

3.13. AMENDMENTS TO THE CHIEF EXECUTIVE OFFICER AUTHORISED DELEGATIONS - PLANNING

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DEPARTMENT: Governance

RECOMMENDATION

That Council resolves to delegate, under section 257(1)(b) of the *Local Government Act 2009*, the authority listed in the attachment to this report, to the Chief Executive Officer.

EXECUTIVE SUMMARY

The new Planning Act 2016 will come into effect on 03 July 2017. To supplement this Act, in June 2017, the new Planning Regulation 2017, and the new Development Assessment Rules were released.

The new Planning Act will replace the current Sustainable Planning Act. The attached document is presented to Council for review and adoption in order to update the delegations of power from Council to the CEO under this piece of legislation.

BACKGROUND

The Local Government Act 2009 gives Council the authority to do its work, and also provides for the delegation of this authority from Council through to the Chief Executive Officer (CEO), and through the CEO to Council Officers, in order to provide the effective delivery of services to the community.

There are over 70 Acts and Regulations that relate to local government. The legislative framework to undertake delegations is as follows:

- Section 257 of *the Local Government Act 2009* (the Act) allows a Council to delegate a power, other than where an Act specifically states that the power must be exercised by Council resolution.
- Section 257 (1)(b) of the Act provides for a power to be delegated to the CEO.
- Section 259 of the Act allows a CEO to on-delegate their powers to appropriately qualified Officers, other than where the local government specifically directs that the power not be further delegated or it is a power to keep a register of interests.

When determining which powers should be delegated from Council to the CEO, a differentiation has been made between 'making the decision' (to remain with Council) and 'implementation of the decision' (to be delegated to the CEO).

In addition, it was determined that policy matters, land matters, and matters relating to public liability insurance would all remain with Council.

It should be noted that delegated matters can be brought to Council by the CEO on a case by case basis as needed.

COMMENT

Through the updates provided by LGAQ, staff have updated the Council to CEO Delegations Register to include the following changes to legislation:

- Planning Act 2016
- Planning Regulation 2017
- Development Assessment Rules

The attachment to this report provides a detailed list of the above changes.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial implications to this process. Appropriate implementation of delegations to the CEO ensures the efficient use of Council resources.

RISK MANAGEMENT IMPLICATIONS

The administration of Council's responsibilities under the Local Government Acts, carries with it inherent risk. Appropriate delegations form part of the risk management framework associated with these responsibilities.

This process is part of Council meeting its legislative delegation requirements under the *Local Government Act 2009*. It is also a major part in Council eliminating legal non-compliance issues impacting upon the legal validity/enforceability of Council decisions, or Council's ability to legally enforce or litigate breaches of Local Government Acts.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 5 - Governance

5.2.1 - Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.

5.2.2 - Implement adopted policies and guidelines to ensure consistency in administrative management which also encourages innovation in Council operations.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Regulator	Meeting the responsibilities associated with regulating activities through legislation or local law.
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CONSULTATION

Internal: CEO, Managers and other key staff.

External: LGAQ

ATTACHMENTS

1. Council to CEO Delegation PLANNING **[3.13.1]**



**Douglas Shire Council Register of Delegations
State Legislation
Council to the Chief Executive Officer**

Council delegates under section 257 (1)(b) of the Local Government Act 2009, the following powers to the Chief Executive Officer.

Chief Executive Officer	Delegation to CEO
	Delegation to Remain with Council
New and updated items	

Legend

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as an assessment manager, to determine if the application is a properly made application.	Section 1.2 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to give a confirmation notice.	Section 2.3 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to give an action notice.	Section 3.1 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to agree to a further period for the applicant to comply with all actions in the action notice and give notice to the assessment manager that it has complied.	Section 3.2 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to give a confirmation notice if the applicant has complied with the action notice.	Section 3.4 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to accept the application as a properly made application after giving an action notice.	Section 3.5 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to agree on a further period for giving a confirmation notice.	Section 3.6(b) Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to agree to a further period for the applicant to give a copy of the application to a referral agency.	Section 5.1 Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, to determine if the application is a properly referred application.	Section 6.2 Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, to give a confirmation notice.	Section 7.1 Development Assessment Rules	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as a referral agency, to give the applicant an action notice	Section 8.1(a) Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, to give a copy of the action notice to the assessment manager.	Section 8.1(b) Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, to agree to a further period for the applicant to comply with all the actions in the action notice.	Section 8.2 Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, where the applicant has complied with all the actions in the action notice, to give a referral confirmation notice to the applicant and a copy to the assessment manager.	Section 8.2(b) Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, to give the assessment manager notice that the application is taken to have not been referred.	Section 8.3(b) Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, to agree to a further period for the referral agency assessment period.	Sections 9.2(a) and (b) Development Assessment Rules	
Chief Executive Officer	Power, as an assessing authority, to agree to receive further information from the applicant during the development assessment process.	Section 11.2 Development Assessment Rules	
Chief Executive Officer	Power, as an assessing authority, to make an information request.	Section 12.1 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to agree to a further period in which to make the information request.	Section 12.2 Development Assessment Rules	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as a referral agency, to agree to a further period in which to make the information request.	Section 12.4 Development Assessment Rules	
Chief Executive Officer	Power, as an assessing authority, to give the applicant advice about an information request or any other matter, including how the applicant may change the application.	Section 12.5 Development Assessment Rules	
Chief Executive Officer	Power, as an assessing authority, to agree to a further period for the applicant to respond to the information request.	Section 13.1 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager acting under section 53(10) of the Act to comply with the public notice requirements.	Sections 17.1, 17.3 and 17.4 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to agree to a further period for the applicant to give notice of compliance with the public notice requirements.	Section 18.1 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager, to accept properly made submissions and not properly made submissions.	Section 19.1 Development Assessment Rules	
Chief Executive Officer	Power, as the assessment manager, to agree to a further period to assess and decide the application.	Section 22.1(a) Development Assessment Rules	
Chief Executive Officer	Power, as the assessment manager, to:- (a) give a copy of the notice to each referral agency for the original application and any other referral agency required to be given referral; and (b) advise each referral agency, with a copy to the applicant, of the effect of the change on the development assessment process.	Section 25.1 Development Assessment Rules	

REGISTER OF DELEGATIONS COUNCIL TO CEO

Development Assessment Rules

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as the assessment manager, to determine whether the change:- (a) only deals with a matter raised in a properly made submission for the application; or (b) is in response to an information request for the application; or (c) is in response to further advice provided by an assessing authority about the application.	Section 26.1 Development Assessment Rules	
Chief Executive Officer	Power, as the assessment manager, to give the applicant a confirmation notice where part 4 applies to the changed application and part 4 did not apply to the original application.	Section 26.2(a)(i) Development Assessment Rules	
Chief Executive Officer	Power, as the assessment manager, to determine whether the change:- (a) would be likely to attract a submission objecting to the thing comprising the change if public notification were to apply to the change; (b) only addresses a matter raised in a properly made submission.	Section 26.2(b) Development Assessment Rules	
Chief Executive Officer	Power, as the assessment manager, to give notice to the applicant that public notification is required under section 26.2(b) and that it must be carried out in accordance with section 16.4.	Section 26.2(c) Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, despite section 11.1, to make an information request as a result of a referral under section 26.	Section 26.5 Development Assessment Rules	
Chief Executive Officer	Power, as an assessing authority, despite section 11.1, to make an information request about the change.	Section 27.2 Development Assessment Rules	
Chief Executive Officer	Power, as the assessment manager, to determine whether the change would be likely to attract a submission objecting to the thing comprising the change, if public notification were to apply to the change.	Section 27.3 Development Assessment Rules	

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Development Assessment Rules

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as a concurrence agency, after the referral agency assessment period and any further periods has ended, to change its referral agency response or give a late referral agency response before the application is decided.	Section 28.1 Development Assessment Rules	
Chief Executive Officer	Power, as a concurrence agency, to give notice of its intention to change its referral agency response to the assessment manager and the applicant.	Section 28.4(a) Development Assessment Rules	
Chief Executive Officer	Power, as a concurrence agency, to agree to a further period for the giving of an amended referral agency response.	Section 28.4(b) Development Assessment Rules	
Chief Executive Officer	Power, as a party to the application, to give notice to each other party that the applicant has not referred the application in accordance with section 54(1) of the Act.	Section 29.2 Development Assessment Rules	
Chief Executive Officer	Power, as a referral agency, despite section 11.1, to make an information request as a result of a referral under section 29.	Section 29.6 Development Assessment Rules	
Chief Executive Officer	Power, as a party who initiated an extension under the DA rules, to give a copy of the agreement to any other party to the application.	Section 33.1 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager or as a concurrence agency for the application, to ask any third party for third party advice.	Section 34.1 Development Assessment Rules	
Chief Executive Officer	Power, as an assessment manager or as a concurrence agency for the application, to give further advice about the application to the applicant, including how the applicant may change the application.	Sections 35.1 and 35.2 Development Assessment Rules	

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Power to make submissions to the Minister about the making or amending of a State Planning instrument.	Section 10 Planning Act 2016	Remain with Council
Chief Executive Officer	Power to give notice of a proposed planning scheme or proposed amendment to the chief executive and follow the process for making or amending a planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 18, 20 and 26 and as required under a notice give by the chief executive or in the Minister's rules.	Sections 18, 20 and 26 Planning Act 2016	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Chief Executive Officer	Power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works in the tidal area for Council's local government area	Section 19 Planning Act 2016	
Chief Executive Officer	Power to follow the process for the making or amending of an LGIP as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 21 and 26 and as required in the Minister's rules.	Sections 21 and 26 <i>Planning Act 2016</i>	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Chief Executive Officer	Power to follow the process for the making or amending of a planning scheme policy as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 22 and 26 and as required in the Minister's rules.	Sections 22 and 26 <i>Planning Act 2016</i>	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Chief Executive Officer	Power to follow the process for the making or amending of a TLPI as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 23 and 26 and as required in the Minister's rules.	Sections 23 and 26 <i>Planning Act 2016</i>	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to follow the process for repealing a TLPI or planning scheme policy. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 24.	Section 24 <i>Planning Act 2016</i>	This delegation does not include the power to decide to repeal the TLPI or planning scheme policy which is required to be exercised by Council pursuant to a resolution of Council (see subsection (1)).
Chief Executive Officer	Power to review a planning scheme and a LGIP and follow the process for the review as set out in the Minister's rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in sections 25 and 26 and as required in the Minister's rules.	Sections 25 and 26 <i>Planning Act 2016</i>	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Chief Executive Officer	Power to decide whether or not to agree to a superseded planning scheme request and give notice of the decision.	Section 29 <i>Planning Act 2016</i>	
Chief Executive Officer	Power to decide a compensation claim. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 32 and 33.	Sections 32 and 33 <i>Planning Act 2016</i>	
	Power to make or amend a designation and follow the process in the designation process rules. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters detailed in sections 35, 36, 37, 38 and the designation process rules.	Sections 35, 36, 37 and 38 <i>Planning Act 2016</i>	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Chief Executive Officer	Power, as an affected party, to make submissions about the proposal to the Minister.	Section 37(4) <i>Planning Act 2016</i>	
	Power to extend the duration of a designation. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 39.	Section 39 <i>Planning Act 2016</i>	To remain with Council

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Power to repeal a designation made by Council. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 40 and 41.	Sections 40 and 41 Planning Act 2016	To remain with Council
Chief Executive Officer	Power, as an owner of an interest in designated premises, to request a designator to repeal a designation made by the designator on the basis that the designation is causing the owner hardship.	Section 41(1) Planning Act 2016	
Chief Executive Officer	Power to include a note about the making, amendment, extension or repeal of a designation in Council's planning scheme. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 42.	Section 42 Planning Act 2016	
Chief Executive Officer	Power to give an exemption certificate for the development. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in section 46.	Section 46 Planning Act 2016	
Chief Executive Officer	Power to act as the "assessment manager" for all development applications, change representations, cancellation applications and extension applications received by Council under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an assessment manager and consider all matters as detailed in sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 of the Planning Act 2016.	Sections 48, 51, 53, 54, 59, 60, 61, 62, 63, 64, 65, 67, 71, 75, 76, 84, 85, 86, 87, 93, 100, 101, 105, 107 and 109 Planning Act 2016	
Chief Executive Officer	Power to keep a list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	Section 48(3)(b) Planning Act 2016	

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to enter an agreement with a person on Council's list of persons who are appropriately qualified to be an assessment manager in relation to a particular type of development.	Section 48(3)(d) Planning Act 2016	
	Power, as the owner of premises, to give written consent to the making of the development application.	Section 51(2)	Remain with Council
Chief Executive Officer	Power to act as a "referral agency" for all development applications and cancellation applications received by Council as a referral agency under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a referral agency and consider all matters as detailed in sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 of the Planning Act 2016.	Sections 46, 54, 55, 56, 57, 65, 66, 67, 84, 85, 100, 107 and 109 Planning Act 2016	
Chief Executive Officer	Power to consult with the Minister about making or amending the instrument mentioned in subsection (8)(c).	Section 64(9)	
Chief Executive Officer	Power to act as a "responsible entity" for all change applications received by Council as a responsible entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of a responsible entity and consider all matters as detailed in sections 79, 80, 81, 82, 83, 93, 100, 105, 107 and 109 of the Planning Act 2016.	Sections 79, 80, 81, 82, 83, 93 and 100, 105, 107 and 109 Planning Act 2016	
Chief Executive Officer	Power to act as an "affected entity" for all change applications received by Council as an affected entity under Chapter 3 of the Planning Act 2016. For avoidance of doubt, the power delegated includes the power to take all actions of an affected entity and consider all matters as detailed in section 80 of the Planning Act 2016.	Section 80 Planning Act 2016	

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as the owner of land, to give written consent to the cancellation application.	Section 84(3)(b)(i) Planning Act 2016	
Chief Executive Officer	Power, as a public utility, to give written consent to the cancellation application.	Section 84(3)(b)(iii) Planning Act 2016	
Chief Executive Officer	Power, as the owner of land, to give written consent to the extension application.	Section 86(2)(b)(ii) Planning Act 2016	
Chief Executive Officer	Power to note an approval referred to in subsection (1) on Council's planning scheme and give notice of the approval to the chief executive.	Section 89 Planning Act 2016	
Chief Executive Officer	Power to comply with a direction given by the Minister.	Section 93(2) Planning Act 2016	
Chief Executive Officer	Power to make submissions in response to a proposed call in notice received by Council.	Section 102 Planning Act 2016	
Chief Executive Officer	Power, as the decision-maker, to give the Minister reasonable help.	Section 105(3) Planning Act 2016	
Chief Executive Officer	Power, as a participating local government for a distributor-retailer, to enter a break-up agreement about the charges break-up and publish a copy of the agreement on the local government's website.	Section 115 Planning Act 2016	
Chief Executive Officer	Power to carry out the steps required after making a charges resolution.	Section 118 Planning Act 2016	

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to give an infrastructure charges notice. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 119, 120, 121 and 129.	Sections 119, 120, 121 and 129 Planning Act 2016	
Chief Executive Officer	Power, as a local government that gave an infrastructure charges notice, to agree with the recipient about:- a) whether the levied charge may be paid other than as required under section 122, including whether it may be paid by instalments; and/or whether infrastructure may be provided instead of paying all or part of the levied charge.	Section 123 <i>Planning Act 2016</i>	
Chief Executive Officer	Power, as a local government, to consider representations made on an infrastructure charges notice and, issue a negotiated notice or give a decision notice.	Section 125 <i>Planning Act 2016</i>	
Chief Executive Officer	Power, as a local government with a LGIP that identifies adequate trunk infrastructure to service the subject premises, to impose a development condition requiring either or both of the following to be provided at a stated time: a) the identified infrastructure; and/or b) different trunk infrastructure delivering the same desired standard of service.	Section 128(1) Planning Act 2016	

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as a local government with a LGIP that does not identify adequate trunk infrastructure to service the subject premises, to impose a development condition requiring development infrastructure necessary to service the premises to be provided at a stated time.	Section 128(2) Planning Act 2016	
Chief Executive Officer	Power, as a local government, to impose an extra payment condition. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 130, 131, 132, 133, 134 and 135.	Sections 130, 131, 132, 133, 134 and 135 Planning Act 2016	
	Power in the circumstances referred to in subsection (1) to, by notice given to the applicant, amend the infrastructure charges notice.	Section 137 Planning Act 2016	Remain with Council
	Power, as a local government, to consider and decide a conversion application. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in sections 140, 141 and 142	Sections 140, 141 and 142 Planning Act 2016	Remain with Council
	Power, as a local government, to agree with an applicant that a levied charge, for the purpose of its recovery, is not taken to be rates.	Section 144(2) Planning Act 2016	Remain with Council
Chief Executive Officer	Power, as a local government, to impose a development condition about non-trunk infrastructure.	Section 145 Planning Act 2016	

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
	Power in the circumstances referred to in subsection (1) to:- (a) pay the amount of the levied charge to the State infrastructure provider; and (b) agree with the State infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levied charge will be paid.	Section 149 Planning Act 2016	Remain with Council
	Power, as a local government, to enter an infrastructure agreement. For avoidance of doubt, the power delegated includes the power to take all actions and consider all matters as detailed in Chapter 4, Part 4.	Chapter 4, Part 4 Planning Act 2016	Remain with Council
Chief Executive Officer	Power, as an enforcement authority, to give a show cause notice.	Section 167 Planning Act 2016	
Chief Executive Officer	Power, as an enforcement authority, to give an enforcement notice.	Section 168 Planning Act 2016	
Chief Executive Officer	Power to consult with a private certifier before giving an enforcement notice.	Section 169 Planning Act 2016	
Chief Executive Officer	Power to give notice of the giving or withdrawal of an enforcement notice to the chief executive.	Section 170 Planning Act 2016	
Chief Executive Officer	Power to bring offence proceedings for an offence against the Act.	Section 174 Planning Act 2016	
Chief Executive Officer	Power to consent to proceedings being brought on behalf of the corporation.	Section 175(1)(a)	

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as an enforcement authority, to:- (a) take the action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the defendant.	Section 176(10) Planning Act 2016	
Chief Executive Officer	Power, as an enforcement authority in an offence proceeding, to apply for an order for the payment of the expenses.	Section 178(1)(b) Planning Act 2016	
Chief Executive Officer	Power to the start proceedings in the P&E Court for an enforcement order.	Section 180 Planning Act 2016	
Chief Executive Officer	Power, as an enforcement authority, to:- (a) take the action required under the enforcement order; and (b) recover the reasonable cost of taking the action as a debt to the authority from the respondent.	Section 180(13) Planning Act 2016	
Chief Executive Officer	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.	Section 181(4) Planning Act 2016	
Chief Executive Officer	Power, as an enforcement authority in an offence proceeding, to apply for a disposal order.	Section 214 Planning Act 2016	
Chief Executive Officer	Power to make a claim for compensation from the State where Council incurs loss because of the exercise, or purported exercise, of a power by or for an inspector.	Section 221 Planning Act 2016	
	Power as an appellant to start an appeal.	Sections 229(2) and 230 Planning Act 2016	Remain with Council

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**REGISTER OF DELEGATIONS
 COUNCIL TO CEO**

Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power as a respondent or co-respondent to be heard in an appeal.	Section 229(4) Planning Act 2016	
Chief Executive Officer	Power, where an appeal is only about a referral agency's response, to apply to the tribunal or P&E Court to withdraw from the appeal.	Section 229(5) Planning Act 2016	
Chief Executive Officer	Power to elect to be a co-respondent in an appeal.	Section 230(6) Planning Act 2016	
Chief Executive Officer	Power to start proceedings for a declaration by a tribunal. For avoidance of doubt, the power delegated includes the power to take all actions detailed in sections 239(1), 240 and 241.	Sections 239(1), 240 and 241, Planning Act 2016	
Chief Executive Officer	Power to give the registrar information that the registrar reasonably requires for the proceedings.	Section 246(2) Planning Act 2016	
Chief Executive Officer	Power to appear as a party to a tribunal proceeding.	Section 248 Planning Act 2016	
Chief Executive Officer	Power to make submissions to the tribunal.	Section 249 <i>Planning Act 2016</i>	
Chief Executive Officer	Power to give notice to the Registrar once a tribunal's direction or order has been complied with.	Section 257 <i>Planning Act 2016</i>	
Chief Executive Officer	Power to give an applicant the planning and development certificate applied for.	Section 265 <i>Planning Act 2016</i>	
	Power to note the registration of premises on Council's planning scheme.	Section 267(13) <i>Planning Act 2016</i>	Remain with Council

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REGISTER OF DELEGATIONS COUNCIL TO CEO

Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as an owner of premises in an affected area, before entering into a lease of the premises with a person, to give a notice that states :- (a) the premises are in an affected area; and (b) that restrictions may apply to the person in taking proceedings about emissions from registered premises in the affected area.	Section 270 Planning Act 2016	

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Planning Act 2016

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Transitional provisions for the assessment of applications lodged under the Sustainable Planning Act 2009 and not decided before 3 July 2017	Sections 285, 286, 287, 288 and 289 Planning Act 2016	<p>Application Assessment and Determination. Powers must be exercised in accordance with the following rules:-</p> <ol style="list-style-type: none"> 1. Code Assessable applications of a minor nature, including Operational Work and Building Work assessable against the Planning Scheme are delegated, including all associated administrative matters, including correspondence associated with the routine management of all development applications. 2. Code Assessable applications not of a minor nature and all Impact Assessable applications to be determined by Council. However all associated administrative matters, including correspondence associated with the routine management of all development applications. 3. Approval of plans of subdivision and associated documentation, approval of works on and off maintenance and the release of bonds, and all other delegations not otherwise listed are delegated. 4. Management of appeals and legal proceedings are delegated. <p>Any and all of the above matters may be referred to an Ordinary Meeting of Council on the request of the Manager Sustainable Communities, General Manager Operations, or the Chief Executive Officer.</p>
Chief Executive Officer	Power to make an amendment of a type specified in subsection (1) by following the process set out in the rules. For avoidance of doubt, the power delegated includes the power to take all actions as detailed in the rules.	Section 293(5) Planning Act 2016	This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

**REGISTER OF DELEGATIONS
COUNCIL TO CEO**

Planning Regulation 2017

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power to extend the period mentioned in subparagraph (a).	Section 12(b) Planning Regulation 2017	
Chief Executive Officer	Power, as an assessment manager, to make the requested decision.	Schedule 11, Section 10(1) Planning Regulation 2017	
Chief Executive Officer	Power, as an assessment manager, to give notice of the decision.	Schedule 11, Section 10(2) Planning Regulation 2017	
Chief Executive Officer	Power, as an assessment manager, to give notice of the decision, including the reasons for the decision.	Schedule 11, Section 10(3) Planning Regulation 2017	
Chief Executive Officer	Power, where the request complies with the criteria stated in section 2, to approve the request.	Schedule 18, Section 3(1) Planning Regulation 2017	
Chief Executive Officer	Power to give notice of the approval to the person making the request.	Schedule 18, Section 3(2) Planning Regulation 2017	
Chief Executive Officer	Power to keep the documents listed in subsection (1) available for inspection and purchase.	Schedule 22, Section 1 Planning Regulation 2017	
Chief Executive Officer	Power to keep the documents listed in subsection (1) available for inspection only.	Schedule 22, Section 2 Planning Regulation 2017	
Chief Executive Officer	Power to publish the documents listed in subsections (1) and (4) on Council's website.	Schedule 22, Section 3 Planning Regulation 2017	
Chief Executive Officer	Power, as an assessment manager, to keep the documents listed in subsections (1) and (2) available for inspection and purchase.	Schedule 22, Section 5 Planning Regulation 2017	

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Planning Regulation 2017

DELEGATE	DESCRIPTION OF POWER DELEGATED	LEGISLATION	CONDITIONS TO WHICH THE DELEGATION IS SUBJECT
Chief Executive Officer	Power, as an assessment manager, to keep the documents listed in subsection (1) available for inspection only.	Schedule 22, Section 6 Planning Regulation 2017	
Chief Executive Officer	Power, as an assessment manager, to publish the documents listed in subsections (1) and (4) on Council's website.	Schedule 22, Section 7 Planning Regulation 2017	
Chief Executive Officer	Power, as a referral agency, to keep the documents listed in subsections (a) to (d) available for inspection and purchase.	Schedule 22, Section 8 Planning Regulation 2017	
Chief Executive Officer	Power, as a referral agency, to keep a register for all development applications and change applications given to the referral agency under section 54 of the Act and to make it available for inspection only.	Schedule 22, Section 9 Planning Regulation 2017	
Chief Executive Officer	Power, as a referral agency, to publish the documents listed in subsections (a) to (d) on Council's website.	Schedule 22, Section 10 Planning Regulation 2017	