requires the Chief Executive Officer (CEO) of the Local Government to keep a Register of Delegations made by the Council to a Committee or the Chief Executive Officer, and by the CEO to other employees.

The compilation of the content of this Register was prepared through references to the Act, the *Complete Guide to the Local Government Act 1995* (which is a joint production of the Western Australian Municipal Association, the Institute of Municipal Management (WA Division) and the Western Australia Department of Local Government).

When perusing the Delegations of Authority, please be aware that some delegations are ongoing. Others give Delegated Authority to make a decision for a "one of" specific reason.

Once exercised, "one of" delegations are removed from the current Delegations Register and transferred to the Central Records System for permanent retention.

Please ask our Customer Services staff if you would like to view the Delegations of Authority register.

The Delegations of Authority Register is maintained by Office of the Chief Executive Officer.

Statutory Requirements

Section 5.42 of the Act enables the delegation of some powers and duties to the Chief Executive Officer:

A local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in s5.43

Limits of delegations to the Chief Executive Officer

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Limits of delegations to Committees

Sections s5.16 and s5.17 of the Act enables the delegation of some powers and duties to a committee:

- Which may be in writing and be general or as otherwise provided in the instrument of delegation;
- Which have effect for the period of time specified or if no period specified, indefinitely;
- But can not include any power or duty that requires a decision of an absolute majority or a 75% majority of the Council, or any powers or duties that can be delegated to the CEO under Division 4, etc”
- Under the provisions of section 5.46 of the Act, delegations must be reviewed at least once every financial year.

Register of, Records Relevant to, Delegations

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

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Transfer of Authority Due to Absence

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.

Where a named Officer holding a delegation is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Department or Senior Line Manager for the period of absence.

Document Approval			
Document Development Officer:		Document Owner: <i>(Member of EMT)</i>	
Manager Governance & Risk Management		Chief Executive Officer	
Document Control			
File Number - Document Type:	PE.AUT.1 – Register of Delegations		
Synergy Reference Number:	PU14121		
Meta Data: Key Search Terms	Delegations, Authorisation		
Status of Document:	Approved.		
Document file details:	Location of Document: N:\General\Corporate_Services\Governance\Corporate_Documents		
Quality Assurance:	Chief Executive Officer, Executive Management Team, Corporate Services & Finance Committee		
Distribution:	Public Document		
Document Revision History			
Version	Author	Version Description	Date Completed
01	CEO	Adoption Ref: OCM 17/07/2012 Report Item 1.4	17/07/2012
02	CEO	Adoption Ref: OCM 18/09/2012 Report Item 1.1.	18/09/2012
03	CEO	Amended – Delegations: Titled: <ul style="list-style-type: none"> • <i>Land Administration - Closing Certain Thoroughfares to Vehicles (period exceeding 4 Weeks)</i> • <i>Land Administration - Matters Relating to Crown Reserve</i> • <i>Land Administration - Infrastructure Management - Traffic Management Treatments</i> • <i>New – Delegations: Titled:</i> • <i>Land Administration - Road Dedications and Closures</i> • <i>Land Administration - Land Resumption</i> 	19/03/2013
04	ED (Corporate Services)	Adoption Ref: OCM 16/04/2013 Item 4.5 Amended – Delegation: Titled: <i>Property Management – Matters Relating to Leases and Licences</i>	16/04/2013
05	ED (Planning & Development)	Adoption Ref: OCM 18/06/2013 Item 2.9 New – Delegation: Titled: <i>Authority to Approve Development Applications with Minor Variation to Policies.</i>	16/04/2013
06	Manager (Governance & Risk)	Administrative Amendments: <ul style="list-style-type: none"> • <i>Changes to position titles and formatting under delegated authority.</i> 	26/07/2013

Document Revision History (continued)			
Version	Author	Version Description	Date Completed
6.1	Manager (Governance & Risk)	Fully reviewed by Executive Management Team. This version prepared for review by Corporate Services & Finance Committee. Amendments made: <ul style="list-style-type: none"> • Consolidation of existing delegations, removing duplication, from 156 pages to 46 pages. • Change of titles • Compensation for damage to property increased from \$5,000 to \$10,000. • Disposal of plant and equipment increased from \$500 to \$1000. • Amendment to Municipal Fund spending limits. • Power to invest reference to updated Council Policy positions. • Deletion of Approve Design Project delegation. • Deletion of Appoint and Instruct Consultants and Contractors delegation. • Updated Liquor Licensing and Control conditions to reference Local Planning Scheme 1 (LPS1). • Updated Procurement of Goods and Service delegation to reference revised Procurement Policy. • Updated Property Management (Leasing) delegation. • Updated Domestic Animal Control to include Cat Act 2011. • New delegation - Infrastructure: Wet Weather Road Closure. • Updated Planning Delegations to reference new LPS1, with refined conditions for authorisation. 	05/06/2014
6.2	Manager (Governance & Risk)	Amendments made to: <ul style="list-style-type: none"> • Environmental Protection (Noise & Dumping), update of legislative reference. • Minor administration changes throughout document (formatting, grammar, structure). 	09/06/2014
6.3	Corporate Services & Finance Committee	Reviewed by CSF Committee: Amendments made to: <ul style="list-style-type: none"> • 2014:034 – Level 7 limited to \$350,000. • 2014: 020 – Refined wording: Defined limit to category level. 	10/06/2014
6.4	Manager (Governance & Risk)	Adoption Ref: OCM 24/06/2014 Report Item CSF094	25/06/2014
6.5	Manager (Governance & Risk)	Amendment: Delegation 2014:008.Condition: Being: (a) Authority item (1). Making decision on behalf of Council is limited to the Executive Level employees.	26/06/2014
6.6	Manager (Governance & Risk)	Amendment: Delegation 2014:033A: Senior Planning Officer (2)(3) Planning Officer (2)(3) Delegation 2014:034A: Level 1 – Executive Director, Manager Planning Services, Level 2 - Designated Senior Planning Officers Level 3 – Designated Planning Officers Level 4 - Designated Planning Officers, Designated Planning Technical Officer Level 5 – Designated Planning Technical Officers Level 6 – Designated Planning Technical Officers Level 3 & 4 Conditions.	30/06/2014

Document Revision History (continued)			
Version	Author	Version Description	Date Completed
6.7	Manager (Governance & Risk)	<p>Chief Executive Officer Amendment: Delegation 2014:038A: Authority to AWARD a contract or tender is now limited to the Chief Executive Officer and Deputy Chief Executive Officer.</p> <p>Amendments made to reflect change of titles and new compliance officer appointment: Delegation: 2014:005A:</p> <ul style="list-style-type: none"> • Senior Building Compliance Officer (2) <p>Delegation: 2014:009A</p> <ul style="list-style-type: none"> • Building Surveyor (1)(2) • Senior Building Compliance Officer (1)(2) <p>Delegation: 2014:010A:</p> <ul style="list-style-type: none"> • Building Surveyors (3)(5) • Senior Building Compliance Officer (3)(4) <p>Delegation: 2014:017A</p> <ul style="list-style-type: none"> • Senior Building Compliance Officer (1) <p>Delegation: 2014: 028</p> <ul style="list-style-type: none"> • Senior Building Compliance Officer (1a)(1d)(1l)(1n) <p>Delegation: 2014:035A</p> <ul style="list-style-type: none"> • Senior Building Compliance Officer (1)(2) <p>Delegation: 2014:037</p> <ul style="list-style-type: none"> • Senior Building Surveyor (1a)(1b) • Coordinator Building Services (All) • Building Surveyors (1a)(1b) 	11/12/2014
6.7	Manager (Governance & Risk)	Amendment: OCM 24/03/2015 Report Item WS068. AMEND Delegation (2014:025), titled: Infrastructure: Parking, Traffic Management, Local Bus Shelters and Seats to allow parking time limitations to be increased and decreased under delegated authority.	24/03/2015
6.8	Manager (Governance & Risk)	Amendment:	30/04/2015
		<ol style="list-style-type: none"> (1) Updated position titles and roles. (2) Additional legislative referencing. (3) Inclusion of the following new titles and appointments: <ul style="list-style-type: none"> • Team Leader Ranger Services • CESM • General Manager – Business & Economic Development (4) New CEO Authorisation: Acknowledgement of Annual and Primary Returns. (5) New Table of Contents. (6) Delegations grouped by function. (7) Updated 2015 referencing. 	
6.9	Manager (Governance & Risk)	Minor administrative amendments.	12/05/2015

LOCAL GOVERNMENT ACT 1995:	3
ADMINISTER LOCAL GOVERNMENT ACT, APPLICABLE LEGISLATION AND LOCAL LAWS	
ACTIVITIES ON PUBLIC LAND (CLOSE THOROUGHFARES, ROAD RESERVES, FOOTPATHS, TRACKS, RIGHT-OF-WAYS, ALTERATIONS AND ADDITIONS TO CITY PREMISES).....	76
ACTIVITIES ON PRIVATE AND PUBLIC LAND	43
ACKNOWLEDGEMENT RECEIPT OF PRIMARY AND ANNUAL RETURNS	25
ADMINISTER LOCAL GOVERNMENT ACT, APPLICABLE LEGISLATION AND LOCAL LAWS.....	3
APPOINTMENT OF AN ACTING CEO, STAFFING, HR MANAGEMENT	10
APPROVE GRANTS, DONATIONS, SPONSORSHIP, FUNDING, WAIVE FEES AND CHARGES, SUBMIT GRANT APPLICATIONS ON BEHALF OF CITY	15
APPROVE PUBLIC WORKS, STREET LIGHTING, VERGE DEVELOPMENT	78
CAVEATS & TAKING POSSESSION OF LAND.....	19
CHOICE OF TENDER, AWARD CONTRACT (PROCUREMENT OF GOODS & SERVICES, HEAVY PLANT AND FLEET VEHICLES).....	27
COMPENSATION	26
COMMON SEAL, DEEDS, AGREEMENTS, & SIGN DOCUMENTS ON BEHALF OF THE CITY OF ALBANY	12
CORPORATE DOCUMENTS & BRANDING	6
DEALING WITH AN OBJECTION, EXTENSION OF TIME, SUSPENDING A DECISION	13
DESIGNATE PROSECUTION OFFICERS & POWER OF ENTRY	45
ELECTIONS	24
LEGAL PROCEEDINGS (APPROVE REPRESENTATION & LEGAL EXPENSES)	14
OBJECTION TO RATE RECORD, RELEASE INFORMATION	33
PARKING, TRAFFIC MANAGEMENT, BUS SHELTERS & SEATS (AMENDMENTS TO PARKING SCHEME).....	80
PAYMENT OF MUNICIPAL FUNDS, PURCHASE ORDERS, PETTY CASH, ALLOWANCES.....	21
PROPERTY MANAGEMENT, LEASES AND LICENCES.....	29
PROPERTY MANAGEMENT, PUBLIC FACILITIES, MUNICIPAL HALLS, PARKS, RESERVES, HIRE, FEES, SELLING GOODS.....	31
PUBLIC RELATIONS, MEDIA RELEASES & MAKE COMMENT TO MEDIA	7
PUBLIC UTILITY SERVICE WORK ORDERS, APPROVE DISTURBANCE OF PUBLIC LAND	82
POWER TO REMOVE, IMPOUND & DISPOSE PROPERTY	8
POWER TO INVEST (INVESTMENT OF MUNICIPAL FUNDS).....	18
RECOVER OVERDUE LIBRARY BOOKS AND OTHER LOANED ITEMS	17
RATES & RECOVER DEBT, WRITE OFF RATE DEBT, EXEMPTIONS.....	34
SUBDIVISION OF LAND	47
WIND EROSION & SAND DRIFT	74

BUILDING ACT 2011 & STRATA TITLES ACT 1985:	36
ADMINISTER & COMPLIANCE.....	38
OCCUPANCY PERMIT, BUILDING APPROVAL CERTIFICATE FOR STRATA SCHEME, PLAN OF RE-SUBDIVISION	36
SWIMMING POOLS.....	41
BUSH FIRE ACT 1954:	49
ADMINISTER & COMPLIANCE.....	49
CARAVAN PARKS & CAMPING GROUNDS ACT 1995, CONTROL OF VEHICLES (OFF- ROAD AREAS) ACT 1978:	51
CONTROL OF VEHICLES & CAMPING ON PUBLIC LAND	51
CAT ACT 2011 & DOG ACT 1976 & LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960:	53
DOMESTIC ANIMAL CONTROL, CAT & DOG.....	53
DANGEROUS GOODS SAFETY ACT 2004:	66
BLASTING IN TOWN SITE AND FIRE WORKS.....	66
EMERGENCY MANAGEMENT ACT 2005, BUSH FIRE ACT 1954, FIRE & EMERGENCY SERVICES ACT 1998:	55
ADMINISTER & COMPLIANCE.....	55
ENVIRONMENTAL PROTECTION ACT 1986:	60
ILLEGAL DUMPING AND NOISE.....	60
FOOD ACT 2008, HEALTH ACT 1911 & LITTER ACT 1979:	57
FOOD ACT 2008, HEALTH ACT 1911, LITTER ACT 1979	57
FREEDOM OF INFORMATION ACT 1992:	23
FREEDOM OF INFORMATION, RELEASE INFORMATION.....	23
LAND ADMINISTRATION ACT 1997:	62
CROWN RESERVES, STREET NAMES.....	62
LAND RESUMPTION, ROADS, DRAINAGE, FOOTPATHS, ROAD DEDICATIONS & CLOSURES.....	64
LIQUOR CONTROL ACT 1988:	68
LIQUOR LICENSING AND CONTROL.....	68
PLANNING & DEVELOPMENT ACT 2005:	69
DEVELOPMENT CONTROL, COMPLIANCE, LEGAL ACTION	69
ADMINISTRATION AND APPOINTMENT OF AUTHORISED PERSONS.....	71
STREET SCAPE, TREE PLANTING, PRUNING, REMOVAL, PICKING FLORA	85
ROAD TRAFFIC ACT 1974 & LOCAL GOVERNMENT ACT 1995:	83
WET WEATHER ROAD CLOSURE	83

LOCAL GOVERNMENT ACT 1995:

**ADMINISTER LOCAL GOVERNMENT ACT, APPLICABLE LEGISLATION AND
LOCAL LAWS**

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Authorise persons to administer and enforce the Local Government Act 1995 (the Act), applicable legislation and local laws.
- (2) Issue licences, notices, approvals and permits relating to City of Albany Local Laws:
 - (a) Activities on Thoroughfares and Public Places and Trading Local Law
 - (b) Animals Local Law
 - (c) Extractive Industries Local Law
 - (d) Fencing Local Law
 - (e) Health Local Law
 - (f) Jetties, Bridges and Boat Pens Local Law
 - (g) Local Government Property Local Law
 - (h) Parking and Parking Facilities Local Law
 - (i) Prevention and Abatement of Sand Drift Local Law
 - (j) Signs Local Law
 - (k) Standing Orders Local Law
 - (l) The Former Perth
- (3) Direct (Additional Powers when giving a notice under s3.25 of the Act:
 - (a) Do anything that is considered necessary to achieve the purpose for which the notice was given, including recovering the cost of anything it does as a debt due from the person who failed to comply with the notice.
 - (b) Take action to recover any outstanding debts pursuant to the Act, s6.10.
- (4) Deal with objections and granting of extension of time.
 - (a) Administer the Suspension of Effect of Decision (including the advising of an outcome of an objection when a decision is made under the Local Government Act 1995).
 - (b) Receive an objection and grant an extension of time for an objection to be lodged.
 - (c) Deal with an objection of a decision made by the City of Albany, under authority of the Local Government Act 1995, any local law or regulation.

Conditions:

- (a) A person who is authorised to give an infringement notice under s9.16 is not eligible to be an authorised person for the purposes extending time or withdrawal.
- (b) Authorisation to be given in writing.

Notes:

- (i) If a person who is given a notice under s3.25 of the Act fails to comply with it, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, including recovering the cost of as a debt due from the person who failed to comply with the notice.
- (ii) If a debt (other than a rate or service charge) remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Planning Services (1) (2a,c,d,g,j)(3)
 - Senior Planning Officer - Statutory Planning & Compliance (1) (2a,c,d,g,j)
 - Manager Ranger & Emergency Services:(1)(2a,b,f,g,h,j)(3)
 - Team Leader Ranger Services: (2a,b,f,g,h,j)
 - Senior Ranger: (2a,b,f,g,h,j)
 - Rangers: (2a,b,f,g,h,j)
 - Coordinator Environmental Health: (1)(2a,b,c,e,i)
 - Environmental Health Officers:(2a,b,c,e,i)
 - Environmental Health Technicians (2a,b,c,e,i)
- Executive Director Works & Services (All)
 - Manager City Engineering (1)(2a,d,f,g,h,i,j,)
 - Manager City Operations (1)(2a,d,f,g,h,i,j,)
 - Coordinator Waste Management (2g)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (All)
 - Manager Finance (4b)(4c)
 - Team Leader Property and Leasing (1) (2a,f,g)
 - Property Officer (2f,g)
- Executive Director Community Services (All)
 - Manager Albany Leisure & Aquatic Centre (2g)
 - Manager Day Care Services (2g)
 - Manager Recreation Services (2g)
 - Vancouver Arts Centre Coordinator (2g)
 - Manager Library Services (2g)
- General Manager - Business and Economic Development (All)
 - Manager Tourism Development and Services (1) (2a,f,l)
 - Team Leader - Albany Visitor Centre (2g)
 - Senior Reporting Officer Albany Airport (2g)

Applicable Legislation / Local Law / Policy Position(s):

• Local Government Act 1995:

Part 3 — Functions of local governments, Division 2 - Legislative functions of local governments, Subdivision 1 — Local laws made under this Act

s3.25 (Notices requiring certain things to be done by owner or occupier of land)

s3.26 (Additional powers when notices given)

Part 9 - Miscellaneous provisions, Division 1 - Objections and review

s9.5 (Objection may be lodged)

s9.6 (Dealing with objection)

s9.7 (Review)

s9.9 (Suspension of effect of decision)

• Local Government (Financial Management) Regulations 1996:

r.5 (CEO's duties as to financial management)

Remarks:

23/04/2016. Amendment made to reflect change of titles and new compliance officer appointment:

- Team Leader Ranger Services: (2a,b,f,g,h,j)

- Environmental Health Technicians (2a,b,c,e,i)

- Manager City Engineering (1)(2a,d,f,g,h,i,j,)

LOCAL GOVERNMENT ACT 1995:

CORPORATE DOCUMENTS & BRANDING

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Approve the use of the City of Albany Crest and Corporate Logos.
- (2) Update Council adopted guidelines, procedures and processes.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Minor administrative amendments can be made to Council adopted policies, if authorised by the Chief Executive Officer.
- (b) On effecting the amendment a copy of the updated policy is to be distributed to all elected members.

Note: It is the role of Council to determine the local government's policies.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - General Manager - Business and Economic Development (All)
 - Manager Governance & Risk Management (2)
 - Communications Manager (1)
- Executive Director Planning & Development(All)
- Executive Director Works & Services (All)
- Executive Director Community Services (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s2.7 (Role of council) (2)(b)
 - s3.1 (General function)
 - s5.41(Functions of CEO)

Policy Position:

- Council Policy: Corporate Document Policy

Remarks:

23/04/2015. CEO Authorisation amendment/condition, being:

(a) Minor administrative amendments can be made to Council adopted policies, if authorised by the Chief Executive Officer.

(b) On effecting the amendment a copy of the updated policy is to be distributed to all elected members.

Note: (1) It is the role of Council to determine the local government's policies.

LOCAL GOVERNMENT ACT 1995:

PUBLIC RELATIONS, MEDIA RELEASES & MAKE COMMENT TO MEDIA

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Represent the City of Albany on external committees and working groups and make operational decisions on behalf of the City.*
- (2) Prepare, produce and distribute City information, media releases, publications and make comment, with the condition that comment is limited to matters relating to functions of the CEO, defined by the Act. *
- (3) Authorise persons to administer any or all of the above functions.

*Delegated by Council.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Communications Manager (All)
- Executive Director Planning & Development (All)
- Executive Director Works & Services (All)
- Executive Director Community Services (All)

*Any officer delegated by the Chief Executive Officer or an Executive Director.

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995 s5.41 (Functions of CEO) (d)&(f)

Remarks:

26/06/2014. CEO Authorisation amendment/condition, being: (a) Authority item (1). Making decision on behalf of Council is limited to the Executive Level employees.

23/04/2015. CEO Authorisation amendment/condition, being: Represent the City of Albany on external committees and working groups and make operational decisions on behalf of the City.

LOCAL GOVERNMENT ACT 1995:

POWER TO REMOVE, IMPOUND & DISPOSE PROPERTY

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Dispose Surplus Plant, Equipment and Material.
- (2) Sell or otherwise dispose:
 - (a) any goods that have been confiscated subject to s3.47(1) of the Act;
 - (b) impounded goods that have not been collected within the period specified in s3.42(1)(b), s3.47(2b) or s3.44 of the Act;
 - (c) any vehicle that has not been collected within two months of a notice having been given under s3.40(3) or seven days of declaration being made that a vehicle is an abandoned vehicle wreck; and
 - (d) artworks, not exceeding \$5,000.
- (3) Determine that court action be taken to recover impounding expenses in accordance with s3.48 of the Act.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1): Subject to the CEO providing Elected Members with two weeks written notice with any intention to do so:
 - (i) The CEO may either proceed with such a sale or if appropriate instead donate the property available for sale to suitable not for profit community groups or Schools;
 - (ii) In the absence of any sale being made, it shall be at the absolute discretion of the CEO to dispose of any surplus goods, plant and equipment in any manner thought fit by the CEO.
 - (iii) All goods, plant and equipment with an estimated market value above \$1000 should be:
 - Advertised for sale in a local newspaper; or
 - Sold by public auction; or
 - Offered for sale by public tender.
 - (iv) All goods, plant and equipment with an estimated market value of \$1000 or less shall be:
 - Advertised for sale in an email or notice sent to all staff; or
 - Offered for sale by seeking bids from staff with a one week closing date for bids to be lodged with the CEO.
- (b) The team that administers the impounding cannot administer the disposal.
- (c) The CEO shall approve any legal Action and sign any legal documents.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - General Manager - Business and Economic (3)
 - Manager Tourism Development & Services(3) Condition: c(ii) only. (2d)
- Executive Director Works & Services (All)
 - Manager City Operations (1)
- Executive Director Community Services (All)
 - Manager Cultural & Community Development(2d)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (2a,b,c)(3)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.39 (Power to remove and impound)
 - s3.40 (Vehicle may be removed if goods to be impounded are in or on vehicle)
 - s3.40A (Abandoned vehicle wreck may be taken)
 - s3.43 (Impounded non-perishable goods, court may confiscate)
 - s3.47 (Confiscated or uncollected goods, disposal of)
 - s3.48 (Impounding expenses, recovery of)
 - s3.58 (Disposing of property)

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

APPOINTMENT OF AN ACTING CEO, STAFFING, HR MANAGEMENT

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Appoint an Acting Chief Executive Officer for a period of less than 6 weeks.
- (2) Determine an organisational structure.

CEO FUNCTION: Authority to:

- (3) Appoint and dismiss employees.
- (4) Undertake executive functions relating to provision of services and/or facilities.
- (5) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Funding being available in the City's Annual Budget.
- (b) Structure changes must be approved by the relevant Executive Director.
- (c) Appointment and dismissal of:
 - (i) permanent employees; and
 - (ii) casual employees:must be conducted in consultation with Manager Human Resource and/or delegate.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Human Resources (3)
 - General Manager - Business and Economic Development (3)
 - Manager Tourism Development & Services(3) Condition: c(ii) only.
- Executive Director Works & Services (3)
 - Manager City Operations (3) Condition: c(ii) only.
 - Manager City Engineering (3) Condition: c(ii) only.
- Executive Director Planning & Development (3)
- Executive Director Community Services (3)
 - Manager Cultural and Community Development (3) Condition: c(ii) only.
 - Manager Albany Leisure & Aquatic Centre (3) Condition: c(ii) only.
 - Manager Recreation Services(3) Condition: c(ii) only.
 - Manager Library Services(3) Condition: c(ii) only.

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.1 (General Function)
 - s3.18 (Performing Executive Functions)
 - s3.21 (Duties when performing functions)
 - s5.2 (Administration of local governments)
 - s5.36 (Local government employees)
 - s5.39 (Contracts for CEO and senior employees) - (1a)(a)
 - s5.41 (Functions of CEO)
 - s5.42(Delegation of some powers and duties to CEO)

Remarks:

23/04/2015. Amendment made to reflect change of titles, roles and reporting lines:

- *Manager Human Resources (3)*
- *General Manager - Business and Economic Development (3)*
 - *Manager Tourism Development & Services(3),*
 - Condition: c(ii) only.*

LOCAL GOVERNMENT ACT 1995:

**COMMON SEAL, DEEDS, AGREEMENTS, & SIGN DOCUMENTS ON BEHALF OF
THE CITY OF ALBANY**

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Execute a document on behalf of the City where there is a requirement for the document to be executed as a deed, pursuant to s9.49A(5) of the Act;
- (2) Affix the Council's Common Seal to documents, pursuant to s9.49A(2) of the Act; and
- (3) Sign documents on behalf of the local government for all matters arising under delegated authority given by the Council under s5.42 and s9.49A(4) of the Act and generally as is necessary or appropriate in reasonably carrying out his or her function under the Act or under any written law.

Conditions:

- (a) Power to sub-delegate: In accordance with Section 5.43(ha) of the Act the Chief Executive Officer, Deputy Chief Executive Officer or Acting Chief Executive Officer, appointed in writing, is NOT authorised to delegate this function;
- (b) Compliance with Council Policy: Use of Common Seal Policy.

Designated/Authorised Officers:

- Mayor (All)
- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s2.5 (Local governments created as bodies corporate)
 - s5.42 (Delegation of some powers and duties to CEO)
 - s5.43 (Limits on delegations to CEO)(ha)
 - s9.49A (Execution of documents) (2)(4)(5)
- Local Government (Functions and General) Regulations 1996:
 - r.34 (Common seal, unauthorised use of)
- Fire and Emergency Services Authority of Western Australia Act 1998:
 - Part 6A — Emergency services levy, Division 9 — ESL agreements
 - s36ZJ (ESL agreement, nature of etc.)
 - s36ZK (Part 6A modified for ESL agreement (Sch. 1A))
- Rates and Charges (Rebates and Deferrals) Act 1992:
 - s.16 (Claims by administrative authorities)

Policy Position:

- Council Policy: Use of Common Seal Policy

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

DEALING WITH AN OBJECTION, EXTENSION OF TIME, SUSPENDING A DECISION

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority:

- (1) Administer the suspension of effect of decision (including the advising of an outcome of an objection when a decision is made under the Local Government Act 1995).
- (2) Receive an objection and grant an extension of time for an objection to be lodged.
- (3) Deal with an Objection of a decision made by the City of Albany, under authority of the Local Government Act 1995, any local law or regulation.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Executive Director Planning & Development (All)
- Executive Director Works & Services (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (2)(3)
- Executive Director Community Services (All)
- General Manager - Business and Economic Development (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.50A (1)
 - Part 9 - Miscellaneous provisions, Division 1 - Objections and review
 - s9.5 (Objection may be lodged)
 - s9.6 (Dealing with objection)
 - s9.7 (Review)
 - s9.9 (Suspension of effect of decision)
- Local Government (Functions and General) Regulations 1996:
 - r.6(Transitional provisions about road closures) (3)

Remarks:

*23/04/2015. Amendment made to reflect new appointment:
- General Manager - Business and Economic Development (All)*

LOCAL GOVERNMENT ACT 1995:

LEGAL PROCEEDINGS (APPROVE REPRESENTATION & LEGAL EXPENSES)

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Authorise Legal Expenses for Council Members, Employees and Volunteers.
- (2) Enact legal proceedings and authorise persons to represent the City in a Court.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (1) Compliance with Council Policy: Legal Representation for Elected Members, Employees and Volunteers.
- (2) The City's Insurance Broker must be notified before proceeding with action.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (2)
 - Manager Finance (2)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (2)
 - Team Leader Ranger Services (2)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - Part 9 — Miscellaneous provisions
 - Division 2 — Enforcement and legal proceedings
 - Subdivision 1 — Miscellaneous provisions about enforcement
 - s9.10(Appointment of authorised persons)(1)(2)
 - s9.29 (Representing local government in court)(2).
 - Part 6 — Financial management
 - Division 6 — Rates and service charges
 - Subdivision 5 — Recovery of unpaid rates and service charges
 - s6.56(Rates or service charges recoverable in court)(1)(2)
- Policy Position:
 - Council Policy: Legal Representation for Elected Members, Employees and Volunteers

Remarks:

23/04/2015. Additional condition, being: (2) The City's Insurance Broker must be notified before proceeding with action.

Amendment made to reflect change of title and new appointment:

- Team Leader Ranger Services (2)*

LOCAL GOVERNMENT ACT 1995:

APPROVE GRANTS, DONATIONS, SPONSORSHIP, FUNDING, WAIVE FEES AND CHARGES, SUBMIT GRANT APPLICATIONS ON BEHALF OF CITY

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

- (1) Authority to:
 - (a) Make donations, grants, sponsorship, financial assistance and waive fees and charges, the Local Government Act 1995, s6.7(2) and s6.12(1)(2)&(3).
 - (b) Apply for Grant and Subsidy Applications on behalf of the City of Albany.
 - (c) Waive fees for goods, services and charges.
 - (d) Determine eligibility of charitable or benevolent community based organisations within the City of Albany to qualify for the Waste Services Subsidy.
- (2) Building Specific. Waiver, increase, reduce or refund the payment of building service application fees in the following circumstances:
 - (a) Application is cancelled prior to final determination.
 - (b) Applicant has requested a renewal of an expired decision.
 - (c) For a request for the City to provide a Certificate in respect to a proposed development that is not part of a statutory application.
 - (d) Any major development made on behalf of local government or government department where most of the assessment has already been carried out.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1a) Approve Grants, Donations, Sponsorship, Community Funding, and Waiver Fees & Charges:
 - (i) This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the rate notice.
 - (ii) Subject to:
 - a. Conditions contained in Council Policies;
 - b. Funding being allocated in the City's Annual Budget; and
 - c. Funding/Donations limited to \$10,000.
- (b) Any waiver, increase, reduction or refund of a fee shall be based on the following criteria:
 - (a) The proposal not being intended to be a money making venture for the benefit of the organisation.
 - (b) The cost of work undertaken by the City of Albany.
 - (c) The application is on behalf of a non-profit or charitable organisation or be reflective of the benefit of the proposal to the community.

Note: A local government cannot delegate to a CEO the power under section 9.49A(4) of the Act to authorise a person to sign documents on behalf of the local government.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Revenue Development Officer (1)
 - General Manager - Business and Economic (All, exempt (2))
 - Manager Tourism Development & Services (1)
- Executive Director Planning & Development (All)
- Executive Director Works & Services (All, exempt (2))
- Executive Director Community Services (All, exempt (2))
 - Manager Albany Leisure & Aquatic Centre (1)
 - Manager Cultural & Community Development (1)
 - Manager Recreation Services (1)
 - Manager Library Services (1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.1 (General function)
 - s5.42 (Delegation of some powers and duties to CEO)
 - S5.43 (Limits on delegations to CEO) (ha)
 - s5.44 (CEO may delegate powers and duties to other employees)
 - s6.7 (Municipal fund) (2)
 - s6.12 (Power to defer, grant discounts, waive or write off debts) (1)(2) & (3)
 - s9.49A (Execution of documents)
 - Local Government (Financial Management) Regulations 1996:
 - r.5 (CEO's duties as to financial management)
 - r.12 (Payments from municipal fund or trust fund, restrictions on making)
 - r.13 (Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.)
- Policy Position:
- Council Policy – Community Financial Assistance & Events Funding Program Policy
 - City's Annual Budget

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

RECOVER OVERDUE LIBRARY BOOKS AND OTHER LOANED ITEMS

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Recover overdue library books and other loaned Items.
- (2) Authorise persons to administer any or all of the above functions.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Executive Director Community Services (All)
 - Manager Library Services (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s6.10 (Financial management regulations)
- Local Government (Financial Management) Regulation 1996:
 - r.5 (CEO's duties as to financial management)

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995, TRUSTEES ACT 1962:

POWER TO INVEST (INVESTMENT OF MUNICIPAL FUNDS)

Delegation Under: LOCAL GOVERNMENT ACT 1995, TRUSTEES ACT 1962:

Function:

Authority to:

- (1) Invest money and establish investment internal control procedures, pursuant to the Local Government Act 1995, s6.14 (1) and Local Government (Financial Management) Regulation 1996, r.19.
- (2) Authorise persons to administer any or all of the above functions.

Conditions:

Authority item (1): In accordance with Council Policies:

- Council Policy: Investment of Surplus Funds Policy; and
- Council Policy: Cash/Investment Backing for Reserve Accounts Policy.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
s6.14 (Power to invest)
- Local Government (Financial Management) Regulation 1996:
r.19 (Investments, control procedures for)
r.38 (Reserve accounts, information about in annual financial report) (1)(f)
- Trustees Act 1962:
Part III

Remarks: *30/04/2015. Title amendment.*

LOCAL GOVERNMENT ACT 1995:

CAVEATS & TAKING POSSESSION OF LAND

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Make an agreement with a person for payment of rates and service charges, pursuant to the Local Government Act 1995, s6.49.
- (2) Determine whether to amend the rate record for the preceding five years, pursuant to the Local Government Act 1995, s6.39.
- (3) Unpaid rates and service charges:
 - (a) Take possession of land and hold land to secure unpaid rates or service charges:
 - (i) from time to time lease the land;
 - (ii) sell the land;
 - (iii) cause the land to be transferred to the Crown; or
 - (iv) cause the land to be transferred to itself.
 - (b) Lodge a caveat on a property to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.
- (4) Revoke a payment by instalment option for rates and service charges and/or the additional charge.
- (5) Withdraw a caveat that has been lodged on a property, where the purpose for which the caveat was lodged has been satisfied, or the temporary withdrawal and re-lodging of the caveat will allow dealings on a title.
- (6) Apply a Gross Rental Valuation (GRV) rating to areas.
- (7) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (2): Must be for the purpose of correcting a financial administrative error.
- (b) Authority item (3): Unpaid rates and service charges.
 - (i) Rates or service charges to be unpaid for at least 3 years.
 - (ii) On taking possession of any land staff are to notify the owner of the land such notification as is prescribed.
 - (iii) Affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
 - (iv) The designated officer (delegate) must, at least once, attempted under s6.56 of the Local Government Act 1995 to recover money due in a court of competent jurisdiction.
 - (v) Power of sale of land must be conducted in accordance with Schedule 6.3 of the Local Government Act 1995.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (All)
- Executive Director Planning & Development (3b)(5)
- Executive Director Works & Services (3b)(5)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - Part 6 — Financial management
 - s6.32 (Rates and service charges)
 - s6.39(Rate record)(2)
 - s6.45 (Options for payment of rates or service charges)
 - s6.49 (Agreement as to payment of rates and service charges)
 - S6.56 (Rates or service charges recoverable in court)
 - s6.64 (Actions to be taken)
 - Schedule 6.3 - Provisions relating to sale or transfer of land where rates or service charges unpaid
- Bush Fires Act 1954:
 - s33 (Local government may require occupier of land to plough or clear fire-break) (8)

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

**PAYMENT OF MUNICIPAL FUNDS, PURCHASE ORDERS, PETTY CASH,
ALLOWANCES**

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Approve requisitions and purchase orders for the supply of goods and services.
- (2) Approve Payments from the Municipal Fund and Trust Fund and Signing of Requisition and Purchase Orders.
- (3) Issue Petty Cash Advances (up to \$1000.00).
- (4) Make a cash advance to a person in respect of an expense for which the person can be reimbursed, in accordance with the Local Government Act 1995, Division 8 of Part 5.
- (5) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) As per the requirements of the Local Government (Financial Management) Regulations 1996, r.13.
- (b) Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of Council.
- (c) The following spending limits apply:
 - Category A = Chief Executive Officer, Deputy Chief Executive Officer
 - Category B = Executive Director Works & Services
 - Category C = Executive Directors, General Manager - Business & Economic
 - Category D = Managers
 - Category E = Coordinators & Team Leaders
 - Category F = Officers

 - Limit for Category A - \$250,000 and over
 - Limit for Category B - \$250,000 and under
 - Limit for Category C - \$100,000 and under
 - Limit for Category D - \$50,000 and under
 - Limit for Category E - \$10,000 and under
 - Limit for Category F - Payments under \$5,000
- (d) Requests for "Miscellaneous Expenses" by Elected Members to be jointly signed by the Mayor and Chief Executive Officer.

Designated/Authorised Officers:

- Chief Executive Officer (All, Cat A)
- Deputy Chief Executive Officer (All, Cat A)
 - General Manager - Business & Economic Development (All, Cat C)
 - Manager Finance (All, Cat C)
 - Manager Governance & Risk Management (1)(2) (Cat D)
 - Personal Assistant to Mayor and Councillors (4) (Cat E)
- Executive Director Works & Services (All, Cat B)
- Executive Director Planning & Development (All, Cat C)
- Executive Director Community Services (All, Cat C)
 - Managers (3) (Cat D)
 - Coordinator & Team Leaders (Cat E)
 - Officers (Cat F)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - Part 3 - Functions of local governments
 - s3.1 (General function)
 - Part 5 - Administration
 - s5.98 (Fees etc. for council members)
 - Part 6 - General financial provisions
 - s6.10 (Financial management regulations)
- Local Government (Financial Management) Regulations 1996:
 - r.5 (CEO's duties as to financial management)
 - r.8 (Separate bank etc. accounts required for some moneys)
 - r.11 (Payments, procedures for making etc.)
 - r.12 (Payments from municipal fund or trust fund, restrictions on making) (1)(a)
 - r.13 (Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.)

Remarks: *23/04/2015: Amendment made to reflect change of titles and new position:
- General Manager - Business & Economic Development (All, Cat C)*

FREEDOM OF INFORMATION ACT 1992:

FREEDOM OF INFORMATION, RELEASE INFORMATION

Delegation Under: FREEDOM OF INFORMATION ACT 1992:

Function:

CEO FUNCTION: Authority to:

- (1) Make decisions regarding access to information under the Freedom of Information Act 1992.
- (2) Authorise persons to administer any or all of the above functions.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Councillor Liaison & Research Officer (Principal FOI Officer) (1)
 - Information Manager (1)
 - Manager Governance & Risk Management (1)

Applicable Legislation / Local Law / Policy Position(s):

- Freedom of Information Act 1992:
 - s3 (Objects of Act)
 - s4 (Agencies, duties of when applying Act)
- Local Government Act 1995:
 - s5.94 (Public can inspect certain local government information)

Remarks:

23/04/2015. Defined CEO Function.

30/04/2015. Included reference to: Local Government Act 1995: s5.94 (Public can inspect certain local government information)

LOCAL GOVERNMENT ACT 1995:

ELECTIONS

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

CEO FUNCTION: Authority to:

- (1) Electoral Rolls & Enrolment Eligibility. Prepare an owners and occupiers roll for an election and decide whether or not a claim made for enrolment eligibility is to be accepted or rejected.*
- (2) Dispose Election Records. Undertake the duties of the Chief Executive Officer as provided in regulation 82(4) of the Local Government (Elections) Regulations 1997, that is to undertake or to supervise the destruction of any election material). *
- (3) Authorise persons to administer any or all of the above functions.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (1)(2)
 - Councillor Liaison & Research Officer (1)(2)
 - Senior Rates Officer (1)
 - Rates Officers (1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s4.32 (Eligibility to enrol under s. 4.30, how to claim) (4) (5)
 - s4.41(Owners and occupiers roll) (1)
- Local Government (Elections) Regulations 1997:
 - r.82 (Keeping election papers - s4.84(a)) (4).

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

ACKNOWLEDGEMENT RECEIPT OF PRIMARY AND ANNUAL RETURNS

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Function to be performed: To provide written acknowledgement of the receipt of Primary and Annual Returns in accordance with s5.77 of the Local Government Act 1995.

Conditions:

(a) Compliance with the City Procedure: Suggested Procedure and Timeline for Lodgement of Financial Interest Returns.

(b) All acknowledgements to be communicated by email copied to CEO and Deputy CEO or Mayor if applicable.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (All)
 - Councillor Liaison & Research Officer (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
Part 5 — Administration
s5.77 (Acknowledging receipt of returns)

Remarks: *30/04/2015. New authorisation.*

LOCAL GOVERNMENT ACT 1995:

COMPENSATION

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Determine and pay compensation for damage to property up to \$10000.
- (2) Authorise persons to administer any or all of the above functions.

Conditions:

Notes:

- (i) A local government is to compensate the person if the person requests compensation unless it is otherwise expressly stated in subsection (5) of s3.22, or in Schedule 3.1 or Schedule 3.2 of the Act.
- (ii) s3.22 does not limit section s9.57 of the Act.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Governance & Risk Management (1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - Part 3 — Functions of local governments, Division 3 — Executive functions of local governments, Subdivision 1 — Performing executive functions
 - s3.22 (Compensation)
 - s3.51 (Affected owners to be notified of certain proposals)(2)(b)
 - s9.57 (Local government protected from certain liability)

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

CHOICE OF TENDER, AWARD CONTRACT (PROCUREMENT OF GOODS & SERVICES, HEAVY PLANT AND FLEET VEHICLES)

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Award a tender or contract.
- (2) Vary, extend or renew a contract or tender.
- (3) Vary the requirements before entering into contract, in accordance with functions provided for in r.20 and specifically r.20(2) of the Local Government (Functions and General) Regulations 1996.
- (4) With the approval of the tenderer, to make a variation in the contract for goods or services before the City enters the contract with the successful tenderer, in accordance with the Local Government (Functions and General) Regulations 1996, Regulation 20(1).
- (5) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Quotations and tenders called to comply with Council's Policy:
 - (i) Purchasing Policy (Tenders & Quotes); and
 - (ii) Buy Local (Regional Price Preference) Policy.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - General Manager - Business and Economic Development (All) (Exempt: 1)
 - Manager Finance (2)(3)
 - Procurement Officers (2)(3)
- Executive Director Planning & Development (All) (Exempt: 1)
- Executive Director Works & Services (All) (Exempt: 1)
- Executive Director Community Services (All) (Exempt: 1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.18 (Performing executive functions) (2)
 - s3.57 (Tenders for providing goods or services) (1)
 - s5.41 (Functions of CEO)(d)
 - s5.43 (Limits on delegations to CEO)(b)

• Local Government (Functions and General) Regulations 1996:

- r.11 (When tenders have to be publicly invited)(1)(2)(f)
- r.14 (Publicly inviting tenders, requirements for)(2a)
- r.15 (Minimum time to be allowed for submitting tenders)
- r.16 (Receiving and opening tenders, procedure for)
- r.17 (Tenders register)
- r.18 (Rejecting and accepting tenders)
- r.19 (Tenderers to be notified of outcome)
- r.20 (Variation of requirements before entry into contract)
- r.21 (Limiting who can tender, procedure for)
- r.22 (Minimum time to be allowed for submitting expressions of interest)
- r.23 (Rejecting and accepting expressions of interest to be acceptable tenderer)
- r.24 (People who submitted expression of interest to be notified of outcome)

Remarks:

11/12/2014. CEO DIRECTIVE: Authority to AWARD a contract or tender is now limited to the Chief Executive Officer and Deputy Chief Executive Officer.

30/04/2015. Title amendment.

LOCAL GOVERNMENT ACT 1995:

PROPERTY MANAGEMENT, LEASES AND LICENCES

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Process requests related to leases and licences.
- (2) Negotiate terms, conditions and rent for leases and licences.
- (3) Approve requests to renew existing leases and licences with community groups (being charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature groups), airport hangar sites, government agencies or telecommunication entities for properties that are under the care, control and management of the City of Albany.
- (4) Approve new leases for Lotteries House in accordance with Lotteries House Tenant Management Committee recommendations.
- (3) Approve requests to take up an option for a further term on a current lease/licence or sub-lease/licence, provided there being no variation to the principle terms of the lease/licence and all accounts being paid in full.
- (4) Approve requests to vary existing leases/licences.
- (5) Renegotiate current lessee or sub-lessee rental.
- (6) Approve requests to assign existing leases or sub-leases, provided there being no variation to the current lease conditions.
- (7) Approve requests for a sub-lease where there is a current lease in place.
- (8) Surrender of a lease/licence of any property, where the balance of lease/licence payable does not exceed \$10,000 and all accounts being paid in full.
- (9) Appoint persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1) Authority to process matters relating to Leases and Licences, as follows:
 - (i) Settled terms and conditions to be approved by the delegate as soon as practicable;
 - (ii) Definition of lessee includes a licensee where the context permits;
 - (iii) Where the lessee disputes the market rent increase, the delegate may negotiate a lesser increase to lease/licence rent subject to:
 - a. the lessee providing to the City at the lessee's cost, a written rental valuation undertaken by a licensed Valuer on or prior to the date upon which the increased rent is to apply; and
 - b. the City and the lessee reaching agreement on a new lease/licence rental that is not less than 80% of the market rate as determined by the City's Valuer to a maximum amount of \$5,000 per annum.
 - (iv) The lease agreement specifying that rental reviews will be made in accordance with market conditions;
 - (v) The market rentals for similar properties generally indicating that existing rental represents a fair market rental.

- (b) Authority item (2) Variation of existing lease/licence terms subject to:
- (i) Leased area being no more or no less than 10% of the existing area;
 - (ii) Permitted Use provided there being:
 - a. no change to the primary use; and
 - b. proposed amendment is ancillary to the existing permitted use; and
 - c. has local authority planning approval (if required).
- (c) Guarantee & Indemnity provided Council interests remain protected.
- (d) Authority item (3) Compliance with Council Policy Property Management – Leases and Licences is required.
- (e) Authorisations item (4) All new leases and licences (other than those delegated by Council) will be referred to Council for consideration.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
s3.58 (Disposing of property)
 - Land Administration Act 1997:
Part 6 (Sales, lease, licences, etc. of Crown land)
- Policy Position:
- Council Policy: Buy Local (Regional Price Preference) Policy

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

**PROPERTY MANAGEMENT, PUBLIC FACILITIES, MUNICIPAL HALLS, PARKS,
RESERVES, HIRE, FEES, SELLING GOODS**

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Approve or refuse applications for hire of recreation centres, facilities, halls and buildings to the public and determine appropriate conditions (including signage: sporting and event banners).
 - (a) Waive or vary hire fees for charitable organisations or others persons; and
 - (b) Determine the rights of lessees to sell goods to patrons attending sporting functions at venues owned or leased by the City to various clubs and organisations.
- (2) Manage City facilities and reserves:
 - (a) Allocate sporting facilities and recreational reserves grounds to seasonal and casual hirers who may apply for the use of such facilities, including requests for use (and level of use) of turf matches and practice wickets;
 - (b) Determine costs for damage to buildings, parks and recreational reserves;
 - (c) Determine applications for the sale or consumption of alcohol on parks and reserves and leased premises; and
 - (d) Approve service and tourist signage on reserves.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Manage City facilities and reserves:
 - (i) Such use to be at an appropriate fee as set by the Council.
 - (ii) Having regard to existing and previous usage.
 - (iii) Approval is based on the following criteria:
 - a. the event being conducted at no cost to the Council;
 - b. the organiser being required to meet the cost of all outgoings;
 - c. adjoining residential areas being notified of the event in advance;
 - d. the event not causing any inconvenience to adjacent business/commercial operations;
 - e. the Council being indemnified against any claims for damages;
 - f. approval is a time limit; and
 - g. the City's Service and Tourist Signage Policy.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - General Manager - Business and Economic Development (All), Not: (1b)(2c)(3)
 - Manager Tourism Development & Services (All), Not: (1b)(2c)(3)
- Executive Director Works & Services (All)
 - Manager Reserves (All), Not: (1b)(2c)(3)
- Executive Director Community Services (All)
 - Manager Recreation Services (All), Not: (1b)(2c)(3)
 - Manager Albany Leisure & Aquatic Centre (All), Not: (1b)(2c)(3)
 - Manager Cultural & Community Development (All), Not: (1b)(2c)(3)
 - Manager Library Services (All), Not: (1b)(2c)(3)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.54 (Reserves under control of a local government)
 - s6.12 (Power to defer, grant discounts, waive or write off debts) (1)(b) (3)
- Local Law:
- Local Government Property Local Law 2011
- Policy Position:
- Council Policy: Service and Tourist Signs Policy

Remarks:

23/04/2015: Amendment made to reflect change of titles and new position:

- *General Manager - Business & Economic Development (All), Not: (1b)(2c)(3)*

LOCAL GOVERNMENT ACT 1995:

OBJECTION TO RATE RECORD, RELEASE INFORMATION

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Consider any objection to the rate record and may either disallow it or allow it, wholly or in part, pursuant to the Local Government Act 1995, s6.76(5).
- (2) Grant an extension to the time to make an objection, pursuant to the Local Government Act 1995, s6.76(4).
- (3) Consider applications to release information detailed in section 5.94 (m) of the Local Government Act 1995, subject to:
 - (a) Applications being submitted in the form prescribed from time to time; and
 - (b) A Statutory Declaration being completed.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) An extension will only be granted for a maximum period of 30 days.
- (b) If the authorised persons are not satisfied that the information will not be used for commercial purposes the application for information shall be rejected.

Notes:

- (1) A local government is to promptly consider any objection to the rate record and may either disallow it or allow it, wholly or in part.
- (2) A local government may, on application by a person proposed to make an objection to the rate record, extend the time for making the objection for such period as it thinks fit.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (1)(2)(3)
 - Councillor Liaison & Research Officer (3)
 - Rates Officer (3)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s5.94 (Public can inspect certain local government information)
 - s5.95 (Limits on right to inspect local government information)
 - s5.96 (Copies of information to be available)
 - s6.76 (Grounds of objection)(4)(5).
- Local Government (Administration) Regulations 1996:
 - r.29B (Copies of certain information not to be provided (Act s. 5.96))

Remarks: [30/04/2015. Title amendment.](#)

LOCAL GOVERNMENT ACT 1995:

RATES & RECOVER DEBT, WRITE OFF RATE DEBT, EXEMPTIONS

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Waive, grant concessions or write off any amount of money owed to the City, pursuant to the Local Government Act 1995, s6.12(1).
- (2) Write off any amount of money, including rate debts 'penalty interest' where the cost of recovering the debt will be greater than the actual debt.
- (3) Instruct the City's Debt Recovery Agent to proceed against land and/or property for unpaid rates through the Magistrate's Court.
- (4) Approve Rate Exemptions. Consider and approve applications for exemption under s6.26 of the Local Government Act 1995, subject to applications being submitted in writing and proof of ownership.
- (5) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Write Off Debt (monies owed):
 - (i) General: maximum \$10,000. Rates Officers: limited \$1,500.
 - (ii) The full details of the waiver, concession or write off to be recorded on the appropriate financial record and a report being provided to the Corporate Services & Finance Committee on a bi-annual basis on the exercise of this delegation.
- (b) Authority item (3): Rate Debt Recovery:
 - (i) Rates or service charges to be unpaid.
 - (ii) A General Procedure Claim and Property Seizure & Sale Order through the Magistrate's Court has been served on the ratepayer.
 - (iii) Property Seizure & Sale Order to be lodged on the land title.
 - (iv) Proceed to sell the land through the Bailiff's Office.
- (c) Approve Rate Exemption. If the delegates are not satisfied that the use of the property is exempt under s6.26, of the Act, the application must be referred to the Chief Executive Officer.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
 - Manager Finance (All)
 - Rates Officers (2)

Applicable Legislation / Local Law / Policy Position(s):

• Local Government Act 1995:

s6.12 (Power to defer, grant discounts, waive or write off debts) (1)(c)

s6.26 (Rateable land)

s6.56 (Rates or service charges recoverable in court)

s6.64 (Actions to be taken)

s6.66 (Effect of lease)

s6.68 (Exercise of power to sell land)

Remarks: *Not applicable.*

BUILDING ACT 2011 & STRATA TITLES ACT 1985:

***OCCUPANCY PERMIT, BUILDING APPROVAL CERTIFICATE FOR STRATA
SCHEME, PLAN OF RE-SUBDIVISION***

Delegation Under: BUILDING ACT 2011 & STRATA TITLES ACT 1985:

Function:

Council designates the following positions, to discharge duties under s50 of the Building Act 2011:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development Services (All)
 - Manager Planning Services (All)
 - Senior Building Surveyor (1b)
 - Senior Planning Officer (1a)

Authority to, under the Building Act 2011, s50:

(1) Grant:

- (a) an Occupancy Permit for a building that is a subject of the strata plan to accompany the strata plan as required under the Strata Titles Act 1985 s5B(2)(a); or
- (b) a building Approval Certificate for a building that is a subject of the strata plan to accompany the strata plan as required under the Strata Titles Act 1985 s5B(2)(b), wherein the opinion of the Chief Executive Officer:
 - (i) The buildings shown on the strata plan are first inspected to ensure compliance with approved building plans and specifications; and
 - (ii) The buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act 1985.

(2) Authorise persons to administer any or all of the above functions.

Conditions:

(a) Authority item (1) Occupancy Permit. Also satisfied that:

- (i) separate occupation of the proposed lots will not contravene the provisions of any local planning scheme in force under the Planning and Development Act 2005;
- (ii) any consent or approval required under any such local planning scheme or under the provisions of the last-mentioned Act relating to any interim development order, has been given in relation to the separate occupation of the proposed lots; and
- (iii) the development of the parcel as a whole, the building and the proposed subdivision of the parcel into lots for separate occupation will not interfere with the existing or likely future amenity of the neighbourhood, having regard to the circumstances of the case and to the public interest.

- (b) Authority item (2) Approval Certificate. Power to determine applications for the issuing of a certificate of approval under the Building Act 2011, s50 for a plan of subdivision, re-subdivision or consolidation, except those applications that:
- (i) propose the creation of a vacant lot;
 - (ii) proposed vacant air strata's in multi-tiered strata scheme developments;
 - (iii) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relating to:
 - a. a type of development; and/or
 - b. land within an area;
 - c. which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.
- (c) A local government that exercises the power referred to in clause (b)(ii) above (Functions to be performed) is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Planning Services (All)
 - Senior Planning Officer (1a)
 - Coordinator Building Services (All)
 - Senior Building Surveyor (1a)(1b)
 - Building Surveyor (1a)(1b)

Applicable Legislation / Local Law / Policy Position(s):

- Building Act 2011:
s50 (Application for occupancy permit or building approval certificate for registration of strata scheme, plan of re-subdivision)
- Strata Titles Act 1985:
Part II — Strata schemes and survey-strata schemes
Division 1 — Creation of lots and common property
s5B (Further provisions as to registration of plans) (2)(a), (2)(b).

Remarks: *11/12/2014. Amendment made to reflect change of titles and new compliance officer appointments & roles:*

- *Coordinator Building Services (All)*
- *Senior Building Surveyor (1a)(1b)*
- *Building Surveyor (1a)(1b)*

BUILDING ACT 2011:

ADMINISTER & COMPLIANCE

Delegation Under: BUILDING ACT 2011:

Function:

Authority to:

- (1) Appoint authorised persons to administer the Building Act 2011 (the Building Act) and sign the certificate of appointment.
- (2) Commence Prosecutions pursuant to s139 of the Building Act.
- (3) Conduct duties as an authorised person pursuant to s96 of the Building Act:
 - (a) Enter and inspect buildings (completed or not) and land;
 - (b) Serve requirements on an owner or builder imposing requirements as to the manner of carrying out such operations or earthworks for the purpose of minimising such damage, under the Building Act.
- (4) Serve Notices:
 - (a) To stop unlawful work in accordance with s191 of the Building Act;
 - (b) Where a building is deemed to be in a dangerous state, cause it to be shored up or otherwise secured and a proper hoarding or fence to be put up for the protection of the public from danger, and shall cause written notice to be served on the owner or occupier, under s192 of the Building Act;
 - (c) On the owner or occupier of a neglected and/or dangerous building, to compel removal in accordance with the Building Act, s192 & s193;
 - (d) On the owner or occupier of a dilapidated building, to compel renovation in accordance with s194 of the Building Act;
 - (e) On the owner or occupier of a uncompleted building, in accordance with s195 of the Building Act.
- (5) Permits:
 - (a) Approve or refuse to approve plans and specifications for a Building Permit submitted under s20 of the Building Act;
 - (b) Approve or refuse to approve plans and specifications for a Demolition Permit submitted under s21 of the Building Act;
 - (c) Approve, modify or refuse to approve applications for an extension of period of duration for a Occupancy Permit and Building Approval Certificate submitted under s58 of the Building Act;
 - (d) Approve, modify or refuse to approve applications for Granting of an Occupancy Permit and Building Approval Certificate submitted under s58 of the Building Act.

Conditions:

- (a) Authority (1) & (3): Authorised Persons:
 - (i) Appointed authorised person must hold a current authority card.
 - (ii) An authorised person, shall on demand by the builder, owner or person apparently in charge thereof, produce his authority to so enter to the person demanding it.
- (b) Authority (2) is restricted to Executive Director or above.
- (c) Authority (4) Serve Notices:
 - (i) Executive Director to sign the Notice.
 - (ii) Notice must be in accordance with prescribed content.
- (d) In undertaking the functions of these delegations, Building Surveyors must:
 - (i) Be employed by the City of Albany in accordance with s5.36 of the Local Government Act 1995.
 - (ii) Hold the appropriate qualifications as set out under r.6 of the Building Services (Registration) Regulations 2011.

Designated/Authorised Officers:

- Chief Executive Officer (1)(2)(4)
- Deputy Chief Executive Officer (1)(2)(4)
- Executive Director Planning & Development (1)(2)(4)
 - Coordinator Building Services (3)(4)(5)
 - Senior Building Compliance Officer (3)(4)
 - Senior Building Surveyor (3)(4)(5)
 - Building Surveyors (3)(5)
 - Planning and Development Engineer (3)

Applicable Legislation / Local Law / Policy Position(s):

- Building Act 2011:
 - s20 (Grant of building permit)
 - s21 (Grant of demolition permit)
 - s22 (Further grounds for not granting an application)
 - s58 (Grant of occupancy permit, building approval certificate)
 - s65 (Extension of period of duration)
 - s96 (Authorised persons)
 - s110 (Building orders)
 - s117 (Revocation of building order)
 - s127 (Delegation: special permit authorities and local governments)
 - s139 (Presumptions about authority to do certain things)
 - s191 (Notices to stop unlawful work)
 - s192 (Dangerous buildings)
 - s193 (Neglected buildings)
 - s194 (Dilapidated buildings)
 - s195 (Uncompleted buildings)

- Building Services (Registration) Act 2011
- Building Services (Registration) Regulations 2011:
 - r.6 (Classes of building service practitioner and building service contractor)
- Building Regulations 2012
 - Part 10 - Infringement Notices
 - r69 (Prescribed offences and modified penalties)
 - r70 (Approved officers and authorised officers)
- Local Government Act 1995:
 - s5.36 (Local government employees)

Remarks: *11/12/2014. Amendment made to reflect change of titles and new compliance officer appointment:*

- *Senior Building Compliance Officer (3)(4)*
- *Building Surveyors (3)(5)*

BUILDING ACT 2011:

SWIMMING POOLS

Delegation Under: BUILDING ACT 2011:

Function:

Authority to:

- (1) Enter and inspect land and swimming pools, issue notices and take out such measures with or without assistants as considered necessary in order to prevent the swimming pool from being a danger to persons who may enter upon the land.
- (2) Inspect private swimming pools and enforce the provisions of the Building Act 2011 and associated regulations and standards.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (1) Enter and inspect land and swimming pools:
 - (a) Must hold a current authority card, compliant with the transitional provisions prescribed in the regulations.
 - (b) An authorised person, shall on demand by the builder, owner or person apparently in charge thereof, produce his authority to so enter to the person demanding it.
- (2) Inspect private swimming pools:
 - (a) Executive Director to sign any Prosecution Notices.
 - (b) The inspection that is to be conducted at the completion of building work for an enclosure of a private swimming pool is an inspection to assess whether the pool enclosure complies with the requirements in regulation 50.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Senior Planning Officer - Statutory Planning & Compliance (All)
 - Coordinator Environmental Health (1)(2)
 - Coordinator Building Services (1)(2)
 - Senior Building Compliance Officer (1)(2)
 - Senior Building Surveyors (1)(2)
 - Building Surveyors (1)(2)

Applicable Legislation / Local Law / Policy Position(s):

- Building Act 2011

- Building Regulations 2012:

Division 2 — Kinds of applications for occupancy permits and building approval certificates

r.50 (Application for occupancy permit)

Division 3 — Making and dealing with applications for occupancy permits and building approval certificates

r.54 (Manner of application)

Remarks:

11/12/2014. Amendment made to reflect change of titles and new compliance officer appointment:

- *Building Surveyor (1)(2)*
- *Senior Building Compliance Officer (1)(2)*

LOCAL GOVERNMENT ACT 1995:

ACTIVITIES ON PRIVATE AND PUBLIC LAND

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

Schedule 3.1 - Powers under notices to owners or occupiers of land

- (1) Issue notices in writing requiring the person to do anything, but not limited to, the following:
- (a) prevent water from dripping or running from a building;
 - (b) placing a number on a property to indicate an address;
 - (c) repair a public thoroughfare;
 - (d) ensure that land that adjoins a public thoroughfare is suitably enclosed;
 - (e) ensure that land adjoining a public thoroughfare is not overgrown;
 - (f) removing a tree or part that is obstructing a thoroughfare;
 - (g) make safe anything that is obstructing a private thoroughfare;
 - (h) ensure unsightly (i.e. recyclable material) land is enclosed;
 - (i) ensure overgrown vegetation, rubbish or disused material is removed from land;
 - (j) ensure that graffiti is obliterated;
 - (k) ensuring that a tree that may endanger any person or private property is made safe (dangerous tree);
 - (l) taking specified measures to prevent damage to the public or property from high wind activity;
 - (m) remove bees, wasps and other similar animals that are a danger or nuisance;
 - (n) ensure that unsightly dilapidated or dangerous fences are modified or repaired; and
 - (o) take measures to prevent artificial light or other light being omitted or reflected to remove a nuisance.

Schedule 3.2 - Particular things local governments can do on land even though it is not local government property

- (2) Carry out things prescribed in Schedule 3.2 even though the land is not local government property and the local government does not have consent to act:
- (a) Carry out works for the drainage of land;
 - (b) Do earthworks or other works on land for preventing or reducing flooding;
 - (c) Take from land any native growing or dead timber, earth, stone, sand or gravel that, in its opinion, the local government requires for making or repairing a thoroughfare, bridge, culvert, fence or gate;
 - (d) Deposit and leave on land adjoining a thoroughfare any timber, earth, stone, sand, gravel that is required for making or repairing a thoroughfare, bridge, culvert, fence, or gate;
 - (e) Make a temporary thoroughfare through land for use by the public as a detour while work is being done on a public thoroughfare;
 - (f) Place on land signs to indicate the names of public thoroughfares;
 - (g) Make safe a tree that presents serious and immediate danger to life or property;

- (h) Obliterate graffiti that is visible from a public place and that has been applied without the consent of the owner or occupier;
- (i) Obtain drainage easements;
- (j) Fuel Reduction Activities (slashing, mulching).

Conditions: The designated officer, must document how they formed the opinion that the things to be performed are necessary to protect and/or enhance the health, safety or amenity of the persons or property in the district or to remove a nuisance.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (1e,f,g,h,i,l,m,n,o), (2j)
 - Manager Planning Services (1e,f,g,h,i,l,m,n,o), (2j)
 - Senior Planning Officer - Statutory Planning & Compliance (1e,f,g,h,i,l,m,n,o), (2j)
 - Coordinator Building Services (1n,l)
 - Senior Building Compliance Officer (1a)(1d)(1l)(1n)
 - Coordinator Environmental Health (1h,m,o)
 - Manager Ranger & Emergency Services (1e, f, g, i, l, m), (2j)
 - Team Leader Ranger Services (1e, f, g, i, l, m), (2j)
 - Rangers (1e, f, g, i, l, m), (2j)
- Executive Director Works & Services (1) a, b, c, d, e, f, g, i, j, k, l, n (2)
 - Manager Reserves (1) f, k (2)
 - Manager City Engineering Services (1) a, b, c, d, e, g, j, k, l, n (2)
 - Manager City Operations (1) a, b, c, d, e, g, j, k, l, n (2)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.25 (Notices requiring certain things to be done by owner or occupier of land)
 - s3.27 (Particular things local governments can do on land that is not local government property)
 - s3.36 (Opening fences)
 - Schedule 3.1 - Powers under notices
 - Division 1 (Things a notice may require to be done)
 - Schedule 3.2 - Particular things local governments can do on land even though it is not local government property
- Local Government (Uniform Local Provisions) Regulations 1996:
 - r.13 (Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3))

Remarks:

11/12/2014. Amendment made to reflect change of titles, roles and new compliance officer appointments:

- *Senior Building Compliance Officer (1a)(1d)(1l)(1n)*

23/04/2015. Amendment made to reflect change of titles, roles and new compliance officer appointment:

- *Team Leader Ranger Services (1e, f, g, i, l, m), (2j)*

30/04/2015. Title amendment.

LOCAL GOVERNMENT ACT 1995:

DESIGNATE PROSECUTION OFFICERS & POWER OF ENTRY

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Authorise a local government person to lawfully enter land or premises or thing without the consent of the owner or occupier.
- (2) Lawfully enter land, premises or thing unless the owner or occupier or a person authorised by the owner or occupier objects to the entry.
- (3) Appoint Prosecution Officers for Fines, Penalties and Infringement Notices under the Enforcement Act 1994 (including Provide written notice to the Registrar designating those officers that are Prosecution Officers for the purposes of the Fines, Penalties and Infringement Notices Enforcement Act 1994, Section 13(2).

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (1)(2)
 - Team Leader Ranger Services (2)
 - Manager Planning Services (1)(2)
 - Senior Planning Officer - Statutory Planning & Compliance (2)
 - Senior Planners (2)
 - Planning and Development Engineer(2)
 - Coordinator Environmental Health (1)(2)
 - Environmental Health Officers (2)
 - Coordinator Building Services (1)(2)
 - Senior Building Surveyors (2)
 - Senior Building Compliance Officer (2)
 - Building Surveyors (2)
- Executive Director Works & Services (All)
 - Manager City Engineering (2)
 - Manager Reserves (2)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:

Part 3 — Functions of local governments

Division 3 — Executive functions of local governments

Subdivision 3 — Powers of entry

s3.28 (When this Subdivision applies)

s3.31 (General procedure for entering property) (2)

s3.32 (Notice of entry)

- Fines, Penalties and Infringement Notices Enforcement Act 1994:

s13 (Approved prosecuting authorities and officers) (2)

Remarks: *11/12/2014. Amendment made to reflect change of titles and new compliance officer appointment:*

- Senior Building Compliance Officer (2)

LOCAL GOVERNMENT ACT 1995:

SUBDIVISION OF LAND

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Approve subdivision and development that does not comply with Council engineering design guidelines, however satisfies sound engineering principles.
- (2) Exercise discretion and to make recommendations to the Department of Planning and/or the Western Australian Planning Commission on applications for subdivisions, amalgamation, survey strata and strata of land.
- (3) Authorise matters relating to the performance of Council's functions with regard to subdivision (including strata and survey strata) applications.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (1) The application complies with the provisions of the:
 - (a) Local Planning Scheme (LPS1);
 - (b) Residential Design Codes;
 - (c) Building Code of Australia;
 - (d) Building Regulations of Western Australia; and
 - (e) City of Albany Policies and Local Laws.
- (2) The provision of truncations where necessary, must be to the satisfaction of the Executive Director Planning & Development and documented on the appropriate file and record.
- (3) Any Applications where the recommendations would be inconsistent with the objectives of Local Planning Scheme (LPS1), a relevant structure plan, outline development plan, policy or strategy to be referred to Council.
- (4) Where the delegate is intending to not support the application all Elected Members must first be notified in writing of the application and the rationale for the intension to not support the application and give at least three business days for Elected Members to consider whether or not to request the application be referred to Council for consideration.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Planning Services (All)
 - Senior Planning Officer (2)(3)
 - Planning Officer (2)(3)
 - Planning and Development Engineer (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
s3.25 (Notices requiring certain things to be done by owner or occupier of land)
 - Schedule 3.1 — Powers under notices to owners or occupiers of land
- Policy Position:
- City Guideline: Subdivision and Development Guidelines

Remarks:

30/06/2014. Amendment made to reflect change of titles & roles:
- Senior Planning Officer (2)(3)
- Planning Officer (2)(3)

BUSH FIRE ACT 1954:

ADMINISTER & COMPLIANCE

Delegation Under: BUSH FIRE ACT 1954:

Function:

Authority to:

- (1) Issue directions to Bush Fire Brigades (includes authority to issue direction regarding burning bush on, or at the margin of, streets, roads and ways under the care, control and management of the local government and give direction to Bush Fire Control Officers, appointed under the Bush Fires Act 1954).
- (2) Appoint Fire Control Officers & define areas of responsibility (includes the authority to appoint Fire Control Officers, the Chief Bush Fire Control Officer and Deputy Bush Fire Control Officers in accordance with s48 of the Bush Fires Act 1954).
- (3) Approve Fire Hazard Reduction by Burning Applications (includes Authority to endorse applications submitted for hazard reduction by burning on any land in the district, at the request of the owner or occupier of the land).
- (4) Give Notice to Install Firebreaks Around Properties (includes Authority to take measures for preventing a bush fire, including requiring firebreaks (fire access tracks) around properties).
- (5) Prosecute and Serve Infringement Notices (Consider allegations and issue infringement notices committed against the Bush Fires Act 1954).
- (6) Vary Prohibited and Restricted Burning Times. (including Authority to Vary Prohibited Burning Times, in accordance with s17(7) and (8), of the Bush Fires Act 1954: shortening, extending, suspending or reimposing a period of prohibited burning times; or imposing a further period of prohibited burning times).

Conditions:

- (a) Issue direction to a registered Bush Fire Brigade: Having reasonably sought information prior to issuing directions and so satisfying themselves that direction is needed.
- (b) Prior to persons appointed as Rangers instigating proceedings in a Court of Competent jurisdiction the section Manager is to be consulted.
- (c) Appointed persons must be qualified in accordance with DFES prescribed qualifications.
- (d) The Chief Bush Fire Control Officer and Deputy Bush Fire Control Officers who shall be first, second in seniority of those officer, and subject thereto may determine the respective seniority of the other Bush Fire Control Officers appointed.
- (e) Appointments must be published in a newspaper circulating in the district and Government Gazette.
- (f) Approve Fire Hazard Reduction by Burning Applications: DFES and DPaW must be consulted.
- (g) Give Notice to Install Firebreaks Around Properties: Prevention measure and fire breaks (fire access tracks) are to be in accordance with the City of Albany Fire Management Requirements Notice (s33 of the Bush Fires Act 1954).

REPORT ITEM CSF 169 REFERS

- (h) Vary Prohibited and Restricted Burning Times: The Officer in charge of the regional offices of the Department of Parks & Wildlife (DPaW) and Department of Fire and Emergency Services (DFES) are to be consulted before the authority under this delegation is exercised.
- (i) A notice signed by the CEO is to be published in accordance with the Act for all variations.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (All) (Not 2)
 - Community Emergency Services Manager - CESM (All) (Not 2 or 5)
 - Team Leader Ranger Services (4)(5)
 - All Rangers (4)(5)
 - Chief Bush Fire Control Officer (1)
 - Deputy Chief Bush Fire Control Officer (1)

Applicable Legislation / Local Law / Policy Position(s):

- Bush Fires Act 1954:
 - s17 (Prohibited burning times may be declared by Minister)(7)(8)(10)
 - s18 (Restricted burning times may be declared by FES commissioner)(5)(a)
 - s33 (Local government may require occupier of land to plough or clear fire-break) (6)
 - s38 (Local government may appoint bush fire control officer)
 - s48 (Delegation by local governments)(1)
 - s59 (Prosecution of offences)(3)
 - s59A (Alternative procedure — infringement notices)(2)
- Fire & Emergency Services Act 1998
 - Part 3, s12 (2)(e)(f)

Remarks:

23/04/2015. Amendment to reflect new positions and title changes:

- *Team Leader Ranger Services (4)(5)*
- *Community Emergency Services Manager – CESM (All) (Not 2 or 5)*

CESM Role defined by:

- *Fire & Emergency Services Act 1998*
 - Part 3, s12 (2)(e)(f)*

CARAVAN PARKS & CAMPING GROUNDS ACT 1995, CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978:

CONTROL OF VEHICLES & CAMPING ON PUBLIC LAND

Delegation Under: CARAVAN PARKS & CAMPING GROUNDS ACT 1995, CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978:

Function:

Council designates the following positions, to issue notices and enforce the Caravan Parks and Camping Grounds Act 1995:

- Chief Executive Officer
- Deputy Chief Executive Officer
- Executive Director Planning & Development
 - Manager Ranger & Emergency Services
 - Team Leader Ranger Services
 - Rangers

Authority to:

- (1) Enforce the Control of Vehicles (Off Road Areas) Act 1978:
 - (a) s6(1) Driving or use of off-road vehicle in area other than private land by consent or permitted area;
 - (b) s6(2) Driving or use of vehicle in prohibited area;
 - (c) s6(4)(a) Using or driving an off-road vehicle in a manner which creates or causes undue or excessive noise;
 - (d) s6(4)(b) Using or driving off-road vehicle not fitted with an efficient silencing device;
 - (e) s7(2) Failure to register vehicle or driving or use of unregistered vehicle;
 - (f) s10 Knowingly permitting under-age person to be in charge of vehicle;
 - (g) s19(3) Destroying, etc., notice or mark identifying permitted or prohibited area;
 - (h) s37(8) Illegal removal of infringement notice from vehicle;
 - (i) s38(10) Use of vehicle contrary to prohibition of use notice;
 - (j) s38(10) Removal, damage or obliteration of or to prohibition of use notice attached to vehicle.
- (2) Declare that a vehicle is an abandoned vehicle wreck under s3.40A(4) of the Local Government Act 1995.

Conditions:

- (a) The power to prosecute any person is only exercised by agreement of the Executive Director Planning & Development or Manager Ranger & Emergency Services.
- (b) A withdrawal notice shall be signed by a person appointed in writing to withdraw infringement notices by the public authority.
- (c) The person who issues an infringement under s23(2) must not withdraw the infringement under s23(7).

Notes:

- (i) Appointment of Designated Officers: The Caravan Parks and Camping Grounds Act 1995 does not contain a head of power to delegate the appointment of authorised persons to the CEO.
- (ii) Designated officers are empowered to sign documents, enter and inspect a facility, caravan or camp, issue and withdraw notices, extend the payment date for modified penalties, and initiate appropriate legal action on behalf of the City of Albany when a breach of the Caravan Parks and Camping Grounds Act 1995 and related legislation warrants such action.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (All)
 - Team Leader Ranger Services (All)
 - Rangers (All)

Applicable Legislation / Local Law / Policy Position(s):

- Control of Vehicles (Off-road Areas) Act 1978:
 - s5 (Local government's functions) (1)(5)
 - s38 (Authorised officers, who are, functions of etc.)
- Caravan Parks & Camping Grounds Act 1995:
 - s17 (Appointment of authorised person)
 - s18 (Powers of entry)
 - s22 (Legal proceedings to be taken by authorised person)
 - s23 (Infringement notices)
- Local Government Act 1995:
 - s3.40A (Abandoned vehicle wreck may be taken) (4)

Remarks:

*23/04/2015. Pending Amendment to reflect new position and title change:
- Team Leader Ranger Services (All)*

CAT ACT 2011 & DOG ACT 1976 & LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960:

DOMESTIC ANIMAL CONTROL, CAT & DOG

Delegation Under: CAT ACT 2011 & DOG ACT 1976 & LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960:

Function:

Authority to:

- (1) Register, seize, detain and dispose a dog or cat.
- (2) Register a dog or cat.
- (3) Declare a Dog Dangerous in accordance with s33E and s33F of the Dog Act 1976.
- (4) Consent for a Dog to be destroyed in accordance with s33G of the Dog Act 1976.
- (5) Impound Stock, Dispose Sick or Injured Impounded Animals, Remove and Impound Goods (including Animals) under the Local Government (Miscellaneous Provisions) Act 1960.
- (6) Appoint persons, establish and operate cat management facilities under the Cat Act 2011.
- (7) Appoint persons, establish and operate dog management facilities under s11 the Dog Act 1976.
- (8) Establish public pounds under the Local Government (Miscellaneous Provisions) Act 1960.

Conditions:

- (a) Withdrawal of an Infringement Notice can only to be approved by the Chief Executive Officer, Deputy Chief Executive Officer, Executive Director Planning & Development or the Manager Ranger & Emergency Services.
- (b) Authorisation under the Dog Act 1976 must be from Council.
- (c) Gazettal of appointment is required.

Note: For the purpose of Part XX of the Local Government (Miscellaneous Provisions) Act 1960, a local government is to be regarded as the owner and occupier of streets, ways, reserves, bridges, ferries, foreshores, jetties, wharves, other public places, and unenclosed land abutting them within its district.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (All, except (3))
 - Team Leader Ranger Services (All, except (3))
 - All Rangers (1)(2)(5)(7)
 - Customer Service Officers (2)

Applicable Legislation / Local Law / Policy Position(s):

- Cat Act 2011:
 - s42 (Administration by local governments)
 - s44 (Delegation by local government)
 - s45 (Delegation by CEO of local government)
 - s48 (Authorised persons)

- Cat Regulations 2012:

r.30 (Modified penalties (s. 63(2))

- Cat (Uniform Local Provisions) Regulations 2013:

r.3 (These regulations operate as local laws)

- Dog Act 1976:

s10AA (Delegation of local government powers and duties)

s11 (Staff and services)

s29 (Power to seize dogs) (1)

s30A (Operator of dog management facility may have dog micro chipped at owner's expense)

s33E (Individual dog may be declared to be dangerous dog (declared))*

s33G (Seizure and destruction)

s48 (Regulations to operate as local laws)

- Dog Regulations 2013:

r.33 (Modified penalties for offences under the principal Act)

r.36 (Dog Regulations 1976 repealed)

- Local Government Act 1995:

s3.39 (Power to remove and impound)

s3.48 (Impounding expenses, recovery of)

- Local Government (Miscellaneous Provisions) Act 1960:

r.449 (Pounds, establishing; pound keepers and rangers, appointing)

Remarks:

23/04/2015. Amendment to reflect new positions and title change:

- Team Leader Ranger Services (All, except (3))

EMERGENCY MANAGEMENT ACT 2005, BUSH FIRE ACT 1954, FIRE & EMERGENCY SERVICES ACT 1998:

ADMINISTER & COMPLIANCE

Delegation Under: EMERGENCY MANAGEMENT ACT 2005, BUSH FIRE ACT 1954, FIRE & EMERGENCY SERVICES ACT 1998:

Function:

Authority to:

- (1) Authorise persons under the Emergency Management Act 2005.
- (2) Authorise persons to perform all powers and duties relating to Emergency Management under s48 of the Bush Fires Act 1954 relating to emergency management of fire and the operational and strategic preparedness to manage such emergencies.
- (3) Assist Emergency Services & engage contractors.

Conditions:

- (a) If potential engagement cost exceeds allocated budget, the designated officer as soon as reasonably possible is to contact with the Chief Executive Officer before engaging private contractors or incurring any expenses.
- (b) Excludes powers and duties that are prescribed in the Act that must be appointed by the local government.

Note: Under section 36 of the Emergency Management Act 2005 it is a function of local government to:

- (1) Subject to this act, to ensure that effective emergency management arrangements are prepared and maintained for its district;
- (2) To manage recovery following an emergency affecting the community in its district; and
- (3) To perform other functions given to the local government under this Act to have Local Emergency Arrangements.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (All)
 - Community Emergency Services Manager - CESM (All)
 - Emergency Management Team Leader (All)
- Executive Director Community Services (All)
- Executive Director Works & Services (All)

Applicable Legislation / Local Law / Policy Position(s):

- Emergency Management Act 2005:
s36 (Functions of Local Government)
s37 (Local emergency coordinators)
s38 (Local emergency management committees)
s39 (Functions of local emergency management committees)
- Fire & Emergency Services Act 1998
Part 3, s12 (2)(e)(f)

Remarks:

23/04/2015. Amendment to reflect new positions and title changes:

- *Team Leader Ranger Services (4)(5)*
- *Community Emergency Services Manager – CESM (All)*

CESM Role defined by:

- *Fire & Emergency Services Act 1998*
Part 3, s12 (2)(e)(f)

FOOD ACT 2008, HEALTH ACT 1911 & LITTER ACT 1979:

FOOD ACT 2008, HEALTH ACT 1911, LITTER ACT 1979

Delegation Under:

FOOD ACT 2008, HEALTH ACT 1911 & LITTER ACT 1979:

Function:

Council designates the following positions:

- (a) The Executive Director Planning & Development, responsible for authorised officers, to be a Designated Officer' to extend and revoke 'infringement notices' under the provisions of s126(6)&(7) of the Food Act 2008 and instigate prosecutions under the Food Act 2008;
- (b) The Chief Executive Officer as the 'Designated Officer' to receive payment from 'infringement notices' under the provisions of s126(3)&(13);
- (c) The City's 'Coordinator Environmental Health' as a 'Designated Officer' for the purposes of issuing 'infringement notices' under the provisions of s126(2)&(3) of the Food Act 2008;
- (d) The City's Environmental Health Officers as 'Authorised Officers' for the purposes of the Food Act 2008, under the provisions of s38 and s122(b) of the Act;

Authority to:

- (1) Food Act 2008 and Health Act 1911. Appoint authorised persons, to Issue Infringement Notices, Initiate Prosecutions, Designate Environmental Health Officers, Issues Certificates of Authorisation, Withdrawal and Extend Infringements under the Food Act 2008 and Health Act 1911.
- (2) Designated Officer to issue 'prohibition notices';
- (3) Litter Act 1979. Enforce the Litter Act 1979 and withdrawal infringements issued under s30(4) of the Litter Act 1979, being:
 - s23 Littering — cigarette butt;
 - s23 Littering — any other litter;
 - s24 Breaking glass, metal or earthenware;
 - s24A(1) Bill posting;
 - s24A(2) Bill posting on a vehicle;
 - r6 Deposit of domestic or commercial waste in a public litter receptacle; and
 - r8 Transporting load inadequately secured.

Conditions:

A person who is authorised to give infringement notices is not eligible to be an authorised person for the purposes of withdrawal.

Notes:

- (i) For the purposes of the Litter Act 1979 an authorised officer is:
 - (a) any member of the Police Force;
 - (b) any person appointed as such pursuant to subsection (2) within the area of jurisdiction entrusted to a person by the appointment;
 - (c) within the district of a local government, any person who is:
 - (1) a member of the council of the local government;
 - (2) an employee of the local government; or
 - (3) an honorary inspector appointed by the local government under s27AA;

- (ii) An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 28 days after the service of the notice, by the sending of a notice, in the prescribed form, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded.
- (iii) For the purpose of the Food Act 2008 and Food Regulations 2009, Council is exercising its power of delegation under Section 122.

Designated/Authorised Officers:

- Chief Executive Officer (All), function (b) as designated.
- Deputy Chief Executive Officer (All), function (b) as designated.
- Executive Director Planning & Development (All), function (a) as designated.
 - Manager Ranger & Emergency Services (3)
 - Team Leader Ranger Services (3)
 - All Rangers (3)
 - Coordinator Environmental Health (3), function (c) as designated.
 - Environmental Health Officers (3), function (d) as designated.

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - Part 9 — Miscellaneous provisions
 - Division 2 — Enforcement and legal proceedings
 - Subdivision 1 — Miscellaneous provisions about enforcement
 - s9.10 (Appointment of authorised persons) (1).
- Food Act 2008:
 - s122(1)(a) - Designated Non Environmental Health Officers,
 - s122(3) - Maintain the Register of Authorised Officers,
 - s123(1) - Issue Certificates of Authority to Authorised Officers, and
 - s126(3) - Payment of Infringement Notices
- Food Regulations 2009:
 - r.5 (Appropriate enforcement agency: local government- s.8)
- Health Act 1911:
 - s26 (Powers of local government)
 - s28 (Appointments to be approved)
- Litter Act 1979:
 - s26 (Authorised officers, appointment and jurisdiction of etc.) (1)(c)
 - s27 (Authorised officers, powers of)
 - s27AA (Honorary inspectors, appointment of)
 - s30 (Infringement notices)
- Litter Regulations 1981
 - r.6 Deposit of domestic or commercial waste in a public litter receptacle; and
 - r.8 Transporting load inadequately secured.

REPORT ITEM CSF 169 REFERS

Local Laws:

- Health Local Laws 2001
- Health (Eating-Houses and Itinerant Food Vendors) Local Laws 2001

Remarks: *23/04/2015. Amendment made to reflect change of title and new Team Leader Ranger Services position:*

- Team Leader Ranger Services (3)

ENVIRONMENTAL PROTECTION ACT 1986:

ILLEGAL DUMPING AND NOISE

Delegation Under: ENVIRONMENTAL PROTECTION ACT 1986:

Function:

Authority to:

- (1) Exercise the powers and discharge the duties of the local government under the Environmental Protection Act 1986.
 - (a) s79 (Noise); and
 - (b) s49A (Dumping Waste).
- (2) Authorise persons to administer any or all of the above functions.

Conditions: Nil

Notes:

- (i) A prosecution for an offence under section 79 (Noise) may be instituted by a police officer, or the Chief Executive Officer of a local government, acting with the consent of the CEO of the Department of Environment Regulation.
- (ii) The delegated power (authorisation) under section 49A (dumping waste) must be delegated from the CEO of the Department of Environment Regulation and the hold the prescribed authority card.
 - (a) Delegation 52 (19 March 2004) - local government CEO has powers in relation to environmental protection notices under section 65 of the Act;
 - (b) Delegation 112 (20 December 2013) - local government CEO has powers in relation to various approvals and other activities under the noise regulations; and
 - (c) Delegation 119 (16 May 2014) - local government CEO and Environmental Health Officers have powers in relation to noise management plans for construction work on construction sites under noise regulation 13.
- (iii) Authorisation must be endorsed by CEO of Department of Environment.
- (iv) Barking dogs are administered under the Dog Act 1976.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Coordinator Environmental Health (All, not 2)
 - Environmental Health Officers (All, not 2)
 - Manager Ranger & Emergency Services (1b)
 - Team Leader Ranger Services (1b)
 - Rangers (1b)
- Executive Director Works & Services (1b)
 - Manager Reserves (1b)

Applicable Legislation / Local Law / Policy Position(s):

- Environmental Protection Act 1986:
s20. Delegation by CEO
s65. (Environmental protection notices, issue and effect of)
- Environmental Protection (Noise) Regulations 1997:
- Environmental Protection Regulations 1987:

Remarks: *23/04/2015. Amendment made to reflect change of title and new Team Leader Ranger Services position:*

- Team Leader Ranger Services (1b)

LAND ADMINISTRATION ACT 1997:

CROWN RESERVES, STREET NAMES

Delegation Under: LAND ADMINISTRATION ACT 1997:

Function:

Authority to:

- (1) Process requests related to Crown Reserves, pursuant to s3.54 of the Local Government Act 1995 and Part 4 of the Land Administration Act 1997.
- (2) Comment on requests to lease Crown land, where the State manages the lease, pursuant to Part 6 of the Land Administration Act 1997.
- (3) Forward recommendations of street names to the Geographic Names Committee, Western Australia, under s26A of the Land Administration Act 1997.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1) Authority to process matters relating to Crown Reserves, as follows:
 - (i) Requests to the Minister for Lands to create a new reserve or transfer Crown land from one form to another (i.e. road reserve to Crown reserve; excision of road reserve from Crown reserve etc.);
 - (ii) Change of purpose of a Crown reserve;
 - (iii) Changes to reserve boundaries;
 - (iv) Acceptance of a management order, where the City is currently managing the land or can do so within existing operational budgets; and
 - (v) Requests to lease Crown land, where no structure will be built (i.e. leases managed by the State, pastoral leases etc).
- (b) Authority item (2) Compliance with the following documents is necessary:
 - (i) Local Planning Scheme (LPS1) and Local Planning Strategy;
 - (ii) Adopted Asset Management Plans (Roads; Reserves: Natural and Developed; Drainage); and
 - (iii) City of Albany Bushfire Strategy.
- (c) The revocation of a management order of an existing City managed reserve or cancellation of an existing Crown reserve shall be considered by Council.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Land Officer (1a)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
s3.54 (Reserves under control of a local government)
- Land Administration Act 1997:
Part 2 — General administration, Division 3 – General
s26A (New subdivisions, names of roads and areas in)
Part 4 — Reserves
Part 6 — Sales, leases, licences, etc. Of Crown land

Remarks: *Not applicable.*

LAND ADMINISTRATION ACT 1997:

LAND RESUMPTION, ROADS, DRAINAGE, FOOTPATHS, ROAD DEDICATIONS & CLOSURES

Delegation Under: LAND ADMINISTRATION ACT 1997:

Function:

Authority to:

- (1) Obtain land for the City's infrastructure (roads, drainage, footpaths etc).
- (2) Road Dedications and Closures:
 - (a) Action requests to the Minister for Lands to dedicate land as a road and indemnify the Minister against any claims for compensation;
 - (b) Initiate the public advertising period for the closure of road reserves.
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1) Land Resumption (Obtain land for the City's infrastructure (roads, drainage, footpaths etc):
 - (i) All land taking to be based on sound engineering principles, taking into account existing and future road and drainage systems;
 - (ii) Compensation for the resumption of private land shall be based initially on an independent valuation obtained from a licensed valuer;
 - (iii) Compensation to a maximum of \$100,000 dollars and within the confines of relevant budget allowances, may be negotiated without referral to Council;
 - (iv) Landowners are to enter into a Consent to Taking by Agreement for the land to be resumed and agreeing to the compensation amount and any other special conditions;
 - (v) No payment of compensation is to be paid for the land resumption until a caveat has been placed on title registering the City's interest or the final deposited plan is lodged in order for dealings.
- (b) Authority item (2) Road Dedications and Closures:
 - (i) Requests to dedicate land as a road reserve shall comply with the following conditions:
 - Land is being used as part of an existing road or right of way;
 - Land is to be acquired for road widening as part of a land resumption process.
 - (ii) Initiation of the public advertising for road closure shall only be actioned where it is identified that the road or right of way is surplus to current requirements and is not required as part of the future planning and development of an area.
 - (iii) Council to make the final decision on a road closure request following the advertising period, irrespective of whether submissions have been received.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)

Applicable Legislation / Local Law / Policy Position(s):

- Land Administration Act 1997:
Part 5 — Roads
Part 9 — Compulsory acquisition of interests in land
Part 10 — Compensation

Remarks: *Not applicable.*

DANGEROUS GOODS SAFETY ACT 2004:

BLASTING IN TOWN SITE AND FIRE WORKS

Delegation Under: DANGEROUS GOODS SAFETY ACT 2004:

Function:

Authority to:

(1) Grant permission of the local government to allow blasting within a town site in accordance with the Dangerous Goods Safety (Explosives) Regulations 2007, Part 12, Division 4.

(2) Approve a Fire Works Applications.

(3) Authorise persons to administer any or all of the above functions.

Conditions:

(a) Consultation must be conducted with DFES (FRS district) and the Chief Bush Fire Control Officer (All other areas in municipality), prior to any approval being given.

(b) The fireworks notice must be in an approved form and contain the following information:

(i) the details of the fireworks operator licence that the person holds;

(ii) the required details of the firework that will be used;

(iii) the date and time when the firework will be used;

(iv) where the firework will be used;

(v) the purpose of using the firework; and

(vi) must be a licensed operator.

(c) In accordance with r.131 (6), on receipt of an application for blasting operations within a town site, the local authority may:

(i) Issue a notice that prohibits the explosion;

(ii) Issue a permit for the explosion; or

(iii) Issue a permit for the explosion that contains reasonable conditions to ensure the safety of people and or property, to ensure such people are notified of the proposed explosion and to reduce the potential disturbance.

(d) Regulation 131(7) states that a local government shall not grant a permit unless it is satisfied that public risk insurance is in place of at least \$5,000,000 or such higher amount as the local government decides is reasonable.

Note: In accordance with section 131 of the Dangerous Goods Safety (Explosive) Regulations 2007, a person who wishes to use an explosive in a town site to blast rock or similar solid material, must obtain a written permit to do so from the local authority.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (1)(2)

Applicable Legislation / Local Law / Policy Position(s):

- Dangerous Goods Safety Act 2004:
- Dangerous Goods Safety (Explosives) Regulations 2007:
Part 12 — Use of explosives other than fireworks
Division 4 — Using explosives to blast, damage, destroy or demolish
r131 (Blasting in town site, permit required for)
Part 13 — Use of fireworks
Division 4 — Fireworks events
r139 (Using certain fireworks outdoors other than at fireworks
events)

Remarks: *Not applicable.*

LIQUOR CONTROL ACT 1988:

LIQUOR LICENSING AND CONTROL

Delegation Under: LIQUOR CONTROL ACT 1988:

Function:

Council designates the following positions, to discharge the duties under the Liquor Control Act 1988:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Planning Services (All)
 - Coordinator Environmental Health (1)

Authority to:

- (1) Enforce all local authority responsibilities under the Liquor Licensing Act 1988 and Liquor Control Act 1988 pursuant to s39 and s40 of the Liquor Control Act 1988.
- (2) Issue a s39 certificate; and
- (3) Issue a s40 certificate.

Conditions:

Authority item (1) subject to compliance with the Local Planning Scheme (LPS1).

Designated/Authorised Officers:

Designated Council Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Planning Services (All)
 - Coordinator Environmental Health (1)

Applicable Legislation / Local Law / Policy Position(s):

- Liquor Licensing Act 1988:
- Liquor Control Act 1988:
 - s39 (Certificate of local government as to whether premises comply with laws)
 - s40 (Certificate of planning authority as to whether use of premises complies with planning laws)

* The Liquor Control Act 1988 does not contain a head of power to delegate the appointment of authorised persons to the CEO.

Remarks: *Not applicable.*

PLANNING & DEVELOPMENT ACT 2005:

DEVELOPMENT CONTROL, COMPLIANCE, LEGAL ACTION

Delegation Under: PLANNING & DEVELOPMENT ACT 2005:

Function:

Authority to:

- (1) Deal with unauthorised development. Give written direction regarding unauthorised development and remove or alter unauthorised development pursuant to s214 and s215 of the Planning & Development Act 2005.
- (2) Deal with development control, enforcement and legal action (including appeals and SAT matters).
 - (a) Exercise discretion and to approve and apply conditions to planning applications and building licences under the City's Local Planning Scheme (LPS1), Residential Design Codes and Building Code of Australia;
 - (b) Authorise persons to enter premises under the Local Planning Scheme (LPS1);
 - (c) Implement enforcement and legal proceeding matters under the Planning and Development Act 2005, Part 13;
 - (d) Implement matters delegated to the City of Albany under the Planning and Development Act 2005;
 - (e) Exercise discretion when issuing, withdrawing, amending notices and requisitions pursuant to Part 13 of the Planning and Development Act 2005 and the provisions the City's Local Planning Scheme;
 - (f) Exercise discretion and to respond to appeals lodged with the State Administrative Tribunal (SAT) for:
 - (i) The determination of planning application appeals under Part 14 of the Planning and Development Act 2005, and the City's Local Planning Scheme (LPS1);
 - (ii) The determination of building application appeals;
 - (iii) The determination of 'without prejudice' conditions;
 - (iv) Prosecute under the Planning and Development Act 2005, Part 13;
 - (v) Make recommendations for appointment of consultants/legal representatives for SAT Matters; and
 - (vi) Mediate matters before the State Administrative Tribunal (SAT).
- (3) Take action for departure from the requirements and provisions of the City's Local Planning Scheme (LPS1), including the Planning and Development Act 2005, Part 13.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Development Control, Enforcement and Legal Action (Including Appeals and SAT Matters):
- (i) The Executive Director Planning & Development Services shall sign any Prosecution Notices;
 - (ii) Quotations are to be obtained and a recommendation is to be provided to the Chief Executive Officer for approval of consultants for all matters which are appealed to the SAT;
 - (iii) "Without Prejudice" conditions and amended plans for matters mediated in the SAT are to be reported to the Council for consideration and determination;
 - (iv) Representation is only exercised after consultation with the Executive Director Planning & Development Services (or in his/her absence), the approval of the Chief Executive Officer.
- (b) Any third party action against the City must be reported to the City's insurer.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager of Planning Services (1)(2)(3)
 - Coordinator Building Services (1)(2)
 - Senior Building Compliance Officer (1)(2)

Applicable Legislation / Local Law / Policy Position(s):

- Planning & Development Act 2005:
 - Part 13 — Enforcement and legal proceedings
 - s214 (Illegal development, responsible authority's powers as to)
 - s215 (Illegal development, responsible authority's powers to remove etc.)
 - Part 14 — Applications for review
- Policy Position:
 - Local Planning Scheme (LPS1)

Remarks:

11/12/2014. Amendment made to reflect change of titles and new compliance officer appointments & roles:

- *Coordinator Building Services (1)(2)*
- *Senior Building Compliance Officer (1)(2)*

23/04/2015. Amendment, additional condition, being:

(b) Any third party action against the City must be reported to the City's insurer.

PLANNING AND DEVELOPMENT ACT 2005:

ADMINISTRATION AND APPOINTMENT OF AUTHORISED PERSONS

Delegation Under: PLANNING AND DEVELOPMENT ACT 2005:

Function:

Authority to:

- (1) Appoint persons to Administer the Planning and Development Act 2005;
- (2) Pursuant to s234 of the Planning and Development Act 2005, appoint designated persons to enforce the following sections:
 - 228 (Giving of infringement notice)
 - 229 (Content of infringement notice)
 - 230 (Extension of time)
 - 231 (Withdrawal of infringement notice)
- (3) Approve and decline development applications under the City's Local Planning Scheme (LPS1).
- (4) Approve development applications with minor variation to Policies and Guidelines.
- (5) Determine whether to vary a Planning Scheme Policy guideline or provision and/or grant approval with or without conditions.

Conditions:

- (a) Authority item (1) If delegation is utilised by the Executive Director Planning & Development or Chief Executive Officer, Council are to be informed;
- (b) Authority item (2) The Executive Director Planning & Development is to approve any legal action and sign any Requirements Prosecution Notices;
- (c) Authority item (3) Planning Infringement Notices Planning and Development Act 2005, sections: s228, s229, s230 or s231:
 - Level 1 - s228 (Giving of infringement notice), s229 (Content of infringement notice), s230 (Extension of time), and s231 (Withdrawal of infringement notice)
 - Level 2 & 3 - s228 (Giving of infringement notice), s229 (Content of infringement notice), and s230 (Extension of time)
- (d) Designated level assigned to position:
 - Level 1 – Executive Director Planning & Development, Manager Planning Services
 - Level 2 & 3 - Senior Project Planner, Senior Planning Officer, Senior Planning Officer - Statutory Planning & Compliance
- (e) Authorisations are to be:
 - approved by the Executive Director Planning & Development and/or Manager Planning Services;
 - based on experience and qualifications held; and
 - are to be in writing and filed on the appropriate record and the person's personal record.

(f) Authority item (5) Approval of development applications with minor variation to Policies and Guidelines are to be determined by the Executive Director Planning & Development after adjacent landowners, ward Councillors, and in some matters the community generally have been consulted and the concerns raised have been “adequately addressed” in the following ways:

- Where no submissions were received the application can be determined on its merits;
- Where Submissions objecting or seeking changes to the proposal were lodged, but were non-substantive, and subject to further liaison with the person(s) who lodged the submission prior to determining the application the Executive Director Planning & Development shall determine if it warrants Council’s consideration;
- Where Submissions were lodged with substantive arguments against the proposal then the Executive Director Planning & Development may refuse the application or refer the application to Council for determination.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Planning & Development (All)
 - Manager Planning Services (All)

Authorisations:

Level 1 - Development application up to prescribed amount that requires referral to the Development Assessment Panel (DAP), includes authority to refuse an application, approve non conforming land use, permit a change in land use, and approve commercial and residential applications.

- Executive Director
- Manager Planning Services

Level 2 - Development applications limited to \$1.5 million, approve commercial and residential applications, permit a change in land use, excludes Authority to: refuse an application; and approve non conforming land use.

- Designated Senior Planning Officers

Level 3 - Development applications limited to \$1 million, approve commercial and residential applications, permit a change in land use, excludes Authority to: refuse an application; and approve non conforming land use.

- Designated Planning Officers

Level 4 - Development applications limited to \$750 thousand, approve commercial and residential applications, permit a change in land use, excludes Authority to: refuse an application; and approve non conforming land use.

- Designated Planning Officers
- Designated Planning Technical Officer

Level 5 - Development application limited to \$500 thousand, residential land use only, excludes Authority to: approve commercial land use, refuse an application; approve non conforming land use; and permit a change in land use.

- Designated Planning Technical Officers

Level 6 - Development application limited to \$350 thousand, residential land use only, excludes Authority to: approve commercial land use, refuse an application; approve non conforming land use; and permit a change in land use.

- Designated Planning Technical Officers

Applicable Legislation / Local Law / Policy Position(s):

- Planning and Development Act 2005:
s234 (Designated persons, appointment of)
 - Local Government Act 1995:
s5.42 (Delegation of some powers and duties to CEO)
s9.10(Appointment of authorised persons) (1)
- Policy Position:
- Local Planning Scheme (LPS1)

Remarks:

30/06/2014. Amendment made to reflect change of titles, roles and conditions as detailed:

- *Level 1 – Executive Director, Manager Planning Services,*
- *Level 2 - Designated Senior Planning Officers*
- *Level 3 – Designated Planning Officers*
- *Level 4 - Designated Planning Officers, Designated Planning Technical Officer*
- *Level 5 – Designated Planning Technical Officers*
- *Level 6 – Designated Planning Technical Officers Level 3 & 4 Conditions.*

LOCAL GOVERNMENT ACT 1995:

WIND EROSION & SAND DRIFT

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Serve notice on a person to prevent wind erosion or sand from escaping a property onto other private land or land that is local government property, the Local Government (Uniform Local Provisions) Regulations 1996,r.21 and Local Government Act 1995, s3.25(1)(b).
- (2) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Persons being local government employees.
- (b) Each person so authorised is to be issued with a certificate stating that the person is so authorised.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Works & Services (All)
 - Manager City Engineering (1)
 - Manager City Operations (1)
- Executive Director Planning & Development (All)
 - Planning and Development Engineer (1)
 - Senior Building Compliance Officer (1)
 - Coordinator Environmental Health (1)
 - Environmental Health Officers (1)
 - Environmental Health Technicians (1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - Part 3 — Functions of local governments
 - Division 3 — Executive functions of local governments
 - s3.24 (Authorising persons under this Subdivision)
 - s3.25 (Notices requiring certain things to be done by owner or occupier of land)(1)(b).
 - Part 9 — Miscellaneous provisions
 - Division 2 — Enforcement and legal proceedings
 - s9.10 (Appointment of authorised persons)
- Local Government (Uniform Local Provisions) Regulations 1996:
 - r.21 (Wind erosion and sand drifts — Sch. 9.1 cl. 12)
- Local Law:
 - Sand Drift Prevention and Abatement Local Law 2009

Remarks:

23/04/2015. Amendment made to reflect change of titles and new compliance officer appointments & roles:

- Senior Building Compliance Officer (1)*
- Coordinator Environmental Health (1)*
- Environmental Health Officers (1)*
- Environmental Health Technicians (1)*

LOCAL GOVERNMENT ACT 1995:

ACTIVITIES ON PUBLIC LAND (CLOSE THOROUGHFARES, ROAD RESERVES, FOOTPATHS, TRACKS, RIGHT-OF-WAYS, ALTERATIONS AND ADDITIONS TO CITY PREMISES)

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Stop and mitigate dangerous excavation in or near public thoroughfares (i.e. Roads, Paths, Tracks).
- (2) Exercise additional powers when giving a notice under s3.25 of the Act (specifically Schedule 3.1) Obstructing or encroaching on public thoroughfare; Gates and other devices across public thoroughfares; Dangerous excavation in or near public thoroughfare; Constructing private works on, over, or under public places, etc)
- (3) Approve Private Works On, Over Or Under Public Places
- (4) Close a thoroughfare, wholly or partially (period not exceeding four weeks)
- (5) Closing Certain Thoroughfares to Vehicles (period exceeding 4 Weeks)
- (6) Partial Closure of Thoroughfare for Repairs and Maintenance (i.e. Roads, Paths, Tracks)
- (7) Authorise the encroachment of a public thoroughfare.
- (8) Obstruct a Public Thoroughfare (i.e. Roads, Paths, Tracks)
- (9) Provide a gate or other device across a public thoroughfare or serve a Notice to request the owner or occupier to repair a gate or fence.
- (10) Serves Notices and take action for offences relating to the protection of thoroughfares from water damage (i.e. Roads, Paths, Tracks).
- (11) Serve notices and take action to prevent damage to footpaths.
- (12) Issue a licence to deposit material on street.
- (13) Determine materials to be used in the road reserve (grant approval for the type and standard of material to be used in structures, including footpaths and road pavements, within the road reserve).
- (14) Grant permission to a person to alter, obstruct, or interfere with, any watercourse, drain, tunnel, or bridge that is local government property.
- (15) Approve the construction of a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, the Local Government (Uniform Local Provisions) Regulations 1996, Regulation 12(1).
- (16) Manage Rights-of-Way, including paving, drainage and placement and/or removal of obstructions.
- (17) Authorise persons to administer any or all of the above functions.

Conditions: Nil

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Works & Services (All)
 - Manager City Engineering (All, exempt (2)(15) & (16))
 - Manager City Operations (All, exempt (2)(15) & (16))
 - Manager Reserves (4)(5)(6)(8)(9)(13)
- Executive Director Planning & Development (All)
 - Manager Ranger & Emergency Services (4)(8)
 - Planning and Development Engineer (2)(3)(4)(11)
 - Manager Planning Services (2)(3)(4)(11)
 - Senior Planning Officer - Statutory Planning & Compliance (2)(3)(4)(11)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
 - s3.25 (Notices requiring certain things to be done by owner or occupier of land)
 - s3.26 (Additional powers when notices given)
 - s3.50A (Partial closure of thoroughfare for repairs or maintenance)
 - s3.50 (Closing certain thoroughfares to vehicles) - (1a) (4) (6)
 - s3.54 (Reserves under control of a local government)
 - Schedule 3.1 - Powers under notices
- Local Government (Financial Management) Regulations 1996:
 - r.5 (CEO's duties as to financial management)
- Local Government (Uniform Local Provisions) Regulations 1996:
 - r.6(Obstruction of public thoroughfare by things placed and left — Sch. 9.1 cl. 3(1)(a))
 - r.7(Encroaching on public thoroughfare — Sch. 9.1 cl. 3(2))
 - r.8(Separating land from public thoroughfare — Sch. 9.1 cl. 4)
 - r.11(Dangerous excavation in or near public thoroughfare — Sch. 9.1 cl. 6)
 - r.12(Crossing from public thoroughfare to private land or private thoroughfare — Sch. 9.1 cl. 7(2))
 - r.14(Role of Commissioner of Main Roads in some cases — Sch. 9.1 cl. 7(2))
 - r.17(Private works on, over, or under public places — Sch. 9.1 cl. 8)
 - r.18(Protection of watercourses, drains, tunnels and bridges — Sch. 9.1 cl. 9)
 - r.19 (Protection of thoroughfares from water damage — Sch. 9.1 cl. 10)
- Local Law:
 - Local Government Property Local Law 2011
 - Activities on Thoroughfares and Public Place and Trading Local Law 2011

Remarks: *30/04/2015. Title amendment.*

LOCAL GOVERNMENT ACT 1995:

APPROVE PUBLIC WORKS, STREET LIGHTING, VERGE DEVELOPMENT

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Grant approval and impose conditions for works to be undertaken in the street by other authorities, private organisations or individuals, including the approval of applications to protect verges.
- (2) Serve notices on persons/ proprietors of premises who have conducted works in a street without Council's permission.
- (3) Upgrade Existing Street Lights and Underground Power:
 - (a) Assess street lighting requests and designs, in relation to the functional road hierarchy, throughout the municipality;
 - (b) Approve the installation of additional or higher rated lamps for street light upgrading if considered appropriate;
 - (c) Approve the issuing of works orders to Western Power for the undergrounding or other modifications to power supplies;
 - (d) Approve the upgrading of street lighting; and
 - (e) Approve the consequential increased tariff, associated with approved Council projects.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (1) Grant approval to conduct Works in a Street:
 - (i) That the proposed works are legal and do not adversely affect the safety, functionality and aesthetics of the street or adjoining properties to an unacceptable degree.
 - (ii) The owners and occupiers of adjoining properties should be consulted as appropriate prior to approval being determined.
 - (iii) If there are objections to the proposal, it be referred to the Council for determination.
- (b) Authority item (2) Chief Executive Officer to sign any Notices.
- (c) Authority item (3) That the works are associated with projects that have obtained the approval of the Council as necessary and are within the approved budget allocation.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Works & Services (All)
 - Manager City Engineering (1)(2)
 - Manager City Operations (1)(2)
- Executive Director Planning & Development (All)
 - Planning and Development Engineer (1)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:

Part 3 - Functions of local government

Schedule 9.1 - Certain matter for which Governor may make regulations

Clause 8 (Private works on, over, or under public places)

Local Laws:

- Local Government Property Local Law 2011
- Activities on Thoroughfares and Public Place and Trading Local Law 2011

Policy Positions:

- Council Policy: Memorial Plaque and Seat Policy
- City Guideline: Verge Development Guidelines

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

PARKING, TRAFFIC MANAGEMENT, BUS SHELTERS & SEATS (AMENDMENTS TO PARKING SCHEME)

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Approve amendments to the Parking Scheme to implement and change time limits in streets and parking stations, ACROD bays and the designation of visitor and authorised vehicle parking.
- (2) Investigate and develop traffic management treatment proposals and Local Area Traffic Management Scheme proposals in order to identify and address traffic related issues.
- (3) Locate bus shelters and seats.
- (4) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Authority item (2) Traffic Management:
 - (i) During the course of investigation contact to be made with the residents/residential groups, as appropriate, to:
 - identify problems and issues;
 - establish objects of traffic management and develop plans of alternative treatments;
 - evaluate alternative treatments and refine selected plan;
 - (ii) All alternative routes with regard to road construction or re-construction shall be investigated as part of the design process;
 - (iii) The selected plan with the proposed traffic treatment to then be presented to the Council for approval.
 - (iv) Where it is only necessary to consider remedial action, the Council's approval is not required.
- (b) Authority item (3) Locate bus shelters and seats: Consultation must be conducted with Local residents and Bus Operators, taking into consideration:
 - (i) adjacent land use(s);
 - (ii) type and number of existing and likely future patrons;
 - (iii) the number of and areas served by the bus routes;
 - (iv) frequency of bus services; and
 - (v) the above is inserted as a condition of approval.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Works & Services (All)
 - Manager City Engineering (All)
 - Senior Civil Engineering Officer - Roads (2)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:

Part 3 - Functions of local government

Schedule 9.1 - Certain matter for which Governor may make regulations

Clause 1 (Parking for the disabled)

Clause 2 (Disturbing local government land or anything on it)

Local Law:

- Parking and Parking Facilities Amendment Local Law 2012.

Policy Position:

- City of Albany Local Planning Scheme

Remarks:

OCM 24/03/2015 Report Item WS068.

Amendment: Council delegated power to increase and decrease parking times.

30/04/2015. Title amendment.

LOCAL GOVERNMENT ACT 1995:

PUBLIC UTILITY SERVICE WORK ORDERS, APPROVE DISTURBANCE OF PUBLIC LAND

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Interfere with soil or take anything from local government land in accordance with the Local Government (Uniform Local Provisions) Regulations 1996 and s3.25(1)(b) of the Act.
- (2) Approve and issue works orders to public utility service authorities for service modifications or upgrading associated approved projects.
- (3) Authorise persons to administer any or all of the above functions.

Conditions: Compliance with City Guideline: Environmental Code of Conduct Guidelines.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Works & Services (All)
 - Manager City Engineering (All)
 - Manager City Operations (All)
 - Manager Reserves (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
s3.25 (Notices requiring certain things to be done by owner or occupier of land) (1)(b)
Schedule 3.1 - Powers under notices to owners or occupiers of land
 - Local Government (Uniform Local Provisions) Regulations 1996:
r.5 (Interfering with, or taking from, local government land) (1)
- Policy Position:
- City Guideline: Environmental Code of Conduct Guidelines

Remarks: *30/04/2015. Title amendment.*

ROAD TRAFFIC ACT 1974 & LOCAL GOVERNMENT ACT 1995:

WET WEATHER ROAD CLOSURE

Delegation Under: ROAD TRAFFIC ACT 1974 & LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Close Roads;
- (2) Define and impose conditions for road use; and
- (3) Authorise persons to administer any or all of the above functions.

Conditions:

- (a) Install "Road Closed" signs where possible; and
- (b) Providing an information bulletin to affected agencies, distributed via email, local radio and by posting on the City of Albany website.
- (c) Scope
 - (i) This delegations applies to:
 - a. vehicles with a Gross Vehicle Mass of 4.5 tonne or greater;
 - b. vehicles which travel over road under the care and control of the City of Albany.
 - (ii) Local traffic (For example: where a resident is situated on a road which has been closed) shall be exempt from this policy regardless of the weight requirements provided that any vehicle exceeding 4.5 tonne is unloaded.
 - (iii) Affected agencies shall include but are not limited to:
 - a. Heavy Haulage carriers;
 - b. Main Road Western Australia;
 - c. Neighbouring Local Authorities;
 - d. Department of Transport;
 - e. Local residents.
 - (iv) Conditions do not apply during flood or emergency situations where roads may be closed to all vehicles for public safety or other reasons.

Note: Under s3.50 of the Local Government Act 1995, the local authority is permitted to close an unsealed road to particular traffic in wet conditions. This is done to prevent unreasonable damage to roads due to excessive vehicle movements.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Works & Services (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:

Part 3 — Functions of local governments

Subdivision 5 — Certain provisions about thoroughfares

s3.50 (Closing certain thoroughfares to vehicles)

- Road Traffic Act 1974:

Part VI — Miscellaneous

s84 (Damage to road etc. by vehicle, liability for)

Local Law:

- City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011

Remarks: *Not applicable.*

LOCAL GOVERNMENT ACT 1995:

STREET SCAPE, TREE PLANTING, PRUNING, REMOVAL, PICKING FLORA

Delegation Under: LOCAL GOVERNMENT ACT 1995:

Function:

Authority to:

- (1) Provide for the management, planting, pruning and removal of street trees in order to enhance the streetscapes and not detract from the community landscape requirements.
- (2) Approve and refuse applications to pick flora from City of Albany vested reserves and road reserves for educational and scientific purposes in accordance with the conditions imposed by the Local Government Act 1995, Land Administration Act 1997, Parks & Reserves Act 1895, Wildlife Conservations Act 1950.
- (3) Authorise persons to administer any or all of the above functions.

Conditions: Compliance with Council Policies and Guidelines.

Designated/Authorised Officers:

- Chief Executive Officer (All)
- Deputy Chief Executive Officer (All)
- Executive Director Works & Services (All)
 - Manager Reserves (All)

Applicable Legislation / Local Law / Policy Position(s):

- Local Government Act 1995:
Schedule 3.2 — Particular things local governments can do on land even though it is not local government property
s3.54 (Reserves under control of a local government)
Other applicable legislation:
 - Land Administration Act 1997:
 - Parks & Reserves Act 1895:
 - Wildlife Conservations Act 1950
- Local Law:
 - Local Government Property Local Law
- Policy Position:
 - Council Policy: Street Trees
 - City Guideline: Street Trees

Remarks: *Not applicable.*