



Sub-delegations under the Instrument of Delegation under the Natural Resources Management Act 2004 the Natural Resources Mgt. (General) Regulations 2005 & the Natural Resources Mgt. (Transitional Provisions-Levies) Reg. 2005

6 September 2016

INSTRUMENT OF SUBDELEGATION

On the 22nd day of April 2014 the City of Holdfast Bay("the Council") delegated certain powers and functions under the following Acts:

- INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004 THE NATURAL RESOURCES MGT. (GENERAL) REGULATIONS 2005 & THE NATURAL RESOURCES MGT. (TRANSITIONAL PROVISIONS-LEVIES) REG. 2005

to the person holding the position of Chief Executive Officer (the "Head Delegation") subject to the terms and conditions specified in the relevant resolution(s) or in the Schedule of Conditions (if any) in the Head Delegation.

The powers and functions so delegated are set out in the Attachments to Report No: 106/14.

In exercise of the powers under Section 101 of the Local Government Act 1999, I, as Chief Executive Officer hereby:

- revoke all previous sub-delegations to the positions indicated below;
- sub-delegate such of those powers and functions identified in the Head Delegation as are specified below to the person holding the positions specified below, on the terms and conditions specified below.

The sub-delegated powers and functions may be exercised individually by each sub-delegate in respect of any particular matter where the sub-delegate is required or proposing to act in the course of their duties.

Signature

Ian Walker

ACTING CHIEF EXECUTIVE OFFICER

Date

CONDITIONS OF SUBDELEGATIONS MADE BY THE CHIEF EXECUTIVE OFFICER

Conditions applying to all sub delegations

Nil

Other Conditions

Nil

POWERS AND FUNCTIONS SUBDELEGATED IN THIS INSTRUMENT

- **Instruments**
- INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004 THE NATURAL RESOURCES MGT. (GENERAL) REGULATIONS 2005 & THE NATURAL RESOURCES MGT. (TRANSITIONAL PROVISIONS-LEVIES) REG. 2005

- **Delegation Sources**
- Natural Resources Management Act 2004
- Natural Resources Management (General) Regulations 2005

- **Titles**
- Coastal and Biodiversity Project Officer: Coastal and Biodiversity Project Officer - Michael Hemus
- Coordinator Environmental and Coastal Assets: Coordinator Environmental and Coastal Assets - Tanya Roe
- General Manager Business Services: General Manager Business Services - Ian Walker
- General Manager City Assets and Services: General Manager City Assets and Services - Steve Hodge
- Manager Field Services: Manager Field Services - Pam Andrisakis
- Manager Finance: Manager Finance - John Newton
- Manager Regulatory Services: Manager Regulatory Services - Ken O'Neill

- INSTRUMENT OF DELEGATION UNDER THE NATURAL RESOURCES MANAGEMENT ACT 2004 THE NATURAL RESOURCES MGT. (GENERAL) REGULATIONS 2005 & THE NATURAL RESOURCES MGT. (TRANSITIONAL PROVISIONS-LEVIES) REG. 2005

Natural Resources Management Act 2004				
#	Item Delegated	Conditions and Limitations	Delegate	Date
82145	1. Collaboration with NRM board 1.1 The power pursuant to Section 29(4)(d) of the Natural Resources Management Act 2004 ("the Act") to work collaboratively with a regional NRM board in the performance of its functions.		General Manager City Assets and Services, Manager Field Services, Coordinator Environmental and Coastal Assets	
82146	2. The power pursuant to Section 30 of the Act to act in conjunction with a regional NRM board in relation to the NRM board doing anything necessary, expedient or incidental to - a) performing the functions of the NRM group under the Act or any other Act; or b) assisting in the administration of the Act; or c) furthering the objects of the Act		General Manager City Assets and Services, Manager Field Services, Coordinator Environmental and Coastal Assets	
82149	5. Use of Facilities 5.1 The power pursuant to Section 41 of the Act to enter into arrangements with a regional NRM board for the board to make use of the services of the staff, equipment or facilities of the Council.		Manager Regulatory Services,	

Natural Resources Management Act 2004				
			General Manager City Assets and Services, Manager Field Services	
82150	<p>6. Boards Power to Provide Financial Assistance etc</p> <p>6.1 The power pursuant to Section 42(2) of the Act where a Council wishes to obtain financial or any other form of assistance from a regional NRM board under Section 42(1) of the Act, to make a written submission to the board setting out -</p> <p>6.1.1 the nature of the assistance requested (and, in the case of financial assistance, the amount requested); and</p> <p>6.1.2 the purpose or purposes for which and the manner in which the assistance will be used; and</p> <p>6.1.3 the reasons why, in the Delegate's opinion, the granting of the assistance by the regional NRM board is justified.</p>		Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services	
82156	<p>10. Composition of NRM groups</p> <p>10.1 The power pursuant to Section 48(2)(b)(i) of the Act to consult with the relevant regional NRM board or boards, if the Council is also a constituent council for the area of the NRM group to which that board belongs, before an appointment is made by the board under Section 48(1) of the Act.</p>		Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services	

Natural Resources Management Act 2004				
82157	<p>11. Functions of Groups</p> <p>11.1 The power pursuant to Section 52(2)(c) of the Act, to work collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act.</p>		<p>Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services, Coordinator Environmental and Coastal Assets</p>	
82158	<p>12. Acting in Conjunction with NRM Group</p> <p>12.1 The power pursuant to Section 53(2)(g) of the Act to act in conjunction with an NRM group in relation to the NRM group doing anything necessary expedient or incidental to:</p> <p>a) performing its functions under the Act or any other Act</p> <p>b) assisting in the administration of the Act or</p> <p>c) furthering the objects of the Act</p> <p>pursuant to Section 53(1) of the Act.</p>		<p>General Manager City Assets and Services, Manager Field Services</p>	
82160	<p>14. Use of Facilities</p> <p>14.1 The power pursuant to Section 60 of the Act to enter into an arrangement with an NRM group for the NRM group to use the services of the staff, equipment or facilities of the Council.</p>		<p>Manager Regulatory Services,</p>	

Natural Resources Management Act 2004

			<p>General Manager City Assets and Services, Manager Field Services, Coordinator Environmental and Coastal Assets</p>	
82164	<p>18. Regional NRM Plans 18.1 The duty pursuant to Section 75(9) of the Act, when performing functions or exercising powers under the Local Government Act 1999 or any other Act, to have regard to any regional NRM plan that applies within the relevant area and in particular to give consideration to the question of whether changes should be implemented to the manner in which, or the means by which, the Council performs a function or exercises a power or undertakes any other activity that has been identified in the regional NRM plan as requiring change.</p>		<p>Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services, Coordinator Environmental and Coastal Assets, Coastal and Biodiversity Project Officer</p>	

Natural Resources Management Act 2004				
82166	<p>20. Preparation of Plans and Consultation</p> <p>20.1 The power pursuant to Section 79(6)(a)(vii) of the Act where a draft plan has been prepared by a regional NRM board, to receive a copy of the draft plan.</p>		<p>Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services</p>	
82168	<p>21. Submission of Plan to Minister</p> <p>21.1 The power pursuant to Section 80(5) of the Act to receive a copy of a draft plan as amended by the Minister, or if it appears to the Minister that the part or parts of the plan that have been amended can conveniently be substituted in the draft plan - a copy of that part or those parts as amended.</p>		<p>Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services</p>	
82172	<p>24. Contributions by Constituent Councils</p> <p>24.2 The power pursuant to Section 92(7) of the Act to receive notice from the Minister of the Minister's determination.</p>		<p>Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services</p>	

Natural Resources Management Act 2004				
82173	<p>25. Payment of Contributions by Councils</p> <p>25.1 The duty pursuant to Section 93(1) of the Act, subject to Section 93(2) of the Act, to pay the Council's share of the amount to be contributed by the constituent councils in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates, including any interest which accrues on any amount unpaid at the rate and in the manner prescribed by regulation.</p>		<p>Manager Finance, General Manager Business Services</p>	
82174	<p>25. Payment of Contributions by Councils</p> <p>25.2 The duty pursuant to Section 93(2) of the Act, if notice of a regional NRM levy imposed by a Council in respect of a financial year could not be included in the notice of general rates for that year because the share to be contributed was not approved by the Governor on or before 1 June preceding that year, to pay the Council's share of the amount to be contributed by constituent councils in approximately equal instalments on 31 December, 31 March and 30 June in that year.</p>		<p>Manager Finance, General Manager Business Services</p>	
82176	<p>27. Cost of Councils</p> <p>27.1 The power pursuant to Section 96(1) of the Act, subject to Section 96(2) and 96(3) of the Act, to receive an amount from a regional NRM board determined in accordance with the regulations on account of the costs of the Council as a constituent council in complying with the requirements of Part 1 of Chapter 5 of the Act.</p>		<p>Manager Finance, General Manager Business Services</p>	
82177	<p>28. Declaration of Prescribed Water Resources</p> <p>28.1 The duty pursuant to Section 125(5)(b) of the Act, to receive a copy of a notice from the Minister outlining a proposed recommendation to the Governor declaring that part of the State is a surface water prescribed area.</p>		<p>Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services</p>	

Natural Resources Management Act 2004				
82181	30. By-Laws 30.1 The power pursuant to Section 171(7)(a) of the Act to consult with a regional NRM board before a by-law is made by the NRM board under Section 171 of the Act that directly affects the area of the Council.		General Manager City Assets and Services	
82182	30. By-Laws 30.2 The power pursuant to Section 171(7)(c) of the Act to submit to the regional NRM board the Council's views on a by-law proposed to be made under Section 171 of the Act.		General Manager City Assets and Services	
82185	32. Management Agreements 32.1 The power pursuant to Section 205(3) of the Act to receive notice from the Minister of a proposal to provide for the remission of any Council rate under Section 205(2)(j) of the Act by way of a management agreement.		General Manager City Assets and Services, General Manager Business Services	
82186	33. Service of notices or other documents 33.1 The duty pursuant to Section 208(1) of the Act, subject to Section 208(2) of the Act, where required or authorised by the Act to serve a notice or other document on a person, to effect service of the notice or other document by - 33.1.1 giving the notice or document to the person or an agent of the person; or 33.1.2 leaving the notice or other document for the person at his or her place of residence or business with someone apparently over the age of 16 years; or 33.1.3 if the notice or document is to be served on the owner of the land and the land is unoccupied, and		Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services	

Natural Resources Management Act 2004				
	<p>the Delegate has taken reasonable steps to effect service under the other paragraphs of Section 208(1) of the Act, to serve the notice or document by fixing it to some conspicuous part of the land; or</p> <p>33.1.4 if the notice or document is to be served on the occupier of the land, be sent by post to the occupier of the land; or</p> <p>33.1.5 be served on the person by fixing it to, or leaving it on, a vessel or craft that the person is apparently in charge of, or expected to board at some stage, if the Delegate has reasonable grounds to believe that service in this manner will bring the notice or document to the attention of the person to be served; or</p> <p>33.1.6 send the notice or document to the person by facsimile transmission; or</p> <p>33.1.7 serve or give the notice or document to a person in a manner prescribed by the Regulations.</p>			
82187	<p>33. Service of notices or other documents</p> <p>33.2 The power pursuant to Section 208(3) of the Act, subject to the Regulations, if a notice or document is required or authorised to be given to an owner of land, if it is to be served personally, to serve the notice on the owner, one of any joint owners, or the agent of the owner.</p>		<p>Manager Regulatory Services, General Manager City Assets and Services, Manager Field Services</p>	
82189	<p>35. Special Provisions relating to the repeal of the Water Resources Act 1997</p> <p>35.1 The duty pursuant to Clause 54(17) of Schedule 4 of the Act, subject to Clause 55 of the Act, to pay any amount payable by the Council under Part 8, Division 2 of the Water Resources Act 1997 under a scheme established by the Minister for the purposes of Clause 54 of Schedule 4 of the Act (and such a</p>		<p>General Manager City Assets and Services,</p>	

Natural Resources Management Act 2004				
	scheme may provide than an amount be paid to a regional NRM board rather than a catchment water management board).		General Manager Business Services	
Natural Resources Management (General) Regulations 2005				
#	Item Delegated	Conditions and Limitations	Delegate	Date
82192	DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005 37. The power pursuant to Regulation 35(2) of the Natural Resources Management (General) Regulations ("the Regulations"), when making an agreement under Section 43 of the Act, to include provisions terms or conditions other than those identified in Regulation 35(1) of the Regulations.		General Manager City Assets and Services, General Manager Business Services	

