

## INSTRUMENT OF DELEGATION

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

31 OCTOBER 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.
3. In this delegation:

‘Council’ means the Council.

‘constituent council’ has the meaning given in Section 3 of the Act, namely:-

(a) in relation to a regional Natural Resources Management board (“NRM board”), or the region of a regional NRM board, a Council whose area, or part of whose area, comprises or is included in the region of the regional NRM board;

(b) in relation to a Natural Resources Management group (“NRM group”), or the area of an NRM group, a Council whose area, or part of whose area, comprises or is included in the area of the NRM group

## POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

## Delegation Sources

- Natural Resources Management Act 2004
- Natural Resources Management (General) Regulations 2005

## Positions

Abbreviation	Position	Name
General Manager Corporate Services and Innovation	General Manager Corporate Services and Innovation	
GM Development and Community Safety	General Manager Development and Community Safety	
GM Engineering and Horticulture	General Manager Engineering and Horticulture	
GM Organisational and Community Development	General Manager Organisational and Community Development	
Group Manager City Operations	Group Manager City Operations	
Manager City Maintenance	Manager City Maintenance	
Manager Environmental Services and Community Safety	Manager Environmental Services and Community Safety	
Manager Finance and Rates	Manager Finance and Rates	
Manager Open Space	Manager Open Space	
Natural Resources Officer	Natural Resources Officer	
Rating Services Officer	Rating Services Officer	
Senior Rating Services Officer	Senior Rating Services Officer	

# 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			
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s29(4)(d)	<p>1. Collaboration with NRM board</p> <p>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.</p>	GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer, Manager Open Space	
s30	<p>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 -</p> <p>a) performing the functions of the NRM group under the Act or any other Act; or</p> <p>b) assisting in the administration of the Act; or</p>	GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer, Manager	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	c) furthering the objects of the Act	Open Space	
s33(7)	<p>3. Special Vesting of Infrastructure</p> <p>3.1 The power pursuant to Section 33(7) of the Act to give consent on behalf of the Council in respect of making, varying or revoking a proclamation under Section 33(1), 33(2) or 33(6) of the Act.</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s36(1)(c)	<p>4. Approval of Delegation by NRM board to Council Officers</p> <p>4.1 The power pursuant to Section 36(1)(c) of the Act to give approval to a regional NRM board to delegate a function or a power of the board under the Act or any other Act to the Council or a Council officer.</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s41	<p>5. Use of Facilities</p> <p>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.</p>	GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s42(2), s42(1)	<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>	GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer, Manager Open Space	
s43(2)	<p>7. Assignment of Responsibility for Infrastructure</p> <p>7.1 The power pursuant to Section 43(2) of the Act to make a submission to a regional NRM board in response to notice given by the board under Section 43(2) of the Act of the proposed</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.		
s43(3)	<p>7. Assignment of Responsibility for Infrastructure</p> <p>7.2 The power pursuant to Section 43(3) of the Act to enter into an agreement in accordance with the Regulations with a regional NRM board as contemplated in Section 43(1) for the assignment of the responsibility for the care, control or management of infrastructure to the Council as a third party pursuant to Section 43(1) of the Act.</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s44(4)(c)	<p>8. Appointment of Body to act as a Board</p> <p>8.1 The power pursuant to Section 44(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 44(1) of the Act, the assets, rights and liabilities of a body appointed by such regulation to be a regional NRM board under the Act, will vest in or attach to the Council.</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s45(5)	9. Establishment of Areas	GM Engineering and Horticulture, General Manager Corporate Services	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	9.1 The power pursuant to Section 45(5) of the Act to receive notice as a constituent council from a regional NRM board and to make a submission to the regional NRM board within a period (being at least 21 days) specified in the notice.	and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer, Manager Open Space	
s46(5)	9. Establishment of Areas  9.2 The power pursuant to Section 46(5) of the Act to enter into an agreement pursuant to which the property, assets, rights or liabilities of the local NRM group will vest in the Council pursuant to a notice under Section 46(4) of the Act.	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s48(2)(b)(i)	10. Composition of NRM groups  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.	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s52(2)(c)	11. Functions of Groups  11.1 The power pursuant to Section 52(2)(c) of the Act, to work	GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services	



## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	collaboratively with an NRM group in the performance of its functions under Section 52(1) of the Act.	and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer, Manager Open Space	
s53(2)(g)	<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>	GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation, Manager City Maintenance, Natural Resources Officer, Manager Open Space	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s55(2)	<p>13. Power of Delegation</p> <p>13.1 The power pursuant to Section 55(2) of the Act, to approve a delegation made by an NRM group in accordance with Section 55(1) of the Act to the Council or a Council subsidiary, or to an officer of the Council or a Council subsidiary (as the case requires), of a function or power of the NRM group under the Act or any other Act.</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s60	<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>	GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation	
s61(4)(c)	<p>15. Appointment of Body to Act as Group</p> <p>15.1 The power pursuant to Section 61(4)(c) of the Act to agree that by way of a regulation revoking a regulation made under Section 61 of the Act, the assets, rights and liabilities of a body appointed by such regulation, to be a regional NRM group under the Act, will vest in or attach to the Council.</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s67(10)	<p>16. Regional Authorised Officers</p> <p>16.1 The power pursuant to Section 67(10) of the Act to agree to the appointment of an officer of the Council as an authorised officer by a regional NRM board</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s74(8)	<p>17. State NRM Plan</p> <p>17.1 The power pursuant to Section 74(8) of the Act to consult with the NRM Council in relation to any proposal to create or amend the State NRM Plan as defined in Section 74 of the Act, where the Local Government Association has nominated the Council pursuant to Section 74(14)(b) of the Act.</p>	GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer	
s79(6)(a)(vii)	<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>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer, Manager Open Space	
s79(8)	20. Preparation of Plans and Consultation	GM Engineering and Horticulture,	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	20.2 The power pursuant to Section 79(8) of the Act to prepare and furnish a response to the regional NRM board within the period prescribed by the Regulations to a draft plan provided to the Council as a constituent council in accordance with Section 79(6)(a)(vii) of the Act.	General Manager Corporate Services and Innovation, Group Manager City Operations, Manager City Maintenance, Natural Resources Officer, Manager Open Space	
s80(5)	<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>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation, Natural Resources Officer, Manager Open Space	
s81(7)(a)(ii)	<p>22. Review and Amendment of Plans</p> <p>22.1 The power pursuant to Section 81(7)(a)(ii) of the Act, to consult with a regional NRM board within the prescribed period (being a period of at least 21 days), in respect of amendments to a regional NRM plan which are within the ambit of Section 81(8) of the Act.</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation, Natural Resources Officer, Manager Open Space	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s82(2)	<p>23. Time for Implementation of Plans</p> <p>23.1 The power pursuant to Section 82(2) of the Act to give consent to the implementation by a regional NRM board of a draft plan or amendments to a plan that have not been adopted by the Minister.</p>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s92(7)	<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>	GM Engineering and Horticulture, General Manager Corporate Services and Innovation	
s96(1)	<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>	GM Organisational and Community Development, GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation	
s136(3)	<p>29. Requirement for notice of certain applications</p> <p>29.1 The power pursuant to Section 136(3) of the Act, where the</p>	GM Engineering and Horticulture	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
	Council is a person specified in the plan to whom notice of an application must be given pursuant to Section 136(2) of the Act to make representations in writing to the relevant authority in relation to the granting or refusal of a permit.		
s136(11)	29. Requirement for notice of certain applications  29.3 The power pursuant to Section 136(11) of the Act to lodge an appeal with the ERD Court.	GM Engineering and Horticulture	
s171(7)(a)	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.	GM Engineering and Horticulture, GM Development and Community Safety, Manager Environmental Services and Community Safety	
s171(7)(c)	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.	GM Engineering and Horticulture, GM Development and Community Safety, Manager Environmental Services and Community Safety	

## Natural Resources Management Act 2004

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
s201(5)	<p>31. Orders made by ERD Court</p> <p>31.1 The power pursuant to Section 201(5) of the Act, where the Council's interests are affected by the subject matter of the application to make an application to the ERD Court for Orders under Section 201 of the Act.</p>	GM Development and Community Safety	
s205(3)	<p>32. Management Agreements</p> <p>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.</p>	General Manager Corporate Services and Innovation, Manager Finance and Rates, Senior Rating Services Officer, Rating Services Officer	
s208(3)	<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>	GM Organisational and Community Development, GM Engineering and Horticulture, GM Development and Community Safety, General Manager Corporate Services and Innovation	

## Natural Resources Management (General) Regulations 2005

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations
r35(2)	<p>DELEGATIONS UNDER THE NATURAL RESOURCES MANAGEMENT (GENERAL) REGULATIONS 2005</p> <p>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.</p>	General Manager Corporate Services and Innovation	