

**1.25 Issue Licence to obstruct a public thoroughfare, make and excavation on or adjoining a public thoroughfare, construct a thing on, over or under a public thoroughfare.**

**LEGISLATIVE POWER**

Local Government (Uniform Local Provisions) Regulation 1996, regulations 15, 6, 7A, 7, 11 and 17.

**DELEGATE**

**Chief Executive Officer**  
 Manager Development Services  
 Senior Building Surveyor  
 Building Surveyor(s)  
 Director Works and Services  
 Manager Engineering Operations  
 Manager Infrastructure Development

**FUNCTION TO BE PERFORMED**

Issue notices, Issue or renew permission and charge a fee of not more than \$1.00/month/m<sup>2</sup> to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare and impose conditions; to make or make and leave and excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare and impose conditions and to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property pursuant to the Local Government (Uniform Local Provisions) regulation 1996.

The above officers are delegated authority to Issue notices or permission regarding the obstruction of a public thoroughfare pursuant to the Local Government (Uniform Local Provisions) regulation 1996 regulations 15, 6, 7A, 7, 11 and 17.

**CONDITIONS AND REPORTING REQUIREMENTS**

Licence fee to be set by Council annually.

Copies of all licences issued are to be retained on the appropriate file or record.

### 3. BUILDING ACT 2011

#### 3.1 Authorised Persons

LEGISLATIVE POWER Building Act 2011, Section 96(3)  
Building Act 2011, Section 100,101,102,103,106

DELEGATE **Chief Executive Officer**  
Manager Development Services  
Senior Building Surveyor  
Building Surveyor(s)  
Development Compliance Officer(s)

#### FUNCTION TO BE PERFORMED

A local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of the Building Act 2011 in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government. The powers of authorised persons being:

- s100 - Entry Powers;
- s101 - Powers after entry for compliance;
- s102 - Obtaining information and documents;
- s103 - Use of force and assistance; and
- s106 - Apply for an entry warrant.
- s109 – Execution of Warrant

#### CONDITIONS AND REPORTING REQUIREMENTS

All notices and documents are to be retained on the appropriate file or record pursuant to the requirements of Part 11 of the Building Act 2011.

### 3.2 Building Permits and Certificates of Design Compliance

LEGISLATIVE POWER Building Act 2011, Part 2, Div. 2, sections 18, 20, 22, 23, 24.

DELEGATE **Chief Executive Officer**  
Director Community and Development Services  
Manager Development Services  
Senior Building Surveyor  
Building Surveyor(s)  
Development Compliance Officer(s)  
Lands and Technical Officer(s)  
Development Assessment Facilitator

#### FUNCTION TO BE PERFORMED

Authority to approve or refuse building permit applications certified or uncertified and certificates of design compliance.

The above Officers are delegated the authority to issue of Building Permits or Certificates of Design Compliance; issue request for further information and issue notice of decision not to grant building permit in the prescribed form pursuant to Building Act 2011, Sections 18, 20, 22, 23, 24.

#### CONDITIONS AND REPORTING REQUIREMENTS

All building permits, certificates of design compliance, requests for further information and notices issued are to be retained on the appropriate file or record pursuant to the requirements of the Building Act 2011.

#### FOOTNOTES

Local government building surveyors have the power to issue a certificate of design compliance pursuant to section 19 as part of the Town's Building Services Operations.

(Adopted at Ordinary Council Meeting held on 26 June 2013 – Decision 201314/433)  
(Amended at Ordinary Council Meeting held on 27 November 2013 – Decision 201314/161)

### 3.3 Occupancy Permit, Building Approval Certificate, Certificate of Building Compliance, Certificate of Construction compliance with or without conditions and extension of period of duration of Occupancy Permit or Building Approval Certificate & Notice of decision to not grant an Occupancy Permit or grant Building Approval Certificate

LEGISLATIVE POWER Building Act 2011, sections 55, 58, 59, 60, 62 and 65.

DELEGATE **Chief Executive Officer**  
Director Community and Development Services  
Manager Development Services  
Senior Building Surveyor  
Building Surveyor(s)  
Development Compliance Officer(s)  
Lands and Technical Officer(s)  
Development Assessment Facilitator

#### FUNCTION TO BE PERFORMED

Authority to approve or refuse the following applications: Occupancy Permit, Building Approval Certificate, Certificates of Construction Compliance and Certificate of Building Compliance

Authority to issue further information requests and an extension of duration of time for Occupancy Permit and Building Approval Certificate, pursuant to the Building Act 2011.

The above officers are delegated authority to issue Occupancy Permits, Building Approval Certificates, Certificates of Construction Compliance and an extension of period of duration of Occupancy Permit or Building Approval Certificate in the prescribed form upon completion of buildings, pursuant to the Building Act 2011, Sections 55, 56, 57, 60, 62 and 65.

#### CONDITIONS AND REPORTING REQUIREMENTS

All permits, certificates and documentation issued are to be retained on the appropriate file or record pursuant to the requirements the Building Act 2011.

#### FOOTNOTE

Local government building surveyors have the power to issue a certificate of design compliance pursuant to section 19 as part of the Town's Building Services Operations.

### 3.4 Approve a Demolition Permit Other Than Buildings Listed on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance

LEGISLATIVE POWER Building Act 2011, Sections 18, 21, 22 and 24.

DELEGATE **Chief Executive Officer**  
Manager Development Services  
Senior Building Surveyor  
Building Surveyor(s)

#### FUNCTION TO BE PERFORMED

Authority to approve or refuse applications for a Demolition Permit.

The above officers are delegated authority to grant a Demolition Permit, issue a further information request and issue a notice of decision not to grant a demolition permit other than for buildings classified by the National Trust, on the Local Heritage Inventory or of a Local Historical and/or Cultural Significance, pursuant to the Building Act 2011, Sections 18, 21, 22 and 24.

#### CONDITIONS AND REPORTING REQUIREMENTS

All demolition permits, further information requests and notices issued are to be retained on the appropriate file or record pursuant to the requirements the Building Act 2011.

(Adopted at Ordinary Council Meeting held on 26 June 2013 – Decision 201314/433)

### 3.5 Issue Notices and/or Building Orders

LEGISLATIVE POWER Building Act 2011, Part 8, Div. 4, sections 106, and 109 Building Act 2011, Part 8, Div. 5, sections 110, 111, 112, 114, 117 and 118

DELEGATE **Chief Executive Officer**  
Director Community and Development Services  
Manager Development Services  
Senior Building Surveyor  
Building Surveyor(s)  
Development Compliance Officer(s)

#### FUNCTION TO BE PERFORMED

Pursuant to Part 8 Division 5 s.110 (1) of the Building Act 2011 a permit authority may make an Order (a building Order) in respect of one or more of the following –

- (a) particular building work;
- (b) particular demolition work;
- (c) particular building or incidental structure, whether completed before or after commencement day.

The above Officers are delegated the power to issue Notices of proposed Building Order other than a building order (emergency) and issue, serve and revoke Building Orders for works in contravention of the Building Act 2011, pursuant to the Building Act 2011 sections 106, 107, 108, 109, 110, 111, 112, 114 and 117.

The above Officers are delegated the authority to take any action specified in the order, to commence or complete any work specified in the order; or if any specified action was required by the order to cease, to take such steps as are reasonable in the circumstances to cause the action to cease pursuant to the Building Act 2011 section 118.

#### CONDITIONS AND REPORTING REQUIREMENTS

Copies of all orders and notices issued are to be retained on the appropriate file or record pursuant to the requirements of the Building Act 2011.

Building orders must only be issued by officers where there is a failure to comply with a building notice (with the exception of where there is imminent and high risk to people, property or the environment pursuant to section 111(2) of the Building Act 2011).

### 3.6 Appoint Authorised Persons (Swimming Pool Inspectors)

LEGISLATIVE POWER                      Building Regulations 2012, Regulation 53(1).

DELEGATE                                      **Chief Executive Officer**  
Director Community and Development Services  
Manager Development Services

#### FUNCTION TO BE PERFORMED

The local government must arrange for authorised person(s) to inspect private swimming pools containing water more than 300mm deep at intervals of no more than 4 years for the purpose of monitoring whether the provisions in regulation 50 and 52 are complied with pursuant to Building Regulations 2012 r. 53 (1).

#### CONDITIONS AND REPORTING REQUIREMENTS

The authorisations must be in writing and recorded on the appropriate file and the person's personal file.

Copies of all reports on swimming pools inspected are to be retained on the appropriate file or record.

### 3.8 Approve the use of a battery powered smoke alarms

LEGISLATIVE POWER                      Building Act 2011  
   Building Regulation 2012, regulation 61

DELEGATE                                      **Chief Executive Officer**  
   Manager Development Services  
   Senior Building Surveyor  
   Building Surveyor(s)

#### FUNCTION TO BE PERFORMED

Approve the use of battery powered smoke alarms pursuant to the Building Regulations 2012.

The above officers are delegated authority to grant or refuse to approve applications for the use in the dwelling or part of the dwelling, of a battery powered smoke alarm pursuant to the Building Regulations 2012 r. 61.

#### CONDITIONS AND REPORTING REQUIREMENTS

All approvals issued are to be retained on the appropriate file or record pursuant to the requirements of the Building Act 2011.



## 5. TOWN PLANNING SCHEME NO. 5

### 5.1 Town Planning Scheme No. 5

#### LEGISLATIVE POWER

Town Planning Scheme No. 5 - Clause 9.2

#### FUNCTION TO BE PERFORMED

1. For the purposes of carrying out and completing the Town Planning Scheme and to ensure its observance, the Council may delegate to the **Chief Executive Officer**, Director Community and Development Services and Manager Development Services any of the powers which it is entitled to exercise by virtue of the Scheme.
2. Any officer of the Council who exercises any power delegated pursuant to the preceding provision shall exercise such power strictly in conformity with the provisions of the Scheme and in particular any policy made by the Council there under.
3. A list of planning applications approved under this delegation is to be provided to Council.

The following functions of Council are, in accordance with clause 9.2 of town planning scheme no. 5, delegated to the **Chief Executive Officer**, Director Community and Development Services and Manager Development Services:

#### 1. *Uses*

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may:

- a) Determine all applications ~~to commence development~~ where the proposed use is a "P" use listed in the Zoning Table of the Town Planning Scheme;
- b) Determine all applications ~~to commence development~~ where the proposed use is "AA" use listed in the Zoning Table of the Town Planning Scheme; and
- c) Determine all applications ~~to commence development~~ where the proposed use is prohibited and "-" use listed in the Zoning Table of the Town Planning Scheme
- d) Determine all applications ~~to commence development~~ where the use is an "SA" use listed in the Zoning Table of the Town Planning Scheme provided that:
  - Advertising has been completed ~~on in~~ accordance with the scheme.
  - ~~All Councillors have been advised (in writing) prior to leave determining the application.~~
  - No objections are raised during the advertising period.

- e) Determine all applications ~~to commence development~~ where the proposed use is an "IP" use listed in the Zoning Table of the Town Planning Scheme.
- f) ~~Determine all applications to commence development where the use is a 'Use Not Listed' in the Zoning Table of the Town Planning Scheme provided that:~~
- ~~Advertising has been completed on accordance with the scheme.~~
  - ~~All Councillors have been advised (in writing) prior to leave determining the application.~~
  - ~~No objections are raised during the advertising period.~~
  - ~~Where any objection is received by a Councillor or a member of the public, or the proposal may have an effect on the amenity or the orderly and proper planning of the locality then the application is to be referred to Council for determination.~~

Note: all delegations and sub-delegations are restricted to developments less than seven (7) million dollars in value.

## **2. Conditions**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services has the authority to impose conditions on any approval to commence development that relates to the proper and orderly planning of the locality.

## **3. Residential Planning Codes**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may determine all requests for variation of development requirements conferred to Council pursuant to the provisions of the Residential Planning Codes.

## **4. Local Planning Policies**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may determine all requests for variation of provisions of all Council adopted Local Planning Policies.

## **5. Reserves**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may approve or refuse all applications provided that all Councillors have been advised (in writing) prior to determining the application.

## **6. Scheme Requirement**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may forward Town Planning Scheme Amendments to the Planning Commission for final approval in the case of:

- i) There being no objections received during the statutory advertising period; and

- ii) The proposal being of an uncontentious nature.

The date of adoption of Council's final approval shall be the date of the next Council Ordinary Meeting following the closing date of the advertising period.

#### **7. Road Closure/ Dedication Actions**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may initiate a request for a 'Road Closure', 'Road Dedication' and subject to (i) below forward 'Road Closure', 'Road Dedication' applications direct to the Department of Regional Development and Lands.

- (i) there being no objection received during the statutory advertising period

The date of Council's adoption of the 'Road Closure/Dedication' action following conclusion of the advertising period shall be the date of the next Council Ordinary Meeting.

#### **8. Easement Registration / Cancellation Actions**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may determine all requests for the Registration / Cancellation of easements on Council owned and / or managed property.

#### **9. Revoke / Accept and Amend "Vesting" / "Management Orders"**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may determine all requests to revoke / accept and amend "Vesting" / "Management Orders".

#### **10. Signs and Hoardings**

The **Chief Executive Officer**, Director Community and Development Services and the Manager Development Services may determine all signage / hoarding applications that comply with the Local Laws and policies of the Council.

#### **11. Infringement Notices**

Pursuant to Section 234 of the Planning and Development Act 2005, the Chief Executive Officer has appointed the following classes of person to be designated persons for the purpose of Section 228 and 230 of the Planning and Development Act 2005, to:

- i. Give an Infringement Notice (s.228)
- Development Compliance Officer(s)

Pursuant to Section 234 of the Planning and Development Act 2005, the Chief Executive Officer has appointed the following classes of person to be designated

persons for the purpose of Section 230 and 231 of the Planning and Development Act 2005, to

- i. Extend the period of 28 days within which a modified penalty may be paid (s.230); and
- ii. Withdraw an Infringement Notice (s.231)
  - Manager Development Services
  - Director Community and Development Services

(Adopted at Ordinary Council Meeting held on 26 June 2013 – Decision 201314/433)

## 6. PLANNING AND DEVELOPMENT ACT 2005

### 6.1 Subdivision

#### LEGISLATIVE POWER

Planning and Development Act  
(Sections 142)

#### DELEGATE

**Chief Executive Officer**  
Director Community and Development Services  
Manager Development Services

#### FUNCTION TO BE PERFORMED

**Chief Executive Officer**, Director Community and Development Services and Manager Development Services are delegated authority to object to, make recommendations and advise of any relevant conditions in respect of subdivisions for the purposes of Part 10 Section 142 of the Planning and Development Act 2005.

## 7. FOOD ACT 2008

### 7.1 Food Act 2008

LEGISLATIVE POWER

Food Act 2008

FUNCTION TO BE PERFORMED

Authority being delegated	Legislative Power	Delegate
Prosecute for breach of the Food Act	Section 118	Chief Executive Officer
Authority to issue a Prohibition order where a food proprietor has not complied with an improvement notice or the order is required to mitigate a serious danger to Public Health	Section 65 (1)	Chief Executive Officer
Officers designated by the Council for the purposes of withdrawing Infringement Notices for breach of the Act. These persons are prohibited by the Act from serving Infringement Notices.	Section 126 (13)	Chief Executive Officer
Designated Officers" listed by the Town for the purposes of serving Infringement Notices for breach of the Act	Section 126 (2)	<del>Chief Executive Officer</del> Manager Environmental Health Coordinator Environmental Health Environmental Health Officer(s)
A designated officer may, whether or not the modified penalty has been paid, withdraw and infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn.	Section 126 (7)	<b>Chief Executive Officer</b> Director Works and Services

<p>“Authorised Officers” listed by the Town for the purposes of administering the Act.</p>	<p>Section 122 (1)</p>	<p>Chief Executive Officer  Manager Environmental Health  Coordinator Environmental Health  Environmental Health Officer(s)</p>
<p>‘Authority to:  1. Register a food business in respect of any premises for the purposed of Part 9 of the Food Act 2008 and issue a certificate of registration;  2. After considering an application, determine to grant (with or without conditions) or refuse the application;  3. Vary the conditions or cancel the registration of a food business in respect of any premises under Part 9 of the Food Act 2008.</p>	<p>Section 110(1) and (5) Registration of food business</p>	<p>Chief Executive Officer  Manager Environmental Health  Coordinator Environmental Health  Environmental Health Officer(s)</p>
<p>Variation of conditions or cancellation of registration of food businesses</p>	<p>Section 112</p>	<p>Chief Executive Officer  Manager Environmental Health  Coordinator Environmental Health  Environmental Health Officer(s)</p>

## ~~8. STRATA TITLES ACT 1985~~

### ~~8.1 Strata Titles~~

~~DELEGATION POWER Strata Titles Act 1985~~

~~DELEGATE Manager Development Services  
Senior Building Surveyor  
Building Surveyor(s)~~

#### ~~FUNCTION TO BE PERFORMED~~

~~Pursuant to the provisions of Section 23 of the Strata Titles Act 1985, the Manager Development Services, Senior Building Surveyor and a qualified building surveyor are authorised to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and Building Services requirements and that the Manager Development Services, Senior Building Surveyor and qualified building surveyor are of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act.~~

~~(Adopted at Ordinary Council Meeting held on 26 June 2013 – Decision 201314/433)~~



## 9. HEALTH ACT 1911

### 9.1 Exercise and Discharge Powers and Functions of the Local Authority

LEGISLATIVE POWER                      Health Act 1911 (Section 26)

DELEGATE                                      **Chief Executive Officer**  
    Manager Environmental Health  
    Coordinator Environmental Health

#### FUNCTION TO BE PERFORMED

The **Chief Executive Officer**, Manager Environmental Health Services and Coordinator Environmental Health Services have delegated authority to serve notices, approve and renew licences and permits and exercise the powers of Council for the expeditious administration of the Health Act.