

Delegation Register

Shire of Nannup



1 Local Government Act 1995 and Local Government (Miscellaneous Provisions) Act 1960 Delegations

1.1 CEO to Employees

1.4 Local Law Delegations to the CEO

1.4.1 Health Local Law

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Health Local Law:</i> cl.3.6.4 Ventilation (notices) cl.3.8.1 Approval of water supply cl.4.5 Approval for Septic Tank Pump-outs and Removal of Liquid Waste cl.4.12 Use of other Containers cl.4.2.6(2)(a) Use of Receptacles cl.4.2.7(1) Suitable Enclosure cl.4.2.10 Burning Rubbish or Refuse cl.5.2.4 Cats cl.5.3.2 Keeping of Large Animals cl.5.4.2 Keeping of Poultry and Pigeons cl.5.4.4(1) Roosters, Geese, Turkeys, Peafowls and Gamebirds cl.5.4.4(4) Revoke approval under cl.5.4.4(1) cl.5.4.6(1) Removal of Non-Conforming Structure or Enclosure cl.5.4.7(1) Restrictions on Pigeon Nesting or Perching cl.5.5.2(1) Feedlots cl.5.6.2(1) Piggeries cl.5.7.2(2) Car Parks cl.6.1.5 Flies – Execute Work and Recover Costs cl.6.2.3 Mosquitoes – Execute Work and Recover Costs cl.6.7.2(1) Restrictions on keeping of bees in hives cl.6.7.2(2) Removal of bee hives Part 7 – Infectious Diseases cl.8.1.4 Applications for Lodging House cl.8.1.7(1) Revoke a Lodging House approval cl.8.1.7(3) Issue show cause notice prior to revocation cl.8.3.3 Report of lodgers cl.9.1.5 Applications to establish an offensive trade cl.9.1.7 Alterations to Premises (offensive trade) cl.9.4.2 Receiving Depot (laundry, dry cleaning or dye works)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the</i>	Authority to: 1. Issue a notice to require an owner of a house to provide a different or additional method of ventilation or cease using the house until it is properly ventilated [cl.3.6.4].



<p><i>legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none">2. Approve a water supply other than one that is connected to the mains of a licensed water service provider [cl.3.8.1].3. Grant or refuse a carrier application to collect, remove or dispose of the contents of a septic tank, the pumpouts from holdings tanks or an apparatus for the treatment of sewerage [cl.4.5].4. Approve or refuse the use of a container, other than a receptacle, for the deposit of rubbish or refuse, in the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or a food premises [cl.4.12].5. Permit to be deposited in a container anything specified in cl.4.12(a)(ii) to (xiii) [cl.4.12(a)].6. Require an owner or occupier to provide a suitable enclosure for the storage and cleaning of receptacles on the premises [cl.4.2.7(1)].7. Approve or refuse a request to burn rubbish or refuse in any incinerator or on the ground [cl.4.2.10(1)].8. Exempt a person to keep more than 2 cats at a premises and apply conditions to any exemption [cl.5.2.4].9. Approve or refuse an application to keep a horse, cow or large animal at a premises within the a townsite [cl.5.3.2].10. Approve or refuse an application to keep more than 12 poultry or pigeons within a townsite and apply any conditions to any approval as detailed under cl.5.4.3 [cl.5.4.2].11. Grant, with or without conditions, approval to keep a rooster, a goose or gander, a turkey, a peacock or peahen or gamebird at a premises within a townsite [cl.5.4.4(1)].12. Revoke any approval under cl.5.4.4(1).13. Direct an owner or occupier to remove a non-conforming structure or enclosure [cl.5.4.6(1)].14. Order an owner or occupier of a house to take adequate steps to prevent pigeons nesting or perching in or on a house [cl.5.4.7(1)].15. Approve a premises to be used for a feedlot, subject to conditions in cl.5.5.2(2) and (3).
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	<p>16. Approve a premises to be used as a piggery, subject to conditions in cl.5.6.2(2) and (3).</p> <p>17. Require the owner or occupier of a car park to provide a different or additional method of ventilation and cease using the car park until the matter is rectified [cl.5.7.2(2)].</p> <p>18. Execute work and recover costs, where a person fails or neglects to comply with a notice to control, eradicate or prevent breeding flies [cl.6.1.5].</p> <p>19. Execute work and recover costs, where a person fails or neglects to comply with a notice to control, eradicate or prevent breeding mosquitoes [cl.6.1.5].</p> <p>20. Grant approval to a person to keep bees [cl.6.7.2(1)].</p> <p>21. Direct any bee hives to be removed [cl.6.7.2(2)].</p> <p>22. Execute work and recover costs, where a person fails or neglects to comply with a notice given under Part 7, Division 1 [Part 7].</p> <p>23. Approve or refuse an application for registration of a lodging house, with or without conditions [cl.8.1.4]</p> <p>24. Revoke a registration approval [cl.8.1.7(1)].</p> <p>25. Prior to revocation, issue a notice requiring the keeper to show cause as to why the registration should not be revoked [cl.8.1.7(3)].</p> <p>26. Require a keeper to provide a report detailing the name of each lodger who lodged in the lodging house during the preceding day or night [cl.8.3.3].</p> <p>27. Approve or refuse applications to establish an offensive trade [cl.9.1.5].</p> <p>28. Grant or refuse permission a person to change or alter a registered premises [cl.9.1.7].</p> <p>29. Permit or refuse an owner or occupier to use a premises as a receiving depot for a laundry, dry cleaning establishment or dye works [cl.9.4.2].</p>
<p>Council Conditions on this Delegation:</p>	<p>a) Function 7 is subject to conditions detailed under cl.4.2.10(2).</p> <p>b) Function 8 is subject to conditions detailed under cl.5.2.4(3) and cl.5.2.4(5).</p> <p>c) c. Function 27 – applications in prescribed form and in accordance with Town Planning Scheme [cl.9.1.2].</p>

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Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
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Sub-Delegate/s: <i>Appointed by CEO</i>	<ul style="list-style-type: none">• Manager Infrastructure• Development Services Coordinator
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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Record Keeping:	All records to be kept on appropriate file.
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2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<p>Building Act 2011</p> <p>s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p>– Section 7</p> <p>– Part 3A, Division 2 – Part 7, Division 2</p>
Record Keeping:	All records must be kept on the appropriate file.

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2.1.2 Demolition Permits

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit -- Part 7, Division 2
Record Keeping:	All records must be kept on the appropriate file.

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2.1.3 Occupancy Permits or Building Approval Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Building Act 2011 s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT – Part 7, Division 2
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Record Keeping:	All records must be kept on the appropriate file.

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2.1.4 Designate Employees as Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. <p>NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
Council Conditions on this Delegation:	a. Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i> .
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.

Compliance Links:	<i>Building Act 2011:</i> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	All records must be kept on the appropriate file.

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2.1.5 Building Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order ; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.
Council Conditions on this Delegation:	Nil

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Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
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Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<u><i>Building Act 2011:</i></u> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	All records must be kept on the appropriate file.

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2.1.6 Inspection and Copies of Building Records

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor Development Services Officer Records Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Building Act 2011 s.146 Confidentiality
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

Version	Approved, Amended, Rescinded	Date	Authority	Resolution Number	Key Changes/Notes
1	Approved	27/10/2022	Council	22150	Adopted
2	Amended	27/11/2023	CEO	-	Development Services Officer added as sub-delegate



2.1.7 Referrals and Issuing Certificates

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Act 2011:</i> s.145A Local Government functions
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

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2.1.8 Private Pool Barrier – Alternative and Performance Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)] 1. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

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2.1.9 Smoke Alarms – Alternative Solutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

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2.1.10 Appointment of approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as “approved officers”.</i> Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as “authorised officers” for the purposes of Building Regulation 70(2).</i>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	: r 70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	All records must be kept on the appropriate file.

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6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	a. a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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6.1.2 Prohibition Orders

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Delegate:	Chief Executive Officer Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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6.1.3 Food Business Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Delegate:	Chief Executive Officer Environmental Health Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s.125].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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6.1.6 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]
Express Power or Duty Delegated:	<i>Food Regulations 2009:</i> r.51 Enforcement agency may make list of food
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	<ul style="list-style-type: none"> Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	– Part 2
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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8.1.2 Enforcement Agency Reports to the Chief Health Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Nannup [s.22(1)]. 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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8.1.3 Designate Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> i. The <i>Public Health Act 2016</i> or other specified Act ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ol style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	<p>s.20 Conditions on performance of functions by enforcement agencies.</p> <p>s.25 Certain authorised officers required to have qualifications and experience.</p> <p>s.26 Further provisions relating to designations</p> <p>s.27 Lists of authorised officers to be maintained</p>
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Delegation Register

Shire of Nannup



	<p>s.28 When designation as authorised officer ceases</p> <p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s.30 Certificates of authority</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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8.1.4 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	Compensation is limited to a maximum value of \$500, with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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9. Planning and Development Act 2005 Delegations

9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
Delegate:	<ul style="list-style-type: none"> • Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or alter the development; and b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation:	Nil



9. Planning and Development Act 2005 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	Part 13 of the Planning and Development Act 2005
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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9.2 Local Planning Scheme – Council to CEO

9.2.1 Local Planning Scheme

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl.82 Delegations by local government
Express Power or Duty Delegated:	<i>Shire of Nannup Town Planning Scheme No. 4</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to exercise all duties and powers available to the local government.
Council Conditions on this Delegation:	
Express Power to Sub-Delegate:	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl.83 Local Government CEO may delegate powers

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

Compliance Links:	Nil
Record Keeping:	All records must be kept on the appropriate file.

Version Control:

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Delegation Register

Shire of Nannup



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none">• HLT 1 - Health (Miscellaneous Provisions) Act 1911	Health (Miscellaneous Provisions) Act 1911 s. 26 Part V, Part VI, Part VII, Part VIII, Part IX.	Chief Executive Officer

Delegator

Council

Power / Duty

In accordance with the powers contained within Section 26 of the Health (Miscellaneous Provisions) Act 1911, Council delegates to the Chief Executive Officer, or any appropriately qualified person appointed by the Chief Executive Officer, the authority to exercise and discharge all or any of the powers and functions of the local authority in accordance with Part IV Division 4 Sanitary Provisions, Part V Dwellings, Part VI Public Buildings, Part VII Nuisances and Offensive Trades, Part VII (A) Animal Produce, Drugs, Medicines, Disinfectants, Therapeutic Substances and Pesticide Divisions 2, 3, 4 and 5, Part VIII Food Generally and Part IX Infectious Disease.

Conditions

Nil

Statutory Framework

Health (Miscellaneous Provisions) Act 1911

26. Powers of local government

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

Delegation Register

Shire of Nannup



Verification

Recent Council Resolution	Initial Council Resolution
18037	6524

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

Notes of Recent Alterations (if applicable)
2018 Delegation Register Reference - 77



Reference Number	Legislative Reference	Delegate
<ul style="list-style-type: none">PDA 1 - Town Planning	Planning and Development Act 2005 s. 72	Chief Executive Officer

Delegator

Council

Power / Duty

The Chief Executive Officer is delegated authority to:

1. Requirements for Public Notice

- 1.1 Proceed to advertise planning applications, scheme amendments, road closures or other proposals where the Local Planning Scheme or other legislation requires that such public notice be given.
- 1.2 Make a determination to require that public notice of planning applications or other proposals is given where such notice is considered to be in the public or adjoining/nearby landowner interest.

2. Approval of Permitted "P", Discretionary "D" and Advertised "A" Uses

- 2.1 Make a determination on all "P", "D" and "A" uses where a proposed development is accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and is consistent with guiding precedent approvals.
- 2.2 The application must not have been the subject of genuine objection or if the matter has become contentious in any way that cannot be addressed via conditions of approval.

3. Exercising Discretion

- 3.1 Determine planning applications involving:
 - (a) the variation of Scheme provisions (including setback and building envelope variations), Local Planning Policy or provisions of the *Residential Design Codes*; or
 - (b) the exercise of discretion under the Scheme, Local Planning Policy or the *Residential Design Codes*.
- 3.2 Before making a determination on planning applications which seek a variation to Scheme provisions, a Local Planning Policy or provisions of the *Residential Design Codes*, the application is to be subject to consultation with affected landowners as determined by the Chief Executive Officer.



3.3 The above is provided the application has not been the subject of genuine objection or if the matter has become contentious in any way that cannot be addressed via conditions of approval.

4. Residential Design Code Matters

4.1 Make a determination on any matter required to be determined under the *Residential Design Codes* including where an exercise of discretion is required, provided that appropriate notice of the proposed development is given to adjoining properties where it is required or is considered to have the potential to adversely affect the amenity of an adjoining property.

5. Minor Modification of Planning Determinations

5.1 Make modifications to planning approvals where:

- (a) the modification conforms to the relevant Local Planning Scheme objectives and Local Planning Policies;
- (b) the modification does not have a detrimental effect on the amenity of the locality; and
- (c) the extension to a development approval is to a maximum of 2 years.

NOTES:

- Where consent of abutting landowners was required for the original application, then the modification should also be referred to abutting landowners for comment where the modification requires a substantial variation from the original application.
- Where the original application was required to be the subject of public notice under the relevant Local Planning Scheme or the *Residential Design Codes*, then (if the modification is considered substantial) the modification will need a new public notice re-advertised in accordance with the Local Planning Scheme or the *Residential Design Codes*.

6. Dealing with Subdivisions

6.1 Make recommendations to the Western Australian Planning Commission in respect of applications or other matters relating to Subdivision, Boundary Adjustment, Amalgamation and Strata Titling where such matters are in accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and established precedent, including minor variations to approved subdivisions and clearance of conditions.

7. Dealing with Scheme Amendments

7.1 Require modifications to Local Planning Scheme Amendment documents to ensure that all documents are maintained at a consistent high quality and the information contained within the document addresses all issues considered relevant and will enable the public and referral agencies to fully understand the Amendment.

7.2 Accept modifications to Local Planning Scheme Amendment documents required by the Western Australian Planning Commission or the Minister for Planning at any stage throughout the Scheme Amendment process.

7.3 Respond in writing to scheme amendment requests.

8. Legal Proceedings



8.1 Take all necessary action against owners or occupiers of properties to cease illegal uses, comply with the Local Planning Scheme and/or comply with conditions of Development Approval, including instituting prosecution proceedings under the *Planning and Development Act*, in the Court in its summary jurisdiction.

8.2 Represent Council, or appoint appropriate representatives, where necessary at prosecutions, rights of review and enquiries pertaining to the enforcement of the provisions of the *Planning and Development Act* and the implementation of Council's Local Planning Scheme.

9. Miscellaneous Matters

9.1 Elect to return or defer consideration of incomplete and unsatisfactory applications for planning consent.

9.2 Grant variations to relevant Local Planning Policies and provisions of the *Residential Design Codes* on Building Permit applications (where the application is exempt from the requirement to gain planning approval under the *Residential Design Codes* and/or the Local Planning Scheme).

9.3 Determine the use of street names where an approved street names list exists.

9.4 Provide of written and verbal responses to rights of review, mediated settlements resulting from rights of review and Western Australian Planning Commission requests for reconsideration.

9.5 Prepare submissions and correspondence to government agencies and other organisations where consistent with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and guiding precedent approvals.

9.6 Respond to referrals and correspondence from State Government agencies, servicing agencies and other organisations on matters including planning, land management, natural resource management and servicing where consistent with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and Council adopted documents.

10. Right to have matter heard by Council

10.1 Where an applicant disputes or has issue with a planning determination made in accordance with this delegation, it will be a matter of right for the applicant to request that the matter be reconsidered by Council, provided the exercise of such right does limit any other right of appeal that exists in Law.

11. Matters that may be of significant financial interest to Council

11.1 It is required that any planning matter that may have any significant impact on Council infrastructure is to be determined by the Council.

GUIDELINES - Nil

ON DELEGATION - Building Surveyor for *Residential Design Code* matters.

Conditions

Nil

Statutory Framework

Delegation Register

Shire of Nannup



Council is exercising its power of delegation under Section 5.42(1)(a) of the *Local Government Act 1995*.

Verification

Recent Council Resolution	Initial Council Resolution
18037	7116 September 2004 This motion refers to Delegation 107 that doesn't exist? Needs clarification.

Review Requirements

In accordance with the requirements of *S5.46(2) of the Local Government Act 1995*, at least once every financial year.

Related Documents

<https://www.nannup.wa.gov.au/documents/policies-risk-management>

Notes of Recent Alterations (if applicable)

2018 Delegation Register Reference – 76 & 78 combined