

**APPENDIX 5**

**INSTRUMENT OF DELEGATION UNDER THE FENCES ACT 1975**

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

Titles of sub delegates, where sub delegation is applicable:

- MDE Manager Development & Environment
- MWI Manager Works & Infrastructure
- MGC Manager Governance & Community
- MFA Manager Finance & Administration
- PO Development Officer – Planning
- BO Development Officer – Building
- CO Compliance Officer
- BS Consultant Building Surveyor
- EHO Environmental Health Officer

WARRIAGE & GILBERT VALLEYS COUNCIL

INSTRUMENT OF DELEGATION UNDER THE FENCES ACT 1975

<b>Provision</b>	<b>Item Delegated / Authorisation</b>	<b>Date of Delegation to CEO</b>	<b>CEO Authorised Sub Delegate / Authorised Officer</b>	<b>Conditions and Limitations</b>	<b>Date of Sub Delegation</b>
s5(1)	1. Notice of Intention to Perform Fencing Work 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.	27 April 2015	MGC, MDE, MWI, CO		5 December 2016
s 5(3)	1. Notice of Intention to Perform Fencing Work 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.	27 April 2015	MGC, MDE, MWI, CO		5 December 2016
s6(1)	2. Cross-notice 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 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.	27 April 2015	MGC, MDE, MWI, CO		5 December 2016
s6(3)	2. Cross-notice 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.	27 April 2015	MGC, MDE, MWI, CO		5 December 2016
s 7	3. Agreement upon Basis of Proposals and Counter proposals 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).	27 April 2015	MGC, MDE, MWI, CO		5 December 2016
s8	4. Performance of Fencing Work 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.	27 April 2015	MGC, MDE, MWI, CO		5 December 2016

Head Delegation Reviewed by Council on 16 May 2016 ( no amendments required)