

DELEGATION OF AUTHORITY
TITLE: LOCAL LAWS
Delegation by Council to:
Chief Executive Officer

Council Resolution date:
Source of Authority:
Local Government Act 2009 – Section 257
Delegated Power:

1. To exercise the following powers of council in respect of approvals under the Local Government's Local Laws:
 - (a) keep and maintain a register;
 - (b) approve, renew, extend, transfer, amend, suspend, restrict cancel, make null and void, apply conditions, waive requirements and issue an approval¹;
 - (c) give a show cause notice;
 - (d) give a written; and
 - (e) give an information notice;

2. To exercise the following powers of council in respect of appeals, offences and enforcement under the Local Governments Local Laws:
 - (a) offer a reward for information;
 - (b) review a reviewable decision;
 - (c) impound an item that has been delivered into council's custody;;
 - (d) advise the community by signage from where animals are prohibited, or the designation of dog off leash areas;
 - (e) declare an animal other than a dog to be dangerous and require the responsible person to take specific actions;
 - (f) give a written notice or notice of impounding;
 - (g) keep and maintain a register of impounded animals;
 - (h) make a destruction order; and

¹ An approval means a consent, permit, authorisation, registration, membership, label or approval under a local government Act or a local law and includes all the conditions of a consent, permit, authorisation, registration, membership or approval.

- (i) offer an animal for sale by public auction

Delegation Criteria:

3. The Delegated Officer may exercise the powers of council in accordance with paragraph 1(a) and 2(g) of this delegation subject to the following conditions:
 - (a) The Delegated Officer may approve the insertion, amendment or deletion of any information within a register required to be kept by council under a Local Law where the insertion, amendment or deletion is necessary to:
 - (i) correct an error; or
 - (ii) give effect to a decision acting in accordance with a delegation of council or the Chief Executive Officer; or
 - (iii) otherwise comply with the council's obligations under a Local Law, a Local Government Act or the *Local Government Act 2009*.

4. The Delegated Officer may exercise the powers of council in relation to the powers delegated in paragraph 2 of this delegation in respect of:
 - (a) the conduct and resolution of an appeal made to a court, tribunal or other judicial or administrative body by a person in respect of a determination of council under a Local Law; and
 - (b) the initiation, conduct and resolution of proceedings in a court, tribunal or other judicial or administrative body in respect of a breach of a Local Law.

Delegation Administrative Procedure:

5. The following procedure is to be undertaken for this delegation in accordance with the powers delegated in paragraph 1(a) and 2(g) of this delegation:
 - (a) The Delegated Officer may following a request insert, alter, change or amend a register maintained by council under a Local Law.
 - (b) In deciding whether to approve a change to a register, the delegated officer is to give due consideration to compliance or otherwise with the delegated criteria.

6. The following procedure is to be undertaken for this delegation in accordance with the powers delegated in paragraph 1(b) of this delegation:
 - (a) An application for an approval must be made by or on behalf of the applicant on the prescribed form and accompanied by the prescribed fee.
 - (b) In deciding whether to approve or refuse the application, the Delegated Officer is to:
 - (i) give due consideration to compliance or otherwise with the Delegation Criteria; and
 - (ii) make a recommendation to grant or refuse to grant the approval; and

- (iii) give the applicant written notice advising of the approval unconditionally, subject to conditions or refuse to grant the approval .

- 7. The Delegated Officer may amend the Register of Approvals.