

Annual Review of Delegations – 2024 Identified Changes

Delegations – Council to CEO

Change No.	Affected Delegation No. and Title	Requested Change	Rationale
1	1.1.15 Expression of Interest for Goods and Services	Add in Express Power or Duty Delegated section: r24 People who submitted expression of interest to be notified of outcome In CEO Condition add: 1. Authority to publicly invite tenders. 2. Function 2 is not sub-delegated.	To be inline with Delegation 1.1.16
2	1.1.18 Disposing of Property – Land and Buildings	Amend Council Conditions on this delegation a and compliance links sections by correcting policy name to Policy 310 Leasing and Licencing.	Correct Policy name.
3	1.1.18A Lease of 15 (Lot 9000) Hill View Terrace, East Victoria Park	Amend Council Conditions on this delegation a and compliance links sections by correcting policy name to Policy 310 Leasing and Licencing.	Correct Policy name.
4	1.1.20 Reimbursement of expenses	Amend title to: Reimbursement of expenses by Elected Members	To make it clear this delegation is about Elected Members.
5	1.1.23 Rate Record Amendment	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
6	1.2.5 Electoral Enrolment Eligibility Claims and Electoral Roll	<i>Local Government (Elections) Regulations 1995:</i> Amend from Reg 11(1a) Nomination of co-owners or co-occupiers under to r11 Nomination under s4.31(1E) or (1F). Addition of r(4) Register, r11A Nomination under s4.31(1G). Amend r13(2) and (4) Register by removing (4) Register. Amend Item 1. In Function section to: Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form as approved by Departmental CEO as per regulations 11, r11A, 12A, 12B, and 12C.	Corrected legislation and Function number 1 in line with legislative changes.

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7	1.3.1 Execution of Documents	Add in Compliance links section Policy 009 Execution of Documents.	Added in relevant compliance link.
8	1.3.2 Use of common seal	Add in Compliance links section Policy 009 Execution of Documents.	Added in relevant compliance link.
9	New Delegation 4.1.3 Prosecution of Offences	Add in delegation for prosecution of offences under the Bush Fires Act 1954 as per Section 59(3) of the Bush Fires Act 1954.	Delegation from local government direct to employees and CEO needed for prosecution. No on delegation.
10	5.2.1 Cat registrations	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
11	6.2.2 Refuse or Cancel Registration	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
12	6.2.3 Seize Dog	Amend function and compliance links sections by correcting State Administrative Tribunal name,	Correct organisation name.
13	6.2.6 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to revoke	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
14	6.2.7 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
15	6.2.8 Determine Recoverable Expenses for Dangerous Dog Declaration	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
16	6.2.9 Grant an Exemption to Keep More than 2 Dogs	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
17	7.1.1 Determine Compensation	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.

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18	7.1.2 Prohibition Orders	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
19	7.1.3 Food Business Registrations	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
20	8.2.1 Give Notices Requiring Obliteration of Graffiti	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
21	8.2.2 Notices – Deal with Objections and Give Effect to Notices	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
22	9.1.4 Determine Compensation for Seized Items	Amend compliance links section by correcting State Administrative Tribunal name,	Correct organisation name.
23	10.2.1 Determination of Applications for Development Approval	<p>1.—This delegation is not to be exercised:</p> <p style="padding-left: 20px;">a.—where three (3) or more Elected Members have submitted a written request to the CEO for the application to be referred to Council for determination (“call-in”); or</p> <p style="padding-left: 20px;">b.—for applications which in the opinion of the Chief Community Planner or Manager Development Services are major or should be considered by Council, or may have the potential to impact upon the community;</p> <p>1. Subject to condition 1, this This delegation may be exercised in relation to:</p> <p style="padding-left: 20px;">a. The approval or refusal of an application for new residential dwellings, or works associated with or incidental to residential dwellings; or</p>	<p>Item 1 added to reflect changes to State legislation that take effect on 1 July 2024, which require that all development applications for single houses (new, additions and ancillary works) must be determined by the CEO or delegated Officers, and cannot be determined by Council. Note provide clarity around this and define relevant terms.</p> <p>Item 2 delete unnecessary wording</p> <p>Item 2f - To be consistent with the wording used in the Planning and</p>

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		<ul style="list-style-type: none"> b. 24Applications where one or more objections are received and the delegated Officer has determined that the objections: <ul style="list-style-type: none"> i. cannot be upheld as the development or the specific variations that were the subject of consultation satisfy relevant objectives or design principles; or ii. are not planning considerations; or iii. do not relate to the matters that were the subject of consultation; or iv. have or can be addressed through amended plans or conditions; c. The approval or refusal of applications for signs, or the refusal of 'X' (prohibited) uses where non-conforming use rights do not apply; or d. The approval or refusal of applications for minor additions/alterations to the development types listed in Function 2 b and e; or e. Applications for an amendment to a development approval which seek to extend the period of time within which the development is to substantially commence; or f. Amendments to DAP applications where the applicant has requested the application to be determined by 	<p>Development (Local Planning Schemes) Regulations</p> <p>Items (i) and (j) relocated to here rather than being within the conditions of the delegation.</p> <p>Item 4 To remove any ambiguity that a "major" development is to be referred to a Council meeting</p> <p>Item 8 To reflect change in title</p> <p>Item 9 To reflect previous changes to legislation</p> <p>Council Conditions on this Delegation Removal</p> <p>To address this process which was introduced in 2021 and requires the Town to issue written advice upon receiving an application</p> <p>Amendment</p>

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		<p>the Town provided that the exceptions listed in Function 2 above do not apply; or</p> <p>g. Parking shortfalls, the subject to of function 1. 2. g. In exercising this discretion, Council Officers are to have regard to Schedule 2, Part 9A of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and any other matter that is considered relevant in determining the acceptability of the parking shortfall. the following matters in determining the acceptability of the parking provided:</p> <p>i.—The extent of the shortfall;</p> <p>ii.—Where provided, a parking needs/demand assessment prepared by the applicant, providing specific details of the nature of the use, hours of operation, number of staff, likely patronage etc;</p> <p>iii.—Whether the development delivers a good urban design outcome or public benefit eg. Improved street activation; retention of mature on-site trees; retention of a building of heritage importance;</p> <p>iv.—Whether the development is within 400m of a high frequency bus route or train station;</p> <p>v.—Whether the development is within 400m of a public car park;</p> <p>vi.—Written justification from the applicant in support of the proposed car parking provision;</p>	<p>To clarify 'X' uses generally, from 'X' uses where non-conforming use rights apply.</p> <p>Amendment</p> <p>Amended to reflect Schedule 2, Part 9A of the Regulations now addressing car parking shortfalls, and that the items listed in g (i to x) and h are better located within an internal working practice.</p> <p>Add regulations to compliance links as they are relevant.</p>

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		<p style="color: red;">vii.— Demonstrated availability of on-street parking;</p> <p style="color: red;">viii.— The provision of end-of-trip facilities;</p> <p style="color: red;">ix.— The reciprocal use of car bays between uses on the same site where the demand for parking will not coincide;</p> <p style="color: red;">x.— Any other matters considered relevant.</p> <p style="color: red;">Applications where under Local Planning Policy 23 ‘Parking’ the on-site car parking provision is at Council’s discretion as there is no prescribed parking requirement for the development proposed. In considering the adequacy of the parking provision, Council Officers are to have regard to the same criteria listed in condition g.</p> <p>Add regulations to Compliance Links.</p>	
24	11.2.2 Development Control Powers – Metropolitan Region Scheme	Remove delegation and replace with Delegation 2022/03 Dated 18 January 2022.	This Delegation Notice 2017/02 dated 30 May 2017 has been superseded by Delegation Notice 2022/03 dated 18 January 2022