



Sub-delegations under the Instrument of Delegation under the Strata Titles Act 1988

6 September 2016

INSTRUMENT OF SUBDELEGATION

On the 13th day of September 2016 the City of Holdfast Bay("the Council") delegated certain powers and functions under the following Acts:

- INSTRUMENT OF DELEGATION UNDER THE STRATA TITLES ACT 1988

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: 211/16

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

14/09/2016
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 STRATA TITLES ACT 1988



Delegation Sources

- Strata Titles Act 1988

- **Titles**
- General Manager City Assets and Services: General Manager City Assets and Services - Steve Hodge
- Manager Development Services: Manager Development Services - Anthony Marroncelli



• INSTRUMENT OF DELEGATION UNDER THE STRATA TITLES ACT 1988

Strata Titles Act 1988				
#	Item Delegated	Conditions and Limitations	Delegate	Date
83004	<p>1. Application for Amendment</p> <p>1.1 The power pursuant to Section 12(2)(b) of the Strata Titles Act 1988 (the Act), where the Council has an encumbrance registered in relation to units or common property affected by a proposed amendment, to consent to the amendment.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>	
83005	<p>1. Application for Amendment</p> <p>1.2 The power pursuant to Section 12(2)(c) of the Act, where units or common property affected by the proposed amendment are subject to a statutory encumbrance held by the Council, to consent to the amendment.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>	
83006	<p>1. Application for Amendment</p> <p>1.3 The power pursuant to Section 12(3a) of the Act, where:</p> <p>1.3.1 the erection or alteration of a building on the site causes an encroachment over public land in the area of the Council not included in the site; and</p> <p>1.3.2 the application for amendment relates (wholly or in part) to the erection or alteration of that building, to consent to the encroachment.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>	
83007	<p>1. Application for Amendment</p> <p>1.4 The power pursuant to Section 12(8) of the Act, where on amendment of a deposited strata plan, part,</p>		<p>Manager Development</p>	

Strata Titles Act 1988					
	but not the whole, of an allotment within the meaning of Part 194AB of the Real Property Act 1886 is to be included in the site from outside the site, and the Council is the registered proprietor of the allotment to be divided, to make the application jointly with the strata corporation.			Services, General Manager City Assets and Services	
83008	2. Application May Deal with Statutory Encumbrances 2.1 The power pursuant to Section 12A 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.			Manager Development Services, General Manager City Assets and Services	
83015	2A. Amendment by Order of ERD Court 2A.2 The power pursuant to Section 13(3a) of the Act to make submissions to the Court in relation to the matter.			Manager Development Services, General Manager City Assets and Services	
83014	2A. Amendment by Order of ERD Court 2A.1 The power pursuant to Sections 13(1) and (2) of the Act and subject to Section 13(3) of the Act to make an application to the ERD Court.			Manager Development Services, General Manager City Assets and Services	

Strata Titles Act 1988				
83009	<p>3. Amalgamation of Adjacent Sites</p> <p>3.1 The power pursuant to Section 16(2)(c) of the Act, where the Council has a registered interest in the units, to consent to an application for amalgamation.</p>			<p>Manager Development Services, General Manager City Assets and Services</p>
87049	<p>3. Amalgamation of Adjacent Sites</p> <p>The power pursuant to Section 16(2)(c) of the Act, to endorse an application for amalgamation with the consent of the Council where the Council has a registered interest in the units.</p>			<p>Manager Development Services, General Manager City Assets and Services</p>
83010	<p>4. Cancellation</p> <p>4.1 The power pursuant to Section 17(2)(b) of the Act, where the Council has a registered interest in the unit or the common property to approve an instrument of cancellation.</p>			<p>Manager Development Services, General Manager City Assets and Services</p>
83011	<p>4. Cancellation</p> <p>4.2 The power pursuant to Section 17(2)(b) of the Act to, endorse an instrument of cancellation with the approval of the Council where the Council has a registered interest in a unit or the common property.</p>			<p>Manager Development Services, General Manager City</p>



Strata Titles Act 1988			
			Assets and Services
83016	<p>4. Cancellation</p> <p>4.3 The power pursuant to Section 17(4) of the Act to make an application for an order of the ERD Court cancelling a strata plan.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
83017	<p>4. Cancellation</p> <p>4.4 The power pursuant to Section 17(4a) 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>
83012	<p>5. Application for Division</p> <p>5.1 The power pursuant to Section 17AAA(2) of the Act where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886 to consent to a plan of division lodged with the application.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
83013	<p>5. Application for Division</p> <p>5.2 The power pursuant to Section 17AAA(2) of the Act to endorse the plan of division lodged with the application with the consent of the Council where the Council is the owner of the units comprising the site or is a person whose consent is required by Part 19AB Division 2 of the Real Property Act 1886.</p>		<p>Manager Development Services, General</p>

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			Manager City Assets and Services
83018	6. Articles of Strata Corporation 6.1 The power pursuant to Section 19(3b)(e) of the Act, to, within 60 days after service of the notice, apply to the Magistrates Court for revocation of the notice.		Manager Development Services, General Manager City Assets and Services
83019	7. Certain Articles May be Struck Out by Court 7.1 The power pursuant to Sections 19A(1) and (2) of the Act to make an application to the Magistrates Court or the District Court under Part 3A of the Act.		Manager Development Services, General Manager City Assets and Services
83020	8. Offences 8.1 The power pursuant to Section 27D(5) of the Act to make an application to the delegate of a strata corporation to be provided with, on a quarterly basis, a statement setting out details of dealings by the delegate with the corporation's money.		Manager Development Services, General Manager City Assets and Services
83021	8. Offences 8.2 The power pursuant to Section 27D(7) of the Act to request a delegate of a strata corporation who holds records of the corporation to:		Manager Development Services,

Strata Titles Act 1988			
	<p>8.2.1 make those records available for the Council or the Council's delegate to inspect within 10 business days of the request; and</p> <p>8.2.2 provide the Council or the Council's delegate with a copy of any of the records on payment of a fee.</p>		General Manager City Assets and Services
83022	<p>9. Power to Enforce Duties of Maintenance and Repair</p> <p>9.1 The power pursuant to Section 28(5) of the Act, where:</p> <p>9.1.1 the strata corporation recovers costs from the Council under Section 28(4) of the Act; and</p> <p>9.1.2 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
83023	<p>10. Right of Unit Holders etc to Satisfy Themselves as to Insurance</p> <p>10.1 The power pursuant to Section 32(1) of the Act, to request a strata corporation to produce for inspection all current policies of insurance taken out by the corporation.</p>		Manager Development Services, General Manager City Assets and Services
83024	<p>11. Holding of General Meetings</p> <p>11.1 The power pursuant to and in accordance with Section 33(2) of the Act, subject to Sections 33(3), (3a), (4a) and (4b) of the Act, to convene a meeting.</p>		Manager Development Services, General Manager City Assets and Services

Strata Titles Act 1988			
83025	<p>11. Holding of General Meetings.</p> <p>11.2 The power pursuant to Section 33(2)(e) of the Act to apply to the Magistrates Court for a meeting to be convened.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
83026	<p>12. Voting at General Meetings</p> <p>12.1 The power pursuant to Section 34(2a) of the Act, subject to Sections 34(3a), (3b) and (3c) of the Act, to nominate another person to attend and vote at meetings on the Council's behalf.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>
83027	<p>12. Voting at General Meetings.</p> <p>12.2 The power pursuant to Section 34(4) 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>		<p>Manager Development Services, General Manager City Assets and Services</p>
83028	<p>13. Administrator of Strata Corporation's Affairs</p> <p>13.1 The power pursuant to Section 37(1) of the Act to make application to a relevant court to appoint an administrator of the strata corporation, or remove or replace an administrator previously appointed.</p>		<p>Manager Development Services, General Manager City</p>

Strata Titles Act 1988

			Assets and Services	
83029	<p>14. Information to be Furnished</p> <p>14.1 The power pursuant to Section 41(1) of the Act to make application to a strata corporation to:</p> <p>14.1.1 furnish:</p> <p>14.1.1.1 particulars of any contribution payable in relation to the unit (including details of any arrears of contribution related to the unit);</p> <p>14.1.1.2 particulars of the assets and liabilities of the corporation;</p> <p>14.1.1.3 particulars of any expenditure that the corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute;</p> <p>14.1.1.4 particulars in relation to any prescribed matter;</p> <p>14.1.2 provide copies of:</p> <p>14.1.2.1 the minutes of general meetings of the corporation and meetings of its management committee for such period, not exceeding two years, specified in the application;</p> <p>14.1.2.2 the statement of accounts of the corporation last prepared by the corporation;</p> <p>14.1.2.3 the articles for the time being in force;</p> <p>14.1.2.4 current policies of insurance taken out by the corporation;</p> <p>14.1.3 make available for inspection:</p> <p>14.1.3.1 a copy of the accounting records of the corporation;</p> <p>14.1.3.2 the minute books of the corporation;</p> <p>14.1.3.3 any other prescribed documentary material;</p> <p>14.1.4 if the strata corporation is a party to a contract with a body corporate manager – make available for inspection a copy of the contract;</p> <p>14.1.5 make available for inspection the register maintained under Section 39A of the Act.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>	
83030	<p>14. Information to be Furnished</p> <p>14.2 The power pursuant to Section 41(1a) of the Act, subject to Sections 41(2) and (3) of the Act, to make</p>		<p>Manager Development Services,</p>	

Strata Titles Act 1988			
			General Manager City Assets and Services
	application to a strata corporation to provide, on a quarterly basis, ADJ statements for all accounts maintained by the corporation.		General Manager City Assets and Services
83031	15. Persons Who May Apply for Relief 15.1 The power pursuant to Sections 41AA and 41A of the Act to, subject to Section 41A(2) of the Act, apply for relief under Part 3 of the Act.		Manager Development Services, General Manager City Assets and Services
83032	16. Resolution of Disputes, etc 16.1 The power pursuant to Section 41A(3) of the Act to seek the permission of the District Court, to bring an application under Section 41A of the Act in the District Court.		Manager Development Services, General Manager City Assets and Services
83033	16. Resolution of Disputes, etc 16.2 The power pursuant to Section 41A(3) of the Act bring an application under Section 41A of the Act in the District Court.		Manager Development Services, General Manager City Assets and Services
83034	16. Resolution of Disputes, etc 16.3 The power pursuant to Section 41A(4) of the Act to apply to the District Court for proceedings under		Manager Development



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	Section 41A of the Act that have been commenced in the Magistrates Court, to be transferred to the District Court.		Services, General Manager City Assets and Services	
83035	<p>16. Resolution of Disputes, etc</p> <p>16.4 The power pursuant to Section 41A(6) of the Act to make an application to a court to:</p> <p>16.4.1 transfer an application under Section 41A to the Supreme Court on the ground that the application raises a matter of general importance; or</p> <p>16.4.2 state a question of law for the opinion of the Supreme Court.</p>		Manager Development Services, General Manager City Assets and Services	
83036	<p>16. Resolution of Disputes, etc</p> <p>16.5 The power pursuant to Section 41A(10)(b) of the Act to make submissions to the court in relation to the matter.</p>		Manager Development Services, General Manager City Assets and Services	
83037	<p>17. Unit Holder's Power of Entry</p> <p>17.1 Where the Council is the unit holder of a unit (Unit A) and:</p> <p>17.1.1 -</p> <p>17.1.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or</p> <p>17.1.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and</p> <p>17.1.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,</p>		Manager Development Services, General Manager City Assets and Services	

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	the power pursuant to Section 42(1) and (2) of the Act to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.		
83038	<p>17. Unit Holder's Power of Entry</p> <p>17.2 Where the Council is the unit holder of a unit (Unit A) and</p> <p>17.2.1 -</p> <p>17.2.1.1 the proper supply of hot or cold water, gas, electricity, heating oil or air-conditioned air to Unit A fails; or</p> <p>17.2.1.2 the sewerage, garbage or drainage system as it affects Unit A fails to operate properly; and</p> <p>17.2.2 some other unit (Unit B) must be entered in order to investigate the cause of the failure, or to carry out necessary repairs,</p> <p>the power pursuant to Sections 42(1) of the Act to authorise a person to, after giving such notice to the unit holder of Unit B as may be practicable in the circumstances, enter Unit B for that purpose.</p>	Manager Development Services, General Manager City Assets and Services	
83039	<p>18. Dealing with Part of Unit</p> <p>18.1 The power pursuant to Section 44(2) of the Act, subject to any other law, to grant a lease or licence over a part of a unit:</p> <p>18.1.1 if all of the units comprised in the strata scheme consist of non residential premises; or</p> <p>18.1.2 where Section 44(2)(a) does not apply:</p> <p>18.1.2.1 if the lease or licence is granted to another unit holder; or</p> <p>18.1.2.2 if the lease or licence is authorised by unanimous resolution of the strata corporation.</p>	Manager Development Services, General Manager City Assets and Services	
83040	<p>19. Body Corporate May Act as Officer, etc</p> <p>19.1 The power pursuant to Section 44A(2) of the Act, and subject to Sections 44A(2a), (2b) and (4) of the Act if the Council is appointed as the presiding officer, secretary or treasurer of a strata corporation, or as a member of a management committee, to, by instrument in writing, appoint a person to perform on its behalf any function that is conferred on the Council by virtue of the appointment.</p>	Manager Development Services, General Manager City Assets and Services	

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83041	<p>20. Relief Where Unanimous Resolution Required</p> <p>20.1 The power pursuant to Section 46(1) of the Act, and in accordance with Section 46(2) of the Act, where a unanimous resolution is necessary under the Act before an act may be done and that resolution is not obtained but the resolution is supported to the extent necessary for a special resolution, and the Council is included in the majority in favour of the resolution to apply to a relevant court to have the resolution declared sufficient to authorise the particular act proposed.</p>	<p>Manager Development Services, General Manager City Assets and Services</p>

