



Sub-delegations under the Community Titles Act 1996

26 August 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:

- Community Titles Act

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;
- 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

INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996

Preamble

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

Delegation Sources

- Community Titles Act 1996

Titles

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

INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996

Community Titles Act 1996				
#	Item Delegated	Conditions and Limitations	Delegate	Date
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), 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 complied with.</p>		Manager Development Services, General Manager City	

Community Titles Act 1996				
			Assets and Services	
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 to consent to the application.</p>		Manager Development Services, General Manager City Assets and Services	
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, to consent to the proposed amendment.</p>		Manager Development Services, General Manager City Assets and Services	
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>5.2.1 where the corporation is a primary corporation and a primary lot is divided by a secondary plan, and where the</p>		Manager Development Services, General	

Community Titles Act 1996

	<p>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>		<p>Manager City Assets and Services</p>	
<p>81477</p>	<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>		<p>Manager Development Services, General Manager City Assets and Services</p>	

Community Titles Act 1996				
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> <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>		<p>Manager Development Services, General Manager City Assets and Services</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>Manager Development Services, General Manager City Assets and Services</p>	

Community Titles Act 1996				
	<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>			
81485	<p>9. Persons Whose Consents are Required</p> <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</p>		<p>Manager Development Services, General Manager City Assets and Services</p>	

Community Titles Act 1996				
	time of a tertiary lot or development lot, to grant consent.			
81501	9A. By-laws 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.		Manager Development Services, General Manager City Assets and Services	
81502	9A. By-laws 9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.		Manager Development Services, General Manager City Assets and Services	
81503	9B. By-law as to the Exclusive Use of Part of the Common Property 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.		Manager Development Services, General Manager City Assets and Services	
81504	9C. Enforcement of Development Contract 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: 9C.1.1 the developer; and 9C.1.2 if the contract is for the development of a development lot or a community lot – the subsequent owner or		Manager Development Services, General Manager City Assets and Services	

Community Titles Act 1996				
	owners (if any) of the lot, even though no obligations attach to the corporation, owner and occupier under the contract.			
81505	9C. Enforcement of Development Contract 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.		Manager Development Services, General Manager City Assets and Services	
81506	9C. Enforcement of Development Contract 9C.3 The power pursuant to Section 49(2b) of the Act to make application to a court to: 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 9C.3.2 state a question of law for the opinion of the Supreme Court.		Manager Development Services, General Manager City Assets and Services	
81486	10. Application for Amendment 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.		Manager Development Services, General Manager City Assets and Services	
81487	10. Application for Amendment 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: 10.2.1 the owner of the lot (not being an applicant in accordance with Section 52(1)(a)(ii) of the Act); or		Manager Development Services, General Manager City Assets and Services	

Community Titles Act 1996				
	10.2.2 a person who holds a registered encumbrance over the lot, consent to the amendment.			
81488	10. Application for Amendment 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.		Manager Development Services, General Manager City Assets and Services	
81489	11. Status of Application for Amendment of Plan 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.		Manager Development Services, General Manager City Assets and Services	
81490	11. Status of Application for Amendment of Plan 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.		Manager Development Services, General Manager City Assets and Services	
81480	12. Application May Deal With Statutory Encumbrances 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.		Manager Development Services, General Manager City Assets and Services	

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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</p>	

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	<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>		<p>Services, General Manager City Assets and Services</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</p>		<p>Manager Development Services, General Manager City Assets and Services</p>	

Community Titles Act 1996			
	<p>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 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, 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) to endorse an application for amalgamation with the Council's consent.</p>		Manager Development Services, General Manager City Assets and Services
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</p>		Manager Development Services, General Manager City Assets and Services

Community Titles Act 1996				
	development lot, to give consent to the application.			
81508	18A. Application to ERD Court 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.		Manager Development Services, General Manager City Assets and Services	
81509	18A. Application to ERD Court 18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.		Manager Development Services, General Manager City Assets and Services	
81498	19. Cancellation 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).		Manager Development Services, General Manager City Assets and Services	
81499	19. Cancellation 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.		Manager Development Services, General Manager City Assets and Services	

Community Titles Act 1996				
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, to endorse a plan of division lodged with the application with the Council's consent.</p>		<p>Manager Development Services, General Manager City Assets and Services</p>	
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>		<p>Manager Development Services, General Manager City Assets and Services</p>	
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>		<p>Manager Development Services, General Manager City Assets and Services</p>	
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>		<p>Manager Development Services, General Manager City</p>	

Community Titles Act 1996				
			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, 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 and were taken out by or on behalf of the community corporation.</p>		Manager Development Services, General Manager 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>		Manager Development Services, General Manager City Assets and Services	
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>		Manager Development Services, General Manager City Assets and Services	

Community Titles Act 1996

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>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>		Manager Development Services, General Manager City Assets and Services	
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	

Community Titles Act 1996				
81519	26. Information as to Higher Tier of Community Scheme 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.		Manager Development Services, General Manager City Assets and Services	
81520	26. Information as to Higher Tier of Community Scheme 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.		Manager Development Services, General Manager City Assets and Services	
81521	27. Persons Who May Apply for Relief 27.1 The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.		Manager Development Services, General Manager 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	

Community Titles Act 1996				
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 application raises a matter of general importance; or 28.5.2 state a question of law for the opinion of the Supreme Court.		Manager Development Services, General Manager City Assets and Services	
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,		Manager Development	

Community Titles Act 1996				
	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.		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	
81531	30. Entry onto Lot or Common Property 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.		Manager Development Services, General	

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Manager City
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