



## DELEGATION OF AUTHORITY

<b>DELEGATION NO:</b>	2009-32 (V3)
<b>DELEGATION TITLE:</b>	Roads
<b>Delegation from Council to:</b> Chief Executive Officer	
<b>Date and Resolution No.:</b>	
<b>Delegation from the Chief Executive Officer to:</b> Refer attached schedule	<b>Date</b>
<b>Source of Authority:</b> <i>Local Government Act 2009</i> <i>Land Act 1994</i>	

**Delegated Power:**

1. To exercise Council's powers under the *Land Act 1994* and the *Local Government Act 2009* (the **Act**) (section 68) including but not limited to the following:
  - (a) decide whether or not to lodge an objection and, if so decided, to lodge an objection to the proposed road closure notified to council by the Minister;
  - (b) apply for the simultaneous opening and closing of roads;
  - (c) appeal against a condition imposed by the Minister;
  - (d) ask that land in the road being closed be amalgamated;
  - (e) make application to the Minister for the opening or closure of roads in accordance with the *Land Act 1994*; and
  - (f) submit objection to application for opening or closing of a road in a local government area by someone other than the local government.
  
2. To exercise Council's powers under section 69 of the Act including but not limited to the following:
  - (a) close a road (permanently or temporarily) to traffic or particular traffic.

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- (b) close a road to traffic:
    - (i) during a temporary obstruction to traffic; or
    - (ii) if it is in the interests of public safety; or
    - (iii) if it is necessary or desirable to close the road for a temporary purpose (including a fair, for example).
  - (c) publish notice of closing of road.
  - (d) do everything necessary to stop traffic using the road after it is closed.
  - (e) permit the use of any part of a road after it is closed to traffic for a temporary purpose subject to appropriate conditions.
3. To exercise Council's powers under section 70 of the Act including but not limited to the following:
- (a) make a temporary road through land adjoining the road to be used while the road is being remade or repaired;
  - (b) agree with the owner or occupier of the land regarding local government entry and give a written or oral notice;
  - (c) agree with the owner of land and amount of compensation for physical damage caused by the local government entering, occupying or using the land.
4. To exercise Council's powers under chapter 3, part 3 of the Act including but not limited to the following:
- (a) fix and advise the owner or occupier or change the permanent level of a road;
  - (b) agree to the amount of compensation payable;
  - (c) assess impact on road of specified activities;
  - (d) require an entity conducting an activity on a road to provide information;
  - (e) give the entity conducting an activity a direction about the use of the road to lessen the impact and to require the entity to carry out works to lessen the impact or to pay an amount as compensation for the impact;
  - (f) categorise the roads in the local government area according to the surface of the road;
  - (g) approve the carrying out of works on a road or interference with a road or its operation subject to conditions;
  - (h) prepare and keep up to date a map of every road in the local government area and a register of roads; and
  - (i) approve the carrying out works on a road or interference with a road or its operation.
5. To exercise control of all roads in the local government area including but not limited to the following:
- (a) survey and resurvey roads;
  - (b) construct roads;

- (c) maintain and improve roads;
  - (d) approve the naming and numbering of private roads; and
  - (e) approve the naming and numbering of other roads.
6. To exercise the powers of the local government under the *Local Government Act 2009*, including but not limited to the following:
- (a) act for the local government in legal proceedings including the authority to:
    - (i) give instructions and act as the authorised agent for the local government;
    - (ii) effect substituted service; and
    - (iii) sign all documents for the local government.

**Delegation Criteria:**

7. In relation to exercising the powers under the *Local Government Act (2009)* and *Land Act 1994*, the delegated Officer may exercise the powers delegated in paragraph 1 of this delegation in respect of:
- (a) Council's approved internal processes for road closure applications.
8. In relation to exercising the powers under the *Local Government Act (2009)*, the Delegated Officer may exercise the powers delegated in paragraph 2, 3, 4 and 5 of this delegation in respect of the following:
- (a) comply with the procedural requirements of Chapter 3, Part 3 of the *Local Government Act 2009*; and
  - (b) where appropriate, give due consideration to council's policies and any plans and priorities for the immediate area and surrounds, including council's capital works program and planning scheme.

**Delegation Administrative Procedure:**

9. The powers conferred by this delegation must be exercised in accordance with the legislation conferring the authority, including any obligations which are imposed in exercising the power (e.g. performing the function or exercise the power in a way that best achieves the object of the Act).
10. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation under sections 257, 257A, 258 and 259 of the *Local Government Act 2009*.
11. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
12. Unless compliance would be contrary to any law, compliance with the policies and codes of conduct of the local government must be achieved.
13. Where applicable, the following procedure is to be undertaken for this delegation in relation to the powers delegated in paragraph 2, 3 and 4 of this delegation:

- (a) where necessary, the delegated officer should liaise with affected branches of council and local residents.