

## INSTRUMENT OF DELEGATION

### INSTRUMENT OF DELEGATION UNDER THE FENCES ACT 1975 (SUPERSEDED)

03 NOVEMBER 2022



CITY OF  
MITCHAM

## NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument.
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

- Fences Act 1975

## Positions

Abbreviation	Position	Name
Chief Executive Officer	Chief Executive Officer	Matthew Pears
GM Engineering and Horticulture	General Manager Engineering and Horticulture	Daniel Baker
Manager Open Space	Manager Open Space	Mason Willis
Manager Property and Facilities	Manager Property and Facilities	Anneke Polkamp

## Instrument of Delegation under the Fences Act 1975 (Superseded)

### Fences Act 1975

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s5(1)	<p>1. Notice of Intention to Perform Fencing Work</p> <p>1.1 The power pursuant to Section 5(1) of the Fences Act 1975 ("the Act") to serve notice, in accordance with Section 5(2) of the Act, on an adjoining land owner of a proposal to erect a fence to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.</p>	GM Engineering and Horticulture, Chief Executive Officer, Manager Property and Facilities, Manager Open Space	
s 5(3)	<p>1. Notice of Intention to Perform Fencing Work</p> <p>1.2 The power pursuant to Section 5(3) of the Act to serve notice in accordance with Section 5(4) of the Act on an adjoining land owner of a proposal to perform any replacement, repair or maintenance work in relation to a fence dividing the Council's land (being land of less than one hectare) and the adjoining owner's land.</p>	GM Engineering and Horticulture, Chief Executive Officer, Manager Property and Facilities, Manager Open Space	
s6(1)	<p>2. Cross-notice</p> <p>2.1 The power pursuant to Section 6(1) of the Act to serve in the prescribed form and to determine the criteria under Section 6(2) of the Act, a cross-notice on an</p>	GM Engineering and Horticulture, Chief Executive Officer, Manager Property	

## Fences Act 1975

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	adjoining land owner, objecting to and/or putting forward counter-proposals in relation to fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land owner.	and Facilities, Manager Open Space	
s6(3)	<p>2. Cross-notice</p> <p>2.2 The power pursuant to Section 6(3) of the Act to object and serve notice on the adjoining owner to any counter-proposal contained in any cross-notice under Section 6(2) of the Act.</p>	GM Engineering and Horticulture, Chief Executive Officer, Manager Property and Facilities, Manager Open Space	
s 7	<p>3. Agreement upon Basis of Proposals and Counter proposals</p> <p>3.1 The power pursuant to Section 7 of the Act to authorise payment of part or all of the cost of constructing or maintaining a fence adjacent to Council land, (being land which is less than one hectare in area).</p>	GM Engineering and Horticulture, Chief Executive Officer, Manager Property and Facilities, Manager Open Space	
s8	<p>4. Performance of Fencing Work</p> <p>4.1 The power pursuant to Section 8 of the Act to authorise the commencement and completion of fencing work to divide the Council's land (being land of less than one hectare) from the land of the adjoining land-owner.</p>	GM Engineering and Horticulture, Chief Executive Officer, Manager Property and Facilities, Manager Open Space	

