



# Additional information

## Finance, Policy, Operations and Legislation Committee

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Wednesday, 12 May 2021, 6.00pm

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**FPOL2105-2 BLACK SWAN HEALTH FREO STREET DOCTOR FUNDING**

**ADDITIONAL INFORMATION**



**Black Swan Health Limited**  
**City of Fremantle**  
**Progress Report**  
**Freo Street Doctor Donation 1 July 2020 to 31 March 2021**  
**23 April 2021**

**Background**

City of Fremantle generously donated \$20,000 (ex GST) in support of Black Swan Health's vital service, Freo Street Doctor, for the period 1 July 2020 to 30 June 2021.

Freo Street Doctor is a mobile General Practice providing free medical and mental health support to homeless, at-risk, marginalised, disadvantaged and vulnerable people in the Fremantle community.

The Freo Street Doctor service has been running since 2004. The service is essential for people who would otherwise go without medical care and mental health support due to barriers such as access to transport, ability to pay for services, complex mental health and social issues or stigma.

The Freo Street Doctor service is delivered by General Practitioners, supported by Registered Nurses, Outreach Workers and Counsellors. The team delivers physical and mental health care as well as linking and referring clients with complementary social services to support their complex needs.

The objectives of the Freo Street Doctor service are:

- Improve health outcomes for our clients;
- Reach as many vulnerable, disadvantaged and marginalised people in Fremantle and surrounding areas as possible;
- Deliver a sustainable service;
- Continue to partner with other service providers to support access to health and wellbeing services for our clients.

Since 1 July 2019 Black Swan Health has received no state or federal government funding for the Freo Street Doctor. Medicare Benefits Schedule payments are claimed for GP delivered services, supporting the cost of GP salary.

Freo Street Doctor continues to operate efficiently with the average cost of a patient attending the Freo Street Doctor service approximately \$32 per consultation.

**Service Delivery and Outcomes**

In the period 1 July 2020 to 31 March 2021 the City of Fremantle donation enabled Freo Street Doctor to:

- Deliver 188 3-hour Freo Street Doctor clinics within the City of Fremantle
- Provide 1303 medical consultations
- Provide over 1070 mental health interactions

By 30 June 2021 it is expected the City of Fremantle donation will support Freo Street Doctor to:

- Deliver 250 3-hour Freo Street Doctor clinics within the City of Fremantle
- Provide 1750 medical consultations
- Provide over 1440 mental health interactions



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City of Fremantle specific demographics at Freo Street Doctor clinics indicate:

- 97% of patients have no other source of healthcare
- 66% of patients are male
- 10% of patients are older than 65 years of age
- 56% of patients are aged between 45 and 64 years of age
- 24% of patients identify as Aboriginal or Torres Strait Islander people
- 20% of patients are homeless or in crisis accommodation
- 68% of patients have at least two chronic health conditions

As 97% of our clients identify Freo Street Doctor as their primary source of health care it is likely most of these instances of health activity would not have occurred without the service. Some of these people may have attended an Emergency Department when their health condition was considerably progressed and required longer recovery and higher levels of care.

Black Swan Health seeks to ensure the Freo Street Doctor service is meeting the needs of the client group through survey. In the period 1 July 2020 to 31 March 2021:

- 100% of clients rated the treatment received from Freo Street Doctor service as very good or excellent
- 100% of clients stated they received respectful service from the Freo Street Doctor team

Freo Street Doctor continued face-to-face service delivery during the 2020 COVID pandemic restriction periods of 2020 and 2021 allowing clients to continue to receive primary health care supports.

A recent collaboration, supported by City of Fremantle, will see Cana Communities col-locate with Freo Street Doctor at the Wednesday Fremantle Oval clinic.

**Service Sustainability**

Black Swan Health has initiated, and continues to execute a multi-focus sustainability strategy to ensure the future of Freo Street Doctor including:

- Ongoing advocacy to all levels of government for service funding to meet the needs of this ever increasing cohort of people.
- Successful development of a volunteer workforce of Registered Nurses and Outreach Workers.
- Development of a philanthropic giving and sponsorship program to secure ongoing financial support from a range of funders including philanthropists, foundations, business organisations and all levels of government.
- In-kind support from business to provide medical supplies, vehicle repairs and maintenance, fuel and insurance.
- Identification and pursuit of all available funding and grant opportunities.
- Development and maintenance of long-term, collaborative partnerships that enable streamlined referral pathways, maximise client attendance through co-location of services, and support shared knowledge of trends and issues within the community

**Demonstrated Community Benefit**

Through partnerships with Imagined Futures and the participating organisations, agencies and LGA's, notably City of Fremantle, Freo Street Doctor commenced a trial clinic at Davis Park in Beaconsfield. The trial clinic was initially conducted on a fortnightly basis, however demand for the service now supports a weekly clinic. At the clinic delivered today, 23 April 2021, 16 consultations were delivered.

There are well established associations between health improvement and disadvantage reduction.





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As people in the Davis Park and more broad Beaconsfield area access Freo Street Doctor services and are provided the opportunity to improve their general health and health outcomes there is an expected benefit to the broader community. As people's health improves so interaction with the local community is likely to increase.

Improving the health outcomes of Freo Street Doctor clients will improve their capacity to develop social interactions and relationships, gain employment, establish long-term housing options and become more connected and involved with the community. As improved health outcomes influence improved social outcomes, people will experience an increase in their feeling of self-worth and agency within the community.

Whilst individuals receive direct health care supports, the service supports the health of the broader community by addressing chronic health conditions through health education, harm minimisation strategies and dedicated treatment plans for health needs and substance abuse issues prevalent in this community.

FPOL2105-11

DELEGATED AUTHORITY REGISTER REVIEW 2021

ADDITIONAL INFORMATION

# Register of delegated authority

Local government to Chief Executive Officer, officers and  
committees

2020 - 2021

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## Explanation notes

### General

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows for the Chief Executive Officer to place conditions on any delegations if they desire. The powers cannot, however, be further sub-delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer, and which the Chief Executive Officer has further delegated to officers.

### Limits on delegations to the CEO

#### Section 5.43

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.

### Purpose of delegating authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The register details the related document(s) where the power to delegate is derived from.

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

### Councils understanding

It is that by delegating its authority it is granting sufficient power to enable the City's responsibilities to be fulfilled in a timely, open and accountable manner.

It is the expectation of council that the Chief Executive Officer and other officers will use the delegated authority conferred on them in a manner that aligns with council's values and objectives and they will demonstrate appropriate judgment and accountability in regard to the circumstances and extent of the use of that power.

### Legislation

The Act allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act except those listed in section 5.43. All delegations made by the council must be by absolute majority decision {S5.42 (1)}.

### Associated legislation

Legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- *Building Act 2011* and associated regulations;
- *Bush Fires Act 1954* and associated regulations;
- *Cat Act 2011* and associated regulations;
- *Caravan Parks and Camping Grounds Act 1955* and associated regulations;
- *City of Fremantle Local Laws*;
- *Control of Vehicles (Off-Road Areas) Act 1978* and associated regulations;
- *Dog Act 1976* and associated regulations;
- *Local Planning Scheme No. 4*;
- *Environmental Protection Act 2005* and associated regulations;
- *Food Act 2008* and associated regulations;
- *Freedom of Information Act 1992* and regulations;
- *Health Act 1911* and associated regulations;
- *Land Administration Act 1997* and associated regulations;
- *Litter Act 1979* and associated regulations;

- *Local Government (Miscellaneous Provisions) Act 1960* and associated regulations;
- *Planning and Development Act 2005* and associated regulations;
- *Spear-guns Control Act 1955*;
- *Strata Titles Act 1985* and associated regulations;

#### Acting through another person

##### Section 5.45

Nothing in this Division (Division 4 – Local Government Employees) is to be read as preventing –

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

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right, as though he or she were the original decision maker. Alternatively, where a person is ‘acting through’ they are making a decision as previously instructed.

The difference between a delegated authority to exercise discretion on behalf of the City and acting through another person to undertake a function on behalf of the City where no discretion exists is reinforced by Section 56 of the *Interpretation Act 1984* which states:

#### **“May” imports a discretion, “shall” is imperative**

- (1) *Where in a written law the word “may” is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word “shall” is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*

The City’s Delegated Authority Register and Authorisations Management Procedures should be read in conjunction with this

#### **Delegation by the Chief Executive Officer**

The Act allows for the CEO to delegate any of the powers to another employee {S5.44 (1)}. This must be done in writing {S5.44 (2)} The

Act allows for the CEO to place Limitations on any delegations if desired {S 5.44 (4)}

#### **Transfer of authority due to absence**

Where an officer has been appointed to act in a delegated position in the absence of the usual officer, the authority shall transfer to the officer acting as appointed, for the duration of the authorisation.

#### **Register of, and records relevant to delegations Section 5.46**

A register of delegations is to be kept and reviewed at least once every financial year.

If an officer 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.

The onus is on the officer exercising delegated authority to ensure that a record is made.

A person to whom a power is delegated under the Act is considered to be a ‘designated employee’ under S 5.74(b) of the Act and is required to complete a primary and annual return each year.

There is no power for a person other than the CEO to delegate a power {S 5.44 (1)}.

#### **Authority to amend the Delegated Authority Register**

The Manager Governance is authorised to effect non-substantive changes to the Delegated Authority Register to reflect:

- (a) Changes to titles or positions,
- (b) changes to legislative references,
- (c) Expired positions; and
- (d) Corrections to spelling and grammatical errors or inconsistencies

How to read a delegation table	
<b>Delegator:</b>	Council
<b>Date adopted:</b>	The date on which Council adopts the delegated authority.
<b>Delegation:</b>	A reference to: <ul style="list-style-type: none"> <li>The legislation allowing delegation.</li> <li>The legislation under which the delegation is made.</li> </ul>
<b>Delegated to:</b>	The position/s to which the power or duty is delegated.
<b>Limitations on delegation:</b>	Council imposed limitations on the extent of use of this delegation.
<b>Power to sub delegate:</b>	A reference to the legislation allowing sub delegation, if any. Some legislation does not include the power to sub delegate.
Description of sub delegation	
<b>Delegator</b>	Chief Executive Officer
<b>Date approved:</b>	The date in which the Chief Executive Officer approves the sub delegation.
<b>Sub delegated to:</b>	The position/s to which the power or duty is sub delegated.
<b>Limitations on sub delegation:</b>	Chief Executive Officer imposed limitations on the extent of use of this delegation.
Reporting requirements	
The information required to be recorded when this delegation has been used. (who, what, when, why and how much)	



## **PART 1**

### **Delegations to Committees of Council**

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1.1 Delegated Committees of Council			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the</p> <ul style="list-style-type: none"> <li>• Finance, Policy, Operations and Legislation Committee</li> <li>• Planning Committee</li> <li>• Strategic Planning and Transport Committee</li> </ul> <p>all of its powers and functions as a local government, except any power or duty that requires a decision of an absolute majority or a 75% majority of the local government, in accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Planning and Development Act 2005</i>  <i>City of Fremantle Local Planning Scheme No. 4</i> </td><td> <b>Section</b>                      5.16 and 5.17                      214(2), (3) or (5).  <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82                 </td></tr> </table> <p>For the purpose of the effective decision making by the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>City of Fremantle Local Planning Scheme No. 4</i>	<b>Section</b> 5.16 and 5.17 214(2), (3) or (5). <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>City of Fremantle Local Planning Scheme No. 4</i>	<b>Section</b> 5.16 and 5.17 214(2), (3) or (5). <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> section 82		
<b>Delegated to:</b>	<ul style="list-style-type: none"> <li>• Finance, Policy, Operations and Legislation Committee</li> <li>• Planning Committee</li> <li>• Strategic Planning and Transport Committee</li> </ul>		
<b>Limitations:</b>	<p>The Finance, Policy, Operations and Legislation Committee, Planning Committee and Strategic Planning and Transport Committee are delegated all of the powers and functions of the local government in accordance with the following limitations:</p> <ol style="list-style-type: none"> <li>1. A decision of committee can only be made by the votes of at least five members of the committee.</li> <li>2. When approving leases of council property:                         <ol style="list-style-type: none"> <li>a. the term must not exceed ten (10) years,</li> <li>b. the disposal must be in accordance with Sections 3.58 and 3.59 of the Local Government Act 1995.</li> </ol> </li> <li>3. When approving closure of council carparks, the closure must not exceed fourteen (14) days.</li> <li>4. When accepting or declining to accept tenders, they must be within budget.</li> <li>5. May not determine final approval for:                         <table border="0"> <tr> <td> <ul style="list-style-type: none"> <li>• Council Policies.</li> <li>• Strategic community plan</li> <li>• Corporate business plan</li> <li>• Strategies as defined in the City's Council Policy</li> <li>• City related international travel</li> <li>• Structure Plans</li> </ul> </td><td> <ul style="list-style-type: none"> <li>• Local Planning policies</li> <li>• Local Planning Schemes</li> <li>• Local development Plans</li> <li>• Appointment or termination of a Chief Executive Officer</li> <li>• Scheme amendments</li> </ul> </td></tr> </table> </li> </ol>	<ul style="list-style-type: none"> <li>• Council Policies.</li> <li>• Strategic community plan</li> <li>• Corporate business plan</li> <li>• Strategies as defined in the City's Council Policy</li> <li>• City related international travel</li> <li>• Structure Plans</li> </ul>	<ul style="list-style-type: none"> <li>• Local Planning policies</li> <li>• Local Planning Schemes</li> <li>• Local development Plans</li> <li>• Appointment or termination of a Chief Executive Officer</li> <li>• Scheme amendments</li> </ul>
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<b>Power to sub delegate:</b>	Nil		
Reporting requirements			
All Finance, Policy, Operations and Legislation Committee Minutes shall record and identify each decision made under this delegation in accordance with legislative requirements.			



## **PART 2**

### **Delegations to the Chief Executive Officer**

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2.1 Administration of local laws				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to undertake all actions and processes and otherwise administer the City's local laws in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42 and 5.43</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42 and 5.43			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Administration of local laws				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	All Directors			
Limitation on sub delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

2.2 Investing and managing investments				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"><li>1. Invest money held in the municipal or trust fund that is not, for the time being, required for any other purpose.</li><li>2. Establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment.</li></ol> <p>In accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></td><td><b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	<b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	<b>Section</b> 5.42, 5.43 and 6.14(1) Regulation 19			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Investing and managing investments				
Delegator	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Director City Business Manager Finance Finance Team Leader Revenue Team Leader			
Limitations on sub delegation:	<ol style="list-style-type: none"><li>1. Investments must be approved by two delegated officers, one of whom must be the Director City Business or the Manager Finance.</li><li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li></ol>			
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"><li>1. Is to be presented in a report to each monthly Council meeting.</li><li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li></ol>				

2.3 Defer payment, grant a concession, waive fees and write off debts										
Delegator:	Council									
Date adopted:	24 June 2020									
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government, in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43, and 6.2</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p> <p>Note: Section 6.12(2) of the <i>Local Government Act 1995</i> does not allow money owed to the City in respect of rates and services charges to be waived or for a concession in relation to such money to be granted.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, and 6.2						
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, and 6.2									
Delegated to:	Chief Executive Officer									
Limitations on delegation:	<p>Where all reasonable avenues of recovery have been exhausted the Chief Executive Officer may, up to the maximum amount indicated below:</p> <table><tr><td>Defer Payment of a debt:</td><td>\$500,000.00</td></tr><tr><td>Waive or grant a concession (discount):</td><td>\$100,000.00</td></tr><tr><td>Write – Off a debt other than an infringement debt:</td><td>\$100,000.00</td></tr><tr><td>Write – Off an infringement debt:</td><td>\$10,000.00</td></tr></table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>		Defer Payment of a debt:	\$500,000.00	Waive or grant a concession (discount):	\$100,000.00	Write – Off a debt other than an infringement debt:	\$100,000.00	Write – Off an infringement debt:	\$10,000.00
Defer Payment of a debt:	\$500,000.00									
Waive or grant a concession (discount):	\$100,000.00									
Write – Off a debt other than an infringement debt:	\$100,000.00									
Write – Off an infringement debt:	\$10,000.00									
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44								
Sub delegation										
Defer payment, grant a concession, waive fees and write off debts										
Delegator	Chief Executive Officer									
Date approved:	30 June 2020									
Sub delegated to:	Director City Business Director Community Development All Managers Finance Team Leader Revenue Team Leader Revenue Officer – Lead Rates									

Limitations on sub delegation:	<b>Defer Payment of a debt:</b>	
	Where in the opinion of the relevant delegated officer, all other reasonable avenues of recovery have been exhausted, the following officers may make arrangements to pay for the maximum amount indicated for any single debtor:	
	Director City Business	\$500,000.00
	Manager Finance	\$149,999.00
	Finance Team Leader	\$30,000.00
	Revenue Team Leader	\$30,000.00
	Revenue Officer – Lead Rates	\$5,000.00
	<b>Waive or grant a concession (discount):</b>	
	In accordance with City policy or procedure the following officers may grant a discount up to the maximum amount indicated.	
	Director City Business	\$20,000.00
	All Directors	\$10,000.00
	Manager Finance	\$10,000.00
	Manager Economic Development (car parking fees only)	\$10,000.00
	All Managers	\$5,000.00
<b>Write – Off a debt:</b>		
Where in the opinion of the relevant delegated officer, all other reasonable avenues of recovery have been exhausted the following officers may write – off debts up to the maximum amount indicated.		
Director City Business	\$20,000.00	
All Directors	\$10,000.00	
Manager Finance	\$10,000.00	
All Managers	\$5,000.00	
Finance Team Leader	\$1,000.00	
Revenue Team Leader	\$1,000.00	
Revenue Officer – Lead Rates	\$500.00	
All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Reporting requirements</b>		
Use of this delegation,		
1. When waiving or writing off debts valued at \$1000 or above per debtor this must be reported to the Audit and Risk Management Committee.		
2. Is to be recorded in the City’s record keeping system, in accordance with legislative requirements.		



2.4 Disposing of property						
Delegator:	Council					
Date adopted:	24 June 2020					
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"><li>dispose of property to:<ol style="list-style-type: none"><li>the highest bidder at public auction or</li><li>the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender</li></ol></li><li>dispose of property by direct negotiation only in accordance with section 3.58(3) of the Act. (give public notice and consider submissions).</li><li>dispose of property excluded from s. 3.58 of the Act.</li></ol> <p>In accordance with:</p> <table><tr><td>Legislation</td><td>Section</td></tr><tr><td>Local Government Act 1995</td><td>5.42, 5.43 , 3.58(2) and (3)</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		Legislation	Section	Local Government Act 1995	5.42, 5.43 , 3.58(2) and (3)
Legislation	Section					
Local Government Act 1995	5.42, 5.43 , 3.58(2) and (3)					
Delegated to:	Chief Executive Officer					
Limitations on delegation:	<p>The Chief Executive Officer may approve leases of council property where:</p> <ol style="list-style-type: none"><li>The key lease terms and performance criteria have been agreed by council; or<ol style="list-style-type: none"><li>the lease is not for a period greater than six months (short term lease only); or</li><li>the lease agreement does not require a business plan; or</li><li>the disposal of property is in accordance with s.3.58 of the Local Government Act 1995; and</li><li>the lease is in accordance with relevant council policies.</li></ol></li></ol> <p>The Chief Executive Officer may, up to the maximum amount indicated below:</p> <table><tr><td>Approve disposals of land:</td><td>\$50,000.00</td></tr><tr><td>Approve disposals of property other than land</td><td>\$20,000.00</td></tr></table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>		Approve disposals of land:	\$50,000.00	Approve disposals of property other than land	\$20,000.00
Approve disposals of land:	\$50,000.00					
Approve disposals of property other than land	\$20,000.00					
Power to sub delegate:	<table><tr><td>Legislation</td><td>Section</td></tr><tr><td>Local Government Act 1995</td><td>5.44</td></tr></table>	Legislation	Section	Local Government Act 1995	5.44	
Legislation	Section					
Local Government Act 1995	5.44					
Sub delegation Disposing of property						
Delegator	Chief Executive Officer					
Date approved:	30 June 2020					
Sub delegated to:	All Directors All Managers					

Limitations on sub delegation:	<b>Disposal of property other than land:</b>				
	The following officers may dispose of property other than land to the maximum amount indicated below:				
	<table><tr><td>All Directors</td><td>\$20,000.00</td></tr><tr><td>All Managers</td><td>\$10,000.00</td></tr></table>	All Directors	\$20,000.00	All Managers	\$10,000.00
	All Directors	\$20,000.00			
	All Managers	\$10,000.00			
<b>Approve a lease:</b>					
<p>Where:</p> <ol style="list-style-type: none"><li>1. The key lease terms and performance criteria have been agreed by council; or<ol style="list-style-type: none"><li>a. the lease is not for a period greater than six months (short term lease only); or</li><li>b. the lease agreement does not require a business plan; or</li><li>c. the disposal of property is in accordance with s.3.58 of the Local Government Act 1995; and</li><li>d. the lease is in accordance with relevant council policies.</li></ol></li></ol> <p>The following officers may approve the lease of a council property:</p> <ul style="list-style-type: none"><li>• Director City Business</li><li>• Director Community Development</li></ul> <p>Note: If the tenant and prospective tenant meet the requirements of the Commercial Tenancy Act WA 1985, the council cannot withhold assignment of the lease or withhold tenant options to extend the term of the lease.</p> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>					
<b>Reporting requirements</b>					
<p>Use of this delegation:</p> <ol style="list-style-type: none"><li>1. Must be reported to the Audit and Risk Management Committee.</li><li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li></ol>					

2.5 Payments from municipal or trust fund					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make payments from the municipal or trust fund in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)</td></tr> <tr> <td><i>Local Government (Financial Management) Regulations 1996</i></td><td></td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)	<i>Local Government (Financial Management) Regulations 1996</i>	
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.9(4) Trust Fund Regulation 12(1)(a)				
<i>Local Government (Financial Management) Regulations 1996</i>					
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44				
Sub delegation Payments from municipal or trust fund					
<b>Delegator</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Part 1 Sub delegated to:</b>	Director City Business Manager Finance				
<b>Part 1. Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>Payments are to be made in accordance with: <ol style="list-style-type: none"> <li>City of Fremantle policies and procedures.</li> <li>verification of a payment and authorisation of the same payment cannot be undertaken by the same person.</li> </ol> </li> <li>Authority includes but is not limited to: <ol style="list-style-type: none"> <li>approving issue of purchase or credit cards.</li> <li>transferring money held in trust for 10 years to its municipal fund, and to approve to repay it to a person who establishes a right to the repayment, together with any interest earned on the investment.</li> </ol> </li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol> <p>Note: The CEO is the only person already authorised (directly by the <i>Local Government Act 1995</i> and Regulation 5(1)(e) of the <i>Local Government (Financial Management) Regulations 1996</i>) to authorise expenditure as included in the annual budget.</p>				
<b>Part 2. Sub delegated to:</b>	Finance Team Leader Procurement Team Leader Revenue Team Leader				

<p><b>Part 2.</b> <b>Limitations on sub delegation:</b></p>	<ol style="list-style-type: none"> <li>1. Payments are to be made in accordance with: <ol style="list-style-type: none"> <li>a. City of Fremantle policies and procedures.</li> <li>b. any additional Limitations or limitations set by the Director City Business or Manager Finance.</li> <li>c. verification of a payment and authorisation of the same payment cannot be undertaken by the same person.</li> </ol> </li> <li>2. Authority does not include: <ol style="list-style-type: none"> <li>a. approving issue of purchase or credit cards.</li> <li>b. transferring money held in trust for 10 years to its municipal fund, and to approve to repay it to a person who establishes a right to the repayment, together with any interest earned on the investment.</li> </ol> </li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol> <p>Note: The CEO is the only person already authorised (directly by the Local Government Act 1995 and Regulation 5(1)(e) of the Local Government (Financial Management) Regulations 1996) to authorise expenditure as included in the annual budget.</p>
<p><b>Reporting requirements</b></p>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be presented in a report to each monthly council meeting.</li> <li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	



2.6 Determine grants and sponsorship allocations				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to determine allocation of the City's grants, and sponsorships in accordance:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i></td><td><b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 12(1)(a)			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Determine grants and sponsorship allocations				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	All Directors Manager Arts and Culture Manager Communications and Events Manager Community Development Manager Economic Development and Marketing			
Limitations on sub delegation:	<ol style="list-style-type: none"><li>1. All Directors can approve grants, and sponsorships up to a maximum of \$25 000 per applicant per year.</li><li>2. Manager Arts and Culture, Manager Communications and Events, Manager Economic Development and Marketing and Manager Community Development can approve grants, and sponsorships up to a maximum of \$20 000 per applicant per year.</li><li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li></ol>			
Reporting requirements				
Use of this delegation:				
<ol style="list-style-type: none"><li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li></ol>				



2.7 Agreements for payment of rates and service											
<b>Delegator:</b>	Council										
<b>Date adopted:</b>	24 June 2020										
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make an agreement with a person for the payment of rates or services charges.</p> <p>In accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43 and 6.49</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.49								
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.49										
<b>Delegated to:</b>	Chief Executive Officer										
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.										
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> Section 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.44								
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.44										
Sub delegation Agreements for payment of rates and service											
<b>Delegator</b>	Chief Executive Officer										
<b>Date approved:</b>	30 June 2020										
<b>Sub delegated to:</b>	<p>Director City Business Manager Finance Finance Team leader Revenue Team Leader Revenue Officer - Lead Rates</p>										
<b>Limitations on sub delegation:</b>	<p>The following officers may agree payment arrangements for rates or service charges up to a maximum indicated for any single debtor:</p> <table> <tr> <td>Director City Business</td><td>\$500,000.00</td></tr> <tr> <td>Manager Finance</td><td>\$149,999.00</td></tr> <tr> <td>Finance Team leader</td><td>\$30,000.00</td></tr> <tr> <td>Revenue Team Leader</td><td>\$30,000.00</td></tr> <tr> <td>Revenue Officer - Lead Rates</td><td>\$10,000.00</td></tr> </table> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>	Director City Business	\$500,000.00	Manager Finance	\$149,999.00	Finance Team leader	\$30,000.00	Revenue Team Leader	\$30,000.00	Revenue Officer - Lead Rates	\$10,000.00
Director City Business	\$500,000.00										
Manager Finance	\$149,999.00										
Finance Team leader	\$30,000.00										
Revenue Team Leader	\$30,000.00										
Revenue Officer - Lead Rates	\$10,000.00										
Reporting requirements											
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be reported to the Audit and Risk Management Committee.</li> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>											

2.8 Require lessee to pay rent in satisfaction of rates or services charge				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <p>Give notice to a lessee of land in respect of which there is an unpaid rate or service charge requiring the lessee to pay its rent to the local government.</p> <p>Recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with the notice.</p> <p>In accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43, 6.60(2) and (4)</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.60(2) and (4)
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.60(2) and (4)			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation				
Require lessee to pay rent in satisfaction of rates or services charge				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Director City Business Manager Finance Revenue Team Leader Revenue Officer - Lead Rates			
Limitations on sub delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

2.9 Objection to rate record - objection and review			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to make decisions regarding objections to the rates record including extending the time for a person to make an objection and following consideration, make a decision whether to allow or disallow the objection, either wholly or in part.</p> <p>In accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43, 6.76(4) and (5)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.76(4) and (5)
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43, 6.76(4) and (5)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Objection to rate record - objection and review			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub-delegated to:</b>	Director City Business Manager Finance		
<b>Limitations on sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.10 Rate exemptions			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine applications for rate exemptions in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.42, 5.43 and 6.26</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.26
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.42, 5.43 and 6.26		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub-delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Rate exemptions			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub delegated to:</b>	Director City Business Manager Finance Revenue Team Leader		
<b>Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>1. May only be used where there are no risk implications or political sensitivities evident.</li> <li>2. The Revenue Team Leader may only determine rate exemption renewals where the renewal application does not vary materially from the previous approval and the annual value of the exemption is less than \$10,000.</li> <li>3. The Director City Business and Manager Finance may only determine rate exemption applications and renewals with variations where the annual value of the exemption is less than \$25,000.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be reported to the Audit and Risk Management Committee.</li> <li>2. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.11 Expressions of interest and tenders			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> <li>1. To call tenders.</li> <li>2. To call tenders for the disposal of impounded goods.</li> <li>3. To invite tenders though not required to do so.</li> <li>4. The criteria for accepted tenders.</li> <li>5. To vary tender information after public notice of invitation to tender and before the close of tenders.</li> <li>6. Seek clarification from tenderers in relation to information contained in their tender submission.</li> <li>7. To evaluate tenders and decide which is the most advantageous.</li> <li>8. To accept or reject tenders.</li> <li>9. To decline any tender.</li> <li>10. Minor variations before entering into a contract.</li> <li>11. To accept another tender where within 6-months of either accepting a tender a contract has not been entered into OR the successful tenderer agrees to terminate the contract.</li> <li>12. When to seek expressions of interest and to invite expressions of interest to supply goods or services.</li> <li>13. Consider expressions of interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></td><td><b>Sections</b> 3.57, 3.47, 5.42 and 5.43 <b>Regulations</b> 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>	<b>Sections</b> 3.57, 3.47, 5.42 and 5.43 <b>Regulations</b> 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>	<b>Sections</b> 3.57, 3.47, 5.42 and 5.43 <b>Regulations</b> 11, 13, 14(2a), (5), 18(2), (4), (4a), (5), (6), (7), 20, 21, and 23.		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new annual budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date and the value of the proposed contract has been included in the draft annual budget papers.</li> <li>2. May accept a tender where the consideration under the resulting contract is \$500 000 or less and the item is identified in the adopted annual budget.</li> <li>3. May only agree to variations before a contract is entered into in accordance with relevant City of Fremantle policies.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		

Sub delegation Expressions of interest and tenders	
<b>Delegator:</b>	Chief Executive Officer
<b>Date approved:</b>	30 June 2020
<b>Sub-delegated to:</b>	All Directors
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. May only call tenders where there is an adopted budget for the proposed procurement, with the exception being in the period immediately prior to the adoption of a new annual budget where the proposed procurement is required to fulfil a routine contract related to the day to day operations of the City, with an imminent expiry date and the value of the proposed contract has been included in the draft annual budget papers.</li> <li>2. May accept a tender where the consideration under the resulting contract is \$500 000 or less and the item is identified in the adopted annual budget, and the decision is consistent with the advice of the tender evaluation committee.</li> <li>3. May only agree to variations before a contract is entered into in accordance with relevant City of Fremantle policies.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>
Reporting requirements	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

2.12 Sole supplier of goods and services			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority:</p> <ol style="list-style-type: none"> <li>To determine that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i></td><td><b>Section</b> 5.42 and 5.43 Regulation 11(2)(f)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 11(2)(f)
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 11(2)(f)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<p>The Chief Executive Officer being satisfied that:</p> <ol style="list-style-type: none"> <li>The final amount spent does not exceed \$50 000.</li> <li>adequate market research has been undertaken to verify that no alternative supplier of the goods or services is available; and</li> <li>Sufficient investigation into the use of potential substitute goods or services has been undertaken.</li> <li>Determinations to be reported to the Audit and Risk Management Committee at least annually.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Sole supplier of goods and services			
<b>Sub delegated to:</b>	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be reported to the Audit and Risk Management Committee.</li> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.13 Appointment of Acting Chief Executive Officer			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to appoint an Acting Chief Executive Officer in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.36, 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.36, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.36, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The employee being a director.</li> <li>2. Appointments being no longer than six weeks.</li> <li>3. Council members are to be advised of Acting Chief Executive Officer.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Appointment of Acting Chief Executive Officer			
<b>Sub delegate to:</b>	Nil.		
Reporting Requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.14 Appoint authorised persons			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <i>Local Government Act 1995</i>, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.24, 9.10, 5.42, 5.43 and Division 3, Subdivision 2		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Appoint authorised persons			
<b>Sub delegate to:</b>	Nil.		
Reporting Requirements			
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.			

2.14A Appoint persons to receive and withdrawals of complaints			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 February 2021		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the Authority to appoint 1 or more persons for the purpose of receiving and withdrawals of complaints in accordance with the <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act (Model Code of Conduct) Regulations 2021</i></td><td><b>Section</b> 11(3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>	<b>Section</b> 11(3)
<b>Legislation</b> <i>Local Government Act (Model Code of Conduct) Regulations 2021</i>	<b>Section</b> 11(3)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Appoint persons to receive and withdrawals of complaints			
<b>Sub delegate to:</b>	Nil.		
Reporting Requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.15 Additional powers when notice is given to the owner or occupier of land under Section 3.25			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do anything necessary to achieve the purpose for which a notice has been given and to recover costs associated with achieving the purpose for which a notice has been given, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.26, 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.26, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.26, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Additional powers when notice is given to the owner or occupier of land under Section 3.25			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date adopted:</b>	30 June 2020		
<b>Sub delegated to:</b>	<p>Director City Business Director Infrastructure Director Strategic Planning and Projects Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering</p>		
<b>Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>1. An individual infringement notice cannot be withdrawn or extended by the same officer that has issued it.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.16 Particular things local governments can do on land that is not local government property			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do any of the things prescribed in Schedule 3.2 of the <i>Local Government Act 1995</i> in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.27, 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.27, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.27, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Particular things local governments can do on land that is not local government property			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date adopted:</b>	30 June 2020		
<b>Sub delegated to:</b>	<p>Director City Business Director Infrastructure Director Strategic Planning and Projects Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering</p>		
<b>Limitations on Sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.17 Crossing from public thoroughfare to private land or private thoroughfare					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"> <li>1. approve the construction of a crossing giving access from a thoroughfare to private land or a private thoroughfare serving the land.</li> <li>2. give a person who is the owner or occupier of private land a notice in writing requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.</li> </ol> <p>in accordance with:</p> <table> <tr> <td><b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996</td><td><b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)</td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996	<b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)	<i>Local Government Act 1995</i>	5.42 and 5.43
<b>Legislation</b> Local Government (Uniform Provisions) Regulations 1996	<b>Section</b> Regulation 12(1) - Sch. 9.1 cl. 7(2) and Regulation 13(1)(2) - Sch. 9.1 cl. 7(3)				
<i>Local Government Act 1995</i>	5.42 and 5.43				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations delegation:</b>	<ol style="list-style-type: none"> <li>1. Approval must be in writing for the crossing under regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>2. Due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> must be followed.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44				
Sub delegation					
Crossing from public thoroughfare to private land or private thoroughfare n					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date adopted:</b>	30 June 2020				
<b>Sub delegated to:</b>	Director Infrastructure Manager Infrastructure Engineering Engineering Team Leader Principal Engineer				
<b>Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Approval must be in writing for the crossing under regulation 14(2) of the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>2. Due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> must be followed.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

2.18 Powers of entry				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"><li>1. enter on to land to perform any function of the local government under the Act.</li><li>2. give a notice of entry.</li><li>3. seek and execute an entry under warrant.</li><li>4. execute entry in an emergency.</li><li>5. give notice and effect entry by opening a fence.</li></ol> <p>in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.32, 3.33, 3.34, 3.36, 5.42 and 5.43			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Powers of entry				
Delegator:	Chief Executive Officer			
Date adopted:	30 June 2020			
Sub delegated to:	<p>Director City Business Director Infrastructure Director Strategic Planning and Projects Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering Manager Development Approvals Manager Strategic Planning Coordinator Statutory Planning Heritage Coordinator Senior Planning Officer Senior Planning Officer All Statutory Planning Officers Senior Strategic Planning Officer Strategic Planning Officer Heritage Project Officer Team Leader Compliance and Health Compliance Technical Officer Principal Building Surveyor Building Surveyor</p>			
Limitations on sub delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			

**Reporting requirements**

Use of this delegation:

1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.

2.19 Disposing of confiscated or uncollected goods			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to sell or otherwise dispose of confiscated or uncollected goods and to recover expenses incurred for removing and impounding and in disposing of confiscated or uncollected goods, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47, 3.48 3.58 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Disposing of confiscated or uncollected goods			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date adopted:</b>	30 June 2020		
<b>Sub-delegated to:</b>	<p>All Directors Manager Field Services Manager Asset Management Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering Manager Community Development Manager Customer Experience and Learning Manager Arts and Culture Manager Communications and Events</p>		
<b>Limitations on sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.20 Disposal of sick or injured animals			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to destroy and dispose of an animal that is determined to be too sick or injured to treat, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.47A(1), 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47A(1), 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.47A(1), 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Disposal of sick or injured animals			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date adopted:</b>	30 June 2020		
<b>Sub delegated to:</b>	<p>Director City Business Director Infrastructure Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Team Leader Community Safety and Parking</p>		
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>To be disposed of in the following manner: <ol style="list-style-type: none"> <li>Through surrender to an appropriate rescue organisation, with preference given to a no-kill facility where possible.</li> <li>euthanasia:</li> </ol> </li> <li>Circumstances where euthanasia may be considered acceptable include, but are not limited to the following: <ol style="list-style-type: none"> <li>Where animals are vicious, dangerous, unmanageable, fearful or likely to cause harm due to their behavior or temperament.</li> <li>Where the animal is sick or injured as determined by a veterinarian surgeon.</li> <li>Unclaimed impounded animals unable to be taken by rescue organisations.</li> </ol> </li> <li>Euthanasia will be undertaken by an approved veterinarian surgeon in line with the Australian Veterinary Association Code of Professional Conduct. The veterinary surgeon will determine the most appropriate method of euthanasia.</li> <li>No animal shall be surrendered to any person or organisation if it is believed the animal may be used for the purposes of medical research.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

2.21 Close thoroughfares to vehicles				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer the authority to:</p> <ol style="list-style-type: none"><li>close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles.</li><li>give public notice, and provide to the Commissioner of Main Roads and consider submissions relevant to road closures for proposed closures of thoroughfares for a period exceeding 4 weeks.</li><li>where level or alignment of a thoroughfare is fixed or altered or where draining water from a thoroughfare to private land, notify affected owners and consider any submissions made.</li></ol> <p>in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.50, 3.50(A), 3.51, 5.42 and 5.43</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.50, 3.50(A), 3.51, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.50, 3.50(A), 3.51, 5.42 and 5.43			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Close thoroughfares to vehicles				
Delegator:	Chief Executive Officer			
Date adopted:	30 June 2020			
Sub delegated to:	All Directors Manager Infrastructure Engineering Engineering Team Leader			
Limitations on Sub delegation:	<ol style="list-style-type: none"><li>The following officers may approve general closures and closures in an emergency: Director City Business Director Infrastructure Manager Infrastructure Engineering Engineering Team Leader</li><li>Closure of a thoroughfare as part of a community event may only be granted where:<ol style="list-style-type: none"><li>the closures are similar to others held previously; or</li><li>the closure only involves a single road closure within the CBD; or</li><li>the closure only involves one street to accommodate a local resident activity.</li></ol></li><li>The following officers may only approve closures in an emergency: Director Community Development Director Strategic Planning and Projects Director People and Culture</li><li>Where applicable all road closures are to be undertaken in conjunction with a traffic management plan that complies with the Main Roads WA Traffic Management for Works on Roads Code of Practice.</li><li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li></ol>			

**Reporting requirements**

Use of this delegation:

1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.

2.22 Reserves under control of local government			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to do anything for the purposes of controlling and managing land that is vested in or under the management of the City, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 3.54, 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.54, 5.42 and 5.43
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 3.54, 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Reserves under control of local government			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub-delegated to:</b>	<p>All Directors Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering</p>		
<b>Limitations on Sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting Requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.23 Dangerous excavations in or near public thoroughfares			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to deem an excavation to be dangerous and to fill in or fence the excavation, or request the owner or occupier to fill or securely fence the excavation, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i></td><td><b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i>	<b>Section</b> 5.42 and 5.43 Regulation 11 Sch.9.1 cl.6		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. That due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> is followed.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Dangerous excavations in or near public thoroughfares			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub delegated to:</b>	<p>Director City Business Director Infrastructure Director Strategic Planning and Projects Manager Field Services Manager Parks and Landscape Manager Facilities and Environmental Management Manager Infrastructure Engineering Engineering Team Leader</p>		
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. That due process for the issuing of a notice under section 3.25 of the <i>Local Government Act 1995</i> is followed.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



2.24 Private works on, over or under public places			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i></td><td><b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>	<b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43
<b>Legislation</b> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Local Government Act 1995</i>	<b>Section</b> Regulation 17 Sch.9.1 cl.8 5.42 and 5.43		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<p>Subject to:</p> <ol style="list-style-type: none"> <li>Schedule 3.1, Division 2, item 3 of the <i>Local Government Act 1995</i>.</li> <li>That due process for the issuing of a notice under section 3.25 of the Act is followed.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.44</td></tr> </table>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.44		
Sub delegation Private works on, over or under public places			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Sub delegated to:</b>	Director City Business Director Infrastructure Manager Infrastructure Engineering		
<b>Limitations on Sub delegation:</b>	<p>Subject to:</p> <ol style="list-style-type: none"> <li>Schedule 3.1, Division 2, item 3 of the <i>Local Government Act 1995</i>.</li> <li>That due process for the issuing of a notice under section 3.25 of the Act is followed.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

## **PART 3**

### **Delegations from other legislation**

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**Bush Fires Act 1954**

3.1 Bush Fires Act 1954 Powers, duties and functions of a local government			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer all powers, duties and functions of the local government under the <i>Bush Fires Act 1954</i>, in accordance with:</p> <table border="1"> <tr> <td><b>Legislation</b> <i>Bush Fires Act 1954</i></td><td><b>Section</b> 48</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Bush Fires Act 1954</i>	<b>Section</b> 48
<b>Legislation</b> <i>Bush Fires Act 1954</i>	<b>Section</b> 48		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<p>Authority excludes powers and duties that:</p> <ol style="list-style-type: none"> <li>1. Are prescribed in the Act with a requirement for a resolution of the local government.</li> <li>2. Are prescribed by the Act for performance by designated officers.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

**Food Act 2008**

<b>3.2 Food Act 2008 Appoint authorised and designated officers</b>							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to appoint a person:</p> <ol style="list-style-type: none"> <li>To be an authorised officer for the purposes of the <i>Food Act 2008</i>.</li> <li>To be a designated officer for the purposes of the <i>Food Act 2008</i>.</li> </ol> <p>in accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Food Act 2008</i></td><td>122(1) and 126(13)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Food Act 2008</i>	122(1) and 126(13)	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)
<b>Legislation</b>	<b>Section</b>						
<i>Food Act 2008</i>	122(1) and 126(13)						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	Nil.						
<b>Reporting requirements</b>							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							

3.3 Food Act 2008 Prohibition orders							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services and Senior Environmental Health Officer authority to determine:</p> <ol style="list-style-type: none"> <li>1. Serve a prohibition order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65].</li> <li>2. Give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any improvement notices.</li> <li>3. Give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Food Act 2008</i></td><td>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>65(1), 66, and 67(4)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	65(1), 66, and 67(4)
<b>Legislation</b>	<b>Section</b>						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<i>Food Act 2008</i>	65(1), 66, and 67(4)						
<b>Delegated to:</b>	Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	Nil.						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							



3.4 Food Act 2008 Prosecutions					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, and Senior Environmental Health Officer authority to institute proceedings for an offence under the <i>Food Act 2008</i> in accordance with:</p> <table border="1"> <tr> <td><b>Legislation</b> <i>Food Act 2008</i></td><td><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>125</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Food Act 2008</i>	<b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	125
<b>Legislation</b> <i>Food Act 2008</i>	<b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)				
<i>Food Act 2008</i>	125				
<b>Delegated to:</b>	Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	Nil.				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

3.5 Food Act 2008 Registration of food businesses							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer, Director City Business, Manager Field Services, Senior Environmental Health Officer and all Environmental Health Officers authority to:</p> <ol style="list-style-type: none"> <li>1. Determine applications for registration of a food business in respect of any premises for the purposes of Part 9 of the <i>Food Act 2008</i> and issue a certificate of registration.</li> <li>2. After considering an application, grant (with or without Limitations) or refuse the application.</li> <li>3. Vary the Limitations or cancel the registration of a food business in respect of any premises under Part 9 of the <i>Food Act 2008</i>.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Food Act 2008</i></td><td>118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>110(1) and (5) and 112</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	110(1) and (5) and 112
<b>Legislation</b>	<b>Section</b>						
<i>Food Act 2008</i>	118(2)(b), 118 (3) [s119] and [s120] and 118(4)						
<i>Food Act 2008</i>	110(1) and (5) and 112						
<b>Delegated to:</b>	<p>Chief Executive Officer Director City Business Manager Field Services Senior Environmental Health Officer All Environmental Health Officers</p>						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	Nil.						
Reporting requirements							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							

3.6 Food Act 2008 Determine compensation					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to determine to refuse or pay on an application for compensation from a person on whom a prohibition notice has been served, who has suffered loss as a result of the making of the order; and considers that there were insufficient grounds for making the order, in accordance with:</p> <table border="1"> <tr> <td><b>Legislation</b> <i>Food Act 2008</i></td><td><b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)</td></tr> <tr> <td><i>Food Act 2008</i></td><td>70(2) and (3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Food Act 2008</i>	<b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)	<i>Food Act 2008</i>	70(2) and (3)
<b>Legislation</b> <i>Food Act 2008</i>	<b>Section</b> 118(2)(b), 118 (3) [s119] and [s120] and 118(4)				
<i>Food Act 2008</i>	70(2) and (3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The level of compensation to be paid in respect of any single claim is not to exceed \$5 000.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
<b>Power to sub delegate:</b>	Nil.				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

**Building Act 2011**

<b>3.7 Building Act 2011 Approve or refuse building permit</b>					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Grant a building permit.</li> <li>2. Refuse a building permit.</li> <li>3. Determine approved alternative building solution to meet performance requirement in the Building Code relating to fire detection and early warning.</li> <li>4. Determine approval / refusal of battery powered smoke alarm and determine application form.</li> </ol> <p>in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i> <i>Building Regulations 2012</i></td><td>20, 27(1) and (3) Regulation 55 and 61</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i> <i>Building Regulations 2012</i>	20, 27(1) and (3) Regulation 55 and 61
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i> <i>Building Regulations 2012</i>	20, 27(1) and (3) Regulation 55 and 61				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
<b>Sub delegation Approve or refuse building permit</b>					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Sub delegated to:</b>	Manager Development Approvals Principal Building Surveyor				
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
<b>Reporting requirements</b>					

Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					
<b>3.8 Building Act 2011 Approve or refuse demolition permit</b>					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Grant a demolition permit.</li> <li>2. Refuse a demolition permit.</li> <li>3. Impose, vary or revoke Limitations on a demolition permit.</li> </ol> <p>in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>21, 27(1) and (3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	21, 27(1) and (3)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i>	21, 27(1) and (3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
<b>Sub delegation Approve or refuse demolition permit</b>					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Sub delegated to:</b>	Manager Development Approvals Principal Building Surveyor				
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
<b>Reporting requirements</b>					
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.					



3.9 Building Act 2011 Grant occupancy permit or building approval certificate					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. require an applicant to provide any document or information required in order to determine an application.</li> <li>2. grant or modify an occupancy permit or building approval certificate.</li> <li>3. impose, add, vary or revoke Limitations on an occupancy permit or building approval certificate.</li> <li>4. the period in which an occupancy permit or modification, or building approval certificate has effect.</li> </ol> <p>in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>58, 62(1) and (3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	58, 62(1) and (3)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i>	58, 62(1) and (3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
Sub delegation Grant occupancy permit or building approval certificate					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Sub delegated to:</b>	Manager Development Approvals Principal Building Surveyor				
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

3.10 <i>Building Act 2011</i> Designate authorised persons					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to designate an employee as an authorised person, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>96(3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	96(3)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i>	96(3)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
Reporting requirements					
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					

3.11 <i>Building Act 2011</i> Issue and revocation of building orders							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>Make building orders in relation to: <ol style="list-style-type: none"> <li>Building work.</li> <li>Demolition work.</li> <li>An existing building or incidental structure.</li> </ol> </li> <li>Give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]</li> <li>Revoke a building order [s.117].</li> <li>If there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> <li>Take any action specified in the order.</li> <li>Commence or complete any work specified in the order.</li> <li>If any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118 (2)].</li> </ol> </li> <li>Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>Initiate a prosecution pursuant to section 133(1) for noncompliance with a building order made pursuant to section 110 of the Building Act 2011.</li> </ol> <p>In accordance with:</p> <table border="1"> <thead> <tr> <th>Legislation</th><th>Section</th></tr> </thead> <tbody> <tr> <td><i>Building Act 2011</i></td><td>127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)</td></tr> </tbody> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	Legislation	Section	<i>Building Act 2011</i>	127	<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)
Legislation	Section						
<i>Building Act 2011</i>	127						
<i>Building Act 2011</i>	110(1), 111(1), 117(1) and (2), 118(2) and (3) and 133(1)						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	<table border="1"> <thead> <tr> <th>Legislation</th><th>Section</th></tr> </thead> <tbody> <tr> <td><i>Building Act 2011</i></td><td>127(6A)</td></tr> </tbody> </table>	Legislation	Section	<i>Building Act 2011</i>	127(6A)		
Legislation	Section						
<i>Building Act 2011</i>	127(6A)						

Sub delegation Issue and revocation of building orders	
<b>Delegator:</b>	Chief Executive Officer
<b>Date approved:</b>	30 June 2020
<b>Sub delegated to:</b>	Manager Field Services Principal Building Surveyor Team Leader Compliance and Health
<b>Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>
Reporting requirements	
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

3.12 <i>Building Act 2011</i> Inspection and copies of building records					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to determine an application from an interest person to inspect and copy a building record, in accordance with:</p> <table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127</td></tr> <tr> <td><i>Building Act 2011</i></td><td>131(2)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127	<i>Building Act 2011</i>	131(2)
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127				
<i>Building Act 2011</i>	131(2)				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b> <i>Building Act 2011</i></td><td><b>Section</b> 127(6A)</td></tr> </table>	<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)		
<b>Legislation</b> <i>Building Act 2011</i>	<b>Section</b> 127(6A)				
Sub delegation Inspection and copies of building records					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Sub delegated to:</b>	Manager Development Approvals Principal Building Surveyor Team Leader Compliance and Health				
<b>Limitations on sub delegation:</b>	<ol style="list-style-type: none"> <li>Subject to the qualification requirements of <i>Building Services (Registration) Act 2011</i>.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				
Reporting requirements					
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>					



**Litter Act 1979**

3.13 Litter Act 1979 Withdrawal of infringement notices			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Community Safety and Parking</li> <li>• Team Leader Parking</li> </ul> <p>the authority to determine if an infringement is to be withdrawn; and to sign withdrawal notices sent under subsection 4 of the <i>Litter Act 1979</i>.</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Litter Act 1979</i></td><td><b>Section</b> 30(4a)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Litter Act 1979</i>	<b>Section</b> 30(4a)
<b>Legislation</b> <i>Litter Act 1979</i>	<b>Section</b> 30(4a)		
<b>Delegated to:</b>	<p>Chief Executive Officer Director City Business Manager Field Services Team Leader Community Safety and Parking Team Leader Parking</p>		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. An individual infringement notice cannot be withdrawn or extended by the same officer that has issued it.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
<b>Power to sub delegate:</b>	Nil.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

### Dog Act 1976

3.14 Dog Act 1976 Functions				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all the powers and duties of the local government under the <i>Dog Act 1976</i>, in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Dog Act 1976</i></td><td><b>Section</b> 10AA</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Dog Act 1976</i>	<b>Section</b> 10AA
<b>Legislation</b> <i>Dog Act 1976</i>	<b>Section</b> 10AA			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Dog Act 1976</i>	<b>Section</b> 10AA(3)		
Sub delegation Functions				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Manager Field Services Team Leader Community Safety and Parking			
Limitations on Sub delegation:	<p>The Manager Field Services and Team Leader Community Safety and Parking are authorised to undertake the following functions:</p> <ul style="list-style-type: none"><li>a. Direct a registration officer to refuse or effect or renew a registration of a dog or cancel a registration (s16).</li><li>b. Determine that a dog cannot be registered where no application has been made (S17A).</li><li>c. Determine, for the purposes of assessing whether a dog can be registered or remain registered, that a dog is not, or will not be appropriately confined (s 16, S17A).</li><li>d. Determine for the purposes of assessing whether a dog can be registered or remain registered, that a dog is destructive, unduly mischievous, or to be suffering from an infectious or contagious disease (s 16, 17A).</li><li>e. Establish and maintain dog management facilities (Section 11(1));</li><li>f. Keep a register of dogs (Section 14(1)).</li><li>g. Discount or waive a dog registration fee (Section 15(4A))</li><li>h. Grant exemption regarding the number of dogs that may be kept (s26(3)).</li><li>i. Approve kennel establishments (Section 27).</li><li>j. Appoint persons to seize dogs (Section 29(1)).</li><li>k. Declare a dog to be a dangerous dog (Section 33E).</li></ul> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>			
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

**Cat Act 2011**

3.15 Cat Act 2011 Functions				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Cat Act 2011</i>, in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Cat Act 2011</i></td><td><b>Section</b> 44</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Cat Act 2011</i>	<b>Section</b> 44
<b>Legislation</b> <i>Cat Act 2011</i>	<b>Section</b> 44			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Cat Act 2011</i>	<b>Section</b> 45		
Sub delegation Functions				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Manager Field Services Team Leader Community Safety and Parking			
Limitations on Sub delegation:	<p>Limited to the following sections of the <i>Cat Act 2011</i>:</p> <ul style="list-style-type: none"><li>a. Registration (s1)</li><li>b. Cancellation of registration (s10)</li><li>c. Notice to be given of certain decisions made under this Subdivision (s13)</li><li>d. Approval to breed cats (s37)</li><li>e. Cancellation of approval to breed cats (s38)</li><li>f. Notice to be given of certain decisions made under this Subdivision (s40)</li><li>g. Authorised person may cause a cat to be destroyed (s49)</li></ul> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>			
Reporting requirements				
Use of this delegation:				
1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.				

**Caravan Parks and Camping Grounds Act 1995**

**3.16 Caravan Parks and Camping Grounds Act 1995 Authority to act as authorised persons**

<b>Appointer:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Appointed function:</b>	<p>Council appoints the:</p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Compliance and Health</li> <li>• Senior Environmental Health Officer</li> <li>• All Environmental Health Officers</li> <li>• Team Leader Community Safety and Parking</li> <li>• All Community Safety Officers</li> <li>• All Security Officers</li> </ul> <p>to act as an authorised person for the purposes of this Act as considered necessary.</p> <p>In accordance with:</p> <table border="0"> <tr> <td> <p><b>Legislation</b>  <i>Caravan Parks and Camping Grounds Act 1995</i>  The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i></p> </td><td> <p><b>Section</b>  17(1)</p> </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<p><b>Legislation</b>  <i>Caravan Parks and Camping Grounds Act 1995</i>  The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i></p>	<p><b>Section</b>  17(1)</p>
<p><b>Legislation</b>  <i>Caravan Parks and Camping Grounds Act 1995</i>  The powers of a "authorised person" under the <i>Caravan Parks and Camping Grounds Act 1995</i> and the <i>Caravan and Camping Grounds Regulations 1997</i></p>	<p><b>Section</b>  17(1)</p>		
<b>Appointment:</b>	<p>Chief Executive Officer  Director City Business  Manager Field Services  Team Leader Compliance and Health  Senior Environmental Health Officer  All Environmental Health Officers  Team Leader Community Safety and Parking  All Community Safety Officers  All Security Officers</p>		

<p><b>Limitations on appointment:</b></p>	<p>The following officers can perform all of the functions of an authorised person under the <i>Caravan Parks and Camping Grounds Act 1995</i> but for the purposes of infringement notices the following limits apply:</p> <p>In accordance with section 23(11) the following persons are authorised to extend and withdraw infringement notices under 23(5) and (7) of the <i>Caravan Parks and Camping Grounds Act 1995</i>, <b>but must not issue infringement notices:</b></p> <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• Director City Business</li> <li>• Manager Field Services</li> <li>• Team Leader Community Safety and Parking</li> </ul> <p>In accordance with section 23(11) the following persons are authorised to issue infringement notices under section 23(2) of the <i>Caravan Parks and Camping Grounds Act 1995</i> but must not extend or withdraw infringement notices:</p> <ul style="list-style-type: none"> <li>• Senior Environmental Health Officer</li> <li>• All Environmental Health Officers</li> <li>• Team Leader Compliance and Health</li> <li>• All Community Safety Officers</li> <li>• All Security Officers</li> </ul> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>
<p><b>Power to sub delegate:</b></p>	<p>Nil – <i>The Caravan Parks and Camping Grounds Act 1995 does not contain a head of power to delegate the appointment of authorised persons to the Chief Executive Officer.</i></p>
<p><b>Reporting requirements</b></p>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	



**Graffiti Vandalism Act 2016**

3.17 Graffiti Vandalism Act 2016 Local government functions				
Delegator:	Council			
Date adopted:	24 June 2020			
Delegation:	<p>Council delegates to the Chief Executive Officer authority to undertake all of the powers and duties of the local government under the <i>Graffiti Vandalism Act 2016</i>, in accordance with:</p> <table><tr><td><b>Legislation</b> <i>Graffiti Vandalism Act 2016</i> <i>Graffiti Vandalism Act 2016</i></td><td><b>Section</b> 16 Part 3</td></tr></table> <p>For the purpose of effective management of the City of Fremantle.</p>		<b>Legislation</b> <i>Graffiti Vandalism Act 2016</i> <i>Graffiti Vandalism Act 2016</i>	<b>Section</b> 16 Part 3
<b>Legislation</b> <i>Graffiti Vandalism Act 2016</i> <i>Graffiti Vandalism Act 2016</i>	<b>Section</b> 16 Part 3			
Delegated to:	Chief Executive Officer			
Limitations on delegation:	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.			
Power to sub delegate:	<b>Legislation</b> <i>Graffiti Vandalism Act 2016</i>	<b>Section</b> 17		
Sub delegation Local government functions				
Delegator:	Chief Executive Officer			
Date approved:	30 June 2020			
Sub delegated to:	Director Infrastructure Manager Facilities and Environmental Management Graffiti Field Officer			
Limitations on sub delegation:	<ol style="list-style-type: none"><li>1. Unauthorised street art is to be assessed before removal by the Director Community Development.</li><li>2. The Director Infrastructure can only hear or determine an objection in accordance with Section 22 of the <i>Graffiti Vandalism Act 2016</i>.</li><li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li></ol>			
Reporting requirements				
Use of this delegation: <ol style="list-style-type: none"><li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li></ol>				

**Public Health Act 2016**

**3.18 Public Health Act 2016 Appoint authorised officers**

<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Appoint a qualified person to be an environmental health officer.</li> <li>2. Designate environmental health officers (either as a person or class of persons) to be authorised officers for the purposes of the <i>Public Health Act 2016</i> or another specified Act.</li> <li>3. Designate a qualified person (either as a person or as a class of persons) who is not an environmental health officer to be an authorised officer for the purposes of the Public Health Act 2016 or another specified Act.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Public Health Act 2016</i></td><td>17, 24(1),(3) and (4)</td></tr> <tr> <td><i>Public Health Act 2016</i></td><td>21</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Public Health Act 2016</i>	17, 24(1),(3) and (4)	<i>Public Health Act 2016</i>	21
<b>Legislation</b>	<b>Section</b>						
<i>Public Health Act 2016</i>	17, 24(1),(3) and (4)						
<i>Public Health Act 2016</i>	21						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The designation of authorised officers is to be in accordance with section 25 of the <i>Public Health Act 2016</i>.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>						
<b>Power to sub delegate:</b>	Nil.						
<b>Reporting requirements</b>							
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>							

**Fines, Penalties and Infringement Notices Enforcement Act 1994**

<b>3.19 Fines, Penalties and Infringement Notices Enforcement Act 1994 Appointment of prosecution officers</b>			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>, in accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i> </td><td> <b>Section</b>                      13 and 13(2)                 </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>	<b>Section</b> 13 and 13(2)
<b>Legislation</b> <i>Fines, Penalties and Infringement Notices Enforcement Act 1994.</i>	<b>Section</b> 13 and 13(2)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub delegate:</b>	Nil.		
<b>Reporting requirements</b>			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

**Planning and Development Act 2005**

<b>3.20 Planning and Development Act 2005 Illegal development</b>							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer authority to:</p> <ol style="list-style-type: none"> <li>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>a. to remove, pull down, take up, or alter the development</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.42</td></tr> <tr> <td><i>Planning and Development Act 2005</i></td><td>214(2), (3) and (5)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.42	<i>Planning and Development Act 2005</i>	214(2), (3) and (5)
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.42						
<i>Planning and Development Act 2005</i>	214(2), (3) and (5)						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.44</td></tr> </table>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.44		
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.44						
<b>Illegal development sub delegation</b>							
<b>Delegator:</b>	Chief Executive Officer						
<b>Date approved:</b>	30 June 2020						

<b>Sub delegated to:</b>	Director City Business Director Strategic Planning and Projects Manager Development Approvals Manager Field Services
<b>Limitations on Sub delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.
<b>Reporting requirements</b>	
Use of this delegation: 1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.	



**City of Fremantle Local Planning Scheme No. 4**

3.21 City of Fremantle Local Planning Scheme No. 4 Enforcement and appeals					
<b>Delegator:</b>	Council				
<b>Date adopted:</b>	24 June 2020				
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to take action under part 13 of the <i>Planning and Development Act 2005</i> for any failure to comply with the provisions of Local Planning Scheme No 4 or the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions). As well as the power to determine a position in respect to any mediation resulting from an application for review made under Part 14 of the <i>Planning and Development Act 2005</i> in response to a decision made under delegated authority; and</p> <p>The determination of the City's position with respect to any appeal to the State Administrative Tribunal on a decision made under delegated authority.</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Planning and Development Act 2005</i></td><td><b>Section</b> 13 and 14</td></tr> <tr> <td><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></td><td>82</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Planning and Development Act 2005</i>	<b>Section</b> 13 and 14	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	82
<b>Legislation</b> <i>Planning and Development Act 2005</i>	<b>Section</b> 13 and 14				
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	82				
<b>Delegated to:</b>	Chief Executive Officer				
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.				
<b>Power to sub delegate:</b>	<table border="0"> <tr> <td><b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015</td><td><b>Section</b> 83</td></tr> </table>	<b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015	<b>Section</b> 83		
<b>Legislation</b> Planning and development (Local Planning Schemes) Regulations 2015	<b>Section</b> 83				
Sub delegation Enforcement and appeals					
<b>Delegator:</b>	Chief Executive Officer				
<b>Date approved:</b>	30 June 2020				
<b>Part 1. Sub delegated to:</b>	<p>Director Strategic Planning and Projects Director City Business Manager Development Approvals Manager Strategic Planning Manager Field Services</p>				
<b>Part 1. Limitations on Sub delegation:</b>	<ol style="list-style-type: none"> <li>1. The power to withdraw written direction is limited to the Director Strategic Planning and Projects and the Director City Business.</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>				

<b>Part 2. Sub delegated to:</b>	Manager Field Services
<b>Part 2. Limitations on Sub delegation:</b>	<p>The Manager Field Services may only:</p> <ol style="list-style-type: none"> <li>1. Take legal action in regard to breaches of the Local Planning Scheme No 4 or the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions).</li> <li>2. Issue written direction in accordance with Section 214 of the <i>Planning and Development Act 2005</i> (illegal development).</li> </ol> <p>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</p>
<b>Reporting requirements</b>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

3.22 City of Fremantle Local Planning Scheme No. 4 Development Control							
<b>Delegator:</b>	Council						
<b>Date adopted:</b>	24 June 2020						
<b>Delegation:</b>	<p>Council delegates to the Chief Executive Officer the authority to determine:</p> <ol style="list-style-type: none"> <li>1. applications for planning approval (including the exercise of discretion under Local Planning Scheme No. 4 and the Residential Design Codes);</li> <li>2. all matters which arise out of the imposition of conditions on planning approvals; and</li> <li>3. all matters delegated to the City of Fremantle under the <i>Planning and Development Act 2005</i>, or functions that the City is authorised to exercise under that Act.</li> </ol> <p>In accordance with:</p> <table> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.42 and 5.43</td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>6.49</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.42 and 5.43	<i>Local Government Act 1995</i>	6.49
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.42 and 5.43						
<i>Local Government Act 1995</i>	6.49						
<b>Delegated to:</b>	Chief Executive Officer						
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.						
<b>Power to sub delegate:</b>	<table> <tr> <td><b>Legislation</b></td><td><b>Section</b></td></tr> <tr> <td><i>Local Government Act 1995</i></td><td>5.44</td></tr> </table>	<b>Legislation</b>	<b>Section</b>	<i>Local Government Act 1995</i>	5.44		
<b>Legislation</b>	<b>Section</b>						
<i>Local Government Act 1995</i>	5.44						
Sub delegation Development control							
<b>Delegator</b>	Chief Executive Officer						
<b>Date approved:</b>	30 June 2020						
<b>Sub delegated to:</b>	Director Strategic Planning and Projects Manager Development Approvals Manager Strategic Planning Coordinator Statutory Planning Senior Planning Officer						
<b>Limitations on sub delegation:</b>	<table> <tr> <th colspan="2">All powers and duties</th></tr> <tr> <td colspan="2"> <b>Director Strategic Planning and Projects</b>  <b>Manager Development Approvals</b>  <b>Manager Strategic Planning</b> </td></tr> </table> <p>The officers listed above have all of the powers and duties of the Council under the Local Planning Scheme No. 4 with the exception of:</p> <ol style="list-style-type: none"> <li>a. The adoption of a local planning policy, structure plan or detailed area plan</li> <li>b. The establishment of a committee under local planning scheme no. 4.</li> <li>c. Determining a planning application considered a significant application by:             <ul style="list-style-type: none"> <li>• Director Strategic Planning and Projects</li> <li>• Manager Development Approvals</li> <li>• Manager Strategic Planning</li> </ul> </li> <li>d. Determining a planning application, or variation to planning approval where:</li> </ol>	All powers and duties		<b>Director Strategic Planning and Projects</b> <b>Manager Development Approvals</b> <b>Manager Strategic Planning</b>			
All powers and duties							
<b>Director Strategic Planning and Projects</b> <b>Manager Development Approvals</b> <b>Manager Strategic Planning</b>							

	<ul style="list-style-type: none"> <li>relevant objection/s have been received on planning grounds which cannot be addressed by conditions of approval and is not a minor variation as determined by the officers listed below, and clearly does not meet the relevant performance criteria of the R Codes or intent of the relevant planning policy or scheme provision: <ul style="list-style-type: none"> <li>Chief Executive Officer</li> <li>Director Strategic Planning and Projects</li> <li>Manager Development Approvals</li> <li>Manager Strategic Planning</li> </ul> </li> <li>the application involves demolition of a building (excluding an outbuilding, incidental structure or minor addition) on the City of Fremantle Heritage List or within a Heritage Area.</li> </ul> <p>e. Determining a variation of planning approval where the original decision has been determined by the Council or Committee unless one of the officers listed below deems the variation to be minor and the requirements of this delegation are met:</p> <ul style="list-style-type: none"> <li>Chief Executive Officer</li> <li>Director Strategic Planning and Projects</li> <li>Manager Development Approvals</li> <li>Manager Strategic Planning</li> </ul> <p>f. Determining an application for extension of time, where the original decision was determined by the Council or Committee and it is not the first extension of time for the planning application.</p> <p>g. Determining an application for planning approval in relation to a non- conforming use.</p> <p>h. Revocation of a local planning policy.</p>
	<p style="text-align: right;"><b>Limited authority</b></p> <p><b>Coordinator Statutory Planning</b> <b>Senior Planning Officer</b></p> <p>The officers listed above have some powers and duties of the Council under the Local Planning Scheme No. 4 with the exception of:</p> <p>a. The adoption of a local planning policy, structure plan or detailed area plan.</p> <p>b. The establishment of a committee under local planning scheme no. 4.</p> <p>c. Determining a planning application considered a significant application by part 1 sub-delegated officers.</p> <p>d. Determining a planning application or variation to planning approval where:</p> <ul style="list-style-type: none"> <li>relevant objection/s have been received on planning grounds which cannot be addressed by conditions of approval and is not a minor variation as determined by the officers listed below, and clearly does not meet the relevant performance criteria of the R Codes or intent of the relevant planning policy or scheme provision <ul style="list-style-type: none"> <li>Chief Executive Officer</li> <li>Director Strategic Planning and Projects</li> <li>Manager Development Approvals</li> <li>Manager Strategic Planning</li> </ul> </li> <li>the application involves demolition of a building (excluding an outbuilding, incidental structure or minor addition) on the City of Fremantle Heritage List or within a Heritage Area.</li> </ul> <p>e. Determining a variation of planning approval where the original decision has been determined by the Council or Committee unless one of the officers listed below deems the variation to be minor and the requirements of this delegation are met.</p> <ul style="list-style-type: none"> <li>Chief Executive Officer</li> </ul>



	<ul style="list-style-type: none"> <li>• Director Strategic Planning and Projects</li> <li>• Manager Development Approvals</li> <li>• Manager Strategic Planning</li> </ul> <p>f. Determining an application for extension of time, where the original decision was determined by the Council or Committee and it is <i>not</i> the first extension of time for the planning application.</p> <p>g. Determining an application for planning approval in relation to a non-conforming use.</p> <p>h. Revocation of a local planning policy.</p>
	<p style="text-align: center;"><b>Prohibitions</b></p> <p><b>Coordinator Statutory Planning</b> <b>Senior Planning Officer</b></p>
	<p>The officers listed above are subject to the following additional prohibitions:</p> <ol style="list-style-type: none"> <li>1. may not determine applications for development exceeding \$2,000,000 in value</li> <li>2. may not determine a net increase of more than two dwellings (unless on a survey strata lot)</li> <li>3. may not determine a net increase of over 5000m<sup>2</sup> of building floor area</li> <li>4. may not refuse applications</li> <li>5. may not determine applications in a manner not generally consistent with relevant planning policies</li> <li>6. may not determine an application for planning approval where any submissions have been received, irrespective of issues raised, unless all submissions received are in support of the development without condition</li> </ol>
<p style="text-align: center;"><b>Reporting requirements</b></p>	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	



3.23 Modifications to the Heritage List and Municipal Heritage Inventory			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Authorised function:</b>	<p>The Chief Executive Officer is authorised to modify the Heritage List and Municipal Heritage Inventory to maintain their currency by:</p> <ul style="list-style-type: none"> <li>amending listing information to more accurately describe the listed property, and</li> <li>reclassifying to Historic Record Only and removing from the Heritage List any properties which have been subdivided from the originally listed parent lot which do not retain heritage significance in their own right or maintain a significant contribution to the heritage significance of the original property.</li> </ul> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></td><td><b>Section</b> 5.42 Division 2 of Schedule 2</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	<b>Section</b> 5.42 Division 2 of Schedule 2
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	<b>Section</b> 5.42 Division 2 of Schedule 2		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ul style="list-style-type: none"> <li>any amendments must have the support of the effected landowner where consultation is required under legislation</li> </ul>		
<b>Power to sub delegate:</b>	Yes		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

**Control of Vehicles (Off-road Areas) Act 1978**

<b>3.24 Control of Vehicles (Off-road Areas) Act 1978 Authority to act as an authorised officer</b>			
<b>Appointer:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Appointed function:</b>	<p>Council appoints the Manager Field Services, Team Leader Community Safety and Parking and all Community Safety Officers authority to act as an authorised officer for the purposes of this Act as considered necessary, in accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Control of Vehicles (Off-road Areas) Act 1978</i></td><td><b>Section</b> 38(1)(c) and 38 (3)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Control of Vehicles (Off-road Areas) Act 1978</i>	<b>Section</b> 38(1)(c) and 38 (3)
<b>Legislation</b> <i>Control of Vehicles (Off-road Areas) Act 1978</i>	<b>Section</b> 38(1)(c) and 38 (3)		
<b>Appointment:</b>	<p>Manager Field Services Team Leader Community Safety and Parking All Community Safety Officers</p>		
<b>Limitations on appointment:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
<b>Power to sub-delegate:</b>	Nil		
<b>Reporting requirements</b>			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements</li> </ol>			

**Health (Asbestos) Regulations 1992**

<b>3.25 Health (Asbestos) Regulations 1992 Appointment of authorised officers and approved officers</b>			
<b>Delegator:</b>	Council		
<b>Date adopted:</b>	24 June 2020		
<b>Authorised function:</b>	<p>Council delegates to the Chief Executive Officer the appointment in writing of persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 in relation to infringement notices under the <i>Health (Asbestos) Regulations 1992</i>, in accordance with:</p> <table border="1"> <tr> <td><b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i></td><td><b>Section</b> Regulation 15D(5)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i>	<b>Section</b> Regulation 15D(5)
<b>Legislation</b> <i>Health (Asbestos) Regulations 1992</i>	<b>Section</b> Regulation 15D(5)		
<b>Delegated to:</b>	Chief Executive Officer		
<b>Limitations on delegation:</b>	<ul style="list-style-type: none"> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ul>		
<b>Power to sub delegate:</b>	Nil		
<b>Reporting requirements</b>			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

## PART 4

### Delegations to local government from external agencies

*The delegations outlined in part 4 of this register are externally established and may be subject to change. Please check the Government Gazette for most current version and use this register for reference only.*

**Environmental Protection Act 1986**

**4.1 Noise Control – Serve Environmental Protection Notices [S65(1)]**

**Noise Control – Serve Environmental Protection Notices [S65(1)]**

Published in Government Gazette No.47, 19 March 2004

*ENVIRONMENTAL PROTECTION ACT 1986*

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows -

Powers and duties delegated -

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made -

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved –

FERDINAND TROMP, A/Chief Executive Officer.  
Dr JUDY EDWARDS MLA, Minister for the Environment.



**4.2 Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]**

**Noise Control – Keeping of Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events [Reg.16]**

Published in Government Gazette No.232, 20 December 2013

EV402\*

**ENVIRONMENTAL PROTECTION ACT 1986**  
DELEGATION NO. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to—

- (1) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B
- (2) bellringing or amplified calls to worship—the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (3) community activities—noise control notices in respect of community noise under regulation 16;
- (4) motor sport venues—noise management plans in relation to motor sport venues under Part 2 Division 3;
- (5) shooting venues—noise management plans in relation to shooting venues under Part 2 Division 4;
- (6) calibration results—requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (7) sporting, cultural and entertainment events—approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation—
  - (a) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013. JASON BANKS, Acting Chief Executive Officer.

Approved by—  
JOHN DAY, Acting Minister for Environment; Heritage.

4.3 Noise Control – Noise Management Plans – Construction Sites [Reg.13]

Noise Control – Noise Management Plans – Construction Sites [Reg.13]

Published in Government Gazette No.71 – 16 May 2014

EV405\*

**ENVIRONMENTAL PROTECTION ACT 1986**

DELEGATION NO. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of —

- (8) Chief Executive Officer under the *Local Government Act 1995*; and
- (9) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Approved by—  
Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage

**Planning and Development Act 2005**

**4.4 Referral arrangements - Western Australian Planning Commission**

**Western Australian Planning Commission – Referral Arrangements**

Government Gazette No. 65 – 9 May 2014 (pages 1410 - 1412)

PL403\*

**PLANNING AND DEVELOPMENT ACT 2005**

**RESOLUTION**

RES 2014/01 RESOLUTION UNDER CLAUSE 32 OF THE MRS

**Resolution made under clause 32 of the Metropolitan Region Scheme regarding development control powers of the Western Australian Planning Commission**

On 25 March 2014, pursuant to clause 32 of the Metropolitan Region Scheme (MRS), the Western Australian Planning Commission (WAPC) resolved—

- A. TO REVOKE its resolution made under clause 32 of the MRS as detailed in the notice entitled "RES 2011/01 Resolution under Clause 32 of the MRS" published in the *Government Gazette* of 1 November 2011 (pages 4612-4614);
- B. TO REQUIRE all local governments within the MRS area to refer applications for development of the classes and in the locations specified in clauses 1 to 4 of the Schedule 1 to the WAPC for determination;
- C. TO REQUIRE the local governments specified in clauses 5 to 10 of Schedule 1 to refer applications for development of the classes and in the locations specified in clauses 5 to 10 of Schedule 1 to the WAPC for determination;
- D. TO CONFIRM that words used in the schedule to this resolution have the meanings given to them in the *Planning and Development Act 2005* (Act) and the MRS. In the case of any inconsistency, the Act prevails;
- E. TO DECLARE that the resolution takes effect when notice of the resolution is published in the *Government Gazette*.

TIM HILLYARD, Secretary, Western Australian Planning Commission.

**SCHEDULE 1**

**REFERRAL ARRANGEMENTS FOR LOCAL GOVERNMENTS IN THE AREA COVERED BY THE MRS**

**1. Development of state or regional significance**

All applications made under clause 28 of the MRS for approval to commence and carry out development that the WAPC, by notice in writing in each case, advises the local government are of State or regional importance or in the public interest.

**2. Development in the rural zone**

The following classes of applications made under clause 28 of the MRS for approval to commence and carry out development on land in the rural zone in the MRS—

- extractive industry—all applications
- any other use which in the opinion of the local government or the WAPC may not be consistent with the rural zone.

### 3. Poultry farms

Applications made under clause 28 of the MRS for approval to commence and carry out development of new poultry farms or any extension or addition in excess of 100 square meters to the improvements of an existing poultry farm in the Rural, Urban or Urban Deferred zones in the MRS.

### 4. Development in activity centres

Applications made under clause 28 of the MRS for approval to commence and carry out development relating to a building or extension/s to an existing building for shop-retail purposes —

1. Where the local government or the WAPC considers that the development proposed may be of state or regional significance.
2. Where the development proposed is major development which the local government considers is appropriately located in an activity centre of a higher level of the activity centre hierarchy that the activity centre in which it is proposed to be located.
3. Where the development proposed is major development which the WAPC (after consulting the relevant local government) considers is appropriately located in an activity centre of a higher level of the activity centre hierarchy that the activity centre in which it is proposed to be located.
4. For Strategic metropolitan centre or Secondary centre developments where the development proposed is major development.
5. For District centre developments, where the development is major development and where approval of the proposal would result in the shop/retail floorspace exceeding 20 000m<sup>2</sup> of shop/retail floorspace (net lettable area).
6. Where the development proposed is wholly or partly located in zoned land in specialised centres.

except where the application complies with an activity centre structure plan or equivalent plan or strategy for the activity centre endorsed by the WAPC.

For the purpose of this resolution—

“activity centre” means the categories of activity centres set out in Table 2 and Table 3 of State Planning Policy 4.2, namely—

- capital city
- strategic metropolitan centres
- secondary centres
- district centres
- neighbourhood centres.

“activity centre structure plan” means a structure plan prepared as required under 6.4 of State Planning Policy 4.2;

“major development” means development as defined in appendix 1 of State Planning Policy 4.2, namely—

- Development of any building where the building is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the proposed building is more than 10000m<sup>2</sup>; or
- Development of any extension/s to an existing building where the extension/s is used or proposed to be used for *shop-retail* purposes and where the shop-retail net lettable area of the extension/s is more than 5000m<sup>2</sup>.
- 

“net lettable area” is defined in Appendix 1 of State Planning Policy 4.2;

“shop-retail” means the land use activities included in “Planning land use category 5: Shop/retail” as defined by the WAPC’s Perth Land Use and Employment Survey (as amended from time-to-time);

“specialised centres” means the centres identified in clause 5.1.1 of State Planning Policy 4.2, which focus on regionally significant economic or institutional activities that generate many work and visitor trips, which therefore require a high level of transport accessibility;

“State Planning Policy 4.2” means State Planning Policy No.4.2—Activity Centres for Perth and Peel, published in the *Government Gazette* on 31 August 2010.



#### REFERRAL ARRANGEMENTS FOR SPECIFIC LOCAL GOVERNMENTS

##### 7. Stirling and Glendalough Station Precincts

The City of Stirling, in the areas defined in WAPC plan No. 4.1495/1, is to refer for determination by the WAPC the following classes of applications under clause 28 of the MRS for approval to commence and carry out development on land—

- (i) All applications that include non-residential uses and/or development; and
- (ii) All application for 5 or more residential dwellings.

##### 8. Kwinana Industrial Area

The city of Kwinana is to refer for determination by the WAPC all applications made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1489/1, except where development is estimated by the applicant to be less than \$250,000 in respect of which the council may decide at its discretion to submit or not to the WAPC.

##### 9. North Coogee Industrial Area

The City of Cockburn is to refer for determination by the WAPC all application made under clause 28 of the MRS for all classes of development for the area shown on WAPC plan No. 4.1472/1.

##### 10. Parliament House Precinct 6

The City of Perth is to refer for determination by the WAPC all applications for approval to commence and carry out development within—

- (i) The area depicted as the Inner Precinct on WAPC plan 3.2096; and
- (ii) The area depicted as the Outer Precinct on WAPC plan 3.2096, where the development proposed will exceed the specified height limits, previously determined by the WAPC.

##### 11. Lots 6, 8 and 9 Scarborough Beach Road, Osborne Park

The City of Stirling is to refer for determination by the WAPC those applications made under Clause 28 of the MRS for the area shown on WAPC plan 4.1544.

##### 12. Leach Highway and Stock Road—Leach Highway to South Street

The Cities of Fremantle and Melville are to refer for determination by the WAPC those applications made MRS for the area shown on WAPC plan 1.7068.



4.5 Development applications - Western Australian Planning Commission

Western Australian Planning Commission – Development Applications

Government Gazette No. 104 – 30 May 2017 (pages 2738 - 2743)

PL403

**PLANNING AND DEVELOPMENT ACT 2005**

Instrument of delegation

DEL 2017/02 Powers of Local Governments and Department of Transport  
Metropolitan Region Scheme

Delegation of certain powers and functions of the Western Australian Planning Commission relating to the Metropolitan Region Scheme

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to an officer of a public authority or to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 24 May 2017, pursuant to section 16 of the Act, the WAPC resolved—

- A. To delegate to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme, of applications for approval to commence and carry out development specified in clauses 1 and 2 of Section A, within their respective districts, subject to the Limitations set out in clauses 1 to 4 of Section B;
- B. To delegate to the Managing Director, Policy, Planning and Investment—Transport, of the Department of Transport, and the person or persons from time to time holding or acting in that office, its functions in respect of the determination, in accordance with Part IV of the Metropolitan Region Scheme (MRS), of applications for approval to commence and carry out development specified in clause 3, Section A, subject to the Limitations set out in clause 5 of Section B.
- C. To revoke its delegation of powers and functions to local governments as detailed in the notice entitled "DEL 2011/02 Powers of local governments (MRS)" published in the *Government Gazette* on 10 June 2014, to give effect to this delegation,

KERRINE BLENKINSOP, Secretary,

Western Australian Planning Commission.

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF DELEGATION

SECTION A—Types of Development

1. Development on zoned land

Applications for development on land zoned under the MRS except—

- (a) where the land is subject to a resolution under Clause 32 of the MRS; or
- (b) where the land is subject to the declaration of a planning control area under Section 112 of the *Planning and Development Act 2005*; or
- (c) where that land is partly within the development control area described in section 10 of the *Swan and Canning Rivers Management Act 2006* or is outside the development control area but abuts waters within the development control area; or
- (d) where the local government is of the opinion that the application should be determined by the WAPC on the grounds that the proposal is of State or regional importance or is in the public interest, or
- (e) in respect of public works undertaken by public authorities.

2. Development on regional road reservations

Applications for developments on or abutting land that is reserved in the MRS for the purpose of a regional road, but excluding any application relating to large format digital signage.

3. Large Format Digital Signage applications

Applications from any public authority for development in relation to large format digital signage, on land reserved under the MRS for the purpose of a Primary Regional Road.

SECTION B—Limitations

1. Referral requirements for development on land within or abutting a regional road reservation

The following applications for development on land that abuts or is fully or partly reserved as regional road reservation (classified as Category 1, 2 and 3) shall be referred to Main Roads WA (MRWA) or the Department of Planning (DoP), as applicable, for transport planning related comments and recommendations before being determined by the local government subject to the process explained in clause 4, Section B.

Type of regional road reservation in the MRS	Classification on plans SP 693 (PRR) and SP 694 (ORR)	Referral Agency
Primary Regional Road (PRR)	Category 1, 2 and 3	Main Roads WA
Other Regional Road (ORR)	Category 1, 2 and 3	Department of Planning

The regional road network (PRR and ORR) changes periodically with amendments to the MRS. This clause relates to all regional road reservations in the MRS as amended from time to time. Regional roads subject to this notice and the relevant agency that is responsible for their planning are shown on accompanying editions of plans SP 693 (PRR, MRWA) and SP 694 (ORR, WAPC).

The road categories shown on plans SP 693 (PRR) and SP 694 (ORR) classify the regional roads based on—

- (a) the permissible vehicular access arrangements to the subject land via the regional road frontage
  - **Category 1 road** means that frontage access is not allowed (control of access);
  - **Category 2 road** means that frontage access may be allowed subject to approval; and

- (b) the legibility and statutory powers of current road land requirements defined for the purpose of regional road reservation in the MRS
  - **Category 3 road** means that the subject regional road reservation is not accurately defined or is subject to review by the agency that is responsible for planning of the regional road.

“**Category 1 road**” applies where regional roads—

- (a) are constructed or planned to a fully controlled and grade separated freeway standard; or
- (b) are constructed or planned to an access controlled arterial standard, (i.e. functioning as Primary Distributor or Integrator Arterial (District Distributor) road with widely spaced signalised intersections or roundabouts, and a few, if any, direct access points to individual sites or local streets.

“**Category 2 road**” applies where regional roads—

- (a) are constructed or planned to a partially access controlled arterial standard, (i.e. a primary or district distributor road with direct connections to local streets and driveways to larger sites, but with some restriction of direct frontage access to individual properties); or
- (b) have direct frontage access to abutting properties due to the historic development of the road and properties.

“**Category 3 road**” applies where regional road reservation is not accurately defined or is under review.

For enquiries and assistance regarding—

- (a) PRR Category 1, 2 and 3—call Main Roads WA on 138 138.
- (b) ORR Category 1, 2 and 3—call Department of Planning on (08) 6551 9000.

Tables 1, 2 and 3 below outline the category of the regional road reservation and the criteria for referring development applications to agencies for comment in accordance with this instrument of delegation.

**Table 1—Referral process of development applications with respect to  
Category 1 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. Where a development application has one or more of the following characteristics— <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</li> <li>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</li> </ul>	1. Where the local government first decides to refuse the application under the MRS; or 2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.

**Table 2—Referral process of development applications with respect to  
Category 2 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances



<p>1. Where a development application has one or more of the following characteristics—</p> <p>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</p> <p>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</p>	<p>1. Where the local government first decides to refuse the application under the MRS; or</p> <p>2. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>
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**Respective referral agency (as per Section B)**

<b>Referral is required in these instances</b>	<b>Referral is not required in these instances</b>
<p>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</p> <p>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</p> <p>(e) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> <li>all or part of the proposed development is within the regional road reservation; and</li> <li>has a construction value greater than \$20 000; or</li> </ul> <p>(f) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> <li>none of the proposed development is within the regional road reservation; and</li> <li>has a construction value greater than \$150 000</li> </ul>	

<b>Referral is required in these instances</b>	<b>Referral is not required in these instances</b>
<p>2. Where a development application has one or more of the following characteristics—</p> <p>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</p> <p>(b) Development with potential for a significant increase in traffic using any access, either directly or indirectly, onto the road reservation; or</p> <p>(c) Development, which involves direct vehicle access to and/or from the regional road reservation.</p>	<p>3. Where the local government first decides to refuse the application under the MRS; or</p> <p>4. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>

**Table 2—Referral process of development applications with respect to  
Category 2 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>2. Where a development application has one or more of the following characteristics—</p> <ul style="list-style-type: none"> <li>(a) Development, including earthworks and drainage, which encroaches or impacts upon the road reservation; or</li> <li>(b) Development with potential for a significant increase in traffic on the regional road using any access, either directly or indirectly, onto the road reservation; or</li> </ul>	<p>3. Where the local government first decides to refuse the application under the MRS; or</p> <p>4. Under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements.</p>
Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<ul style="list-style-type: none"> <li>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</li> <li>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</li> <li>(e) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> <li>• all or part of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$20 000; or</li> </ul> </li> <li>(f) Development on a lot affected by the regional road reservation where— <ul style="list-style-type: none"> <li>• none of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$150 000</li> </ul> </li> </ul>	



**Table 3—Referral process of development applications with respect to Category 3 (PRR or ORR reservations in the MRS)**

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
1. All development applications, other than those where local government first decides to refuse it.	1. Where the local government first decides to refuse the application under the MRS
<p>Notes—</p> <p>(1) Copies of plans SP 693 (PRR) and SP 694 (ORR) are available from the WAPC's website: "Resolutions and instruments of delegation—WAPC Powers of local governments (MRS)". (<a href="http://www.planning.wa.gov.au/1212.asp">http://www.planning.wa.gov.au/1212.asp</a>)</p> <p>(2) In determining applications under this delegation, local governments shall have due regard to relevant WAPC and MRWA policy and guidelines, including but not limited to the Commission's D C Policy—5.1 <i>Regional Roads (Vehicular Access)</i>, the Transport Impact Assessment Guidelines, and MRWA <i>Driveways Policy</i>, which set out the principles and requirements to be applied when considering proposals for vehicle access to or from developments abutting certain categories of regional roads. (<a href="http://www.planning.wa.gov.au/publications/812.asp">http://www.planning.wa.gov.au/publications/812.asp</a>; and <a href="https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx">https://www.mainroads.wa.gov.au/BuildingRoads/StandardsTechnical/RoadandTrafficEngineering/GuidetoRoadDesign/Pages/Driveways.aspx</a>)</p> <p>(3) Local governments shall ensure that sufficient transport information accompanies the development application to assist the referral agency in assessing the transport implications of the proposal. This information should be provided in accordance with the WAPC's <i>Transport Impact Assessment Guidelines</i>. <a href="http://www.planning.wa.gov.au/publications/1197.asp">http://www.planning.wa.gov.au/publications/1197.asp</a></p> <p>(4) With regard to proposals for new noise-sensitive developments, the local government shall have due regard to the provisions of Commission's <i>State Planning Policy—5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i>. (<a href="http://www.planning.wa.gov.au/publications/1182.asp">http://www.planning.wa.gov.au/publications/1182.asp</a>)</p> <p>(5) With regard to development application for the display of advertisements on land reserved under the MRS local government should have regard to the Commission's <i>DC Policy 5.4 Advertising on Reserved Land</i>. (<a href="http://www.planning.wa.gov.au/publications/825.asp">http://www.planning.wa.gov.au/publications/825.asp</a>)</p> <p>2. <b>Referral requirements for development on land abutting the Swan River Trust Development Control Area</b></p> <p>Applications for development on land that is outside the development control area but abutting land that is in the development control area, or which in the opinion of the local government are likely to affect waters in the development control area, shall be referred to the Swan River Trust for comment and recommendation before being determined by the local government.</p> <p>3. <b>Referral requirements for development on land abutting other reservations</b></p> <p>Applications for development on land abutting land reserved in the MRS for purposes other than regional roads or Parks and Recreation (where the reservation corresponds with the Swan River Trust development control area and is covered by Clause 2, Section B of this notice) shall be referred to the public authority responsible for that reserved land for comment and recommendation before being determined by the local government.</p> <p>In the case of land reserved for the purpose of Parks and Recreation, which is not vested or owned by another public authority, the applications shall be referred to the Department of Planning before being determined by the local government.</p> <p>4. <b>For the purpose of this Instrument of Delegation (excluding applications under clause 3, Section A)—</b></p> <p>(a) Where an application is referred by the local government to a public authority for comment and recommendation, the public authority shall provide comment and a recommendation, if any, within 30 days of receipt of the application. If no comment or recommendation is received within that 30 day period the local government may determine the application on the available information.</p> <p>(b) Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to the local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendation is not acceptable to the local government, shall be referred immediately to the WAPC for determination.</p> <p>(c) The powers delegated to a member or officer of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development within the local government district under the local government's local planning scheme.</p>	

**5. Referral Requirements for applications from a public authority for large format digital signage development on land within a Primary Regional Road reservation**

Where applications for large format digital signage development relate to land that is reserved as Primary Regional Roads (PRR) reservation in the MRS, the following shall apply—

- (a) DoT shall refer the application to the relevant local government and Main Roads WA for comment and recommendation;
- (b) the local government and Main Roads WA shall provide their comments and recommendations, if any, to the delegate within 30 days of receipt of the application;
- (c) Once the 30 day period has elapsed, the delegate may determine the application, even in the absence of comments and recommendations; and
- (d) the delegate is not bound to follow any recommendation received.

**Interpretation**

In this Instrument of Delegation, unless the context otherwise requires—

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
  - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
  - (b) the carrying out on the land of any excavation or other works;
  - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
    - ⓐ is likely to change the character of that place or the external appearance of any building; or
    - ⓑ would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m<sup>2</sup> "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
  - (a) a Minister of the Crown in right of the State;
  - (b) a department of the Public Service, State trading concern, State instrumentality or State public utility;
  - (c) any other person or body, whether corporate or not, who or which, under the authority of a written law, administers or carries on for the benefit of the State, a social service or public utility;
- "regional road" means any road designated under the region Scheme as follows—
  - (a) land coloured red in the Scheme Map—Primary Regional Roads; and
  - (b) land coloured dark blue in the Scheme Map—Other Regional Roads.
- "reserved land" means land reserved under Part II of the MRS.
- "road reservation" means land reserved for the purposes of a regional road in the MRS.
- "significant increase in traffic" means generating more than 100 vehicle trips in the peak hour and would therefore require a transport assessment to accompany the development application. Refer to the Commission's *Transport Impact Assessment Guideline*.



**Strata Titles Act 1985**

**4.6 Section 15 Strata Titles Act 1985 – Western Australian Planning Commission**

**Strata Titles Act 1985 - section 15 of the Strata Titles Act 1985**

Government Gazette – 27 March 2020 (Pages 822-823)

PL402

**PLANNING AND DEVELOPMENT ACT 2005**

**INSTRUMENT OF DELEGATION**

Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the Strata Titles Act 1985.

**Preamble**

Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—

A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;

B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the Strata Titles Amendment Act 2018.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

**Schedule 1**

**1. Applications made under section 15 of the Strata Titles Act 1985**

Power to determine applications for the issuing of a certificate of approval under section 15 of the Strata Titles Act 1985, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - i. a type of development; and/or
  - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

**2. Reporting requirements**

A local government that exercises the power referred to in clause 1 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.

**Heritage Act 2018**

**4.7 Section 19 of the Heritage Act 2018 - Department of Planning, Lands and Heritage**

**Heritage Act 2018 - section 19 of the Heritage Act 2018**

Government Gazette No.138 – 24 September 2019 (Page 3407)

HR401

**HERITAGE ACT 2018**  
INSTRUMENT OF DELEGATION  
City of Fremantle

620/2019

Pursuant to section 19 of the Heritage Act 2018 (Act), the Heritage Council (Council) resolved to—

1. Revoke the delegation instrument, which was published on 8 February 2019; and
2. Delegate all powers, duties and functions arising under sections 73 and 74 of the Act to the Strategic Planning Manager (delegate) of the City of Fremantle (City) with respect to proposals concerning any land within the West End, Fremantle (West End), excluding the following types of proposals—
  - (a) 'Large, complex or contentious projects' as defined in the Delegation Framework, which was published on 8 February 2019;
  - (b) Places owned or occupied by, or where the management body is the City;
  - (c) Proposals where the decision maker is not the City; or
  - (d) Proposals that may affect another registered place within the West End, and any land immediately adjacent to the West End.
3. Advice complies with the Council's policy titled "Delegation Framework v.2", published in July 2019

This delegation shall come into operation on the date this instrument is published in the Government Gazette. The Delegation Framework and its supporting documents can be found on the Department of Planning, Lands and Heritage website at [dplh.wa.gov.au](http://dplh.wa.gov.au)

Dated the 24th day of September 2019.

VAUGHAN DAVIES, Assistant Director-General,  
Heritage and Property Services,  
Department of Planning, Lands and Heritage.

## **PART 5**

### **Delegations from the Chief Executive Officer**

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5.1 Local Government Act 1995 - Conferences, seminars and training courses			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to approve attendance by employees at training courses, conferences and seminars within Australia, in accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> Local Government Act 1995</td><td><b>Section</b> 5.41(g) and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> Local Government Act 1995	<b>Section</b> 5.41(g) and 5.44
<b>Legislation</b> Local Government Act 1995	<b>Section</b> 5.41(g) and 5.44		
<b>Delegated to:</b>	All Directors All Managers		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. Directors can approve attendance at training courses, seminars and conferences where they are within the budget.</li> <li>2. Managers can only approve attendance at: <ol style="list-style-type: none"> <li>a. one day seminars/conferences</li> <li>b. training courses (one or more days)</li> </ol> </li> <li>3. Where they are within Western Australia and within budget.</li> <li>4. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.2 Local Government Act 1995 - Use of the City Logo and Coat of Arms			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to approve the use of the crest and logo, in accordance with:</p> <table> <tr> <td><b>Legislation</b> Local Government Act 1995</td><td><b>Section</b> 5.41(g) and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> Local Government Act 1995	<b>Section</b> 5.41(g) and 5.44
<b>Legislation</b> Local Government Act 1995	<b>Section</b> 5.41(g) and 5.44		
<b>Delegated to:</b>	<p>All Directors Manager Economic Development and Marketing Manager Communications and Events</p>		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.3 Local Government Act 1995 - Infringement notice - grant an extension of time or withdraw infringement			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to grant an extension of time to pay a modified penalty and withdraw an infringement notice:</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> Local Government Act 1995</td><td><b>Section</b> 9.19, 9.20 and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> Local Government Act 1995	<b>Section</b> 9.19, 9.20 and 5.44
<b>Legislation</b> Local Government Act 1995	<b>Section</b> 9.19, 9.20 and 5.44		
<b>Delegated to:</b>	<p>All Directors Manager Field Services Manager Infrastructure Engineering Team Leader Community Safety and Parking Team Leader Parking</p>		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.4 Local Government Act 1995 – Release of electoral roll information			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to approve the release of information under section 5.94(m) and 5.94(s) of the <i>Local Government Act 1995</i>:</p> <ol style="list-style-type: none"> <li>any rates record</li> <li>any register of owners and occupiers under section 4.32(6) and electoral rolls.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government (Administration) Regulations 1996</i> </td><td> <b>Section</b>                      5.44 and 5.96                      Regulation 29B                 </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>	<b>Section</b> 5.44 and 5.96 Regulation 29B
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>	<b>Section</b> 5.44 and 5.96 Regulation 29B		
<b>Delegated to:</b>	All Directors Manager Governance Revenue Team Leader Revenue Officer – Lead Rates		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>The request for the information must be made in the approved manner and form.</li> <li>The relevant officer must be satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.</li> <li>All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.5 Local Government Act 1995 – Destruction of electoral materials			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to destroy electoral materials in accordance with:</p> <table border="0"> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i>  <i>Local Government (Elections) Regulations 1997</i> </td><td> <b>Section</b>                      5.44 and 4.84                      Regulation 82(4)                      s. 4.84(a)                 </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Elections) Regulations 1997</i>	<b>Section</b> 5.44 and 4.84 Regulation 82(4) s. 4.84(a)
<b>Legislation</b> <i>Local Government Act 1995</i> <i>Local Government (Elections) Regulations 1997</i>	<b>Section</b> 5.44 and 4.84 Regulation 82(4) s. 4.84(a)		
<b>Delegated to:</b>	Director City Business Manager Governance Revenue Team Leader		
<b>Limitations on delegation:</b>	<ol style="list-style-type: none"> <li>1. The destruction is to be carried out by or under the supervision of the relevant Director or Manager Governance in the presence of at least 2 employees.</li> <li>2. The parcels are to be conveyed securely to a secure paper destruction company or placed in a locked bin provided by such a company, by or under the supervision of the relevant Director or Manager Governance in the presence of at least 2 employees.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



5.6 Local Government Act 1995 – Owners and Occupiers Roll - enrolments			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to:</p> <ol style="list-style-type: none"> <li>1. accept owners and occupiers enrolments under section 4.32(4).</li> <li>2. make any inquiries in order to make a decision under section 4.32(5).</li> <li>3. decide that eligibility to enrol under section 4.30 has ended under section 4.35.</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 4.30, 4.32, 4.35 and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 4.30, 4.32, 4.35 and 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 4.30, 4.32, 4.35 and 5.44		
<b>Delegated to:</b>	<p>Director City Business Manager Finance Manager Governance Revenue Team Leader Revenue Officer – Lead Rates</p>		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.7 Local Government Act 1995 – Local government employees			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	30 June 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to:</p> <ol style="list-style-type: none"> <li>1. Employ a person in any position other than Director or Manager.</li> <li>2. Make arrangements relating to the persons employment</li> </ol> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 5.36(3) and 5.44</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.36(3) and 5.44
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 5.36(3) and 5.44		
<b>Delegated to:</b>	Director People and Culture		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.8 Policy approvals	
Chief Executive Officer makes the following direction:	
Date approved:	30 June 2020
Delegation:	<p>The Chief Executive Officer makes a direction to determine approvals in accordance with the following policy position:</p> <ol style="list-style-type: none"> <li>1. Elected member professional development</li> <li>2. Elected member allowances and reimbursements</li> <li>3. Donations</li> <li>4. Attendance at events</li> </ol>
Direction made to:	Manager Governance
Limitations on direction:	<ol style="list-style-type: none"> <li>1. Any approvals that fall outside the provisions of the policies must be determined by the Chief Executive Officer</li> <li>2. Donations to a maximum of \$300 per occasion</li> <li>2. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>
Reporting requirements	
<p>Use of this direction:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

5.9 Freedom of Information Act 1992 – Direction to make decisions			
Chief Executive Officer 'principal officer of an agency' makes the following direction:			
Date approved:	30 June 2020		
Direction:	<p>The Chief Executive Officer delegates authority to:</p> <ol style="list-style-type: none"> <li>1. Make decisions</li> <li>2. Review decisions</li> </ol> <p>In accordance with:</p> <table border="1"> <tr> <td><b>Legislation</b> <i>Freedom of Information Act 1992</i></td><td><b>Section</b> 39, 100 and 100(B)</td></tr> </table>	<b>Legislation</b> <i>Freedom of Information Act 1992</i>	<b>Section</b> 39, 100 and 100(B)
<b>Legislation</b> <i>Freedom of Information Act 1992</i>	<b>Section</b> 39, 100 and 100(B)		
Direction made to:	Director City Business Manager Information Technology Information Management Team Leader		
Limitations on direction:	<ol style="list-style-type: none"> <li>1. The Director City Business and the Manager Information Technology may review decisions in accordance with Division 5 of the <i>Freedom of Information Act 1992</i>, but may not make a decision.</li> <li>2. The Information Management Team Leader may make a decision, generally, but may not review a decision.</li> <li>3. All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.</li> </ol>		
Reporting requirements			
Use of this direction: <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

5.10 Local Government Act 1995 – Appointment of authorised persons			
<b>Delegator:</b>	Chief Executive Officer		
<b>Date approved:</b>	9 December 2020		
<b>Delegation:</b>	<p>The Chief Executive Officer delegates authority to appoint authorised persons.</p> <p>In accordance with:</p> <table border="0"> <tr> <td><b>Legislation</b> <i>Local Government Act 1995</i></td><td><b>Section</b> 9.10(2)</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 9.10(2)
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> 9.10(2)		
<b>Delegated to:</b>	Manager Governance		
<b>Limitations on delegation:</b>	All actions are to be undertaken in compliance with relevant legislative, procedural and policy provisions.		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			



## **PART 6**

### **Delegations from Other Council Meetings**

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6.1 Ordinary Council Meeting - 22 August 2018 – Item SPT1808-2

Fremantle Oval - Indicative Development Plan

Fremantle Oval - Indicative Development Plan	
<b>Delegator:</b>	Council
<b>Date adopted:</b>	24 June 2020
<b>Authorised function:</b>	<p>Authorises the Chief Executive Officer to negotiate a partnership approach with LandCorp, expressed through a Memorandum of Understanding (MoU) document, to further investigate the feasibility of developing the precinct in a manner that addresses the vision, goals, objectives and principles, with additional reference to:</p> <ul style="list-style-type: none"> <li>a. ensuring that any future development will be subjected to planning objectives and controls derived from extending the application of the Local Planning Scheme into the oval precinct, as opposed to a new Redevelopment Scheme being imposed;</li> <li>b. the importance of creating a great public realm within the redevelopment area that is connected, legible, safe and draws its pattern, form and character from the cultural significance of the site and its surrounds.</li> <li>c. the MoU to reference the existing Steering and Reference Groups established by the Council, and the ongoing consultative roles these bodies will serve during the next stage;</li> </ul> <p><b>Legislation</b> Local Government Act 1995:</p> <p><b>Section</b> 5.42</p> <p>For the purpose of effective management of the City of Fremantle.</p>
<b>Delegated to:</b>	Chief Executive Officer
<b>Limitations on delegation:</b>	Nil
<b>Power to sub delegate:</b>	N/A
Reporting requirements	
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>1. Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>	

6.2 Special Council Meeting – 31 October 2018 – Item SCM1810-1

Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library

Consideration of Preferred Status for Tender FCC911/18 Construction of Fremantle Civic Building and Library			
Delegator:	Council		
Date adopted:	24 June 2020		
Authorised function:	<p>The Chief Executive Office is authorised to agree to any variation to the works under the construction contract entered into under paragraphs 3 or 4 of the Council Decision, provided that the single or cumulative upward adjustment to the contract sum does not exceed 5% of the contract sum.</p> <table> <tr> <td><b>Legislation</b> <i>Local Government Act 1995:</i></td><td><b>Section</b> 5.42</td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995:</i>	<b>Section</b> 5.42
<b>Legislation</b> <i>Local Government Act 1995:</i>	<b>Section</b> 5.42		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	Nil		
Power to sub delegate:	N/A		
Reporting requirements			
<p>Use of this delegation:</p> <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

6.3 Ordinary Meeting of Council – 27 May 2020 - Item C2005-22

Fremantle Leisure Centre Roof Replacement

Fremantle Leisure Centre Roof Replacement			
Delegator:	Council		
Date adopted:	24 June 2020		
Authorised function:	<p>The Chief Executive Officer is authorised to accept a tender up to a value of \$950 000 for the works to replace the Leisure Centre Pool Roof.</p> <table> <tr> <td> <b>Legislation</b>  <i>Local Government Act 1995</i> </td><td> <b>Section</b>                      Section 5.42                 </td></tr> </table> <p>For the purpose of effective management of the City of Fremantle.</p>	<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.42
<b>Legislation</b> <i>Local Government Act 1995</i>	<b>Section</b> Section 5.42		
Delegated to:	Chief Executive Officer		
Limitations on delegation:	<ul style="list-style-type: none"> <li>subject to suitable tender submissions and Council budget approval</li> </ul>		
Power to sub delegate:	Yes		
Reporting requirements			
Use of this delegation: <ol style="list-style-type: none"> <li>Is to be recorded in the City's record keeping system, in accordance with legislative requirements.</li> </ol>			

**Table of amendments/review**

Delegation reference	Reason for change	Decision reference
All delegations	Annual review of Delegated Authority approved by Council	24 June 2020 OCM
All delegations	Annual Review of Delegated Authority approved by CEO	30 June 2020 Doc ID 5009538
3.22	Amended the title Senior Planning Officer – Delegated Authority to remove the words ‘Delegated Authority’ as this is an obsolete title.	3 July 2020 Doc ID 4091775
2.18	Amended to include Senior Strategic Planning Officer and Strategic Planning Officer as sub-delegates.	3 July 2020 Doc ID 4091775
2.3	Amended to make it clearer to delegated officers how much they may waive.	9 December 2020 Doc ID 5104803
5.10	New delegation from the CEO giving the power to appoint authorised persons to the Manager Governance.	9 December 2020 Doc ID 5104803
5.8	Amended to include the ‘attendance at events’ policy.	9 December 2020 Doc ID 5104801
2.19	Amended the title of sub-delegate Manager Customer Service and Visitor Information to Manager Customer Experience and Learning.	13 January 2021 Doc ID 5121456
2.14A	New delegation to the CEO to appoint 1 or more persons for the purpose of receiving and withdrawals of complaints.	24 February 2021 OCM
Various	Amendment of position title from “Team Leader Community Safety” to “Team Leader Community Safety and Parking”	15 March 2021 Doc ID 5155297