



# Sub-Delegation of Authority Register

Current as at 19 July 2024

## Foreward

This Sub-Delegation Register is an essential component of Council's broad governance framework.

The *Local Government Act 1995* (the Act) and other specific legislation enables powers and duties to be delegated from Council to the Chief Executive Officer (CEO). Provisions then enable the CEO to delegate powers and duties to other employees.

Some other legislation administered by local governments also provides powers of delegation from the CEO to other employees.

The general purpose of delegations is to assist with efficiencies by providing the means for quicker decision-making.

This Register outlines the powers, duties and functions sub-delegated to employees using a position-based approach.

### Review Requirements

Delegations are to be reviewed at least once every financial year pursuant to the requirements of s.5.46(2) of the Act.

### Record Keeping

In accordance with the requirements of s.5.46(3) of the Act, a person to whom a power or duty is delegated under the Act is to keep records in accordance with r.19 of the *Local Government (Administration) Regulations 1996* in relation to the exercise of the power or the discharge of the duty or function. Other legislation that is the subject of delegations in this Register also contains a requirement for effective record keeping.

When and as delegated functions are exercised, the details are to be captured in full in the Shire of Murray's record keeping system in the format provided (excel spreadsheet) by the sub-delegate.

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### 1.1.1 Sub-Delegation – Determining Applications under Local Laws and Enforcement of Local Law Provisions

|                     |                                                                                                                                                                                                                                                                                                                                           |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.1.1                                                                                                                                                                                                                                                                                                                                     |
| Delegation Subject: | Determining Applications under Local Laws and Enforcement of Local Law Provisions                                                                                                                                                                                                                                                         |
| Act Reference:      | Subdivision 2 of Division 2 of Part 3 <i>Local Government Act 1995</i> (the Act)                                                                                                                                                                                                                                                          |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                                                                                                                                                                             |
| Sub-Delegates:      | Director Planning and Sustainability<br>Director Place, Community and Economic Development<br>Manager Building Services<br>Manager Environmental Health<br>Manager Ranger and Community Safety<br>Manager Planning and Environment Services<br>Coordinator Planning Services<br>Senior Planning Officers<br>Environmental Health Officers |

#### Power/Duty

The CEO hereby delegates authority to the sub-delegates mentioned the ability to determine applications, approve permissible activities, make other necessary determinations pursuant to the relevant Local Law made by the Shire of Murray under Subdivision 2 of Division 2 of Part 3 of the Act and to enforce the provisions of those local laws and to otherwise exercise powers and discharge duties of the local government under those local laws.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act to delegate to sub-delegates the discharge of its powers and duties provided for in any local law made in accordance with the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 1.1.

#### Verification



Dean Unsworth, Chief Executive Officer

### 1.2.1 Sub-Delegation – Determining Applications in relation to the Access or Use of Shire Property

|                     |                                                                                                                                                                                                                                                         |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.2.1                                                                                                                                                                                                                                                   |
| Delegation Subject: | Determining Applications in relation to the Access or Use of Shire Property                                                                                                                                                                             |
| Act Reference:      | Division 3 of Part 3 <i>Local Government Act 1995</i> (the Act)                                                                                                                                                                                         |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                                                                                           |
| Sub-Delegates:      | Director Place, Community and Economic Development<br>Manager Place and Economic Development<br>Director Corporate Services<br>Manager Ranger and Community Safety<br>Manager Planning and Environment Services<br>Coordinator Place and Events Officer |

#### Power/Duty

The CEO hereby delegates authority to the sub-delegates mentioned the ability to determine applications for access, use or to otherwise conduct activities on land or property that is owned by or vested with the Shire of Murray.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act to delegate to sub-delegates mentioned the discharge of its powers and duties provided for in any local law made in accordance with Division 3 of Part 3 of the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 1.2.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 1.3.1 Sub-Delegation - Notices Requiring Certain Things to be Done by Owner or Occupier of Land and Additional Powers When Notice is Given

|                     |                                                                                                                                                                                                                                                          |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.3.1                                                                                                                                                                                                                                                    |
| Delegation Subject: | Notices Requiring Certain Things to be Done by Owner or Occupier of Land and Additional Powers When Notice is Given                                                                                                                                      |
| Act Reference:      | s.3.25(1), s.3.26(2) and s.3.26(3) <i>Local Government Act 1995</i> (the Act)                                                                                                                                                                            |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                                                                                            |
| Sub-Delegates:      | Director Infrastructure Services<br>Director Planning and Sustainability<br>Manager Building Services<br>Manager Environmental Health<br>Manager Planning and Environment Services<br>Manager Ranger and Community Safety<br>Director Corporate Services |

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the ability to give notices under s.3.25(1) and undertake additional powers pursuant to s.3.26(2) and s.3.26(3) of the Act, following the giving of a notice.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Conditions

In all cases, before a notice is issued or additional powers are exercised, sub-delegates shall advise the appropriate Director, or in the case of a Director, the CEO.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 1.3.

#### Verification



Dean Unsworth, Chief Executive Officer

#### 1.4.1 Sub-Delegation – General Procedure for Entering Property

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.4.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Delegation Subject: | General Procedure for Entering Property                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Act Reference:      | s.3.31(2) <i>Local Government Act 1995</i> (the Act)                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Sub-Delegates:      | Coordinator Environment Services<br>Director Planning and Sustainability<br>Director Infrastructure Services<br>Environmental Health Officers<br>Swimming Pool Inspector<br>Manager Building Services<br>Manager Environmental Health<br>Manager Planning and Environment Services<br>Manager Governance & Strategy<br>Manager Ranger and Community Safety<br>Coordinator Planning Services<br>Senior Planning Officers<br>Building Maintenance Coordinator<br>Planning Officers |

##### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the ability to discharge duties and functions under s.3.31(2) of the Act.

##### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act to delegate to the sub-delegates mentioned the discharge of its powers and duties provided for in any local law made in accordance s.3.31(2) of the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

##### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the CEO.

##### Note

This sub-delegation is to be read in conjunction with delegation 1.4.

##### Verification



Dean Unsworth, Chief Executive Officer

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### 1.5.1 Sub-Delegation – Power to Remove and Impound Goods or Abandoned Vehicle Wreck

|                     |                                                                                                                     |
|---------------------|---------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.5.1                                                                                                               |
| Delegation Subject: | Power to Remove and Impound Goods or Abandoned Vehicle Wreck                                                        |
| Act Reference:      | s.3.39 and s.3.40(1)(a) of the Local Government Act 1995 (the Act)                                                  |
| Delegator:          | Chief Executive Officer (CEO)                                                                                       |
| Sub-Delegates:      | Director Corporate Services<br>Manager Ranger and Community Safety<br>Ranger/Bushfire Mitigation Officer<br>Rangers |

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the ability to discharge duties and functions under s.3.39 and s.3.40(1)(a) of the Act.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act to the sub-delegates mentioned to discharge powers and duties provided for in any local law made in accordance with s.3.39 and s.3.40(1)(a) of the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 1.5.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 1.6.1 Sub-Delegation – Disposal of Uncollected Goods

Sub-Delegation No: 1.6.1

Delegation Subject: Disposal of Uncollected Goods

Act Reference: s.3.47(2) and s.3.47(2b) of the *Local Government Act 1995* (the Act)

Delegator: Chief Executive Officer (CEO)

Sub-Delegates: Manager Ranger and Community Safety  
Director Corporate Services

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the ability to dispose of uncollected vehicles or goods seized and impounded for a contravention of a local law made under the Act.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act to the sub-delegates mentioned to deal with the disposal of uncollected vehicles or goods.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Limitations

Vehicle may be disposed of if not collected within –

- (a) 2 months of a notice having been given under s.3.40(3); or
- (b) 7 days of a declaration being made under s.3.40A(4), that the vehicle is an abandoned vehicle wreck.

Where the alleged offender is unknown after reasonable efforts or where a notice has been given under s.3.42(1)(b) or s.3.44 of the Act, other goods may be sold or otherwise disposed of, if not collected within—

- (a) for perishable goods — 3 days;
- (b) for animals — 7 days;
- (ca) for prescribed non-perishable goods – one month;
- (c) for other non-perishable goods — 2 months.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 1.6.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 1.7.1 Sub-Delegation – Closing Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfare for Repairs or Maintenance

|                     |                                                                                                                                                                                                 |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.7.1                                                                                                                                                                                           |
| Delegation Subject: | Closing Certain Thoroughfares to Vehicles and Partial Closure of Thoroughfare for Repairs or Maintenance                                                                                        |
| Act Reference:      | s.3.50(1), s.3.50(1)(a), s.3.50(4), s.3.50(6) and s.3.50A <i>Local Government Act 1995</i> (the Act). r.6(3) <i>Local Government (Functions and General) Regulations 1996</i> (the Regulations) |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                                   |
| Sub-Delegates:      | Director Infrastructure Services<br>Manager Engineering                                                                                                                                         |

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the exercise of powers, the administration of functions and the discharge the duties under s.3.50(1), s.3.50(1a), s.3.50(4), s.3.50(6) and s.3.50A of the Act and r. 6(3) of the Regulations.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act to the sub-delegates mentioned to administer and deal with closing certain thoroughfares in the district to vehicles and partial closure of thoroughfares for repairs or maintenance.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Conditions

As per s.3.50A(1) of the Act, and r.6(3) of the Regulations.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 1.7.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 1.12.1 Sub-Delegation – Administration of the *Dog Act 1976* and Shire of Murray Dog Local Laws

|                     |                                                                             |
|---------------------|-----------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.12.1                                                                      |
| Delegation Subject: | The Administration of the <i>Dog Act 1976</i> (the Act) and Dog Local Laws. |
| Reference:          | s.10AA of the <i>Dog Act 1976</i>                                           |
| Delegator:          | Chief Executive Officer (CEO)                                               |
| Sub-Delegates:      | Director Corporate Services<br>Manager Ranger and Community Safety          |

For the purpose of this Sub-Delegation, the Act relates to the *Dog Act 1976*.

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the ability to generally administer the provisions of the Act and any subsidiary legislation made under the Act in respect to applications, notices, registrations of any kind and all general administration matters.

#### Statutory Framework

The CEO is exercising the power of delegation under s.10AA of the Act. This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Conditions

Sub-delegates may not determine, vary or amend fees and charges payable under the Act or subsidiary legislation.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the *Local Government Act 1995*.

#### Notes

This delegation does not limit the powers, duties or functions of the sub-delegates mentioned, if appointed as Authorised Persons, or any other persons appointed as an Authorised Person in writing, for the purposes of administering and enforcing the Act or its subsidiary legislation.

This sub-delegation is to be read in conjunction with delegation 1.12.

#### Verification



Dean Unsworth, Chief Executive Officer

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#### 1.14.1 Sub-Delegation – Administration and Enforcement of the *Cat Act 2011*

|                     |                                                                                                                     |
|---------------------|---------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.14.1                                                                                                              |
| Delegation Subject: | Administration and Enforcement of the <i>Cat Act 2011</i> (the Act) and associated subsidiary legislation.          |
| Act Reference:      | s.45 <i>Cat Act 2011</i>                                                                                            |
| Delegator:          | Chief Executive Officer (CEO)                                                                                       |
| Sub-Delegates:      | Director Corporate Services<br>Manager Ranger and Community Safety<br>Ranger/Bushfire Mitigation Officer<br>Rangers |

For the purpose of this Sub-Delegation, the Act relates to the *Cat Act 2011*.

##### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned, as Authorised Persons the authority to generally administer and enforce the Act, determine all applications, permits and registrations, serve cat control other notices, certificates or warrants, issue any infringement notice and commence prosecutions under the Act and the associated subsidiary legislation.

##### Conditions

Where a sub-delegate proposes to commence a prosecution in a Court for alleged offences the CEO is to be consulted prior to commencing Court proceedings. The Manager Ranger and Community Safety is not authorised to issue modified penalties and they may withdraw modified penalties or grant additional time to pay on written application and subject to assessment on a case by case basis.

##### Statutory Framework

The CEO is discharging the powers of sub-delegation under s.45 of the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

##### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the *Local Government Act 1995*.

##### Restrictions

This sub-delegation to authorised persons (except the Manager Ranger and Community Safety) does not include the functions contained in s.63, s.64 and s.65 of the Act.

##### Note

This sub-delegation is to be read in conjunction with delegation 1.14.

##### Verification



Dean Unsworth, Chief Executive Officer

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### 1.15.1 Sub-Delegation – Determination of Applications for Gates or Other Devices Across Thoroughfares

|                     |                                                                                                                                                                |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.15.1                                                                                                                                                         |
| Delegation Subject: | To determine applications to install gates or other devices across public thoroughfares.                                                                       |
| Act Reference:      | Schedule 9.1, 5(1) – <i>Local Government Act 1995</i> (the Act)<br>r.9 – <i>Local Government (Uniform Local Provisions) Regulations 1996</i> (the Regulations) |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                  |
| Sub-Delegates:      | Director Infrastructure Services<br>Manager Engineering                                                                                                        |

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the power to determine applications for gates or other devices across public thoroughfares, inclusive of revoking or vary existing approvals and the determination of associated conditions of approval.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act. This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Conditions

Sub-delegates may not determine, vary or amend fees and charges payable in respect to applications or permits issued.

1. Approvals are only to be for a period of 12 months;
2. Applications must be in writing and address gate or device design and public notification requirements;
3. Other directly adjoining landowners are to be advised of applications received;
4. The sub-delegate may condition approvals and is required to keep a register of gates and other devices approved and constructed.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 1.15.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 1.16.1 Sub-Delegation – *Graffiti Vandalism Act 2016* – Administration, Service of Notices, Enforcement and Prosecutions

|                     |                                                                                                                                                    |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.16.1                                                                                                                                             |
| Act Reference:      | s.17 <i>Graffiti Vandalism Act 2016</i> (the Act)                                                                                                  |
| Delegation Subject: | <i>Graffiti Vandalism Act 2016</i> – Administration, Service of Notices, Enforcement and Prosecutions                                              |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                      |
| Sub-Delegates:      | Director Planning and Sustainability<br>Director Infrastructure Services<br>Manager Building Services<br>Manager Planning and Environment Services |

For the purpose of this Sub-Delegation, the Act relates to the *Graffiti Vandalism Act 2016*.

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the powers and duties under Part 3 of the Act.

#### Sub-Delegated Powers and Duties

The Director of Planning and Sustainability and the Manager Planning and Environment Services may serve a notice under the Act in the form approved, on the owner of occupier of land or a body corporate established by a law that owns land in the district requiring the removal (obliteration) of graffiti, where graffiti is –

- applied on property with or without the owners or consent;
- is visible from a public place; and
- is considered to be unsightly or offensive.

The Director Infrastructure Services and Manager Building Services may serve a notice under the Act in the form approved on the Crown, or an agent or instrumentality of the Crown; or a regional local government in control or management of public property requiring the removal (obliteration) of graffiti, where graffiti is –

- applied on public property with or without the consent;
- is visible from a public place; and
- is considered to be unsightly or offensive.

Where a notice is served under s.18 of the Act and it is not complied with proceedings may be commenced in a Court of competent jurisdiction under the *Criminal Procedure Act 2004* regarding the alleged offence after satisfying the conditions.

### Conditions

1. A determination of unsightly or offensive with respect to things, objects or otherwise that may be considered to be graffiti is to be determined by the Strategic Leadership Group prior to a sub-delegated officer serving a notice.
2. Prior to entering onto land or public property that is the subject of a notice issued under s.18 of the Act, by way of notice of entry or with a warrant in the form provided, with such contractor's servant of agents as required to undertake the requisitions of the notice so issued is to be considered and pre-approved by the Strategic Leadership Group.

### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the *Local Government Act 1995*.

### Statutory Framework

This sub-delegation will remain in force until reviewed by the CEO, from time to time

### Notes

This sub-delegation is to be read in conjunction with delegation 1.16.

### Verification



Dean Unsworth, Chief Executive Officer

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### 1.23.1 Sub-Delegation – Authority to Issue Certificates

|                     |                                                                                                                                                                                                                                              |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 1.23.1                                                                                                                                                                                                                                       |
| Act Reference:      | s.55 <i>Gaming and Wagering Commission Act 1987</i> (the Act)                                                                                                                                                                                |
| Delegation Subject: | Authority to issue certificates                                                                                                                                                                                                              |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                                                                                |
| Sub-Delegates:      | Director Planning and Sustainability<br>Environmental Health Officers<br>Manager Planning and Environment Services<br>Manager Building Services<br>Manager Environmental Health<br>Coordinator Planning Services<br>Senior Planning Officers |

For the purpose of this Sub-Delegation, the Act relates to the *Gaming and Wagering Commission Act 1987*.

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the power to issue certificates pursuant to s.55 of the Act.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the *Local Government Act 1995*.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the *Local Government Act 1995*.

#### Note

This sub-delegation is to be read in conjunction with delegation 1.23.

#### Verification



Dean Unsworth, Chief Executive Officer

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**2.1.1 Sub-Delegation – Signing of Written Agreements - Deleted 11 January 2023**

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### **2.5.1 Sub-Delegation – Caveats - Deleted 11 January 2023**

### 2.6.1 Sub-Delegation – Representing Local Government in Court

|                     |                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 2.6.1                                                                                                                                                                                                                                                                                                                                                                                            |
| Act Reference:      | s.9.29(2) <i>Local Government Act 1995</i> (the Act)                                                                                                                                                                                                                                                                                                                                             |
| Delegation Subject: | Representing Local Government in Court                                                                                                                                                                                                                                                                                                                                                           |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                                                                                                                                                                                                                                    |
| Sub-Delegates:      | Director Planning and Sustainability<br>Director Infrastructure Services<br>Director Corporate Services<br>Director Place, Community and Economic Development<br>Manager Governance & Strategy<br>Manager Planning and Environment Services<br>Manager Building Services<br>Manager Environmental Health<br>Manager Ranger and Community Safety<br>Ranger/Bushfire Mitigation Officer<br>Rangers |

#### Statutory Framework

The CEO hereby delegates to the sub-delegates mentioned the discharge of powers and duties provided for in any relevant Act or a local law, made in accordance with s.9.29(2) of the Act.

#### Condition

The authority for an employee to represent Council and/or the Shire in any Court, or the State Administrative Tribunal shall be in writing either generally or for a particular case.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 2.6.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 2.7.1 Sub-Delegation – Determining Tender Criteria

|                     |                                                                                                                                                               |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 2.7.1                                                                                                                                                         |
| Delegation Subject: | Determine the criteria to assess tenders for projects and the supply of goods and services up to \$500,000.                                                   |
| Act Reference:      | s.3.57 <i>Local Government Act 1995</i> (the Act), r.14(2a) <i>Local Government (Functions and General) Regulations 1996</i> (the Regulations)                |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                 |
| Sub-Delegates:      | Director Corporate Services<br>Director Infrastructure Services<br>Director Planning and Sustainability<br>Director Place, Community and Economic Development |

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the authority to determine selection criteria for a tender, prior to a tender being invited. The value of the tender is not to exceed \$500,000 and funds are required to have been allocated in budget.

#### Conditions

Where a tender may reasonably exceed the determined value, Council is to determine the criteria, prior to a tender being invited.

A sub-delegate that determines selection criteria for tender is to record the information in record keeping system under the relevant tender number.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 2.7.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 2.8.1 Sub-Delegation – Release of Information (Rates Register)

|                     |                                                                                 |
|---------------------|---------------------------------------------------------------------------------|
| Sub-Delegation No:  | 2.8.1                                                                           |
| Delegation Subject: | Release of Information (Rates Register)                                         |
| Act Reference:      | 29B <i>Local Government (Administration) Regulations 1996</i> (the Regulations) |
| Delegator:          | Chief Executive Officer (CEO)                                                   |
| Sub-Delegates:      | Director Corporate Services<br>Senior Rates Officer                             |

#### Power/Duty

The CEO hereby delegates to the sub-delegates mentioned the authority to consider and determine applications for the release of information described in s.5.94(m) and s.5.94(s) of the *Local Government Act 1995* (the Act).

#### Conditions

The sub-delegates are approved to consider applications to release information detailed in s.5.94 (m) and s.5.94(s) of the Act, subject to applications being submitted in the form prescribed from time to time; and a Statutory Declaration being completed, if considered necessary.

#### Information

To clarify the application of the Regulation, local governments should note that the effect of the regulation is that a local government is not required to provide full copies of any rates records or register of owners and occupiers or electoral rolls (described under s.5.94(m) and s.5.94(s) of the Act) unless the local government is satisfied that the information will not be used for a commercial purpose.

The regulation provides the local government, and in accordance with this delegation, the sub-delegate with the power to ask the requester to sign a statutory declaration stating they will not use the information for this purpose. The regulation was developed based on similar protection mechanisms within the *Electoral Act 1907*.

If the sub-delegate has reason to believe that the requester will not use the information for a commercial purpose, the information can be provided by the sub-delegate without the use of a statutory declaration.

Examples of when this may occur include: a person who calls up requesting an individual entity (neighbour requests), or when members of the public come into the local government's administration office and upon searching via use of an available computer or record book at the front desk, writes down a couple of entries.

A commercial purpose is defined as the use of a public record for the purpose of:

- Sale or resale;
- Producing a document containing all or part of the copy, printout or photograph for sale; or
- Obtaining of names and addresses from such records for the purpose of solicitation; or
- For any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public records.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 2.9.1 Sub-Delegation – Employment of Casual Employees

|                     |                                                                                                                          |
|---------------------|--------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 2.9.1                                                                                                                    |
| Act Reference:      | s.5.44 <i>Local Government Act 1995</i> (the Act)                                                                        |
| Delegation Subject: | Employment and Management of Casual Employees                                                                            |
| Delegator:          | Chief Executive Officer (CEO)                                                                                            |
| Sub-Delegates:      | Director Corporate Services<br>Director Place, Community and Economic Development<br>Manager Ranger and Community Safety |

#### Power/Duty

The CEO hereby delegates to the sub-delegates the authority to employ casual staff within their respective service areas.

#### Conditions

This delegation is subject to conditions (defined by the Act to include qualifications, limitations or exceptions) as listed:

- This delegation is qualified by the requirement that the employment of any casual staff is to be undertaken within defined budget parameters and in accordance with normal recruitment protocols.

#### Statutory Framework

s.5.41(g) of the Act designates that it is a function of the CEO to "be responsible for the employment, management, supervision, direction and dismissal of other employees".

This delegation is made in accordance with s.5.44 of the Act, whereby the CEO may delegate powers and duties to other employees.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Verification



Dean Unsworth, Chief Executive Officer

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## 2.10.1 Sub-Delegation – Electoral Rolls, Eligibility for and Acceptance of Enrolments

|                     |                                                                                      |
|---------------------|--------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 2.10.1                                                                               |
| Act Reference:      | s.4.32(4), s.4.32(5) and s.4.41(1) of the <i>Local Government Act 1995</i> (the Act) |
| Delegation Subject: | Electoral Rolls and Eligibility for Enrolment                                        |
| Delegator:          | Chief Executive Officer (CEO)                                                        |
| Sub-Delegates:      | Senior Rates Officer<br>Manager Governance & Strategy                                |

### Power/Duty

The CEO hereby delegates to the sub-delegates the authority to prepare owners and occupiers rolls, call for applications for eligibility for enrolment, determine applications, periodically review the owners and occupiers roll and make adjustments, where ineligible. To facilitate determinations inquiries, as required may be undertaken in order to make an informed decision on eligibility for enrolment.

### Conditions

Nil

### Statutory Framework

s.4.41(1) of the Act designates a duty of the CEO to prepare an owners and occupiers role for an election. s.4.32(4) of the Act gives the CEO the ability to decide whether or not a claim made for enrolment eligibility is to be accepted or rejected.

This delegation is made in accordance with s.5.44 of the Act, whereby the CEO may delegate powers and duties to other employees.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

### Verification



Dean Unsworth, Chief Executive Officer

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### 2.11.1 Sub-Delegation – Destruction of Election Records

|                     |                                                                                |
|---------------------|--------------------------------------------------------------------------------|
| Delegation No:      | 2.11.1                                                                         |
| Act Reference:      | r.82(4) <i>Local Government (Elections) Regulations 1997</i> (the Regulations) |
| Delegation Subject: | Destruction of Election Records                                                |
| Delegator:          | Chief Executive Officer (CEO)                                                  |
| Sub-Delegates:      | Records Coordinator                                                            |

#### Power/Duty

The CEO hereby delegates to the sub-delegates to undertake the duties of the CEO as provided in r.82(4) of the Regulations, that is to undertake or to supervise the destruction of any election material.

#### Statutory Framework

This delegation is made in accordance with s.5.44 of the *Local Government Act 1995* (the Act), whereby the CEO may delegate powers and duties to other employees.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Conditions

The delegation of this authority is subject to:

1. There having passed the necessary statutory timeframe before the destruction is undertaken.
2. The authority only being exercised in the presence of two other Shire of Murray employees.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 2.12.1 Sub-Delegation – Freedom of Information

|                     |                                                  |
|---------------------|--------------------------------------------------|
| Sub-Delegation No:  | 2.12.1                                           |
| Reference:          | <i>Freedom of Information Act 1992</i> (the Act) |
| Delegation Subject: | Freedom of Information (FOI)                     |
| Delegator:          | Chief Executive Officer (CEO)                    |
| Sub-Delegates:      | Director Corporate Services                      |

For the purpose of this Sub-Delegation, the Act relates to the *Freedom of Information Act 1992*.

#### Power/Duty

The CEO hereby appoints the sub-delegates mentioned as decisions makers in respect to FOI applications.

#### Review

The CEO is the reviewing officer, should the applicant be dissatisfied with the results of their FOI application.

#### Statutory Framework

Pursuant to s.5.44 of the *Local Government Act 1995* and in accordance with the Act.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the *Local Government Act 1995*.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 3.1.1 Sub-Delegation – Payments from Municipal Fund and Trust Fund

Sub-Delegation No: 3.1.1

Act Reference: s.6.10 *Local Government Act 1995* (the Act).

r.12 *Local Government (Financial Management) Regulations 1996* (the Regulations).

Delegation Subject: Payments from Municipal Fund and Trust Fund

Delegator: Chief Executive Officer (CEO)

Sub-Delegates: Director Corporate Services  
Manager Finance

#### Power/Duty

The CEO hereby delegates powers and duties to the sub-delegates mentioned to facilitate the general management, the authorisation of payments and the recording there of payments to and from the Municipal Fund and the Trust Fund pursuant to s.6.10 of the Act and r.12 of the Regulations.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act to delegate to named officers.

This sub-delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate record of payments to and from the Municipal Fund and the Trust Fund, including specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 3.1.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 3.4.1 Sub-Delegation – Power to Invest

|                     |                                                                                                                                                    |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Delegation No:      | 3.4.1                                                                                                                                              |
| Delegation Subject: | Power to Invest                                                                                                                                    |
| Act Reference:      | s.6.14(1) <i>Local Government Act 1995</i> (the Act)<br><br>r.19 <i>Local Government (Financial Management) Regulations 1997</i> (the Regulations) |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                      |
| Sub-Delegates:      | Director Corporate Services<br>Manager Finance                                                                                                     |

#### Power/Duty

The CEO hereby delegates powers and the discharge of duties to the sub-delegates mentioned under s.6.14(1) of the Act and r.19 of the Regulations.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act.

This delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate record investments, including as required by s.5.46(3) of the Act.

#### Conditions

Subject to Councils Policy F2 – Investment of Funds.

#### Note

This sub-delegation is to be read in conjunction with delegation 3.4.

#### Verification



Dean Unsworth, Chief Executive Officer

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### 3.5.1 Sub-Delegation – Waiver, Reduce or Refund Application Fees

|                     |                                                            |
|---------------------|------------------------------------------------------------|
| Sub-Delegation No:  | 3.5.1                                                      |
| Act Reference:      | s.6.12(1)(b)(c) <i>Local Government Act 1995</i> (the Act) |
| Delegation Subject: | Waiver, reduce or refund application fees                  |
| Delegator:          | Chief Executive Officer (CEO)                              |
| Sub-Delegates:      | Director Corporate Services                                |

#### Power/Duty

The CEO hereby authorises the specified sub-delegate to consider and determine written requests to waive or reduce charges for fees associated with venue hire or facility bookings on Shire of Murray properties (excluding the Murray Aquatic and Leisure Centre, Herron Point Reserve) for non-profit sporting or community groups based in the Shire of Murray, where there is a demonstrated local community or economic benefit.

#### Limitations

The sub-delegate is limited reducing or waiving fees to the maximum of \$250 in any one instance. Bonds may not be reduced or waived.

#### Policy Links

Council Policy C10 provides the ability for the CEO to consider requests to waiver of fees and charges relating to venue hire and bookings. The maximum amount that may be waived for groups of individuals is \$500. Requests exceeding \$500 are determined by Council.

#### Statutory Framework

The Chief Executive Officer is exercising the power of delegation under s.5.44 of the Act to delegate to named officers.

This delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

The sub-delegates shall keep adequate records, including as required by s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 3.5 and Policy C10 – Waiver of Fees and Charges.

#### Verification



Dean Unsworth, Chief Executive Officer

#### 4.2.1 Sub-Delegation – Emergency Services

|                     |                                                                                                                   |
|---------------------|-------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 4.2.1                                                                                                             |
| Act Reference:      | s.5.44 <i>Local Government Act 1995</i> (the Act)                                                                 |
| Delegation Subject: | Emergency Services                                                                                                |
| Delegator:          | Chief Executive Officer (CEO)                                                                                     |
| Sub-Delegates:      | Director Infrastructure Services<br>Manager Ranger and Community Safety<br>Manager Operations<br>Works Supervisor |

##### Power/Duty

The CEO hereby delegates the powers and discharges the duties of the Act in relation to Emergency Service situations to the specified sub-delegates.

##### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act.

This delegation will remain in force until reviewed by the CEO, from time to time.

##### Conditions

Where possible, the sub-delegates should make contact with the CEO before engaging private contractors or incurring any expenses.

##### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

##### Note

This sub-delegation is to be read in conjunction with delegation 4.2.

##### Verification



Dean Unsworth, Chief Executive Officer

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### 5.2.1 Sub-Delegation – Management of Reserves Created Under Section 152 of the *Planning and Development Act 2005*

|                     |                                                                                            |
|---------------------|--------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 5.2.1                                                                                      |
| Act Reference:      | s.5.42 <i>Local Government Act 1995</i> (the Act)                                          |
| Delegation Subject: | Management of Reserves Created Under s.152 of the <i>Planning and Development Act 2005</i> |
| Delegator:          | Chief Executive Officer (CEO)                                                              |
| Sub-Delegates:      | Director Infrastructure Services                                                           |

#### Power/Duty

The CEO hereby delegates the powers and discharges the duties of s.152 of the *Planning and Development Act 2005* to the specified sub-delegate.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act.

This delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the CEO.

#### Note

This sub-delegation is to be read in conjunction with delegation 5.2.

#### Verification



Dean Unsworth, Chief Executive Officer

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**6.9.1 Sub-Delegation – Issue of Certificates (Strata Titles) - Deleted**

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### 6.10.1 Sub-Delegation – Planning Approvals and Associated Decisions

|                     |                                                                                                                                                                                                   |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 6.10.1                                                                                                                                                                                            |
| Act Reference:      | s.82(1) of the Deemed Provisions for Local Planning Scheme's, Schedule 2, Part 10, <i>Planning and Development (Local Planning Scheme's) Regulations 2015</i> . (the Regulations")                |
| Delegation Subject: | Planning Approvals and Associated Decisions                                                                                                                                                       |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                                     |
| Sub-Delegates:      | Director Planning and Sustainability<br>Manager Planning and Environment Services<br>Manager Building Services<br>Coordinator Planning Services<br>Senior Planning Officer/s<br>Planning Officers |

#### Power/Duty

The (CEO) hereby delegates the powers and duties under the Regulations and/or Local Planning Scheme to the specified sub-delegates to determine applications for development approval/s, including applications for land use, home occupations, building envelope variations, the exercise of discretion under the Scheme and the Residential Design Codes, authority to amend or cancel development approval, authority to determine the period in any 12 month period which temporary uses and development do not require development approval, all decisions arising from the imposition of conditions and in relation to Local Planning Policies, Structure Plans, Outline Development Plans; Detailed Areas Plans and authority to enter and inspect buildings or land.

#### Conditions

- Decisions relating to Local Planning Policies, Structure Plans, Outline Development Plans and Detailed Areas Plans may only be determined by the (CEO) or Director Planning and Sustainability;
- Decisions relating to the adoption of Local Planning Policies are to be determined by the Council;
- Where a public objection has been received after the application has been advertised for comment the application may only be determined by (CEO) or Director Planning and Sustainability;
- Where a Council member has requested in writing that a particular matter be referred to Council for determination then that matter is to be determined by the Council.
- Decisions by sub-delegates relating to applications for development approvals (are subject to the consultation with the Director Planning and Sustainability), including:
  - applications for land use;
  - home occupations and building envelope variations;
  - the exercise of discretion under the Scheme and the Residential Design Codes, and the authority to amend or cancel development approval;

- authority to determine the period in any 12-month period which temporary uses and development do not require development approval;
- all decisions arising from the imposition of conditions and in relation to Local Planning Policies, Structure Plans, Outline Development Plans and Detailed Areas Plans.

#### Statutory Framework

The (CEO) is exercising the power of delegation under the Regulations.

This delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the *Local Government Act 1995*.

#### Note

This sub-delegation is to be read in conjunction with delegation 6.10

#### Verification



Dean Unsworth, Chief Executive Officer

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### 6.11.1 Sub-Delegation – Subdivision of Land

|                     |                                                                                                                                                                              |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sub-Delegation No:  | 6.11.1                                                                                                                                                                       |
| Delegation Subject: | Subdivision of Land                                                                                                                                                          |
| Act Reference:      | s.3.1 <i>Local Government Act 1995</i> (the Act)                                                                                                                             |
| Delegator:          | Chief Executive Officer (CEO)                                                                                                                                                |
| Sub-Delegates:      | Director Planning and Sustainability<br>Manager Planning and Environment Services<br>Manager Building Services<br>Coordinator Planning Services<br>Senior Planning Officer/s |

#### Power/Duty

The CEO hereby delegates the authority for all matters relating to the performance of Council's functions with regard to subdivision (including strata and survey strata) applications to the specified sub-delegates.

#### Conditions

Any Applications where the recommendations would be inconsistent with the objectives of Town Planning Scheme No. 4, or a relevant structure plan, outline development plan, policy or strategy to be referred to Council.

Where the sub-delegate is intending to not support the application all Council Members must first be notified in writing of the application and the rationale for the intension to not support the application and give at least three business days for Council Members to consider whether or not to request the application be referred to Council for consideration.

#### Statutory Framework

The CEO is exercising the power of delegation under s.5.44 of the Act.

This delegation will remain in force until reviewed by the CEO, from time to time.

#### Record Keeping

Sub-delegates shall keep adequate records as specified in s.5.46(3) of the Act.

#### Note

This sub-delegation is to be read in conjunction with delegation 6.11.

#### Verification



Dean Unsworth, Chief Executive Officer

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## Endorsement and Amendment Record

| Date             | Amendment Details                                                                                                | CM Reference |
|------------------|------------------------------------------------------------------------------------------------------------------|--------------|
| 18 December 2018 | Comprehensive review                                                                                             | D18/53643    |
| 21 February 2019 | Delegated position title review                                                                                  | D19/8473     |
| 24 January 2020  | Position title review and minor amendments                                                                       | D20/5381     |
| 18 April 2020    | Review of Sub-delegation 6.10.1                                                                                  | D20/16160    |
| 12 May 2021      | Position title amendments sub-delegations 3.1.1 and 3.4.1                                                        | D21/16161    |
| 26 May 2021      | Position title amendments sub-delegations 1.1.1, 1.2.1 and 2.9.1                                                 | D21/18256    |
| 7 October 2022   | Periodic review and amendments to sub-delegations 3.1.1 & 3.4.1                                                  | D22/34486    |
| 20 December 2022 | Periodic review and deletion of sub-delegation 6.9.1 – Issue of Certificates (Strata Titles)                     | D22/44081    |
| 11 January 2022  | Position title review and minor amendments                                                                       | D23/1804     |
| 23 March 2023    | 1.4.1 Position removed<br>1.14.1 Change of titles                                                                | D23/10899    |
| 23 March 2023    | Position Title Amendments Sub-Delegations 6.11.1/1.16.1/1.23.1/2.6.1/6.10.1/1.1.1/1.2.1/1.3.1/1.4.1/             | D23/10899    |
| 9 June 2023      | Additional Delegated position to 1.3.1                                                                           | D23/19868    |
| 9 June 2023      | New Position for Sub-Delegated Authority – Coordinator Planning Services – 1.1.1, 1.4.1, 1.23.1, 6.10.1 & 6.11.1 | D23/18230    |
| 17 Nov 2023      | Amended title 1.4.1, 1.5.1, 1.14.1 and 2.6.1                                                                     | D23/40608    |
| 17 Nov 2023      | New Position for 1.5.1, 1.14.1 and 2.6.1                                                                         | D23/40608    |
| 6 June 2024      | Amend Position for 1.4.1                                                                                         | D24/18705    |
| 19 July 2024     | Employee Title Changes 1.2.1 and 1.4.1                                                                           | D24/24356    |
|                  |                                                                                                                  |              |

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