

	Direct Delegation from Council	Conditions/ Limitations	Sub-Delegation from CEO
<b>INSTRUMENT OF DELEGATION UNDER THE COMMUNITY TITLES ACT 1996</b>			
<b>1. Interpretation</b>			
1.1			
1.1.1	CEO	NIL	Director Strategy & Development Manager Development Services Team Leader Statutory Planning Senior Statutory Planner
1.1.2			
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.			
<b>2. Application</b>			
2.1	CEO	NIL	Director Corporate Services Manager Property Services
2.1.1			
2.1.2			
to apply to the Registrar-General for the division of the land by a plan of community division.			
<b>3 Application May Deal With Statutory Encumbrances</b>			
3	CEO	NIL	Director Strategy & Development Manager Development Services
<b>4. Consents to Application</b>			
4.1			
4.1.1			
4.1.2			
4.1.3	CEO	Limited to associated road	Director Corporate Services Manager Property Services

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		widenings or additions to reserves	
to consent to the application.			
<b>5. Application to Amend Schedule of Lot Entitlements</b>			
5.1 The power pursuant to Section 21(4)(a) of the Act, where the Council is			
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			
5.1.2 a prospective owner at the relevant time of a community lot; or			
5.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot; or			
5.1.4 where the Council is a person referred to in Section 21(5) of the Act, to consent to the proposed amendment.			
5.2 The power pursuant to Section 21(5) of the Act:			
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:			
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			
5.2.1.2 a prospective owner at the relevant time of a secondary lot; or			
5.2.1.3 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot; or			
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:			
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			
5.2.2.2 a prospective owner at the relevant time of a tertiary lot; or			
5.2.2.3 a registered encumbrancee or prospective encumbrancee at the			

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	relevant time of a tertiary lot, to grant consent.			
<b>6. Encroachments</b>				
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.	CEO Strategic Planning Development Policy Committee (SPDPC)	NIL	Director Strategy & Development Manager Development Services Director Corporate Services Manager Property Services
<b>7. Scheme Description</b>				
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:			
7.1.1	add any information that is necessary or desirable; or	CEO	NIL	Director Strategy & Development Manager Development Services Team Leader Statutory Planning
7.1.2	clarify any part of the description; or			
7.1.3	remove any unnecessary detail.			
7.2	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.	CEO	NIL	Director Strategy & Development Manager Development Services Team Leader Statutory Planning
<b>8. Application May Deal With Statutory Encumbrances</b>				
8.1	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.	CEO	NIL	Director Strategy & Development Manager Development Services Team Leader Statutory Planning Director Corporate Services Manager Property Services
<b>9. Persons Whose Consents are Required</b>				

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9.1	The power pursuant to Section 32(1) of the Act, where the Council is:			
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	CEO	NIL	
9.1.2	the prospective owner at the relevant time of a community lot;			
9.1.3	the owner or prospective owner at the relevant time of a development lot;			
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			
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			
9.1.6	a person referred to Section 32(2) of the Act, to grant consent.			
9.2	The power pursuant to Section 32(2) of the Act:			
9.2.1	where the corporation is a primary corporation and a primary lot is divided by a secondary plan and the Council is:			
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	CEO	NIL	
9.2.1.2	the prospective owner at the relevant time of a secondary lot; or			
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			
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:			
9.2.2.1	a person who is the owner of a tertiary lot at the relevant	CEO	NIL	

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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			
9.2.2.2 the prospective owner at the relevant time of a tertiary lot; or			
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,			
to grant consent.			
<b>9A. By-laws</b>			
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.	CEO	NIL	
9A.2 The power pursuant to Section 34(6)(g) of the Act to withdraw or otherwise discontinue the application for revocation.	CEO	NIL	
<b>9B. By-law as to the Exclusive Use of Part of the Common Property</b>			
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.	CEO	NIL	
<b>9C. Enforcement of Development Contract</b>			
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	CEO	NIL	
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,			
even though no obligations attach to the corporation, owner and occupier under the 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.	CEO	NIL	
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	CEO	NIL	

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9C.3.2 state a question of law for the opinion of the Supreme Court.			
<b>10. Application for Amendment</b>			
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.	CEO	NIL	
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	CEO	NIL	
10.2.2 a person who holds a registered encumbrance over the lot, consent to the 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.	CEO	NIL	
<b>11. Status of Application for Amendment of Plan</b>			
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.	CEO	NIL	
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 <i>Real Property Act 1886</i> or with a requirement of the Registrar-General under the Act or the <i>Real Property Act 1886</i> .	CEO	NIL	
<b>12. Application May Deal With Statutory Encumbrances</b>			
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.	CEO	NIL	Director Strategy & Development Manager Development Services Team Leader Statutory Planning Director Corporate Services Manager Property Services
<b>13. Alteration of Boundaries of Primary Community Parcel</b>			
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	CEO	NIL	

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the allotment to be divided from outside the parcel, to make the application jointly with the community corporation.			
<b>14. Amendment of Plan Pursuant to Development Contract</b>			
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.	CEO	NIL	
<b>15. Amendment by Order of ERD Court</b>			
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.	CEO	NIL	
15.2 The power pursuant to Section 59(3a) of the Act to make submissions to the court in relation to the matter.	CEO	NIL	
<b>16. Persons Whose Consents are Required</b>			
16.1 The power pursuant to Section 61(1) of the Act, where the Council is:			
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	CEO	NIL	
16.1.2 the prospective owner at the relevant time of a community lot; or			
16.1.3 the owner or prospective owner at the relevant time of a development lot; or			
16.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a community lot or a development lot; or			
16.1.5 a person referred to in Section 61(2) of the Act, to consent to the amalgamation.			
16.2 The power pursuant to Section 61(2) of the Act,			
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:			
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	CEO	NIL	
16.2.1.2 the prospective owner at the relevant time of a secondary			

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	lot; or			
	16.2.1.3 the owner or prospective owner at the relevant time of a development lot in the secondary scheme; or			
	16.2.1.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a secondary lot or development lot; or			
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:			
	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	CEO	NIL	
	16.2.2.2 the prospective owner at the relevant time of a tertiary lot; or			
	16.2.2.3 the owner or prospective owner at the relevant time of a development lot in the tertiary scheme; or			
	16.2.2.4 a registered encumbrancee or prospective encumbrancee at the relevant time of a tertiary lot or development lot,			
	to consent.			
<b>17. Deposit of Amalgamated Plan</b>				
17.1	The power pursuant to Section 62(3) of the Act, where the Council is:			
17.1.1	the owner of the servient land; or	CEO	NIL	
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.			
<b>18. Persons Whose Consent is Required</b>				
18.1	The power pursuant to Section 66(1) of the Act, to, where the Council is:			
18.1.1	an owner at the relevant time of a community lot and a development lot (if any); or	CEO	NIL	
18.1.2	the prospective owner at the relevant time of a community lot or a development lot; or			
18.1.3	a registered encumbrancee or prospective encumbrancee at the			



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relevant time of a community lot or development lot, to give consent to the application.			
<b>18A. Application to ERD Court</b>			
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.	CEO	NIL	
18A.2 The power pursuant to Section 67(1a) of the Act to make submissions to the Court in relation to the matter.	CEO	NIL	
<b>19. Cancellation</b>			
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).	CEO	NIL	
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.	CEO	NIL	
<b>20. Division of Primary Parcel Under Part 19AB</b>			
20.1 The power pursuant to Section 70(2) of the Act, where the Council is:	CEO	NIL	Director Corporate Services Manager Property Services
20.1.1 an owner of a primary lot or an owner of a development lot (if any) comprising the primary parcel;			
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			
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.			
<b>21. Voting at General Meetings</b>			
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.	CEO	NIL	
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.	CEO	NIL	
<b>22. Administrator of Community Corporation's Affairs</b>			

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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.	CEO	NIL	
<b>23.</b>	<b>Power to Enforce Duties of Maintenance and Repair etc</b>			
23.1	The power pursuant to Section 101(6) of the Act, where:	CEO	NIL	Director Corporate Services Manager Property Services
23.1.1	-			
23.1.1.1	the Council incurs costs in complying with a notice under Section 101(1) of the Act; or			
23.1.1.2	the corporation recovers costs from the Council under Section 101(5) of the Act; and			
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.			
<b>24.</b>	<b>Right to Inspect Policies of Insurance</b>			
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.	CEO	NIL	Director Corporate Services Manager Property Services
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.	CEO	NIL	Director Corporate Services Manager Property Services
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.	CEO	NIL	Director Corporate Services Manager Property Services
<b>25.</b>	<b>Information to be Provided by Corporation</b>			
25.1	The power pursuant to Section 139(1) of the Act to, make application to a community corporation to:			
25.1.1	provide a statement setting out:	CEO	NIL	Director Corporate Services Manager Property Services Manager Financial Services
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			
25.1.1.2	particulars of the assets and liabilities of the corporation; and			
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			

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	required to contribute; and			
25.1.1.4	particulars in relation to any other matter prescribed by regulations; and			
25.1.2	provide copies of:			
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			
25.1.2.2	the statement of accounts of the corporation last prepared by the corporation; and			
25.1.2.3	current policies of insurance taken out by the corporation; and			
25.1.3	make available for inspection such information as is required to establish the current financial position of the corporation including:			
25.1.3.1	a copy of the accounting records of the corporation; and			
25.1.3.2	the minute books of the corporation; and			
25.1.3.3	any other documentary material prescribed by regulation; and			
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			
25.1.5	make available for inspection the register maintained under Section 135 of the Act.			
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.	CEO	NIL	Director Corporate Services Manager Property Services Manager Financial Services
<b>26.</b>	<b>Information as to Higher Tier of Community Scheme</b>			
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.	CEO	NIL	Director Corporate Services Manager Property Services Manager Financial Services
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.	CEO	NIL	Director Corporate Services Manager Property Services Manager Financial Services
<b>27.</b>	<b>Persons Who May Apply for Relief</b>			

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27.1	The power pursuant to Section 141(1) of the Act to apply for relief under Part 14 of the Act.	CEO	NIL	
<b>28.</b>	<b>Resolution of Disputes, etc</b>			
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.	CEO	NIL	
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.	CEO	NIL	
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.	CEO	NIL	
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.	CEO	NIL	
28.5	The power pursuant to Section 142(6) of the Act to make an application to a court to:	CEO	NIL	
	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.			
<b>29.</b>	<b>Holding of Deposit and Other Contract Moneys When Lot is Pre-sold</b>			
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.	CEO	NIL	
29.2	The power pursuant to Section 142A(4) of the Act, if the plan of community division is not deposited in the Lands Titles Registration Office:	CEO	NIL	
	29.2.1 within such period after the date of the contract as is specified in the contract in accordance with any requirements specified in the regulations; or			
	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.			
<b>30.</b>	<b>Entry onto Lot or Common Property</b>			

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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:	CEO	NIL	Director Engineering & Assets Manager Sustainable Assets Director Corporate Services Manager Property Services
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.			
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.	CEO	NIL	Director Engineering & Assets Manager Sustainable Assets Director Corporate Services Manager Property Services
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.	CEO	NIL	Director Engineering & Assets Manager Sustainable Assets Director Corporate Services Manager Property Services