

Delegation Register

Shire of Nannup



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

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:	<p><i>Health Local Law:</i></p> <p>cl.3.6.4 Ventilation (notices) cl.3.8.1 Approval of water supply</p> <p>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</p> <p>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</p> <p>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</p> <p>Part 7 – Infectious Diseases</p> <p>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</p> <p>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]</p>
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>Authority to:</p> <ol style="list-style-type: none"> 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].



	<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 pump-outs 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).16. Approve a premises to be used as a piggery, subject to conditions in cl.5.6.2(2) and (3).
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	<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>
Council Conditions on this Delegation:	<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) Function 27 – applications in prescribed form and in accordance with Town Planning Scheme [cl.9.1.2].</p>
Express Power to Sub-Delegate:	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

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

Compliance Links:	<i>Dogs Local Law 2015</i> <i>Health Local Laws 2006</i> <i>Parking and Parking Facilities Local Law 2007</i>
Record Keeping:	Regulation 19 <i>LG (Admin) Regulations 1996</i> , requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 <i>LG (Admin) Regulations 1996</i> and are retained on the Shire's record keeping database.

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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:	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .
Express Power to Sub-Delegate:	<i>Building Act 2011:</i>

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	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>	Executive Manager Corporate Services Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

Compliance Links:	<p>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 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>Building Services (Registration Act) 2011 – Section 7 Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage Act 2018</p>
Record Keeping:	<p>Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections.</p> <p>All evidentiary documents must be retained on the Shire's record keeping database.</p>

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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:	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</i> .
Express Power to Sub-Delegate:	<i>Building Act 2011:</i>

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	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>	Executive Manager Corporate Services Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

Compliance Links:	<p>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</p> <p>Building Regulations 2012 r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3))</p> <p>Building Services (Registration) Act 2011 s.7 Carrying out prescribed building service when not registered</p> <p>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage Act 2018</p>
Record Keeping:	<p>Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections.</p> <p>All evidentiary documents must be retained on the Shire's record keeping database.</p>

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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 <i>Building Regulations 2012</i> 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:	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with regulation 5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</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>	Executive Manager Corporate Services Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

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
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	<p>s.121 Occupancy permits and building approval certificates – application for review by SAT</p> <p>Building Regulations 2012</p> <p>r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3))</p> <p>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage Act 2018</p>
Record Keeping:	<p>Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections.</p> <p>All evidentiary documents must be retained on the Shire's record keeping database.</p>

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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:	<ol style="list-style-type: none"> a. Subject to the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i>. b. 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>	Nil

Compliance Links:	<p>Building Act 2011 s.97 each designated authorised person must have an identity card.</p> <p>Building Regulations 2012 r.5A Authorised persons (s.3) - definition</p>
Record Keeping:	Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections.

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	All evidentiary documents must be retained on the Shire's record keeping database.
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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:	Decisions made under this delegated authority are to be undertaken or informed by a person qualified in accordance with

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	regulation 5 of the <i>Building Regulations 2012</i> and the <i>Local Government (Building Surveyors) Regulations 2008</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>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

Compliance Links:	Building Act 2011 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:	Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections. All evidentiary documents must be retained on the Shire's record keeping database.

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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>	Executive Manager Corporate Services Customer Service and Administration Coordinator 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>	Nil

Compliance Links:	Building Act 2011 s.146 Confidentiality
Record Keeping:	Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections. All evidentiary documents must be retained on the Shire's record keeping database.

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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

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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:	Decisions under s.145A(2) must be undertaken by a level 1, 2 or 3 Building Surveyor as applicable in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with regulation 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>	Executive Manager Corporate Services Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

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)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause: <ol style="list-style-type: none"> a. significant structural or other problem which is beyond the control of the owner / occupier; or b. the pool is totally enclosed by a building; or c. a fence or barrier between the building and pool would create a significant access problem for a person with a disability who is a resident at the premises [r.51(3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the alternative solution complies with the relevant performance requirement [r.51(5)].
Council Conditions on this Delegation:	Decision maker must be level 1 or 2 Building Surveyor in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with regulation 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>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Delegation Register

Shire of Nannup



Compliance Links:	Building Regulations 2012 r.50 Barrier to private swimming pool, clauses 4(b) and (c)(ii).
Record Keeping:	Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections. All evidentiary documents must be retained on the Shire's record keeping database.

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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:	Decision maker must be a registered Level 1 or 2 Building Surveyor in accordance with the qualification requirements of the <i>Local Government (Building Surveyors) Regulations 2008</i> and a person qualified in accordance with regulation 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>	Building Surveyor
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Conditions on the original delegation also apply to the sub-delegations.

Compliance Links:	Building Regulations 2012 r.56 Requirement to have smoke alarms or similar prior to transfer of dwelling r.57 New owner must install smoke alarms or similar, and right to recover costs r.58 Requirement to have smoke alarms or similar prior to tenancy r.59 Requirement to have smoke alarms or similar prior to hire of dwelling r.60 Requirements for smoke alarms Heritage Act 2018
Record Keeping:	Section 130 <i>Building Act 2011</i> and regulation 12 <i>Building Regulations 2012</i> requires delegates to keep a written record of applications for a building permit, demolition permit, occupancy permit and related documents, building certificates, building orders and related documents, notices of completion and cessation in relation to a building permit and documents relating to inspections. All evidentiary documents must be retained on the Shire's record keeping database.

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Delegation Register

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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>	<p>1. 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).</p> <p><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></p> <p>2. 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).</p> <p><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></p>
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	Building Act 2011 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:	Building Regulations 2012 r.70(3) each authorised officer must be issued a certificate of appointment.
Record Keeping:	All evidentiary documents must be retained on the Shire’s record keeping database.

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6 Food Act 2008 Delegations

6.1 Council to CEO / Employees

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:	<ol style="list-style-type: none"> 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. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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6.1.2 Prohibition Orders and Certificates of Clearance

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 <i>Food Act 2008</i> [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:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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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"> • <i>Food Act 2008</i> 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:	Food Act 2008 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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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:	Food Act 2008 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:	s123 <i>Food Act 2008</i> requires all authorised officers to be issued with a certificate of authority as an authorised officer in the prescribed form.

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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:	Food Act 2008
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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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:	Food Act 2008
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 *moved to Health (Miscellaneous Provisions) Act 1911 Delegations

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:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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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>Public Health Act 2016</p> <p>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p>The Criminal Code, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
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Delegation Register

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Record Keeping:

The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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8.1.4 Dealing with 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.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of forfeited items 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>	<ol style="list-style-type: none"> 1. Authority to determine if no contravention of the <i>Public Health Act 2016</i> has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263]. 2. Authority to recover the cost of destruction or disposal of forfeited items [s.262] 3. 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:	Public Health Act 2016
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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8.1.5 Appoint Designated Officer – Information Sharing

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.299 Information Sharing
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 appoint Designated Officer/s for the purposes of s.299 [s.299(1)].
Council Conditions on this Delegation:	Appointments must be consistent with requirements outlined in the Chief Health Officer's Information Sharing Guideline , prepared in accordance with s.300.
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:	Public Health Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Directions under s.214 Planning and Development Act 2005

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(1)(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): Illegal development, responsible authority's powers as to
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 illegal 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 illegal 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>	Executive Manager Corporate Services
CEO Conditions on this Sub-Delegation:	Nil

Delegation Register

Shire of Nannup



Conditions on the original delegation also apply to the sub-delegations.	
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Compliance Links:	Planning and Development Act 2005
Record Keeping:	Regulation 19 of the <i>LG (Admin) Regulations 1996</i> , requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of the Regulations and are retained on the Shire's record keeping database.

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9.1.2 Local Planning Scheme No.4 *renumbered from 9.2.1 to 9.1.2

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:	Shire of Nannup Local Planning Scheme No. 4
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>	Administrative Matters Power to: <ol style="list-style-type: none"> 1. Make determinations on the sufficiency of information provided with applications for development approval pursuant to Clause 63 of the Deemed Provisions of LPS4. 2. Advertise and provide notice of applications for development approval pursuant to clause 64 of the Deemed Provisions of LPS4. 3. Assign land use pursuant to clause 18 of LPS4. 4. Determine compliance with the Deemed to Comply Provisions of the Residential Design Codes and requirement for, or exemption from, the need to obtain planning approval under clause 61(c) of the Deemed Provisions of LPS4. 5. Require the repair of any advertisement pursuant to clause 80 of the Deemed Provisions of LPS4. 6. Accept and determine cash-in-lieu payments. Determination of Development Applications Power to: <ol style="list-style-type: none"> 7. Determine applications for development approval pursuant to Part 9 of the Deemed Provisions of LPS4 inclusive of any conditions to be imposed and the period of validity of the approvals, including: <ol style="list-style-type: none"> a. Applications for development approval where no variations to Local Planning Policy, a related LDP or Scheme Standards are proposed.* b. Applications for development approval where variations to Development requirements of LPS4 pursuant to clause 70 (variations to site development standards) for clause 51(3) (variation to building envelopes) and Schedule 1 or to a related LDP are proposed.



- c. Amendments and extension to the term of development approval pursuant to Clause 77 of the Deemed Provisions.
- d. Make determinations to vary provisions pursuant to clause 12 of the Deemed Provisions of LPS4 to facilitate the conservation of a place entered in the State Register of Heritage Places under the *Heritage Act 2018* section 42 or included on the heritage list; or enhance or preserve heritage values in a heritage area.
- e. Make any determinations and exercise any discretionary powers contained within LPS4 and in any schedules of LPS4 where not inconsistent with Local Planning Policies.
- f. Make any determinations and exercise any discretionary powers contained within LPS4 and in any schedules of LPS4.

** Does not include prescribed single house development as per clause 84B of the Deemed Provisions of LPS4.*

Local Development Plans

Power to:

- 8. Determine whether sufficient information has been provided and advertise Local Development Plans pursuant to Part 6 of the Deemed Provisions.
- 9. Determine amendments to Local Development Plans pursuant to Clause 59 of the Deemed Provisions.

Structure Plans

Power to:

- 10. Determine that a Structure Plan complies with Clause 16(1) of the Deemed Provisions of LPS4.

Subdivision

- 11. Provide referral responses on subdivision applications to the Western Australian Planning Commission.
- 12. Determine built strata applications that have been delegated to the Shire of Nannup by the WAPC pursuant to Section 25(1) of the *Strata Titles Act 1985* and impose any relevant planning conditions.
- 13. Issue clearances of conditions for subdivision approvals on behalf of the local government.

Delegation Register

Shire of Nannup



Council Conditions on this Delegation:	<p>Part 7 of the delegation function may not be exercised for the purpose of providing development approval to a development that:</p> <ol style="list-style-type: none"> a. Raises an issue of significant public interest, concern or controversy or is likely to do so. b. Raises an issue of policy or process not covered by existing policy or practice. c. Has given rise to substantial public objection (denoted either by the qualitative strength of submissions or there being a quantity of 5 or more non-identical submissions in opposition). d. Could set an undesirable precedent in terms of height, bulk, scale etc. that could create an undesirable policy direction. e. Is innovative and raises the possibility of a new or unexpected desirable policy direction that Council wants to encourage. f. Provides for a development which is anticipated by, or contrary to, a proposed major amendment to the Scheme. g. Proposes the demolition or significant redevelopment of a building on the Local Heritage Survey.
Express Power to Sub-Delegate:	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10, cl.83 Local Government CEO may delegate powers Schedule 2, Part 10, cl.84 Other matters relevant to delegations under this Division</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	<p>Executive Manager Corporate Services Development Services Coordinator Development Services Officer Building Surveyor</p>
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>Sub-delegation is limited to the following:</p> <ul style="list-style-type: none"> • Executive manager Corporate Services in respect to all parts of the delegation listed above with the exception of part 7(f); • Development Services Coordinator in respect of parts 1, 2, 3, 4, 8 and 11 listed above; • Development Services Officer in respect of parts 1, 2, 3 and 4 listed above; and • Building Surveyor in respect of part 4 above.

Compliance Links:	<p>Planning and Development Regulations 2015 Local Planning Scheme No.4</p>
Record Keeping:	<p>Regulation 19 of the <i>LG (Admin) Regulations 1996</i>, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of the Regulations and are retained on the Shire's record keeping database.</p>

Delegation Register

Shire of Nannup



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11 Health (Miscellaneous Provisions) Act 1911 Delegations

11.1 Council to CEO / Employees

11.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911

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 (Miscellaneous Provisions) Act 1911:</i> s.26: Powers of local government
Express Power or Duty Delegated:	<i>Health (Miscellaneous Provisions) Act 1911</i> Part IV Division 4 Sanitary Provisions; Part V Dwellings; Part VI Public Buildings; Part IX Infectious Diseases <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> r.4 Approval of construction or installation of apparatus by local government r.10 Permit to use apparatus
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>	The authority to exercise and discharge all or any of the powers and functions of the local government as provided for in the <i>Health Act (Miscellaneous Provisions) 1911</i> (as amended) in regard to: Part IV Division 4 Sanitary Conveniences (s.99 – s111) Part V Dwellings (s.135 – s.159) Part VI Public Buildings (s.173 – s.180) and Part IX Infectious Diseases (s.249). [s.26]
Council Conditions on this Delegation:	The delegation to the Environmental Health Officer is limited to: <ul style="list-style-type: none"> • Authority to grant or refuse to grant an approval for the construction or installation of an apparatus for the treatment of sewage subject to any conditions imposed [r.4(3)]. • Authority to grant a permit to use the apparatus when an authorised officer is satisfied that it conforms to the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> and the owner pays the fee (r.10(2)).
Express Power to Sub-Delegate:	Nil

Sub-Delegate/s: <i>Appointed by CEO</i>	Nil
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Delegation Register

Shire of Nannup



CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil
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Compliance Links:	Health (Miscellaneous Provisions) Act 1911
Record Keeping:	Regulation 19 of the <i>LG (Admin) Regulations 1996</i> , requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of the Regulations and are retained on the Shire's record keeping database.

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11.1.2 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:	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 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:	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:	Criminal Procedure Act 2004 – Part 2 Health (Asbestos) Regulations 1992
Record Keeping:	The delegate is to keep a written record of how and when they exercise the power or discharge the duty and the persons directly affected. The delegate is to ensure that all evidentiary documents are retained on the Shire's record keeping database.

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