APPOINTMENT OF AUTHORISED PERSONS

Function delegated: Authority:

- To appoint and authorise persons to exercise the powers and duties of an authorised person as set out in the *Local Government Act 1995* and listed hereunder:
 - 1.1 Section 3.25 Notices requiring certain things to be done by owner or occupier of land;
 - 1.2 Section 3.31 Power to enter property;
 - 1.3 Sections 3.39 to 3.48 Power to remove, impound and disposal;
 - 1.4 Section 9.10 Power to appoint authorised persons to perform particular functions;
 - 1.5 Section 9.11 Persons committing breach of Act to give name, address and date of birth;
 - 1.6 Section 9.13 Onus of proof in vehicle offences;
 - 1.7 Section 9.16 Issue infringement notices;
 - 1.8 Section 9.17 Receive payment of modified penalties;
 - 1.9 Section 9.19 Extension of time:
 - 1.10 Section 9.20 Withdrawal of notice;
 - 1.11 Section 9.24 Commencing prosecutions.
- 2 To appoint and authorise persons to exercise the powers and duties of an authorised person under the City's local laws.
- 3 To appoint and authorise employees to exercise the powers and duties of a local government to administer and enforce the provisions of the:
 - 3.1 Health Act 1911;
 - 3.2 Food Act 2008;
 - 3.3 Animal Welfare Act 2002;
 - 3.4 Dog Act 1976;
 - 3.5 Bush Fires Act 1954;
 - 3.6 Control of Vehicles (Off-road Areas) Act 1978;
 - 3.7 Caravan Parks and Camping Grounds Act 1995;
 - 3.8 Pest Plant Local Law 2012;
- 3.9 Cat Act 2011.

Delegated by: Council.

Delegation to: Chief Executive Officer (00001).

Conditions: Nil.

Chief Executive Officer

delegates to:

Not applicable.

Additional sub-delegation

conditions:

Nil.

Legislation: Sections 3.24 and 9.10 of the *Local Government Act 1995.*

Section 33 of the Animal Welfare Act 2002

Section 48 of the Bush Fires Act 1954

Section 17 of the Caravan Parks and Camping Grounds Act

1995

Section 38 of the Control of Vehicles (Off-road Areas) Act

1978

Sections 11 and 29 of the Dog Act 1976

Section 122 of the Food Act 2008

Sections 26 and 27 of the Health Act 1911

Section 110 of the Agriculture and Related Resources

Protection Act 1976

Section 44 of the Cat Act 2011

Policy: Not applicable.

Adoption / Revision

reference:

CJ107-06/11; CJ027-03/12; CJ232-11/12; INT13/9868 (30

May 2013); CJ102-06/13; CJ091-06/14.

<u>BUILDING ACT 2011 – BUILDING AND DEMOLITION</u> PERMIT APPLICATIONS, BUILDING APPROVAL CERTIFICATES, CERTIFICATES <u>OF BUILDING</u> <u>COMPLIANCE</u>, CONSTRUCTION COMPLIANCE <u>AND DESIGN COMPLIANCE</u>

Function delegated: Authority to approve or refuse to grant or modify building and

<u>demolition</u> permit applications, building approval certificates, certificates <u>of building compliance</u>, <u>construction compliance</u>

and design compliance.

Delegated by: Council.

Delegation to: Persons as described in the attached Schedule who are

qualified in accordance with the Local Government (Building

Surveyors) Regulations 2008.

Conditions: As described in the attached Schedule.

Legislation: Division 2 of Part 2 of the *Building Act 2011*.

Divisions 1, 2 and 3 of Part 4 of the Building Act 2011.

<u>Local Government (Building Surveyors) Regulations 2008</u>

Building Services (Registration) Regulations 2011.

Policy: Not applicable.

Adoption / Revision

reference:

CJ027-03/12; INT12/23123 (2 October 2012).

BUILDING ACT 2011 – BUILDING AND DEMOLITION PERMIT APPLICATIONS, BUILDING APPROVAL CERTIFICATES, CERTIFICATES OF BUILDING COMPLIANCE, CONSTRUCTION COMPLIANCE AND DESIGN COMPLIANCE

DELEGATION TO	DESCRIPTION OF AUTHORITY BEING DELEGATED	POWER BEING DELEGATED	CONDITIONS
MANAGER COMPLIANCE AND REGULATORY SERVICES (01093) COORDINATOR BUILDING APPROVALS (00113)	PERMIT APPLICATIONS / CERTIFICATES OF BUILDING DESIGN, BUILDING APPROVAL CERTIFICATES AND CERTIFICATES OF CONSTRUCTION COMPLIANCE. Approve (or refuse) permit applications or certificates	Division 2 of Part 2 of the Building Act 2011 Divisions 1, 2 and 3 of Part 4 of the Building Act 2011	Unrestricted assessment and certification.
SENIOR BUILDING SURVEYOR (00153, 00148) Level 1	PERMIT APPLICATIONS / CERTIFICATES OF BUILDING DESIGN, BUILDING APPROVAL CERTIFICATES AND CERTIFICATES OF CONSTRUCTION COMPLIANCE. Approve permit applications or certificates	Division 2 of Part 2 of the Building Act 2011 Divisions 1, 2 and 3 of Part 4 of the Building Act 2011	Unrestricted assessment and certification.
BUILDING SURVEYOR (00149, 00151, 00154) Level 2	PERMIT APPLICATIONS / CERTIFICATES OF BUILDING DESIGN, BUILDING APPROVAL CERTIFICATES AND CERTIFICATES OF CONSTRUCTION COMPLIANCE. Approve permit applications or certificates	Division 2 of Part 2 of the Building Act 2011 Divisions 1, 2 and 3 of Part 4 of the Building Act 2011	Restricted to assessing and certifying compliance of buildings that are no more than three storeys and 2,000m ² in total floor area.
ASSISTANT BUILDING SURVEYOR (00150, 01068)	PERMIT APPLICATIONS / CERTIFICATES OF BUILDING DESIGN, BUILDING APPROVAL CERTIFICATES AND CERTIFICATES OF CONSTRUCTION COMPLIANCE.	Division 2 of Part 2 of the Building Act 2011 Divisions 1, 2 and	Restricted to assessing and certifying compliance of buildings not greater than 500m ² and not more than two storeys.

BUILDING ACT 2011 – BUILDING AND DEMOLITION PERMIT APPLICATIONS, BUILDING APPROVAL CERTIFICATES, CERTIFICATES OF BUILDING COMPLIANCE, CONSTRUCTION COMPLIANCE AND DESIGN COMPLIANCE

DELEGATION TO	DESCRIPTION OF AUTHORITY BEING DELEGATED	POWER BEING DELEGATED	CONDITIONS
	Approve permit applications or certificates	3 of Part 4 of the Building Act 2011	
ASSISTANT BUILDING SURVEYOR (00615)	BUILDING PERMIT APPLICATIONS Approve permit applications.	Division 2 of Part 2 of the Building Act 2011	Restricted to approving applications that have been certified by a suitably qualified Building Surveyor.
ADMINISTRATION TEAM LEADER (00110) ADMINISTRATION OFFICER (00132, 00109, 00131, 00133)		Divisions 1, 2 and 3 of Part 4 of the Building Act 2011	

<u>BUILDING ACT 2011 – OCCUPANCY PERMITS, BUILDING ORDERS AND ASSOCIATED FUNCTIONS UNDER THE BUILDING ACT 2011</u>

Function delegated: Authority to grant or issue occupancy permits, issue building

orders and notices and perform associated functions of a

permit authority pursuant to the Building Act 2011.

Delegated by: Council.

Delegation to: Manager Compliance and Regulatory Services (01093).

Coordinator Building Approvals (00113).

Coordinator Compliance (01094).

Conditions: Subject to the qualification requirements of the *Local*

Government (Building Surveyors) Regulations 2008.

Advise Council upon issue of notices.

Officers sub-delegate to: Not applicable.

Legislation: Building Act 2011.

Local Government (Building Surveyors) Regulations 2008

Building Services (Registration) Regulations 2011.

Policy: Not applicable.

Adoption / Revision

reference:

CJ027-03/12

BUSH FIRES ACT 1954 – FUNCTIONS OF A LOCAL GOVERNMENT

Function delegated: Authority to perform the functions of the local government

under the Bush Fires Act 1954.

Delegated by: Council.

<u>Delegation to:</u> <u>Chief Executive Officer (00001).</u>

<u>Conditions:</u> <u>Cannot be sub-delegated.</u>

Chief Executive Officer

delegates to:

Not applicable.

Additional sub-delegation

conditions:

Not applicable.

<u>Legislation:</u> <u>Section 48 of the *Bush Fires Act 1954*.</u>

Policy: Not applicable.

Adoption / Revision

<u>CAT ACT 2011 – POWERS AND DUTIES OF A LOCAL GOVERNMENT</u>

Function delegated: Authority to exercise the powers or discharge the duties of

the local government under the Cat Act 2011.

Delegated by: Council.

<u>Delegation to:</u> <u>Chief Executive Officer (00001).</u>

Conditions: Nil.

Chief Executive Officer

delegates to:

Not applicable.

Additional sub-delegation

conditions:

Not applicable.

Legislation: Section 44 of the Cat Act 2011.

Policy: Not applicable.

Adoption / Revision

reference:

CJ102-06/13.

<u>DISTRICT PLANNING SCHEME NO. 2 – AUTHORITY TO DETERMINE FUTURE</u> APPLICATIONS FOR RENEWAL OF HOME BUSINESS

Function delegated: Authority to determine future applications for renewal of the

Home Business Category 2 (Music/Drum School) at 6 (Lot

397) Melrose Crest, Kinross.

Delegated by: Council.

Delegation to: Manager Planning Services (00108).

Conditions: Authority subject to no changes to the operation of the

business being made.

Manager Planning

Services delegates to:

Not applicable.

Additional sub-delegation

conditions:

Not applicable.

Legislation: Clause 8.6 of *District Planning Scheme No.2*.

Policy: Home Business Policy.

Adoption / Revision

reference:

CJ198-09/09, CJ107-06/11; CJ091-06/14

<u>DISTRICT PLANNING SCHEME NO. 2</u> – TOWN PLANNING DELEGATIONS - GENERAL

1 MATTERS DELEGATED TO SENIOR URBAN PLANNER (00115, 00609, 00778, 00122, 00125), COORDINATOR PLANNING APPROVALS (00112), AND COORDINATOR URBAN DESIGN AND POLICY (00111). AND SENIOR PLANNING OFFICER (00122, 00125).

Pursuant to Clause 8.6 of the Scheme, the Council delegates to the employees of the City who occupy the positions of Senior Urban Planner, Coordinator Planning Approvals, and Coordinator Urban Design and Policy and Senior Planning Officer the following powers conferred or imposed on Council under the Scheme:

- (a) the approval of an application for Planning Approval <u>and/or the exercise of discretion under the Residential Design Codes</u> for the purpose of a 'single house', <u>an 'ancillary dwelling' or a up to 10</u> 'grouped dwelling<u>s</u>', 'multiple dwelling<u>s</u>' <u>or 'aged or dependent persons' dwellings'</u>, or any associated, ancillary or incidental development where:
 - (i) the Acceptable Development Standards <u>Deemed-to-Comply Requirements</u> of the Residential Design Codes have been satisfied (where applicable), and the development satisfies any applicable standards and requirements of the <u>City's District Planning</u> Scheme, any Agreed Structure Plan and all applicable <u>Local Planning</u> Policies; or
 - (ii) the application requires assessment against the performance criteria <u>Design Principles</u> of the Residential Design Codes, <u>and there have not been any objections to the application received</u>, <u>and provided:</u>
 - (a) the open space of the proposed development is not less than the amount specified in Table 1 or Table 4 (as applicable) of the Residential Design Codes by more than 10% of that requirement;
 - (b-a) the plot ratio of the proposed development does not exceed the maximum requirement of Table 1 or Table 4 (as applicable) of the Residential Design Codes by more than 10% of that requirement;
 - (e-b) the <u>building</u> setbacks of the proposed development are not less than those specified under the Acceptable Development Standards <u>Deemed-to-Comply Requirements</u> of the Residential Design Codes by more than 1.5 metres;
 - (c) <u>a porch, balcony, verandah, chimney or equivalent does not project more than 50% into the primary street setback area stipulated in Table 1 of the Residential Design Codes;</u>
 - (d) the aggregate area, wall height, and/or ridge height of an outbuilding do not exceed the amount set out in the Acceptable Development Standards of the Residential Design Codes by more than 15% of those requirements any outbuilding is not in the primary or secondary setback area stipulated in Table 1 or Table 4 of the Residential Design Codes;

- (e) the height and/or length of boundary wall(s) does not exceed the amounts set out in the Acceptable Development Criteria Deemed-to-Comply Requirements of the Residential Design Codes by more than 10% of those requirements, and where there are boundary walls to no more than two (2) separate boundaries; and
- (f) the height of the proposed <u>fill</u>, retaining wall or <u>non-visually</u> <u>permeable fencinge</u> within the <u>front primary street</u> setback area does not exceed 1.2 metres <u>as measured from above</u> natural ground level.
- (g) the proposed development is considered to satisfy all other applicable performance criteria; and
- (h) there have not been any objections to the proposal received.
- (b) the approval of an application for Planning Approval for the purposes of a class of use listed in Table 1 (Zoning Table) of the Scheme) other than a 'single house', 'ancillary dwelling', 'grouped dwelling', 'multiple dwelling', 'aged or dependent persons' dwelling' or any associated, ancillary or incidental development where:
 - (i) the development satisfies the <u>any applicable</u> standards and requirements of the Scheme, <u>any Agreed Structure Plan</u> and all applicable <u>Local Planning Policies</u>; or
 - (ii) an application proposes a variation to the applicable setback requirements of up to 100% for the development relates only to patio(s), verandah(s), shade sail(s), portico(s), retaining wall(s) less than 1.2 metres above natural ground level in height or outbuilding(s). additions to an existing development and a variation is proposed to the setback requirements for the development site, of up to 100% of that standard or requirement; and or
 - (iii) the application is for the renewal of a Home Business Category 2 or Home Business Category 3, where no complaints or objections have been received since the previous approval was issued; and
 - (iii iv) the application is not required to be considered by the Joondalup Design Reference Panel; and
 - (iv-v) there have not been any objections to the proposal application received.
- 2 MATTERS DELEGATED TO MANAGER PLANNING SERVICES (00108) AND DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT (00105)

Pursuant to Clause 8.6 of the Scheme, the Council delegates to the employees of the City who occupy the positions of Manager Planning Services and Director Planning and Community Development, in addition to the powers set out in part 1 above, the following powers conferred or imposed on the Council under the Scheme and the *Planning and Development Act 2005*:

- (a) the determination of an application for Planning Approval for 'display homes' on proposed Lots 316, 317, and 320-325 Grand Ocean Entrance, proposed Lots 1185-1188, and 1208-1210, Larvotto Turn, and proposed Lots 120-1227 Umina Way in Burns Beach;
- (b) the determination of applications for Planning Approval in accordance with Clause 6.9 of the City of Joondalup District Planning Scheme No. 2 for the unlisted land use 'Ancillary Dwelling', where the land the subject of the application is zoned 'Residential'.
- (e-b) the determination of an application for Planning Approval and/or the exercise of discretion under the Scheme, a Local Planning Policy, an Agreed Structure Plan or the Residential Design Codes for the purpose of one or more 'single houses' or 'ancillary dwellings' and/or up to 10 'grouped dwellings', or 'aged or dependent persons' dwellings';
- (d-c) the determination of an application for Planning Approval for the purpose of a class of use listed in Table 1 (Zoning Table) of the Scheme (other than a 'single house', 'ancillary dwelling', 'grouped dwelling', or 'multiple dwelling' or 'aged or dependent persons' dwelling') where provided:
 - (i) The minimum standards or requirements of the Scheme and any Agreed Structure Plan are varied by not more than 10% of that requirement with the following exceptions:
 - (a-i) building setbacks for buildings other than for those set out in 1(b)(ii) of these delegations, as set out in the Scheme or any applicable Agreed Structure Plan, are not less than the required amount by more than 1.5 metres; and
 - (b-ii) the amount of car parking required, provided is not less than:
 - (a) the standards and requirements set out in the Scheme or any applicable Agreed Structure Plan by more than 10% the amount of car parking; or
 - (b) a car parking shortfall for that site previously approved by Council; or
 - (c) the standards and requirements set out in Amendment No. 65 to the Scheme, as adopted by Council;
 - (iii) the landscaping strip provided achieves an average width of not less than 1.5 metres;
 - (iv) the overall amount of landscaping provided for the site does not vary the standards and requirements set out in the Scheme or any applicable Agreed Structure Plan by more than 10% of that requirement;
 - (ii-v) the development complies with Policy Height of Buildings Within The Coastal Area (Non-Residential Zones);
 - (e-vi) the determination of an application for Planning Approval where the development does not satisfy specific standards set out in any applicable Policy, but satisfies the objective(s) of that all applicable Local Planning

Policyies, with the exception of development that does not satisfy the standards and requirements of the Height of Buildings Within The Coastal Area (Non-Residential Zones) Policy-; and

- (f-vii) the <u>development is not determination of an application for Planning Approval</u> for 'short stay accommodation' except where abutting the 'Residential' zone.
- (g_d) the direction under Clause 6.6.2 of the Scheme that Clause 6.7 (Public Notice) is to apply to an application for planning approval involving a "D" use;
- (h_e) a recommendation to the Western Australian Planning Commission under Clause 6.3 of the Scheme, except where the proposed development is for Telecommunications Facilities;
- (i-f) the determination under Clause 6.1.2 of the Scheme whether to require plans and other information to be submitted with an application;
- (g) the determination under clause 6.1.3(i) of the Scheme whether works are temporary for the purposes of the Scheme and the length of time that such 'development' is permitted to remain in the requested location.
- (<u>i-h</u>) the decision whether to consult with other authorities under Clause 6.4;.
- (k) the issue of a direction/notice under Sections 214 and 215 of the *Planning and Development Act* 2005.

3 PERIOD OF DELEGATION

The delegations made in paragraphs 1 and 2 above are to have effect for a period of 2 years from and including the date of this decision.

4 REPORTING TO COUNCIL

The Chief Executive Officer is to cause a report of the exercise of powers and functions referred to in paragraph 1 and 2 above, to be prepared and presented to each ordinary meeting of the Council.

Adoption / Revision reference: CJ229-12/11, CJ003-02/12, CJ075-05/12; CJ094-06/13;

CJ123-07/13

DOG ACT 1976 – POWERS AND DUTIES OF A LOCAL GOVERNMENT

Function delegated: Authority to exercise the powers or discharge the duties of

the local government under the *Dog Act 1976* including the authority to delegate the powers and duties of a local

government to other persons.

Delegated by: Council.

<u>Delegation to:</u> <u>Chief Executive Officer (00001).</u>

Conditions: Nil.

Chief Executive Officer

delegates to:

Not applicable.

Additional sub-delegation

conditions:

Not applicable.

<u>Legislation:</u> <u>Section 10AA of the *Dog Act 1976*.</u>

Policy: Not applicable.

Adoption / Revision

FOOD ACT 2008 - FUNCTIONS OF AN ENFORCEMENT AGENCY

Function delegated: Authority to exercise the powers or discharge the duties of

the local government, as an enforcement agency under the

Food Act 2008.

Delegated by: Council.

<u>Delegation to:</u> <u>Chief Executive Officer (00001).</u>

Conditions: Nil.

Chief Executive Officer

delegates to:

Not applicable.

Additional sub-delegation

conditions:

Not applicable.

<u>Legislation:</u> Section 122 of the *Food Act 2008*.

Policy: Not applicable.

Adoption / Revision

HEALTH ACT 1911 – APPOINTMENT OF DEPUTY

Function delegated: Authority to exercise all the powers and functions of the local

government, as the local government's deputy, under the

Health Act 1911.

Delegated by: Council.

<u>Delegation to:</u> <u>Chief Executive Officer (00001).</u>

Conditions: Nil.

Chief Executive Officer

delegates to:

Not applicable.

Additional sub-delegation

conditions:

Not applicable.

<u>Legislation:</u> <u>Section 26 of the *Health Act 1911*.</u>

Policy: Not applicable.

Adoption / Revision

<u>PLANNING AND DEVELOPMENT ACT 2005 – POWERS AS TO ILLEGAL DEVELOPMENT</u>

<u>Function delegated:</u> Authority to exercise all the powers and functions of the local

government under sections 214 (2), (3) and (5) of the

Planning and Development Act 2005.

Delegated by: Council.

<u>Delegation to:</u> <u>Chief Executive Officer (00001).</u>

Conditions: Nil.

Chief Executive Officer

delegates to:

Not applicable.

Additional sub-delegation

conditions:

Not applicable.

<u>Legislation:</u> Section 5.42(1)(b) of the *Local Government Act 1995*.

Policy: Not applicable.

Adoption / Revision

SUBDIVISION AND DEVELOPMENT CONTROL: PART 10 - PLANNING AND DEVELOPMENT ACT 2005

Function to be performed: Authority to object to or make recommendations in response

to a plan of subdivision which, in the opinion of the Western Australian Planning Commission, may affect the functions of a local government, pursuant to Section 142 of the *Planning*

and Development Act 2005.

Delegated by: Council

Conditions: The Chief Executive Officer is to prepare and present a

report to the Council, on a monthly basis, where the exercise of powers and functions related to this delegation has been

undertaken.

Delegation to: Director Planning and Community Development (00105)

Manager Planning Services (00108)

Coordinator Urban Design and Policy (00111)

Coordinator Planning Approvals (00112) Senior Planning Officer (00122, 00125) Senior Urban Planner (00115, 00609)

Reference: Section 142 of the Planning and Development Act 2005

CJ107-06/11; CJ094-06/13

CERTIFICATE OF LOCAL GOVERNMENT REQUIRED BY STRATA TITLES ACT 1985

Function to be performed: Authority to issue occupancy permits and building approval

certificates for strata plans and survey strata plans as required by

Section 5B of the Strata Titles Act 1985.

Delegated by: Council

Conditions: Nil

Delegation to: Manager Compliance and Regulatory Services (01093)

Coordinator Urban Design and Policy (00111)

Coordinator Planning Approvals (00112) Coordinator Building Approvals (00113)

Chief Executive Officer

delegates to:

N/A

Reference: Section 5B of the *Strata Titles Act 1985*

Section 127 of the Building Act 2011

CJ107-06/11; CJ094-06/13

ASSESSMENT - COMMUNITY FUNDING

Function to be performed: Authority to approve community funding submissions, not

exceeding an amount of \$10,000.

Delegated by: Council

Conditions: Authority to be exercised consistently with the provisions of

City Policy – Community Funding.

Delegation to: Chief Executive Officer (00001)

Chief Executive Officer

delegates to:

N/A

Reference: City Policy – Community Funding

CJ107-06/11

AUTHORITY TO ENTER INTO AN AGREEMENT WITH SYNERGY FOR PROVISION OF STREET LIGHTING

Function to be performed: Authority to:

- (1) Enter into an agreement with Synergy for the provision of street lighting to the City.
- (2) Approve the annual extension to the existing agreement with Synergy for the provision of street lighting to the City.

Delegated by: Council

Conditions: Nil

Delegation to: Chief Executive Officer (00001)

Chief Executive Officer

delegates to:

N/A

Reference: Sections 3.57 and 5.42 of the *Local Government Act 1995*

CJ240-11/07, CJ107-06/11

DISTRIBUTION OF COMMUNITY NEWSPAPER

Authority to add or subtract suburbs upon written request by the Community Newspaper Group in accordance with the Function to be performed:

approval.

Delegated by: Council

Conditions: Nil

Chief Executive Officer (00001) **Delegation to:**

Chief Executive Officer

delegates to:

N/A

Reference: CJ174-08/09, CJ107-06/11