



City Staff Delegated Authority Register

July 2020

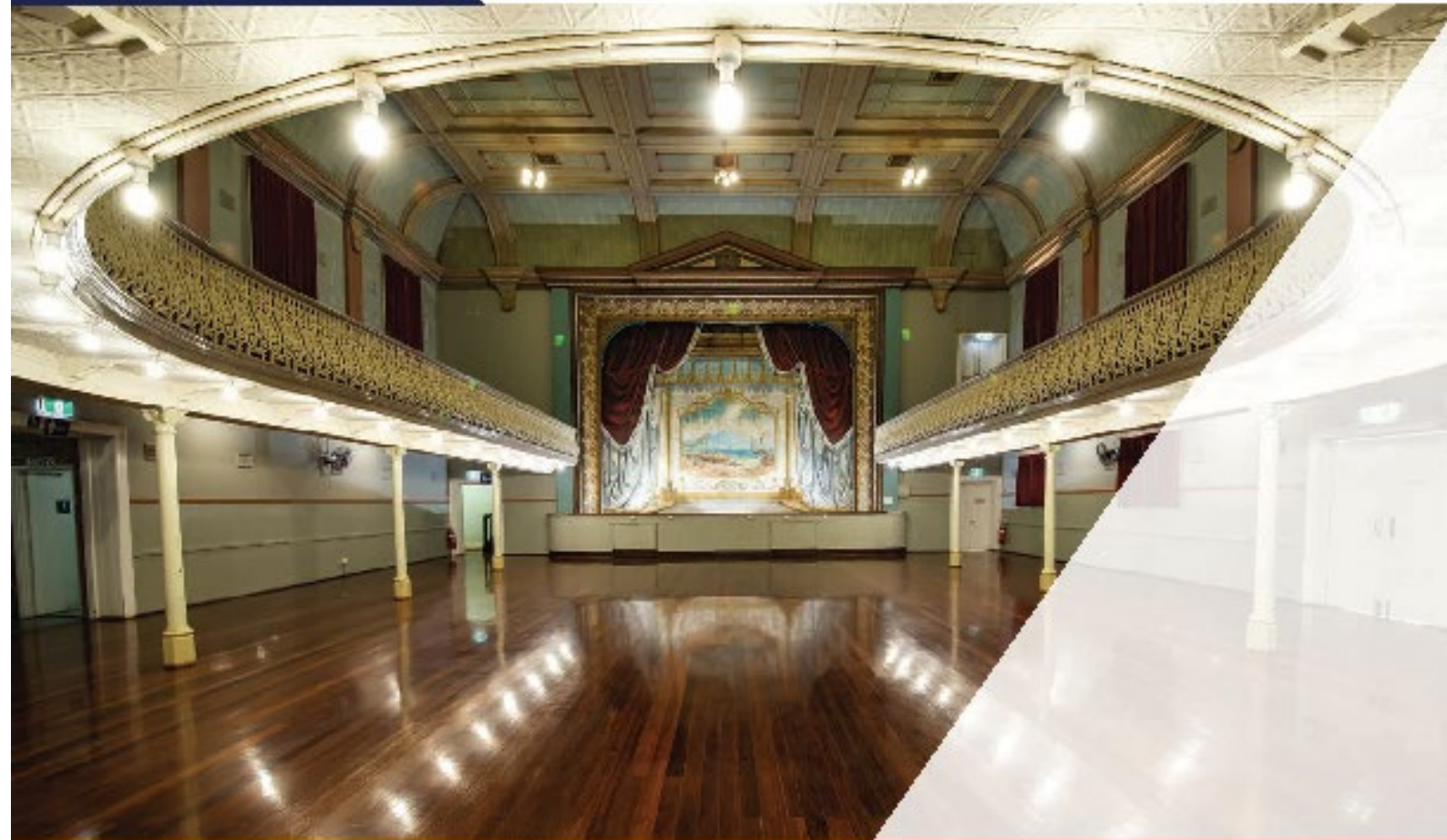


TABLE OF CONTENTS

INTRODUCTION TO STAFF DELEGATIONS	3
AIRPORT 01 – LEASING AND LICENCING AGREEMENTS	5
AIRPORT 02 – APPROVED ADVERTISING LICENSE RENEWAL	6
AIRPORT 03 – HIRE CAR OPERATIONS	7
AIRPORT 04 – MINING TENEMENTS AND RESERVES	8
AIRPORT 05 – FORMER BUREAU OF METEOROLOGY HOUSE – OCCASIONAL LETTINGS	9
AIRPORT 06 – POINT OF SALE PROMOTIONAL MATERIAL	9
AUTHORISATION AND APPOINTMENT 01 – APPOINTMENT OF AUTHORISED PERSONS FOR VARIOUS ACTS, REGULATIONS AND LOCAL LAWS	10
AUTHORISATION AND APPOINTMENT 03 – BUILDING DELEGATIONS	13
AUTHORISATION AND APPOINTMENT 04 – HEALTH A - PRINCIPAL ENVIRONMENTAL HEALTH OFFICER	17
AUTHORISATION AND APPOINTMENT 04 – HEALTH B - CARAVAN PARKS AND CAMPING GROUNDS ACT 1995 AND CAMPING GROUNDS REGULATION 1997	19
AUTHORISATION AND APPOINTMENT 04 – HEALTH C - AUTHORISED PERSON (ENVIRONMENTAL HEALTH)	20
AUTHORISATION AND APPOINTMENT 04 – HEALTH D - AUTHORISED PERSON (POOL INSPECTION OFFICER)	Error!
Bookmark not defined.	
AUTHORISATION AND APPOINTMENT 04 – HEALTH E - AUTHORISED PERSON LOCAL LAWS	22
AUTHORISATION AND APPOINTMENT 05 – ABILITY TO WAIVE, REDUCE OR DEFER PAYMENT OF FEES AND ISSUE RESIDENTIAL TIP DOCKETS	23
AUTHORISATION AND APPOINTMENT 06 A – WITHDRAWAL OF INFRINGEMENTS AND NOTICES	24
AUTHORISATION AND APPOINTMENT 06 B – LITTER WITHDRAWAL OF INFRINGEMENTS	28
AUTHORISATION AND APPOINTMENT 07 – NOTICES UNDER SECTION 3.25	29
AUTHORISATION AND APPOINTMENT 08 – APPEALS	30
ENGINEERING 01 – HEAVY HAULAGE	31
ENGINEERING 02 – TEMPORARY ROAD CLOSURES	35
FINANCE 01 – SIGNING OF ANNUAL FINANCIAL STATEMENTS	36
FINANCE 02 – EXPENDITURE (PURCHASE ORDERS)	37
FINANCE 03 – INVESTMENTS	42
FINANCE 04 – PAYMENT AUTHORISATION	43
FINANCE 05 – RATES RECOVERY POLICY	44
FINANCE 06 – RENT REVIEWS ENDOWMENT BLOCK	45
FINANCE 07 – WRITING OFF OF MINOR BALANCES	46
FINANCE 08 – PURCHASE OF GOODS AND SERVICES	47
FINANCE 09 – APPLICATIONS AND ACQUITTALS FOR GRANT APPLICATIONS	48
FINANCE 10 – VARIATIONS TO TENDERS	49
LOCAL LAWS 01 – DELEGATED AUTHORITY	50
TOWN PLANNING 02 – DEVELOPMENT APPLICATIONS AND OTHER PLANNING MATTERS	52

INTRODUCTION TO STAFF DELEGATIONS

1. Purpose

Establishes methodology for:

- Establishing and managing the delegation of statutory authority; and
- Delegates to exercise delegated authority.

2. Scope

This procedure applies to:

- Delegated statutory authority of the City's Chief Executive Officer (CEO) which has been delegated to Officers who are nominated as delegates.

3. Process Overview

3.1 Delegated Authority – Structure of Statutory Delegated Authority

The *Interpretation Act 1984* s58 and s59 establish respectively, the exercise of the power to delegate and the exercise of delegated power.

These sections apply to all delegations under any written Western Australian law however they may be varied by the statute which provides the power of delegation.

A delegation may only be proposed where the following has been established:

(a) The power to delegate

The ability to delegate a statutory power must be provided expressly by legislation. This is known as the power of delegation. This is the first requirement for an effective delegation.

(b) The power being delegated

The second requirement for an effective delegation is the existence of a statutory power to be delegated. This power must be specified in the instrument of delegation, which is the written conferral of the delegated authority.

(c) Conditions/limitations on the power to delegate

Each power of delegation may be subject to statutory conditions/limitations. The power of delegation may also provide for the delegator to apply further conditions/limitations to a delegation.

These conditions and limitations must be specified in the instrument of delegation. It is important to note that the statutory power being delegated may be subject to statutory conditions or limitations within the legislation.

(d) Governance structure for delegated power

The *Local Government Act 1995* provides that the Council appoints a CEO and the CEO appoints employees. Similarly, all local government employees are responsible to the CEO who in turn is responsible to the Council.

Wherever possible, the City of Kalgoorlie-Boulder will endeavour to ensure delegations conform to this governance structure. Accordingly, delegations will be established from the Council to the CEO and this will enable the CEO to delegate power to officers as the CEO sees fit.

3.2 Delegated Authority – Establish and Maintain

Establishment of Statutory Delegated Authority must account for effective statutory framework (as detailed in clause 3.1), and also ensure that it is structured to meet:

- a) Operational requirements;
- b) Customer service requirements; and
- c) Elected Member expectations.

The CEO, General Manager Finance and Corporate (CFO) and General Manager Infrastructure & Environment and relevant operational decision makers are required to critically assess operational processes which are potentially subject to delegated authority, to ensure that the above criteria are sufficiently considered and a sustainable decision making structure is delivered.

3.3 Delegated Authority – Exercise Delegated Authority

The CEO confers delegated authority on specified officers. A person must be appointed in writing to the class of office specified within the instrument of delegated authority in order to exercise the delegated power.

The exercise of a power by a delegate is, for the purposes of the Act under which the power is delegated, deemed to be exercised by the person or body who delegated the power. However, in making a determination through the exercise of delegated authority, the delegate does so based upon their own opinion, belief or state of mind in relation to that matter.

Decisions relating to the matter delegated shall be made by the person nominated in the delegation. It is however, understood that other staff may carry out administrative and technical work in support of those decisions.

Delegates shall ensure compliance with all relevant legislative requirements; local laws; Council policies; resolutions of Council; processes; and procedures. Delegated authority cannot be exercised where the delegate has, or would reasonably be seen to have, a financial interest or interest affecting impartiality in relation to that matter.

Delegates shall ensure that, during periods of extended leave, there is effective coverage of persons acting within their specified office to support continuity of the City's functions occurring under delegated authority.

AIRPORT 01 – LEASING AND LICENCING AGREEMENTS

Delegated by: CEO

Delegated to: General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer to:

1. Approve advertising in the Kalgoorlie-Boulder airport terminal at the rates and in the locations previously approved (overhead illuminated display panels: panel 1 [western end – above male toilets]; panel 2 [western end – above cleaner’s room and disabled toilet]; and panel 3 [eastern end – between female toilets and kitchen preparation entrance]), and on the baggage carousel islands, and to negotiate rates applicable to each 1200 mm x 800 mm x 300 mm (or thereabouts) display position such rates not to be less than \$200.00 per display position per month.
2. Approve the installation of courtesy telephones at the rates and in the location previously approved (internal terminal wall comprising the external wall of the disabled persons’ toilet).
3. Approve advertising licence fees up to 20% below the standard rate as modified from time to time in relation to wall space, floor space, security screening trays and baggage carousel advertising positions which may not have the same high level of exposure as other advertising positions within the airport terminal.
4. Approve Lease or, Licence Agreements and associated documents between the Airport tenants and the City of Kalgoorlie-Boulder under the following conditions:
 - a) The Lease or Licence shall not exceed ten (10) years including option period;
 - b) The rental amount for all new lease(s) and licence(s) to be assessed at market value as determined by an independent valuer no more than six months prior to the commencement date;
 - c) Rent reviews are to be indexed annually in accordance with CPI Perth; and
 - d) All Assignment of Lease costs to be borne by the Assignee.
5. Review, revise, vary and/or suspend lease terms during a declared State of Emergency or Public Health Emergency.

An information report is to be provided to Council on any lease or licence agreement approved under this delegation.

REFERENCE

- *Local Government Act 1995:*
 - *Section 3.58(5)(b) – Disposal of Property*
 - *Section 3.59(1) – Commercial Enterprises by local governments*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

AIRPORT 02 – APPROVED ADVERTISING LICENSE RENEWAL

Delegated by: CEO

Delegated to: General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

In recognition of the need to facilitate the efficient conduct of the management of the airport and in order to avoid the unnecessary and continual reference of matters to Council for determination this delegation provides that once Council approval has been given to advertise in a specific location, future approvals and advertising license renewal authorities in respect to that site is hereby delegated by the CEO to the above named officer(s).

This delegation also extends to the negotiation of advertising rates but is limited to settling rates only in so far as those rates equal or exceed those applicable to the site immediately prior to the proposal being negotiated.

REFERENCE

- *Local Government Act 1995:*
 - *Section 3.58(5)(b) – Disposal of Property*
 - *Section 3.59 – Commercial Enterprises by local governments*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

AIRPORT 03 – HIRE CAR OPERATIONS

Delegated by: CEO

Delegated to: General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to make determinations with respect to the number and location of hire car parking positions at the Kalgoorlie-Boulder Airport. Such determinations to accord with the terms of car concession license agreements.

REFERENCE

- *Local Government Act 1995:*
 - *Section 3.58(5)(b) – Disposal of Property*
 - *Section 3.59 – Commercial Enterprises by local governments*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

AIRPORT 04 – MINING TENEMENTS AND RESERVES

Delegated by: CEO

Delegated to: Manager Planning, Development and Regulatory Services
Planning and Development Services Team Leader

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to make recommendations to the Minister for Mines and Petroleum in respect to the granting by the Minister of consent to mine on City-vested reserves within the town sites and the town site reserves within the City of Kalgoorlie-Boulder Municipal district. Proposals to access the surface of such reserved land are to be referred back to, and specifically considered by Council prior to access being approved. In relation to other reserves vested in the City of Kalgoorlie-Boulder, the named officer is delegated the authority to make recommendations to the Minister of Mines and Petroleum regarding the protection and rehabilitation of reserved lands following exploration works and otherwise making good any injury to the surface of the land caused during the exploration process.

REFERENCE

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

- *Mining Act 1978:*
 - *Section 24 (5A) (5B) – Classification of Reserves*

AIRPORT 06 – POINT OF SALE PROMOTIONAL MATERIAL

Delegated by: CEO

Delegated to: General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to make determinations with respect to the inclusion of corporate advertising and promotions within areas the subject of leases or licenses at the Kalgoorlie-Boulder Airport.

The CEO delegates his/her authority and power to the above named officer(s) to approve applications by hire car operators for the incorporation of the proposed corporate promotional material within the hire car kiosk in the Kalgoorlie-Boulder Airport terminal.

REFERENCE

- *Local Government Act 1995:*
 - *Section 3.58(5)(b) – Disposal of Property*
 - *Section 3.59 – Commercial Enterprises by local governments*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

AUTHORISATION AND APPOINTMENT 01 – APPOINTMENT OF AUTHORISED PERSONS FOR VARIOUS ACTS, REGULATIONS AND LOCAL LAWS

Delegated by: CEO

Delegated to: Safer Streets Patrol (x4)
Coordinator People

FUNCTION TO BE PERFORMED

In accordance with Part 9, Division 2 of the *Local Government Act 1995*, a local government may, in writing, appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of laws.

1. The CEO appoints persons or classes of person to be authorised for the purposes of performing functions in regard to the **enforcement** under the following Acts, Regulations, Local Laws and Town Planning Scheme No. 1, including but not limited to the following:
 - *Building Act 2011: - Part 8 - Division 2 – Authorised Persons*
 - Section 96(3) - Authorised Persons
 - Section 99 Limitations of Authorised Persons
 - *Bush Fires Act 1954:*
 - Section 48 –Delegations by Local Government
 - *Caravan Parks and Camping Grounds Act 1995:*
 - Section 17 – Appointment of Authorised Persons
 - Section 23(11) – Infringement Notices
 - *Cat Act 2011:*
 - Section 44(1) – Delegation by Local Government;
 - Section 48 – Authorised Persons
 - *Control of Vehicles (Off Road Areas) Act 1978:*
 - Section 38(3) – Authorised Officers, who are, functions of etc.
 - *Dog Act 1976:*
 - Section 10AA(1) – Delegation of Local Government Powers and Duties
 - Section 11 – Staff and Services
 - *Fines, Penalties and Infringement Notices Enforcement Act 1994:*
 - Section 7A – Registrar may Delegate
 - *Food Act 2008:*
 - Section 118(2)(b) – Functions of Enforcement Agencies and Delegations
 - S122(1) – Appointment of Authorised Officers
 - *Graffiti Vandalism Act 2016*
 - Section 16 Delegation by Local Government
 - *Health (Miscellaneous Provisions) Act 1911*

- Section 26 – Powers of Local Government
 - *Liquor Control Act 1988:*
 - Section 15 – Director may delegate, etc.
 - Section 39 - Certificate of Local Government as to whether premises comply with laws (Local Government is the authority responsible for Building and Health)
 - Section 40 – Certificate of Planning Authority as to whether use of premises complies with planning laws (Local Government is the authority responsible for local planning matters)
 - *Litter Act 1979:*
 - Section 26(1)(c) – Authorised Officers, appointment and jurisdiction of, etc.
 - *Local Government Act 1995:*
 - Section 9.10 – Appointment of Authorised Officers
 - *Planning and Development Act 2005:*
 - Section 234 – Designated persons, appointment of
 - *Public Health Act 2016*
 - Section 21 – Enforcement agency may delegate to CEO
 - Section 24 – Designation of authorised officers
 - *Strata Titles Act 1985:*
 - S126 – Powers of entry by public authority or local government,
 - *Town Planning Scheme No. 1:*
 - Clause 8.9.1 – Delegation of Powers
 - *Tobacco Products Control Act 2006:*
 - Section 77(1)(b) Restricted Investigators, appointment of
 - *Water Services Act 2012:*
 - Section 210(1) and (4) – Designation of Inspectors and Compliance Officers
2. Under Section 5.44 of the *Local Government Act 1995* for any Local Law made under Part 3 of the Act, the CEO appoints persons or classes of persons to be authorised for the purpose of issuing licences, notices, approvals and permits relating to the following City of Kalgoorlie-Boulder Local Laws:
- a) *Activities on Thoroughfares And Trading in Thoroughfares and Public Places Local Law 2000;*
 - b) *Dogs Local Law 2012;*
 - c) *Fencing Local Law 2010;*
 - d) *Health Local Law 2001-* including the *Health (Keeping of Horses and Stables) Amendment Local Law 2001* and the *Health (Eating Houses) Local Law 2001;*
 - e) *Local Government Property Law 2010;*

- f) *Urban Environment and Nuisance Local Law 2000*;
 - g) *Parking and Parking Facilities Local Law 2009*; and
 - h) *Standing Orders Local Law 2013*.
3. The CEO authorises persons for the following purposes of the *Local Government Act 1995*:
- a) Part 3 -Division 3 - Subdivision 2- Certain provisions about land
 - b) Part 3 - Division 3 - Subdivision 3 - Powers of Entry
 - c) Part 3 - Division 3 - Subdivision 4 – Impounding abandoned vehicle wrecks and good involved in certain contraventions.
 - d) Part 9 – Division 2 – Subdivision 1 – Miscellaneous provisions about enforcement
 - e) Part 9 – Division 2 – Subdivision 2 – Infringement Notices
 - f) Part 9 – Division 2 – Subdivision 3 – General Provisions about legal proceedings
 - g) Part 9 – Division 2 – Subdivision 4 – Evidence in legal proceedings
 - h) Part 9 – Division 3 – Documents
 - i) Part 9 – Division 4 – Protection from Liability
4. The CEO designates, pursuant to Section 96(3) of the *Building Act 2011*, authorised persons for the following purposes of the *Building Act 2011*:
- a) s100 - Entry Powers;
 - b) s101 - Powers after entry for compliance purposes;
 - c) s102 - Obtaining information and documents;
 - d) s103 - Use of force and assistance; and
 - e) s106 - Entry warrant to enter place.

REFERENCE

- *Local Government Act 1995*:
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Health (Asbestos) Regulations 1992*
 - *Regulation 15D(5) – Infringement Notices*
- And the legislation specified above.

AUTHORISATION AND APPOINTMENT 03 – BUILDING DELEGATIONS

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Manager Planning, Development and Regulatory Services
Planning and Development Services Team Leader
Building Services Coordinator

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officers to exercise the powers below, pursuant to Section 127 of the *Building Act 2011*:

- a) Authority to require an applicant to provide any documentation or information required to determine a building permit or demolition permit application pursuant to s18 of the *Building Act 2011*;
- b) Grant or refuse building permits pursuant to s20 - 22 of the *Building Act 2011*;
- c) Grant or refuse demolition permits pursuant to s21 - 22 of the *Building Act 2011*;
- d) Authority to impose, vary or revoke conditions on a building permit or demolition permit pursuant to s27 of the *Building Act 2011*;
- e) Extend the duration of a building or demolition permit pursuant to s32 of the *Building Act 2011*;
- f) Grant of occupancy permit, building approval certificate pursuant to s8 of the *Building Act 2011*;
- g) Extension of period of duration (of an occupancy permit or a building approval certificate) pursuant to s65 of the *Building Act 2011*;
- h) Keep building records pursuant to s130 of the *Building Act 2011*;
- i) Allow inspection, copies of building records pursuant to s131 of the *Building Act 2011*;
- j) Provide information to Building Commissioner pursuant to s32 of the *Building Act 2011*;
- k) Keep register of permits, building approval certificates, building orders pursuant to s128 of the *Building Act 2011*;
- l) Allow inspection, copies of permits, building approval certificates in register pursuant to s129 of the *Building Act 2011*;
- m) Approve notice of decision not to grant building or demotion permit pursuant to s24 of the *Building Act 2011*;
- n) Approve notice of decision not to grant occupancy permit or grant building approval certificate pursuant to s60 of the *Building Act 2011*;
- o) Make building orders pursuant to s110 of the *Building Act 2011*;
- p) Given notice of proposed building order other than building order (emergency) pursuant to s111 of the *Building Act 2011*;
- q) Revocation of building order pursuant to s117 of the *Building Act 2011*.
- r) Give effect to building order if non-compliance pursuant to s118 of the *Building Act 2011*.
- s) Approve prosecutions and enforcement pursuant to s133 of the *Building Act 2011*.

- t) Issue Certificates of Design Compliance pursuant to s145A(2) of the *Building Act 2011*;
 - u) Issue Certificates of Building Compliance pursuant to s145A(2) of the *Building Act 2011*;
and
 - v) Issue Certificates of Construction Compliance pursuant to s145A(2) of the *Building Act 2011*.
-

Delegated by: CEO

Delegated to: Building Services Officer

FUNCTIONS TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officers to exercise the powers below, pursuant to Section 127 of the *Building Act 2011*:

- a) Grant building permits pursuant to Section 20 of the *Building Act 2011*;
- b) Grant demolition permits pursuant to Section 21 of the *Building Act 2011*;
- c) Extend the duration of a building or demolition permit pursuant to Section 32 of the *Building Act 2011*;
- d) Grant of occupancy permit, building approval certificate pursuant to Section 58 of the *Building Act 2011*;
- e) Extension of period of duration (of an occupancy permit or a building approval certificate) pursuant to Section 65 of the *Building Act 2011*;
- f) Keep building records pursuant to Section 130 of the *Building Act 2011*;
- g) Allow inspection, copies of building records pursuant to Section 131 of the *Building Act 2011*;
- h) Provide information to Building Commissioner pursuant to Section 132 of the *Building Act 2011*.
- i) Keep register of permits, building approval certificates, building orders pursuant to Section 128 of the *Building Act 2011*;
- j) Allow inspection, copies of permits, building approval certificates in register pursuant to Section 129 of the *Building Act 2011*;
- k) Approve notice of decision not to grant building or demotion permit pursuant to Section 24 of the *Building Act 2011*;
- l) Approve notice of decision not to grant occupancy permit or grant building approval certificate pursuant to Section 60 of the *Building Act 2011*.

Delegated by: CEO

Delegated to: Manager Planning Development and Regulatory Services

FUNCTIONS TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officers the powers below, pursuant to Section 127 of the *Building Act 2011*:

- Approve prosecutions and enforcement pursuant to Section 133 of the *Building Act 2011*.
-

Delegated by: CEO

Delegated to: Pool Safety Inspector
Environmental Health Services Coordinator
Building Services Coordinator
Building Services Officer

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named position(s) to issue swimming pool infringement notices.

Subject to the following Conditions:

- 1) The exercise of these powers on the discharge of these duties, is subject to the Officers and/or Employees exercising the Delegation; keeping a written record of, and recording within an appropriate Database, details of how the Delegation was exercised, when the delegation was exercised; the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.
- 2) Compliance with relevant Council Policies.
- 3) Person/s being advised of objection and/or appeal rights.

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Planning and Development Services Team Leader
Building Services Coordinator
Senior Building Officer
Building Services Officer
Pool Safety Inspector
Business Systems Team Leader
Environmental Health and Ranger Services Team Leader
Environmental Health Services Coordinator
Environmental Health Officer
Senior Indigenous Field Support Officer

FUNCTIONS TO BE PERFORMED

The CEO designates the above named officer(s) as authorised persons, pursuant to Section 96(3) of the *Building Act 2011*, for the following purposes of the *Building Act 2011*:

- a) s100 - Entry Powers;
- b) s101 - Powers after entry for compliance purposes;
- c) s102 - Obtaining information and documents;
- d) s103 - Use of force and assistance; and
- e) s106 - Apply for an entry warrant

REFERENCE

- *Building Act 2011:*
 - *Sections 96 - Authorised Persons; and*
 - *Sections specified above*
- *Building Regulations 2012*
 - *Part 8 Division 2 – Private Swimming Pools*
- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

AUTHORISATION AND APPOINTMENT 04 – HEALTH A - PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

Delegated by: CEO

Delegated to: Environmental Health and Ranger Services Team Leader

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to exercise and discharge all of the following powers and functions of the legislation in the Reference section below:

- a) the forming of opinions and making of declarations;
- b) the granting and issuing of licences, permits, certificates and approvals;
- c) the issuing of notices, orders and infringements notices;
- d) the carrying out and putting into effect of notices and orders for breaches of the below Acts and Regulations and Local Laws and Orders made there under; and
- e) reviewing and withdrawing orders and notices.

Subject to the following Conditions:

- 1) The exercise of these powers on the discharge of these duties, is subject to the Officers and/or Employees exercising the delegation, keeping a written record of, and recording within an appropriate Database, details of how the delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.
- 2) Compliance with relevant Council Policies.
- 3) There is no initiation of prosecutions.
- 4) Person/s being advised of objection and/or appeal rights.
- 5) Environmental Protection Act powers shall be exercised only for controlling pollution from premises other than premises listed in Schedule 1 of the *Environmental Protection Regulation 1987* (as amended) and the *Environmental Protection (Unauthorised Discharges) Regulations 2004* (as amended)

REFERENCE

- *Building Act 2011:*
 - *Sections 96(3)-(6) Authorised Persons*
 - *Section 127 Delegation – Special Permit Authorities and Local Government*
- *Building Regulations 2012:*
 - *Regulation 70 Approved Officers and Authorised Officers*
- *Caravan Parks and Camping Ground Act 1995:*
 - *Section 17 – Appointment of Authorised persons*
- *Criminal Procedures Act 2004:*

- *Part 2 – Dealing with alleged offenders without prosecuting them – in the role of Authorised Officer.*
- *Environmental Protection Act 1986:*
 - *Section 87 - Authorised persons, appointment of*
 - *Section 88 - Inspectors, appointments and purposes of*
- *Food Act 2008:*
 - *Section 117 - CEO may delegate*
 - *Section 122 – Appointment of authorised officers*
- *Health (Miscellaneous Provisions) Act 1911:*
 - *Section 26 - Powers of Local Government*
- *Public Health Act 2016*
 - *Section 21 – Enforcement agency may delegate to CEO.*
- *Local Government Act 1995*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

**AUTHORISATION AND APPOINTMENT 04 – HEALTH B - CARAVAN PARKS AND CAMPING
GROUNDS ACT 1995 AND CAMPING GROUNDS REGULATION 1997**

Delegated by: CEO

Delegated to: Environmental Health and Ranger Services Team Leader

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to issue permits, approvals, notices and infringements under the *Caravan Parks and Camping Grounds Regulations 1997* as referenced below; and administer the Policy "DS-HC-002 – Caravan Occupancy"

REFERENCE

- *Caravan Parks and Camping Grounds Act 1995:*
 - *Section 17 - Appointment of Authorised Persons*
- *Caravan Parks and Camping Ground Regulations 1997:*
 - *Part 4 Division 2 - Park Homes and Annexes*
 - *Part 5 - Licencing of Caravan Parks and Camping Grounds*
 - *Part 7 - Infringement Notices*
 - *Part 8 - Miscellaneous*
- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

**AUTHORISATION AND APPOINTMENT 04 – HEALTH C - AUTHORISED PERSON
(ENVIRONMENTAL HEALTH)**

Delegated by: CEO

Delegated to: Environmental Health and Ranger Services Team Leader
Environmental Health Services Coordinator
Environmental Health Officer

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to exercise and discharge all the following powers and functions of the below legislation. The forming of opinions and making of declarations; the issue of orders and infringements notices and the carrying out and putting into effect of orders for breaches of the below Acts and Regulations and Local Laws and Orders made there under.

Subject to the following Conditions:

- 1) The exercise of these powers on the discharge of these duties, is subject to the Officers and/or Employees exercising the delegation; keeping a written record of, and recording within an appropriate Database, details of how the delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.
- 2) Compliance with relevant Council Policies.
- 3) Person/s being advised of objection and/or appeal rights.
- 4) Environmental Protection Act powers shall be exercised only for controlling pollution from premises other than premises listed in Schedule 1 of the *Environmental Protection Regulation 1987 (as amended)* and the *Environmental Protection (Unauthorised Discharges) Regulations 2004 (as amended)*.
- 5) The signing of notices, licences, registrations and prosecutions is not delegated with exception of improvement notices and infringements.

REFERENCE

- *Building Act 2011:*
 - *Section 96 - Authorised Persons*
 - *Section 127 - Delegation – Special Permit Authorities and Local Government*
- *Building Regulations 2012:*
 - *Regulation 70 - Approved Officers and Authorised Officers*
- *Caravan Parks and Camping Ground Act 1995:*
 - *Section 17 - Appointment of authorised persons*
- *Criminal Procedures Act 2004:*
 - *Part 2 – Dealing with alleged offenders without prosecuting them – in the role of Authorised Officer.*
- *Environmental Protection Act 1986:*
 - *Section 87 Authorised persons, appointment of*
 - *Section 88 Inspectors, appointment and purposes of*

- *Food Act 2008:*
 - *Section 117 - CEO may delegate*
 - *Section 122 – Appointment of Authorised Officers*
- *Health (Miscellaneous Provisions) Act 1911*
 - *Section 26 - Powers of Local Government*
- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Public Health Act 2016*
 - *Section 21 – Enforcement agency may delegate to CEO*

AUTHORISATION AND APPOINTMENT 04 – HEALTH E - AUTHORISED PERSON LOCAL LAWS

Delegated by: CEO

Delegated to: Environmental Health and Ranger Services Team Leader
Waste Management Team Leader
Waste Services Coordinator
Senior Indigenous Field Support Officer

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to exercise and discharge all the following powers and functions of the below legislation. The forming of opinions and making of declarations; the issue of orders and infringement notices and the carrying out and putting into effect of orders for breaches of the below Acts and Regulations and Local Laws and Orders made there under.

Subject to the following Conditions:

- 1) The exercise of these powers on the discharge of these duties, is subject to the Officers and/or Employees exercising the delegation; keeping a written record of, and recording within an appropriate Database, details of how the delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.
- 2) Compliance with relevant Council Policies
- 3) Person/s being advised of objection and/or appeal rights.
- 4) The signing of notices, licences, registrations and prosecutions is not delegated, with the exception of infringement notices.

REFERENCE

- *Criminal Procedures Act 2004:*
 - *Part 2 – Dealing with alleged offenders without prosecuting them – in the role of Authorised Officer.*
- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *The City of Kalgoorlie-Boulder:*
 - *Health Local Law 2001,*
 - *Health (Keeping of Horses and Stables) Local Law 2001,*
 - *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law; and*
 - *Urban Environment and Nuisance Local Law.*

**AUTHORISATION AND APPOINTMENT 05 – ABILITY TO WAIVE, REDUCE OR DEFER
PAYMENT OF FEES AND ISSUE RESIDENTIAL TIP DOCKETS**

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Manager Planning, Development and Regulatory Services
Waste Services Coordinator

Category A The ability to waive, reduce or defer payment of waste disposal fees up to a maximum value of \$500.00 (including retrospective applications).

Category B Ability to issue residential clean up dockets up to a maximum of 8 tonnes;

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Waste Services Coordinator
Business Systems Team Leader
Business Support Officer (x4)
Customer Service Team Leader
Customer Service Officers Administration (x6)

FUNCTION TO BE PERFORMED

The CEO delegates authority to the above named officer(s) the ability to waive, reduce or defer payment of waste disposal fees up to a maximum value of \$500.00 (including retrospective applications) (Policy DS-SWM-001) and to issue residential clean up dockets up to a maximum of 8 tonne. (Policy DS-SWM-002)

REFERENCE

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

AUTHORISATION AND APPOINTMENT 06A – WITHDRAWAL OF INFRINGEMENTS AND NOTICES

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Manager Planning, Development and Regulatory Services

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to review and withdraw infringement notices and or notices under the Acts, including all subsidiary legislation named in the reference section below:

REFERENCE

- *Building Act 2011:*
 - *Section 127– Delegation: Special Permit Authorities and Local Government.*
 - *Bushfires Act 1954:*
 - *Section 59A – Alternative Procedure – Infringement Notices*
 - *Caravan Parks and Camping Grounds Act 1995:*
 - *Section 17 – Appointment of Authorised Person*
 - *Section 23 – Infringement Notices,*
 - *Cat Act 2011:*
 - *Section 45 - Delegation by CEO of Local Government*
 - *Section 65 - Withdrawal of notice*
 - *Control of Vehicles (Off Road Areas) Act 1978:*
 - *Section 37 - Infringement Notices*
 - *Section 38 - Authorised Officers, who are, functions of etc.*
 - *Criminal Procedures Act 2004:*
 - *Part 2 – Dealing with alleged offenders without prosecuting them – in the role of Approved Officer.*
 - *Dog Regulations 2013:*
 - *Regulation 35 - Dealing with Alleged Offenders without prosecuting them.*
 - *Environmental Protection Act 1986:*
 - *Section 99N – Withdrawing Infringement Notice*
 - *Fines, Penalties and Infringement Notices Enforcement Act 1994:*
 - *Section 22 - Prosecuting Authority may withdraw proceedings,*
 - *Food Act 2008:*
 - *Section 126 - Infringement Notices*
 - *Health (Miscellaneous Provisions) Act 1911:*
 - *Section 26 – Powers of Local Government*
 - *Liquor Control Act 1988:*
 - *Section 167 – Infringement notices*
-

- *Litter Act 1979:*
 - *Section 30 – Infringement notices*
 - *Local Government Act 1995:*
 - *Section 9.20 – Withdrawal of Notice,*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
 - *Planning and Development Act 2005:*
 - *Section 231 – Withdrawal of infringement notice*
 - *Public Health Act 2016:*
 - *Section 21 – Enforcement agency may delegate to CEO*
 - *Tobacco Products Control Act 2006:*
 - *Section 78 Restricted Investigators, powers of,*
 - *Water Services Act 2012*
 - *Section 210 - Designation of inspectors and compliance officers*
-

Delegated by: CEO

Delegated to: Environmental Health and Ranger Services Team Leader

The CEO delegates his/her authority and power to the above named officer(s) to review and withdraw notices (with the exception of infringements) under the Acts, including all subsidiary legislation named in the reference section below;

REFERENCE

- *Bushfires Act 1954:*
 - *Section 59A – Alternative Procedure – Infringement Notices*
 - *Caravan Parks and Camping Grounds Act 1995:*
 - *Section 17*
 - *Cat Act 2011:*
 - *Section 45 - Delegation by CEO of Local Government*
 - *Section 65 - Withdrawal of notice*
 - *Control of Vehicles (Off Road Areas) Act 1978:*
 - *Section 37 - Infringement Notices*
 - *Section 38 - Authorised Officers, who are, functions of etc.*
 - *Criminal Procedures Act 2004:*
 - *Part 2 – Dealing with alleged offenders without prosecuting them – in the role of Authorised Officer.*
 - *Dog Regulations 2013:*
 - *Regulation 35 - Dealing with Alleged Offenders without prosecuting them.*
 - *Environmental Protection Act 1986:*
 - *Section 99N – Withdrawing Infringement Notice*
 - *Fines, Penalties and Infringement Notices Enforcement Act 1994:*
-

- *Section 22 - Prosecuting Authority may withdraw proceedings,*
 - *Food Act 2008:*
 - *Section 126 - Infringement Notices*
 - *Health (Miscellaneous Provisions) Act 1911:*
 - *Section 26 – Powers of Local Government*
 - *Liquor Control Act 1988:*
 - *Section 167 – Infringement notices*
 - *Litter Act 1979:*
 - *Section 30 – Infringement notices*
 - *Local Government Act 1995:*
 - *Section 9.20 – Withdrawal of Notice,*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
 - *Public Health Act 2016:*
 - *Section 21 – Enforcement agency may delegate to CEO*
 - *Tobacco Products Control Act 2006:*
 - *Section 78 - Restricted Investigators, powers of,*
 - *Water Services Act 2012*
 - *Section 210 - Designation of inspectors and compliance officers*
-

Delegated by: CEO

Delegated to: Ranger Services Coordinator

The CEO delegates his/her authority and power to the above named officer(s) to review and withdraw notices (with the exception of infringements) under the Acts, including all subsidiary legislation named in the reference section below;

REFERENCE

- *Bushfires Act 1954:*
 - *Section 59A – Alternative Procedure – Infringement Notices*
 - *Cat Act 2011:*
 - *Section 45 - Delegation by CEO of Local Government*
 - *Section 65 - Withdrawal of notice*
 - *Control of Vehicles (Off Road Areas) Act 1978:*
 - *Section 37 - Infringement Notices*
 - *Section 38 - Authorised Officers, who are, functions of etc.*
 - *Criminal Procedures Act 2004:*
 - *Part 2 – Dealing with alleged offenders without prosecuting them – in the role of Authorised Officer.*
 - *Dog Regulations 2013:*
 - *Regulation 35 - Dealing with Alleged Offenders without prosecuting them.*
-

- *Fines, Penalties and Infringement Notices Enforcement Act 1994:*
 - *Section 22 - Prosecuting Authority may withdraw proceedings,*
- *Litter Act 1979:*
 - *Section 30 – Infringement notices*
- *Local Government Act 1995:*
 - *Section 9.20 – Withdrawal of Notice,*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

Delegated by: CEO

Delegated to: Manager Infrastructure Services

The CEO delegates his/her authority and power to the above named officer(s) to review and withdraw infringement notices and or notices under the Acts, including all subsidiary legislation named in the reference section below;

REFERENCE

- *Bushfires Act 1954:*
 - *Section 59A – Alternative Procedure – Infringement Notices*
- *Local Government Act 1995:*
 - *Section 9.20 – Withdrawal of Notice,*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

Delegated by: CEO

Delegated to: Team Leader Civil Construction and Maintenance

The CEO delegates his/her authority and power to the above named officer(s) to review and withdraw infringement notices and or notices under the Acts, including all subsidiary legislation named in the reference section below;

REFERENCE

- *Bushfires Act 1954:*
 - *Section 59A – Alternative Procedure – Infringement Notices*

AUTHORISATION AND APPOINTMENT 06B – LITTER WITHDRAWAL OF INFRINGEMENTS

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Manager Planning, Development and Regulatory Services
Ranger Services Coordinator

FUNCTION TO BE PERFORMED

That the CEO delegates his/her authority and power to the above named officer(s) to withdraw litter infringements.

REFERENCE

- *Criminal Procedures Act 2004:*
 - *Part 2 – Dealing with alleged offenders without prosecuting them – in the role of Approved Officer.*
- *Litter Act 1979:*
 - *Section 30 – Infringement notices*
- *Local Government Act 1995:*
 - *Section 9.20 – Withdrawal of Notice,*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

AUTHORISATION AND APPOINTMENT 07 – NOTICES UNDER SECTION 3.25

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Manager Planning, Development and Regulatory Services

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to issue Notices requiring certain things to be done by owner or occupier of land under the legislation referenced below.

REFERENCE

- *Local Government Act 1995:*
 - *Section 3.25 - Notices requiring certain things to be done by owner or occupier of land*
 - *Section 5.44 –CEO may delegate powers and duties to other employees*

AUTHORISATION AND APPOINTMENT 08 – APPEALS

Delegated by: CEO

Delegated in accordance with respective directorates to:

General Manager Finance and Corporate
General Manager Infrastructure & Environment

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to respond to appeals to the State Administrative Tribunal, including the preparation of statements by respondents, liaison with the Office of the Tribunal and representation of the Council at review hearings.

Subject to the following Conditions:

- 1) Advice of appeals (applications for review) and the determination by the Tribunal to be reported to Council.
- 2) The exercise of these powers on the discharge of these duties, is subject to the Officers and/or Employees exercising the delegation: keeping a written record of, and recording within an appropriate Database, details of how the delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty; and compliance with relevant any City Policies.

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *State Administrative Tribunal Act 2004*
 - *Section 24 – Decision-makers to give Tribunal reasons etc. for decisions being reviewed.*
 - *Section 39 – Representation in proceedings*
 - *Section 64 – Experts etc., Tribunal may appoint to assist*

ENGINEERING 01 – HEAVY HAULAGE

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Manager Infrastructure Services

FUNCTION TO BE PERFORMED

That CEO delegates his/her authority and power to the above named officer(s) to; in respect to b-trains, long vehicles, double and triple road trains; permit various vehicle classes, under various conditions to operate on various roads and routes in accordance with the following tables and definitions where applicable.

The following tables summarise the use of road trains permitted by City of Kalgoorlie-Boulder on local roads within the built up area and on local roads outside the built up area. Vehicle classes and use conditions referenced in these tables are defined as follows:-

Vehicle Classes

Class 1 – Long Vehicles (up to 27.5m length)

This class includes B-Doubles up to 25m long, short double road trains up to 27.5m long and all combinations of a rigid truck and trailer exceeding 19m in combined length up to 27.5m long. Note that rigid trucks towing more than one trailer or articulated vehicles towing more than one trailer of any length are excluded from this class. (MRWA RAV Network 1, 2, 3 & 4).

Class 2 – Double Road Trains (up to 36.5m length)

This class includes any combination up to an overall length of 36.5m having not more than one draw bar connection. This limitation recognises that the superior stability features of the B-Double connection to justify the inclusion of B-Doubles towing one trailer up to the prescribed length in this class. Rigid trucks towing more than one trailer are included in this class for the urban situation only. (MRWA RAV Network 5, 6, 7 & 8).

Class 3 – Triple Road Trains (up to 53.5m length)

This class includes semi-trailers towing two trailers, one of which may be a b-double trailer, and b-doubles towing one b-double trailer or two conventional trailers. Rigid trucks towing two trailers are included in this class. (MRWA RAV Network 9 & 10).

Condition References

- A. Main roads approval to be obtained and copies of any permits and Council approvals (where applicable) to be carried in the vehicle at all times.
- B. Limitations to operating hours and/or days as determined by delegated officer.
- C. Council reserves the right to withdraw consent in cases where it can be proven that a particular operator's vehicle creates safety concern for the general public particularly with respect to speed, dust generation and road condition.
- D. Limitations to numbers or frequency of vehicle trips and limited approval period.

- E. Permit holder will be required to contribute to the maintenance of the road to a degree, as determined by the Manager Infrastructure and Open Spaces, which reflects the increased rate of deterioration attributed to the operator's vehicles.
- F. Clearance from the Department of Mines and Petroleum that the quantity and type of dangerous goods do not present an unacceptable risk to the public.
- G. Speed restrictions.
- H. Limitations to type of materials carted.
- I. Council will request MRWA to impose their CA.07 condition to all Council controlled roads. This means that all permits for trucks over 19m to utilise Council roads will need approval from Council as part of the MRWA approval.

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Council Policy: ENG-ES-002 –Road Train/Heavy Haulage. (Adopted by Council 23 November 2015).*

ROADS WITHIN BUILT UP AREAS

		Designated Use – No Council Approval Required		Application to City of Kalgoorlie-Boulder Required (*)	
<i>Location/Route</i>	<i>Map Ref</i>	<i>Permitted Vehicle Class</i>	<i>Conditions</i>	<i>Permitted Vehicle Class</i>	<i>Conditions to be considered</i>
West Kalgoorlie Rd	-	Class 1, 2, , 3	A, B, C F,		
South Boulder Industrial and Light Industrial Areas including Vivian and Lane St	Att E	Class 1	A	(Other Classes) Subject to road and intersection upgrades	A, B, C
Cunningham Rd, Western Rd, Coath Rd and Brinsden St –		Class 1, 2	A, B, C, F		
West Kalgoorlie Business Park –	Att F	Class 1, 2, 3	A, B, C, F		
Atbara St (GEH – Broadwood St)	-	Class 1	A	Class 2	A, B, C, D, H
Gatacre St – Western Road Route (north of GEH) to Explosive Reserve	-	Class 1, 2	A, B, C, F	Class 3	A, B, C, D, H
Urban Roads within old residential areas (excluding Hannan St and Burt St CBD's)	Att G	Class 1	A, B, C, F, G, H		
All other urban roads (built up area)	Att H			Class 1 (subject to route assessment)	A, B, C, D, E, F, G, H

(*) Applications made for these uses will be assessed at officer level. Authority for approval of these applications (and determination of conditions) is delegated to the CEO. Any other routes or use application not referenced will require referral to full council for a decision.

ROADS OUTSIDE THE BUILT UP AREA

		Designated Use – No Council Approval Required		Application to City of Kalgoorlie-Boulder Required (*)	
Location/Route	Map Ref	Permitted Vehicle Class	Conditions	Permitted Vehicle Class	Conditions to be considered
Boorara Road – Black St and Smelterman Drive		Class 1, 2, 3	A, I		
Bulong Rd (Yarri Rd to end of bitumen)		Class 1, 2, 3	A, I		
Yarri Rd (Bulong Rd to end of bitumen)		Class 1, 2, 3	A, I		
Mt Monger Rd (Goldfields Hwy to the end of bitumen)		Class 1, 2, 3	A, I		
Kurnalpi-Pinjin Rd		Class 1, 2	A, B, C, D, E, I	Class 3 (Subject to road upgrades to MRWA satisfaction)	A, B, C, D, E, I
Broad Arrow – Ora Banda Rd (Goldfields Hwy to the end of bitumen)		Class 1, 2, 3	A, B, C, D, E, I		
Broad Arrow – Ora Banda Rd gravel section, Ora Banda – Carbine Rd and Ora Banda – Davyhurst Rd		Class 1, 2		Class 3	A, B, C, D, E, I
Mt Monger Rd and Yarri Road gravel section		Class 1, 2		Class 3	A, B, C, D, E, I
Trans Access Rd		Class 1, 2		Class 3	A, B, C, D, E, I
All other rural roads under the control of City of Kalgoorlie-Boulder		Class 1, 2,	A, B, C, D, E, F, G, H, I	Class 3	A, B, C, D, E, I

(*) Applications made for these uses will be assessed at officer level. Authority for approval of these applications (and determination of conditions) is delegated to the CEO. Any other routes or use application not referenced will require referral to full council for a decision.

ENGINEERING 02 – TEMPORARY ROAD CLOSURES

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Manager Infrastructure Services

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to exercise the powers and duties in accordance with the *Local Government Act (1995)* as referenced below,

To facilitate temporary road closures of roads under the care and control of the City, to allow for the undertaking of maintenance or repairs of roads, to protect roads from damage and other access management needs.

REFERENCE

- *Local Government Act 1995:*
 - *Section 3.50 – Closing certain thoroughfares to vehicles*
 - *Section 3.50A – Partial closure of thoroughfare for repairs or maintenance*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*

FINANCE 01 – SIGNING OF ANNUAL FINANCIAL STATEMENTS

Delegated by: CEO

Delegated to: General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to sign off the annual financial statements of the City of Kalgoorlie-Boulder under the title of “Statement by the CEO”.

REFERENCE

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

FINANCE 02 – EXPENDITURE (PURCHASE ORDERS)

Delegated by: CEO

Delegated to: Named officers as detailed below

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the below named officer(s) to authorise all Operational and Capital expenditure in accordance with the limits of the delegation category detailed herein. Expenditure limits are inclusive of GST amounts payable in exercising the delegation.

CEO

Personal Assistant to the CEO
Executive Assistant to CEO
Executive Manager Economy and Growth
Economic Development Coordinator
Manager Governance and Legal Services
Manager Organisation and People
Coordinator People and Culture
Industrial and Workplace Relations Advisor
Head of Marketing
Social Media Producer
Media Relations Advisor
Policy and Research Advisor

CITY LIVING

General Manager City Living
Personal Assistant to the General Manager City Living
Manager Community Development
Team Leader Arts and Cultural Development
Team Leader Healthy Communities
Head of City Presentation and Open Space
Turf and Water Resources Supervisor
Hammond Park Caretaker
Supervisor Operations and Reserves
Operations Manager
Team Leader Heritage Services
Property Coordinator
EGCC Support Services Team Leader
EGCC Coordinator
Coordinator Library and Heritage Services
Team Leader Library Operational Services
Library Programs and Events Coordinator
Property Coordinator

FINANCE AND CORPORATE

General Manager Finance and Corporate
Financial Controller
Manager Information Communication and Technology
Information Management Coordinator
Golf Course Coordinator
Pro Shop and Golf Operations Coordinator
Golf Course Superintendent
Airport Manager

Airport Supervisor
Airport Compliance Coordinator
Manager Goldfields Oasis Recreation Centre
Operations Manager Goldfields Oasis

**INFRASTRUCTURE &
ENVIRONMENT**

General Manager Infrastructure & Environment
Personal Assistant to GMIE
Manager Planning, Development and Regulatory Services
Planning and Development Services Team Leader
Planning Services Coordinator
Building Services Coordinator
Environmental Health and Ranger Services Team Leader
Environmental Health Services Coordinator
Ranger Services Coordinator
Water Services Project Manager
Water Technical Officer
Waste Management Team Leader
Business Systems Team Leader
Manager Infrastructure Services
Team Leader Civil Construction and Maintenance
Depot Services Coordinator
Depot Administration Officer
Civil Works and Fleet Maintenance Supervisor
Supervisor Construction

INCURRING OF LIABILITY AND MAKING OF PAYMENTS

The CEO is to ensure efficient systems and procedures are established for proper authorisation for the incurring of liabilities and the making of payments.

The CEO delegates his/her authority to approve requisitions and purchase orders for the supply of goods and services and subsequent certification of services for which funds have been provided for in the annual budget as follows.

Category B Authorise all Capital expenditure to the value of **\$100,000**

General Manager Finance and Corporate
General Manager Infrastructure & Environment
General Manager City Living

Category C Authorise all Operational expenditure included in the current budget to the value of **\$100,000**

General Manager Finance and Corporate
General Manager Infrastructure & Environment
General Manager City Living

Category D Authorise all Capital expenditure included in the current budget for **\$50,000**

OFFICE OF CEO Manager Governance and Legal Services

OFFICE OF CITY LIVING Head of City Presentation and Open Space

OFFICE OF THE GMIE Manager Planning, Development and Regulatory Services
Manager, Infrastructure Services

Category E Authorise all Operational expenditure included in the current budget for **\$50,000**

OFFICE OF CEO Executive Manager Economy and Growth
Manager Governance and Legal Services

OFFICE OF THE CFO Financial Controller
Manager Information Communication and Technology
Airport Manager

OFFICE OF CITY LIVING Head of City Presentation and Open Space

OFFICE OF THE GMIE Manager Infrastructure Services
Manager Planning, Development and Regulatory Services

Category F Authorise all Capital expenditure included in the current budget to the value of **\$25,000**

N/A

Category G Authorise all Operational expenditure to the value of **\$20,000**

OFFICE OF THE CFO Manager Goldfields Oasis Recreation Centre
Airport Manager

Category H Authorise all Capital expenditure to the value of **\$15,000**

N/A

Category I Authorise all operational expenditure included in the current budget to the value of **\$15,000**

OFFICE OF THE CFO Manager Goldfields Oasis Recreation Centre
Airport Manager

Category J Authorise all Capital expenditure to the value of **\$10,000**

OFFICE OF THE GMIE Water Services Project Manager

Category K Authorise all Operational expenditure to the value of **\$10,000**

OFFICE OF THE GMIE Water Services Project Manager

Category L Authorise all Capital expenditure to the value of **\$5,000.**

OFFICE OF CITY LIVING Property Coordinator
Works Supervisor Reserves
Turf and Water Resources Supervisor
Property Coordinator

OFFICE OF THE GMIE Building Services Coordinator
Planning Services Coordinator
Waste Management Team Leader
Environmental Health and Ranger Services Team Leader
Supervisor Construction
Team Leader Civil Construction and Maintenance
Civil Maintenance and Construction Supervisor

Category M Authorise all Operational expenditure to the value of **\$5,000.**

OFFICE OF THE CEO Manager Organisation and People
Media Relations Advisor
Head of Marketing

OFFICE OF CITY LIVING Manager Community Development
Coordinator Library and Heritage Services
Team Leader Arts and Cultural Development
Team Leader Healthy Communities
Supervisor Operations and Reserves
Turf and Water Resources Supervisor
Operations Manager
Head of Marketing
EGCC Coordinator
Property Coordinator

OFFICE OF THE GMFC Operations Manager
Golf Course Coordinator
Golf Course Superintendent
Pro Shop and Golf Operations Coordinator

OFFICE OF THE GMIE Building Services Coordinator
Planning and Development Services Team Leader
Planning Services Coordinator
Waste Management Team Leader
Environmental Health and Ranger Services Team Leader
Team Leader Civil Construction and Maintenance
Civil Maintenance and Construction Supervisor
Supervisor Construction

Category N Authorise all Operational expenditure to the value of **\$2,500**.

N/A

Category P Authorise all Operational expenditure to the value of **\$2,000**.

N/A

Category Q Authorise all Operational expenditure to the value of **\$1,000**.

OFFICE OF THE CEO	Executive Assistant to CEO Personal Assistant to CEO Economic Development Coordinator Coordinator People and Culture Industrial Workplace Relations Advisor Policy and Research Advisor Social Media Producer
OFFICE OF CITY LIVING	Personal Assistant to General Manager City Living Team Leader Healthy Communities Team Leader Heritage Services Team Leader Library Operational Services Library Programs and Events Coordinator EGCC Support Services Team Leader Hammond Park Care Taker
OFFICE OF THE CFO	Information Management Coordinator Airport Supervisor Airport Compliance Coordinator
OFFICE OF THE GMIE	Personal Assistant to GMIE Ranger Services Coordinator Waste Services Officer (x2) Business Systems Team Leader Depot Services Coordinator Depot Administration Officer Environmental Health Services Coordinator Water Technical Officer

Category R Additional delegation for the approval of fleet purchases in accordance with the City's Plant replacement program. This does not include vehicles going through the tender process.

REFERENCE

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

FINANCE 03 – INVESTMENTS

Delegated by: CEO

Delegated to: General Manager Finance and Corporate
Financial Controller

FUNCTION TO BE PERFORMED

- 1) The Council authorises the CEO to act as the “Prudent Person” as defined by the *Trustees Act 1962* and as such make investments on the behalf of Council in accordance with the relevant investment policy document (Corp-F-001- Investment Policy).
- 2) Council is aware that the CEO may authorise the Director, Corporate Services to act as a “Prudent Person” as defined by the *Trustees Act 1962* and as such make investments on the behalf of Council in accordance with the relevant investment policy document (Corp-F-001- Investment Policy).
- 3) Council is aware that the CEO may authorise the Manager Finance to act as a “Prudent Person” as defined by the *Trustees Act 1962* and as such make investments on the behalf of Council in accordance with the relevant investment policy document (Corp-F-001- Investment Policy).

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Trustees Act 1962:*
 - *Section 18 – Investment powers of trustees, exercise of*
- *Council Policy Corp-F-001 – Investment Policy*

FINANCE 04 – PAYMENT AUTHORISATION

Delegated by: CEO

Delegated to: General Manager Finance and Corporate
General Manager Infrastructure & Environment
General Manager City Living
Financial Controller

FUNCTION TO BE PERFORMED

The CEO gives authority (Financial Management) to the above named officer(s) to make payments from the Schedule of Accounts as listed below.

- 1) City of Kalgoorlie-Boulder – Municipal Fund
- 2) City of Kalgoorlie-Boulder – Trust Fund
- 3) City of Kalgoorlie-Boulder – Consolidated Reserve Account
- 4) City of Kalgoorlie Boulder – Endowment Block
- 5) City of Kalgoorlie-Boulder – Oasis Account
- 6) City of Kalgoorlie-Boulder – Golf Course
- 7) City of Kalgoorlie-Boulder – IH Petty Cash
- 8) City of Kalgoorlie-Boulder – Goldfields Records Storage
- 9) City of Kalgoorlie-Boulder – Goldfields Arts Centre (GAC)
- 10) City of Kalgoorlie-Boulder – GAC Petty Cash
- 11) City of Kalgoorlie-Boulder – Agricola

Payments made by cheque (cheque signing) or electronic fund transfer (EFT) from the schedule of accounts are required to be authorised by any two of the authorised officers as named above.

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Local Government (Financial Management) Regulations 1996:*
 - *Regulation 13 - Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

FINANCE 05 – RATES RECOVERY POLICY

Delegated by: CEO

Delegated to General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

- 1) The CEO delegates his/her authority and power to the above named officer(s) to accept payment “agreements” for the recovery of outstanding rates in accordance with Council Policy (Corp-F-002 - Rates Recovery Policy).
- 2) The CEO delegates his/her authority and power to the above named officer(s), to initiate any necessary action for the recovery of outstanding rates in accordance with Council Policy (Corp-F-002 - Rates Recovery Policy).

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Council Policy Corp-F-002 – Rates Recovery Policy*

FINANCE 06 – RENT REVIEWS ENDOWMENT BLOCK

Delegated by: CEO

Delegated to: General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to approve rent reviews for the endowment block, providing that the rents are reviewed according to the terms of the written endowment block lease agreements.

REFERENCE

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

FINANCE 07 – WRITING OFF OF MINOR BALANCES

Delegated by: CEO

Delegated to: General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to authorise the writing off of rates debts under \$100.00 carried in the Rates Debtors Ledger and general debts under \$5,000 carried in the various Sundry Debtors ledgers.

REFERENCE

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

FINANCE 08 – PURCHASE OF GOODS AND SERVICES

Delegated by: CEO

Delegated to: General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to administer the policy entitled “CORP-AP-001 Purchasing”.

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Council Policy CORP-AP-001 - Purchasing*

FINANCE 09 – APPLICATIONS AND ACQUITTALS FOR GRANT APPLICATIONS

Delegated by: CEO

Delegated to: General Manager Finance and Corporate
General Manager Infrastructure & Environment

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the Director, Corporate Services to determine applications and acquittals for grant applications up to \$500 in accordance with Policy CS-AL-009 – Community Assistance Scheme and Policy EXEC-CEO-009 Fundraising and Donation Policy.

The CEO delegates his/her authority and power to the Executive Manager Council Businesses and Property to determine applications and acquittals for grant applications up to \$500 in accordance with Policy CS-AL-009 – Community Assistance Scheme and Policy EXEC-CEO-009 Fundraising and Donation Policy.

REFERENCE

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

FINANCE 10 – VARIATIONS TO TENDERS

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
General Manager Finance and Corporate

FUNCTION TO BE PERFORMED

The CEO delegates his/her authority and power to the above named officer(s) to act on behalf of Council to be able to vary the agreed tender amount (generally increase) on a sliding scale of up to 10% of the awarded tender up to a maximum of \$50,000 in accordance with Council Policy EXEC-CEO-008 – Variation to Tenders.

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Council Policy EXEC-CEO-008 Variations to Tenders*

LOCAL LAWS 01 – DELEGATED AUTHORITY

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment
Manager Planning, Development and Regulatory Services
Building Services Coordinator
Building Services Officer
Pool Safety Inspector
Environmental Health and Ranger Services Team Leader
Environmental Health Services Coordinator
Environmental Health Officer
Ranger Services Coordinator
Manager Infrastructure Services
Ranger and Community Liaison Officer
Animal Management Officer
Parking Inspection Officer
Local Law and Reserve Management Officer
Community Safety Officer
Community Liaison Officer
Team Leader Civil Construction and Maintenance

FUNCTION TO BE PERFORMED

That Council:-

- 1) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Dogs Local Laws subject to any determination being in accordance with Local Laws and Council Policies.
 - 2) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Cat Local Laws subject to any determination being in accordance with Local Laws and Council Policies.
 - 3) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Health Local Laws subject to any determination being in accordance with Local Laws and City Policies.
 - 4) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Health (Keeping of Horses and Stables) Local Laws subject to any determination being in accordance with Local Laws and City Policies.
 - 5) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Urban Environment and Nuisance Local Law, subject to any determination being in accordance with the Local Laws and Council Policies.
 - 6) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Local Government Property Local Law subject to any determination being in accordance with the Local Laws and Council Policies
 - 7) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, subject to any determination being in accordance with the Local Laws and Council Policies.
 - 8) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct for the Fencing Local Law (excluding Clause 2.9 - General Discretion
-

of Local Government), subject to any determination being in accordance with the Local Laws and Council Policies

- 9) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Parking and Parking Facilities Local Law subject to any determination being in accordance with the Local Laws and Council Policies
- 10) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Standing Orders Local Law subject to any determination being in accordance with the Local Laws and Council Policies
- 11) The CEO delegates his/her authority and power to the above named position(s) to the carriage and conduct of the Repeal Local Law subject to any determination being in accordance with the Local Laws and Council Policies
- 12) The CEO delegates his/her authority and power to the above named position(s) to be empowering staff as Authorised Officers in accordance with Section 9.10 of the *Local Government Act 1995*, in order to provide for the regulatory (compliance) functions of the Local Laws.

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
 - *Section 9.10 – Appointment of Authorised Persons*

TOWN PLANNING 02 – DEVELOPMENT APPLICATIONS AND OTHER PLANNING MATTERS

Delegated by: CEO

Delegated to: General Manager Infrastructure & Environment (*Note: Parts 10 and 12 below not delegated*)
Manager Planning, Development and Regulatory Services (*Note: Parts 10 and 12 below not delegated*)
Planning and Development Services Team Leader (*Note: Parts 10 and 12 below not delegated*)
Planning Services Coordinator (*Note: Parts 6-12 below not delegated*)

FUNCTION TO BE PERFORMED

Part 1: Introduction

This document sets out delegations of authority extended by the CEO to the abovementioned positions to provide for the functioning of the City's Planning Services Department. Delegations have been made in accordance with Section 5.44 of the *Local Government Act 1995* or Schedule 2, Clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as appropriate.

Part 2: Interpretation

All terms shall be interpreted as set in out in the *Planning and Development Act 2005*, *Local Government Act 1995*, *Land Administration Act 1997*, relevant subsidiary legislation, the City of Kalgoorlie-Boulder Town Planning Scheme 01 and 02 and/or the Residential Design Codes of Western Australia as appropriate, except-

Delegated officer – means the CEO or the officer exercising a power of delegation extended to them by the CEO.

Part 3: Determination of Applications for Planning Approval

3.1 General Delegation

3.1.1 Pursuant to Schedule 2, Clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, delegation of authority to approve or refuse applications for planning approval, with or without conditions, is extended to the abovementioned positions, subject to consistency with the Scheme, including giving due regard to relevant Planning Policies, R-Codes Policies and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.

3.2 Exclusions/Conditions

3.2.1 General Exclusions

Applications for planning approval for development exceeding \$5M in value and/or a net increase of in excess of 20 dwellings and/or a net increase of over 2,000m² in building floor area may not be determined under delegated authority.

Note: By virtue of a Council resolution of 26 April 2006, officers are not bound by elements of Policy that purport to extend or limit delegation. For instance, clause 4.0 (a) of Policy LPP04 appears to require that all applications affecting properties on the City's Municipal Heritage Inventory be referred to Council. This is clearly a matter for planning delegations and not planning policy. Current delegations allow officers to determine applications affecting heritage properties under delegation and Council's 26 April 2006 resolution confirms that, in the event of conflict between delegations and policy, the delegations shall prevail.

Further limits on sub-delegation:-

May not determine applications for development exceeding \$2.5M in value and/or a net increase of in excess of 10 dwellings and/or over a net increase of over 1000m² of building floor area, may not refuse applications, may not determine applications in a manner not consistent with, rather than only giving due regard to, relevant Planning Policies and R-Codes Policies.

3.2.2 Specific Exclusions and Exceptions for Minor Works etc.

3.2.2.1 Subject to 3.2.2.8 below, with respect to applications for planning approval for development other than advertising signage, domestic outbuildings, fencing and residential additions/alterations, any delegated decision must be consistent with, rather than giving due regard to, relevant Planning Policies and R-Codes Policies.

3.2.2.2 Subject to 3.2.2.8 below, applications for planning approval for development of land within a Scheme Reserve, may only be approved under delegated authority where it is consistent with the purpose of the Reserve.

3.2.2.3 Subject to 3.2.2.8 below, applications for planning approval for development of land within the Safety Exclusion Zone may only be refused under delegated authority. *(Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration).*

3.2.2.4 Subject to 3.2.2.8 below, applications for planning approval for the types of land-use or development listed below, may only be refused under delegated authority:

- (a) Abattoir;
- (b) Animal Establishment in other than the 'Rural' Zone;
- (c) Betting Agency;
- (d) Cemetery/Crematoria;
- (e) Hotel;
- (f) Industry-Hazardous;
- (g) Industry-Noxious;
- (h) Liquor Store;
- (i) Night Club;
- (j) Private Hotel;
- (k) Restricted Premises;

- (l) Tavern; and/or
- (m) Any other development associated with racing, gaming or the sale of liquor, other than where development is of a temporary nature (no more than 72 hours duration).

(Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration)

- 3.2.2.5 Subject to 3.2.2.8 below, unless specifically provided for in a Planning Policy or Policies, applications for planning approval that must be assessed under the provisions of Clause 3.6 of the Scheme (the 'uses-not-listed' provisions) may only be refused under delegated authority. (Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration prior to the undertaking of consultation, if consultation is considered necessary, this is because the undertaking of consultation for uses-not-listed requires an absolute majority of Council and, therefore, cannot be delegated).
- 3.2.2.6 Applications for planning approval that must be assessed under the provisions of Part 7 of the Scheme (the 'non-conforming uses' provisions) may only be refused under delegated authority. (Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration)
- 3.2.2.7 Subject to 3.2.2.8 below, unless specifically provided for in a Planning Policy or Policies, applications for planning approval that must be assessed under the provisions of Clause 4.8 of the Scheme (the 'cash in lieu of provision of car parking spaces' provisions) may only be refused under delegated authority. *(Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration)*
- 3.2.2.8 Subject to 3.2.2.9 below, the provisions of 3.2.2.1-3.2.2.7 above do not apply to applications for renewals of planning approval, alterations and/or expansions affecting a maximum area of 10% of the existing development, or 200m² (in terms of floor space or land area in use, as appropriate), whichever is the lesser, and which are associated with existing, lawful land-uses, wherein the application may be refused or approved, with or without conditions, under delegated authority.
- 3.2.2.9 Where a renewal of planning approval is issued pursuant to 3.2.2.8 above, the term of any renewal shall not exceed 12 months, however, an unlimited number of renewals may be granted under delegated authority.

Further limits on sub-delegation:

May not determine applications affecting land within a Scheme Reserve, the safety Exclusion Zone, for a use-not-listed or non-conforming use, and the exceptions set out in clause 3.2.2.8 not sub-delegated.

3.2.3 Amended Plans

Notwithstanding clauses 3.2.1 and 3.2.2, amended plans relating to applications determined by Council, may be determined under delegated authority where-

- a) The amended plan if submitted as a new application, could have been determined under delegated authority; and/or
- b) The amended plans do not differ from the determined plans in any respect which generates a need to undertake consultation pursuant to clause 6.5 of the scheme and/or Section 2.5 of the R-Codes; and/or
- c) The amended plans do not differ from the determined plans in respect of the number of residential units or an increase in floor space of more than 10% or 200m² (in terms of floor space or land area in use, as appropriate) whichever is the lesser.

3.2.4 Conditions Related to Consultation

Applications for planning approval that have been advertised for consultation purposes, in accordance with the provisions of Schedule 2, Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and/or Section 2.5 of the R-Codes, may only be approved under delegated authority if-

- a) No submissions were received, or only supportive submissions that do not request any change to the development were received; or
- b) Submissions that raise concerns with the proposed development were received, and those concerns are, in the opinion of the delegated officer, clearly not material planning considerations;
- c) Submissions that raise concerns with the proposed development were received, and those concerns are material planning considerations, but;
 - i) Through liaison with the party or parties that lodged the submissions and/or amendments to the application and/or the application of conditions, the matters raised in the submissions can be resolved to the satisfaction of the delegated officer, the applicant, and the party or parties that lodged the submissions (the delegated officer must also ensure that the interests of fourth parties are protected and undertake further consultation if considered necessary), and
 - ii) Prior to approval of the application, the applicant and/or party or parties who lodged the submissions have provided written (including via fax or email) confirmation of their acceptance of the terms of the proposed delegated decision.

(Note: Should (a), (b) or (c) above not apply, or the delegated officer feel that the application should be refused, the application shall be reported to Council for consideration.)

Part 4: Recommendations to the WAPC Regarding Applications for Subdivision/Amalgamation or Strata Title

4.1 General Delegation

Pursuant to Section 5.44 of the *Local Government Act 1995*, delegation of authority to make recommendations to the WAPC with regards to applications referred to Council pursuant to Section 24 of the *Strata Titles Act 1985*, is extended to the delegated officer, subject to consistency with the Scheme, relevant Planning Policies, R-Codes Policies and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.

4.2 Exclusions/Conditions

Applications that, were they approved by the WAPC, might result in a net increase of more than 25 lots, a recommendation to the WAPC may only be made under delegated authority if-

- a) the application is consistent with a strategy, outline development plan or other plan endorsed by Council, or which forms part of the Scheme and/or a Planning Policy; and/or
- b) the application is for amended plans for an application that has been considered by Council within the last two years and the amendments are, in the opinion of the delegated officer, of a minor nature.

4.2.1 *Further limits on sub-delegation*

May not determine applications which might result in a net increase of more than 5 lots.

Applications for /Amalgamation or Strata Title

4.3 General Delegation

In accordance with Section 16 (3) (e) of the *Planning and Development Act 2005*; the CEO delegates his/her power to the above named officer(s) to determine applications for the issuing of a certificate of approval under Section 25 of the *Strata Titles Act 1985* for a plan of , re- or consolidation, except those applications that:

- a) propose the creation of a vacant lot;
- b) propose vacant air strata's in multi-tiered strata scheme developments;
- c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relating 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 for no more than 25 lots.

4.4 Exclusions/Conditions

Greater than 25 lots to be referred to Council for determination.

Part 5: Clearance of Conditions of Planning Approval, or Conditions of /Amalgamation or Strata Title Approval (excludes built strata's)

5.1 General Delegation

Pursuant to Schedule 2, Clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, delegation of authority to advise regarding clearance of conditions of planning approval, and pursuant to Section 5.42 of the *Local Government Act 1995*, delegation of authority to advise the Western Australian Planning Commission with regards to the clearance of conditions set pursuant to Section 24 of the *Strata Titles Act 1985* and for which Council is nominated as a clearance agency, is extended to the abovementioned officers, subject to consistency with the Scheme, Planning Policies, R-Codes Policies, and the exclusions/conditions set out below.

5.2 Exclusions/Conditions

Nil.

Part 6: Advice to the Department of Planning Regarding Matters Associated with the *Land Administration Act 1997*

6.1 General Delegation

Pursuant to Section 5.44 of the *Local Government Act 1995*, delegation of authority to advise the Department of Planning with respect to proposed changes of tenure, changed/new management orders, and/or granting or renewing of leases and/or licences relating to Crown Land is extended to the above named officer(s), subject to the exclusions/conditions set out in Clause 6.2 below.

6.2 Exclusions/Conditions

6.2.2 Subject to 6.2.5 below, advice to the Department of Planning may not be provided under delegated authority if it relates to land within 10 kilometres of the Kalgoorlie or Boulder Town Halls, whichever is the closer, and if the area of the land in question is more than 1.0 hectare.

6.2.3 Subject to 6.2.5 below, advice to the Department of Planning may not be provided under delegated authority if it relates to land more than 10 kilometres from, but within 30 kilometres of, the Kalgoorlie or Boulder Town Halls, whichever is the closer, and if the area of the land in question is more than 10 hectares.

6.2.4 Subject to 6.2.5 below, advice to the Department of Planning may not be provided under delegated authority if it relates to land more than 30

kilometres from the Kalgoorlie or Boulder Town Halls, whichever is the closer, and if the area of the land in question is more than 100 hectares.

- 6.2.5 6.2.2-6.2.4 above do not apply to renewals of leases or licences where the proposed term of renewal is 10 years or less, or where a proposed change in the purpose or other conditions attached to a lease, licence or management order over Crown Land will have, in the opinion of the delegated officer, no material impact upon future planning, the operations of the City or community access to the land.

Part 7: Advising other Regulatory Authorities

7.1 General Delegation

Pursuant to Section 5.44 of the *Local Government Act 1995*, delegation of authority to advise other regulatory authorities (other than the Western Australian Planning Commission with respect to applications for) with respect to matters where planning-related advice is required, is extended to the above named officer(s), subject to consistency with existing planning or other local government approvals, as appropriate, and the Scheme, relevant Planning Policies, R-Codes Policies and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.

7.2 Exclusions/Conditions

Nil.

Part 8: Appeals, Requests for Reconsideration

8.1 General Delegation

Pursuant to Section 5.44 of the *Local Government Act 1995*, delegation of authority to respond to appeals made to the SAT (including appointment Counsel), or requests for reconsideration lodged with the WAPC, is extended to the above named officer(s), subject to consistency with any resolution of Council relating to the matter subject of an appeal or request for reconsideration, the Scheme, Planning Policies, R-Codes Policies. (In the event of any inconsistency between the Scheme, Planning Policies and/or R-Codes Policies and any resolution of Council relating to the matter subject of an appeal or request for reconsideration, then the resolution of Council shall prevail), and the exclusions/conditions set out below.

8.2 Exclusions/Conditions

Nil

Part 9: Enforcement

9.1 General Delegation

Pursuant to Section 5.44 of the *Local Government Act 1995*, where Council has resolved to issue an enforcement notice under Section 10 of the Act, delegation of authority is extended to the above named officer(s) to appoint and direct Counsel,

subject to consistency with the resolution of Council and the exclusions/conditions set out below.

9.2 Exclusions/Conditions

Nil.

Part 10: Affixing of the Common Seal

10.1 General Delegation

Council delegates authority to affix and authorise the common seal of the City of Kalgoorlie-Boulder in accordance with Section 19 of the Standing Orders Local Law to the CEO and Mayor.

10.2 Exclusions/Conditions

The affixing and authorising of the Common Seal is only delegated where it is authorised by both the CEO and the Mayor, and where it relates to:

- a) legal agreements for amalgamations of lots required as a condition of planning approvals;
- b) withdrawal of caveat requests when the obligations of the legal agreement have been met or when the caveat is withdrawn and immediately lodged to facilitate dealings on the title not affected by the relevant deed; and
- c) memorials and restrictive covenants required as a condition of planning or approval.

Part 11: Road Names

11.1 General Delegation

The CEO delegates to the above named officer(s) authority to advise the Geographic Names Committee with respect to the application of names to new or extended roads within the City of Kalgoorlie-Boulder.

11.2 Exclusions/Conditions

- 11.2.1 With respect to new roads, the delegated officer may only advise the Geographic Names Committee to apply names previously endorsed by Council for inclusion on the City's Reserved List of Road Names.
- 11.2.2 With respect to new roads, within the area affected by the North West Sector Native Title Agreement, the delegated officer may only advise the Geographic Names Committee to apply aboriginal names previously endorsed by Council for inclusion on the City's Reserved List of Road Names and, in doing so, shall ensure that an equal number of Wongatha and Central West words are applied to new roads.
- 11.2.3 A register of names endorsed by Council for inclusion on the City's Reserved List of Road Names shall be maintained.

Part 12: Recording and Reporting of Delegated Decisions (Renumbered Clause)

12.1 An appropriate register of delegated authority shall be maintained.

12.2 A summary of all actions taken pursuant to Parts 3, 4, 5 and 8 of this document shall be presented to Council as an information report on a quarterly basis, with the report being for the previous quarter and presented to the first practicable Ordinary Meeting of Council in each quarter.

REFERENCE

- *Local Government Act 1995:*
 - *Section 5.42 – Delegation of some powers and duties to CEO*
 - *Section 5.44 – CEO may delegate powers and duties to other employees*
- *Planning and Development Act 2005:*
 - *Section 16 – Delegation by Commission*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
 - *Schedule 2, Clause 64*
 - *Schedule 2, Clause 83*
- *Strata Titles Act 1985:*
 - *Section 24 – Preliminary determinations by local governments*
 - *Section 25 – Certificate of Commission*
- *Standing Orders Local Law 2013:*
 - *Section 19 – The Council’s Common Seal*
- *City of Kalgoorlie-Boulder Town Planning Scheme 01 and 02*