



Sub-delegations under the Community Titles Act 1996

24 April 2018

INSTRUMENT OF SUBDELEGATION

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

- Community Titles Act 1996

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.

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

Justin Lynch
CHIEF EXECUTIVE OFFICER

24 April 2018

**CONDITIONS OF SUBDELEGATIONS MADE BY THE CHIEF
EXECUTIVE OFFICER**

Conditions applying to all sub delegations
Nil

Other Conditions
Nil

Instruments:

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Instruments

- Instrument of Delegation under the Community Titles Act 1996

Delegation Sources

- Community Titles Act 1996

Titles

- General Manager City Assets and Services: General Manager City Assets and Services - Steve Hodge/Howard Lacy
- Manager Development Services: Manager Development Services - Anthony Marroncelli

Instrument of Delegation under the Community Titles Act 1996

Community Titles Act 1996			
#	Item Delegated	Conditions and Limitations	Delegate
81474	<p>1. Interpretation</p> <p>1.1 The duty pursuant to Section 3(11) of the Community Titles Act 1996 ("the Act") where the Act requires the scheme description lodged with the Registrar-General to be endorsed by the relevant development authority, and:</p> <p>1.1.1 all the consents or approvals required under the Development Act 1993 in relation to the division of the land (and a change in the use of the land (if any)) in accordance with the scheme description and the plan of community division have been granted; or</p> <p>1.1.2 no consent or approval is required under that Act in relation to the division of the land (or a change in the use of the land),</p> <p>to, as the relevant development authority, endorse a scheme description to the effect of either subsection 3(11)(b)(i) or (ii) of the Act.</p>		Manager Development Services, General Manager City Assets and Services
81475	<p>2. Application</p> <p>2.1 The power pursuant to Section 14(1) of the Act, where the Council is the registered proprietor of an estate in fee simple in:</p> <p>2.1.1 land comprising an allotment or allotments;</p> <p>2.1.2 land comprising a primary lot or a secondary lot, to apply to the Registrar-General for the division of the land by a plan of community division.</p>		Manager Development Services, General Manager City Assets and Services
81476	<p>3. Application May Deal With Statutory Encumbrances</p> <p>3.1 The power pursuant to Section 15A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been</p>		Manager Development Services, General Manager City Assets and Services

Community Titles Act 1996

#	Item Delegated	Conditions and Limitations	Delegate
	<p>complied with.</p>		
81481	<p>4. Consents to Application</p> <p>4.1 The power pursuant to Section 16(1)(a) of the Act,</p> <p>4.1.1 where the Council is the holder of a registered encumbrance over the land to be divided; or</p> <p>4.1.2 where deposit of the plan in the Lands Titles Registration Office will affect the estate or interest of the Council in land outside the community parcel; or</p> <p>4.1.3 where deposit of the plan in the Lands Titles Registration Office will operate to vest an estate or interest in land (whether within or outside the community parcel) in the Council</p> <p>to consent to the application.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81482	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is</p> <p>5.1.1 the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amendment because the Council was not a member of the corporation when the vote was taken; or</p> <p>5.1.2 a prospective owner at the relevant time of a community lot; or</p> <p>5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or</p> <p>5.1.4 where the Council is a person referred to in Section 21(5) of the Act,</p> <p>to consent to the proposed amendment.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81483	<p>5. Application to Amend Schedule of Lot Entitlements</p> <p>5.2 The power pursuant to Section 21(5) of the Act:</p>		<p>Manager Development Services, General Manager City Assets and Services</p>

Community Titles Act 1996			
#	Item Delegated	Conditions and Limitations	Delegate
	<p>5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the Council is:</p> <p>5.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the secondary corporation when the vote was taken; or</p> <p>5.2.1.2 a prospective owner at the relevant time of a secondary lot; or</p> <p>5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or</p> <p>5.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan, and where the Council is:</p> <p>5.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment because the Council was not a member of the tertiary corporation when the vote was taken; or</p> <p>5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or</p> <p>5.2.2.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot, to grant consent.</p>		
81477	<p>6. Encroachments</p> <p>6.1 The power pursuant to Section 27(1)(b)(i) of the Act to consent to the encroachment of a building over land not included in a community parcel where the encroachment is over land vested in, or under the control or management of the Council.</p>		Manager Development Services, General Manager City Assets and Services
81478	<p>7. Scheme Description</p> <p>7.1 The power pursuant to Section 30(4) of the Act as the relevant development authority to require modifications to a scheme description before endorsing the scheme description to:</p>		Manager Development Services, General Manager City Assets and Services

Community Titles Act 1996			
#	Item Delegated	Conditions and Limitations	Delegate
	<p>7.1.1 add any information that is necessary or desirable; or</p> <p>7.1.2 clarify any part of the description; or</p> <p>7.1.3 remove any unnecessary detail.</p>		
81479	<p>8. Scheme Description</p> <p>8.1 The power pursuant to Section 31(3) of the Act as the relevant development authority to endorse a certified copy of an amended scheme description.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81484	<p>9. Persons Whose Consents are Required</p> <p>9.1 The power pursuant to Section 32(1) of the Act, where the Council is:</p> <p>9.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation amending the scheme description because the Council was not then a member of the corporation; or</p> <p>9.1.2 the prospective owner at the relevant time of a community lot;</p> <p>9.1.3 the owner or prospective owner at the relevant time of a development lot;</p> <p>9.1.4 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a community lot or development lot; or</p> <p>9.1.5 the owner or prospective owner at the relevant time of a development lot in a secondary or tertiary scheme that comprises part of the community scheme to which the scheme description relates; or</p> <p>9.1.6 a person referred to Section 32(2) of the Act, to grant consent.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81485	<p>9. Persons Whose Consents are Required</p>		<p>Manager Development Services, General Manager</p>

Community Titles Act 1996

#	Item Delegated	Conditions and Limitations	Delegate
	<p>9.2 The power pursuant to Section 32(2) of the Act:</p> <p>9.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:</p> <p>9.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the secondary corporation; or</p> <p>9.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>9.2.1.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a secondary lot or development lot; or</p> <p>9.2.2 where the corporation is a primary corporation and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the corporation is a secondary corporation and a secondary lot is divided by a tertiary plan and the Council is:</p> <p>9.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting against the proposed amendment to the scheme description because the Council was not then a member of the tertiary corporation; or</p> <p>9.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>9.2.2.3 a registered mortgagee or prospective mortgagee and a registered lessee or prospective lessee at the relevant time of a tertiary lot or development lot,</p> <p>to grant consent.</p>		City Assets and Services
81501	<p>9A. By-laws</p> <p>9A.1 The power pursuant to Section 34(6)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.</p>		Manager Development Services, General Manager City Assets and Services
81502	<p>9A. By-laws</p>		Manager Development Services, General Manager

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#	Item Delegated	Conditions and Limitations	Delegate
	9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.		City Assets and Services
81503	<p>9B. By-law as to the Exclusive Use of Part of the Common Property</p> <p>9B.1 The power pursuant to Section 36(5) of the Act to provide written consent to the community corporation to make a by-law under Section 36 of the Act.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81504	<p>9C. Enforcement of Development Contract</p> <p>9C.1 The power pursuant to Section 49(2) of the Act, where the Council is an owner or occupier of a lot, who is, by virtue of Section 49(1) of the Act, a party to a development contract, to take proceedings for its enforcement (including damages for breach of the contract) in the Magistrates Court against:</p> <p>9C.1.1 the developer; and</p> <p>9C.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or owners (if any) of the lot,</p> <p>even though no obligations attach to the corporation, owner and occupier under the contract.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81505	<p>9C. Enforcement of Development Contract</p> <p>9C.2 The power pursuant to Section 49(2a) of the Act to make application to the Magistrates Court to transfer the proceedings to the District Court.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81506	<p>9C. Enforcement of Development Contract</p> <p>9C.3 The power pursuant to Section 49(2b) of the Act to make application to a court to:</p> <p>9C.3.1 transfer an application under Section 49 of the Act to the Supreme Court on the ground that the application raises a matter of general importance; or</p> <p>9C.3.2 state a question of law for the opinion of the Supreme Court.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>

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81486	<p>10. Application for Amendment</p> <p>10.1 The power pursuant to Section 52(1)(a)(ii) of the Act to make an application for the amendment of a deposited community plan, where the Council is the owner of a community lot that will be affected by the amendment.</p>		Manager Development Services, General Manager City Assets and Services
81487	<p>10. Application for Amendment</p> <p>10.2 The power pursuant to Section 52(2)(b) of the Act, if the boundaries of a community lot or a development lot are affected by the amendment or if a community lot or a development lot is extinguished by the amendment, and the Council is:</p> <p>10.2.1 the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act; or</p> <p>10.2.2 a person who holds a registered encumbrance over the lot, consent to the amendment.</p>		Manager Development Services, General Manager City Assets and Services
81488	<p>10. Application for Amendment</p> <p>10.3 The power pursuant to Section 52(2)(c) of the Act, where amendment of the plan will operate to vest an estate or interest in land in the Council, to consent to the application.</p>		Manager Development Services, General Manager City Assets and Services
81489	<p>11. Status of Application for Amendment of Plan</p> <p>11.1 The power pursuant to Section 53(2) of the Act, where the Council has consented to an application, to consent to an application being withdrawn or amended.</p>		Manager Development Services, General Manager City Assets and Services
81490	<p>11. Status of Application for Amendment of Plan</p> <p>11.2 The power pursuant to Section 53(3) of the Act to amend the application in order to comply with the Act or the Real Property Act 1886 or with a requirement of the Registrar-General under the Act or the Real Property Act 1886.</p>		Manager Development Services, General Manager City Assets and Services

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#	Item Delegated	Conditions and Limitations	Delegate
81480	<p>12. Application May Deal With Statutory Encumbrances</p> <p>12.1 The power pursuant to Section 53A(b)(i) of the Act, where the Council is the holder of a statutory encumbrance, to sign a certificate certifying that the requirements of the Act under which the encumbrance was entered into, or is in force, as to the variation or termination of the statutory encumbrance (if any) have been complied with.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81491	<p>13. Alteration of Boundaries of Primary Community Parcel</p> <p>13.1 The power pursuant to Section 57(2)(b) of the Act, if part of an allotment is to be included in the primary parcel and the Council is the registered proprietor of the allotment to be divided from outside the parcel, to make the application jointly with the community corporation.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81492	<p>14. Amendment of Plan Pursuant to Development Contract</p> <p>14.1 The power pursuant to Section 58(1) of the Act and in accordance with Sections 58(2), (3) and (4) of the Act, where the Council is the registered proprietor of an estate in fee simple in a development lot, to apply to the Registrar-General for the division of the development lot in pursuant of the development contract and for the consequential amendment of the community plan.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81493	<p>15. Amendment by Order of District Court</p> <p>15.1 The power pursuant to Section 59(1) of the Act and in accordance with Sections 59(2) and (3) of the Act to apply to the ERD Court to amend a community plan.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81507	<p>15. Amendment by Order of ERD Court</p> <p>15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81494	<p>16. Persons Whose Consents are Required</p> <p>16.1 The power pursuant to Section 61(1) of the Act, where the Council is:</p>		<p>Manager Development Services, General Manager City Assets and Services</p>

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#	Item Delegated	Conditions and Limitations	Delegate
	<p>16.1.1 a person who is the owner of a community lot at the relevant time but did not have the opportunity of voting against the resolution of the corporation authorising the proposed amalgamation because the Council was not then a member of the corporation; or</p> <p>16.1.2 the prospective owner at the relevant time of a community lot; or</p> <p>16.1.3 the owner or prospective owner at the relevant time of a development lot; or</p> <p>16.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or</p> <p>16.1.5 a person referred to in Section 61(2) of the Act, to consent to the amalgamation.</p>		
81495	<p>16. Persons Whose Consents are Required</p> <p>16.2 The power pursuant to Section 61(2) of the Act,</p> <p>16.2.1 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan where the Council is:</p> <p>16.2.1.1 a person who is the owner of a secondary lot at the relevant time but did not have the opportunity of voting against the proposed amalgamation because the Council was not then a member of the secondary corporation; or</p> <p>16.2.1.2 the prospective owner at the relevant time of a secondary lot; or</p> <p>16.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or</p> <p>16.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or</p> <p>16.2.2 where the plans to be amalgamated are primary plans and a primary lot is divided by a secondary plan and a secondary lot created by that plan is divided by a tertiary plan or where the plans to be amalgamated are secondary plans a secondary lot is divided by a tertiary plan where the Council is:</p> <p>16.2.2.1 a person who is the owner of a tertiary lot at the relevant time but did not have the opportunity of voting</p>		<p>Manager Development Services, General Manager City Assets and Services</p>

Community Titles Act 1996

#	Item Delegated	Conditions and Limitations	Delegate
	<p>against the proposed amalgamation because the Council was not then a member of the tertiary corporation; or</p> <p>16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or</p> <p>16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or</p> <p>16.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot,</p> <p>to consent.</p>		
81496	<p>17. Deposit of Amalgamated Plan</p> <p>17.1 The power pursuant to Section 62(3) of the Act, where the Council is:</p> <p>17.1.1 the owner of the servient land; or</p> <p>17.1.2 a person who appears from the Register Book to hold a registered encumbrance over the servient land (other than an easement that will not be affected)</p> <p>to endorse an application for amalgamation with the Council's consent.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81497	<p>18. Persons Whose Consent is Required</p> <p>18.1 The power pursuant to Section 66(1) of the Act, to, where the Council is:</p> <p>18.1.1 an owner at the relevant time of a community lot and a development lot (if any); or</p> <p>18.1.2 the prospective owner at the relevant time of a community lot or a development lot; or</p> <p>18.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or development lot,</p> <p>to give consent to the application.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>

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#	Item Delegated	Conditions and Limitations	Delegate
81508	<p>18A. Application to ERD Court</p> <p>18A.1 The power pursuant to Section 67(1) of the Act, to make an application to the ERD Court for an order cancelling a community plan.</p>		Manager Development Services, General Manager City Assets and Services
81509	<p>18A. Application to ERD Court</p> <p>18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.</p>		Manager Development Services, General Manager City Assets and Services
81498	<p>19. Cancellation</p> <p>19.1 The power pursuant to Section 69(2)(e) of the Act to consent to the cancellation of a community plan where the Council is the owner of the servient land or holds a registered encumbrance over the servient land (other than an easement that will not be affected).</p>		Manager Development Services, General Manager City Assets and Services
81499	<p>19. Cancellation</p> <p>19.2 The power pursuant to Section 69(6) of the Act to where the Council is the registered proprietor of the servient land or the dominant land (if any) request an easement be reinstated on cancellation of a plan.</p>		Manager Development Services, General Manager City Assets and Services
81500	<p>20. Division of Primary Parcel Under Part 19AB</p> <p>20.1 The power pursuant to Section 70(2) of the Act, where the Council is:</p> <p>20.1.1 an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel;</p> <p>20.1.2 if a primary lot is divided by a secondary plan - an owner of the secondary lot and an owner of the development lot (if any) comprising the secondary parcel; or</p> <p>20.1.3 if a secondary lot is divided by a tertiary plan - an owner of a tertiary lot and the owner of a development lot (if any) comprising the tertiary parcel,</p> <p>to endorse a plan of division lodged with the application with the Council's consent.</p>		Manager Development Services, General Manager City Assets and Services

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#	Item Delegated	Conditions and Limitations	Delegate
81510	<p>21. Voting at General Meetings</p> <p>21.1 The power pursuant to Section 84(3) of the Act, subject to Section 84(8) of the Act and in accordance with Sections 84(5), (5a) and (6) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.</p>		Manager Development Services, General Manager City Assets and Services
81511	<p>21. Voting at General Meetings</p> <p>21.2 The power pursuant to Section 84(11) of the Act, to exercise an absentee vote on a proposed resolution by giving the secretary written notice of the proposed vote at least six hours before the time of the meeting.</p>		Manager Development Services, General Manager City Assets and Services
81512	<p>22. Administrator of Community Corporation's Affairs</p> <p>22.1 The power pursuant to Section 100(1) of the Act to make application to the District Court or the Magistrates Court to appoint an administrator of the community corporation, or remove or replace an administrator previously appointed.</p>		Manager Development Services, General Manager City Assets and Services
81513	<p>23. Power to Enforce Duties of Maintenance and Repair etc</p> <p>23.1 The power pursuant to Section 101(6) of the Act, where:</p> <p>23.1.1 -</p> <p>23.1.1.1 the Council incurs costs in complying with a notice under Section 101(1) of the Act; or</p> <p>23.1.1.2 the corporation recovers costs from the Council under Section 101(5) of the Act; and</p> <p>23.1.2 the circumstances out of which the work was required are attributable to the act or default of another person,</p> <p>to recover those costs from that other person as a debt.</p>		Manager Development Services, General Manager City Assets and Services
81514	<p>24. Right to Inspect Policies of Insurance</p> <p>24.1 The power pursuant to Section 108(1) of the Act, to request to inspect policies of insurance that are in force</p>		Manager Development Services, General Manager

Community Titles Act 1996

#	Item Delegated	Conditions and Limitations	Delegate
	and were taken out by or on behalf of the community corporation.		City Assets and Services
81515	<p>24. Right to Inspect Policies of Insurance</p> <p>24.2 The power pursuant to Section 108(2) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary community corporation.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81516	<p>24. Right to Inspect Policies of Insurance</p> <p>24.3 The power pursuant to Section 108(3) of the Act, to request to inspect policies of insurance that are in force and were taken out by or on behalf of the primary or secondary corporation.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
81517	<p>25. Information to be Provided by Corporation</p> <p>25.1 The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:</p> <p>25.1.1 provide a statement setting out:</p> <p>25.1.1.1 particulars of any contribution payable in relation to the lot (including details of any arrears of contributions in relation to the lot); and</p> <p>25.1.1.2 particulars of the assets and liabilities of the corporation; and</p> <p>25.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute; and</p> <p>25.1.1.4 particulars in relation to any other matter prescribed by regulations; and</p> <p>25.1.2 provide copies of:</p> <p>25.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee (if any) for such period, not exceeding two years, specified in the application; and</p> <p>25.1.2.2 the statement of accounts of the corporation last prepared by the corporation; and</p>		<p>Manager Development Services, General Manager City Assets and Services</p>

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#	Item Delegated	Conditions and Limitations	Delegate
	<p>25.1.2.3 current policies of insurance taken out by the corporation; and</p> <p>25.1.3 make available for inspection such information as is required to establish the current financial position of the corporation including:</p> <p>25.1.3.1 a copy of the accounting records of the corporation; and</p> <p>25.1.3.2 the minute books of the corporation; and</p> <p>25.1.3.3 any other documentary material prescribed by regulation; and</p> <p>25.1.4 if the community corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract; and</p> <p>25.1.5 make available for inspection the register maintained under Section 135 of the Act.</p>		
81518	<p>25. Information to be Provided by Corporation</p> <p>25.2 The power pursuant to Section 139(1a) of the Act to, subject to Sections 139(2) and (4) of the Act, make application to a community corporation to provide, on a quarterly basis, ADI statements for all accounts maintained by the corporation.</p>		Manager Development Services, General Manager City Assets and Services
81519	<p>26. Information as to Higher Tier of Community Scheme</p> <p>26.1 The power pursuant to Section 140(1) of the Act to apply to the primary corporation for information under Section 139 of the Act.</p>		Manager Development Services, General Manager City Assets and Services
81520	<p>26. Information as to Higher Tier of Community Scheme</p> <p>26.2 The power pursuant to Section 140(2) of the Act to apply to the primary or secondary corporation for information under Section 139 of the Act.</p>		Manager Development Services, General Manager City Assets and Services
81521	<p>27. Persons Who May Apply for Relief</p>		Manager Development Services, General Manager

Community Titles Act 1996			
#	Item Delegated	Conditions and Limitations	Delegate
	27.1 The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.		City Assets and Services
81522	28. Resolution of Disputes, etc 28.1 The power pursuant to Section 142(2) of the Act, subject to Section 142(1) of the Act, to make an application to the Magistrates Court.		Manager Development Services, General Manager City Assets and Services
81523	28. Resolution of Disputes, etc 28.2 The power pursuant to Section 142(3) of the Act to apply for the permission of the District Court, to bring an application under Section 142 of the Act in the District Court.		Manager Development Services, General Manager City Assets and Services
81524	28. Resolution of Disputes, etc 28.3 The power pursuant to Section 142(3) of the Act to, with the permission of the District Court, bring an application under Section 142 in the District Court.		Manager Development Services, General Manager City Assets and Services
81525	28. Resolution of Disputes, etc. 28.4 The power pursuant to Section 142(4) of the Act to make an application to the District Court that proceedings that have been commenced in the Magistrates Court be transferred to the District Court.		Manager Development Services, General Manager City Assets and Services
81526	28. Resolution of Disputes, etc. 28.5 The power pursuant to Section 142(6) of the Act to make an application to a court to: 28.5.1 transfer an application under Section 142 of the Act to the Supreme Court on the ground that the		Manager Development Services, General Manager City Assets and Services

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	application raises a matter of general importance; or 28.5.2 state a question of law for the opinion of the Supreme Court.		
81527	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.1 The power pursuant to Section 142A(3) of the Act, in the event of a contravention of Section 142A(1) of the Act, to, by notice in writing given at any time before the plan of community division is deposited in the Lands Titles Registration Office, avoid the contract of sale.		Manager Development Services, General Manager City Assets and Services
81528	29. Holding of Deposit and Other Contract Moneys When Lot is Pre-sold 29.2.2 if the contract does not specify a period in accordance with Section 142A(4)(a) of the Act, within 6 months after the date of the contract, to, by notice in writing to the vendor, avoid the contract of sale at any time before the plan is deposited.		Manager Development Services, General Manager City Assets and Services
81529	30. Entry onto Lot or Common Property 30.1 The power pursuant to Section 146(1) of the Act, subject to Sections 146(2) - (9) of the Act, where the Council needs to enter another lot or the common property, in order to exercise rights under an easement for the establishment, maintenance and repair of part of the service infrastructure, to: 30.1.1 give notice to the owner of the lot to be entered; or 30.1.2 where it is necessary to enter the common property, to give notice to the corporation.		Manager Development Services, General Manager City Assets and Services
81530	30. Entry onto Lot or Common Property 30.2 The power pursuant to Section 146(4) of the Act, if notice is not given (in an emergency) or the period of the notice has expired and it is not possible to gain entry without using force, to use such force as is reasonable in the circumstances.		Manager Development Services, General Manager City Assets and Services

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#	Item Delegated	Conditions and Limitations	Delegate
81531	<p>30. Entry onto Lot or Common Property</p> <p>30.3 The power pursuant to Section 146(6) of the Act, in an emergency to enter another lot or the common property to assist a person on the lot or common property or to prevent or reduce damage to the lot or another lot or to the common property.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>