



Shire of  
**Nannup**  
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# Register of Delegations of Authority

*Reaffirmed Council meeting 223 May 20134*

<b><u>Delegation No</u></b>	<b><u>Subject</u></b>
1	Enforcement and Legal Proceedings
2	Tenders
3	Impounding Goods
4	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
5	Local Laws
6	Executive Functions – Duties
7	Certain Things to be Done in Respect of Land
8	Power of Entry
9	Register of Delegations to Committees
10	Annual Report
11	Forward Plan
12	Copies of Information
13	Council and Committee Meetings
14	Public Inspection of Documents Relating to Council Meetings
15	Creditors – Payment of
16	Rate Book
17	Financial Reports
18	Trust Fund
19	Investments
20	Payment of Accounts
21	Expenditure before Adoption of Budget
22	Temporary Closure of Thoroughfares to Vehicles
23	Gates Across Public Thoroughfare
24	Dangerous Excavation in or near Public Thoroughfare
25	Crossovers
26	Public Thoroughfares – Fixing Or Altering Levels or Alignments or Drainage onto Adjoining Land
27	Public Thoroughfares – Public Use
28	Buildings – Issue of Section 401 Notices
29	Buildings – Removal of Neglected and Dilapidated
30	Works – Unlawful
31	Buildings – Dangerous
32	License to Deposit Materials on or Excavate Adjacent to a Street
33	Award/Industrial Matters
34	Legal Advice
35	Contract Variations

<b><u>Delegation No</u></b>	<b><u>Subject</u></b>
36	Native Title
37	Telephones (Private) – Use by Employees for Council Business
38	Appointment of Consultants
39	Insurance – Public Liability Claims
40	Surplus Equipment, Materials, Tools etc
41	Conferences/Seminars/Training Courses – Expenses of Councillors and Staff
42	Budget Expenditure
43	Grants and Subsidies
44	Staff – Conferences, Seminars and Training Courses
45	Staff Housing
46	Suspension of Prohibited Burning Period
47	Burning – Prohibited and Restricted Times (Variations)
48	STRATA Titles
49	Building Permit Fees – Refunds and Exemptions
50	Offences – Bush Fires Act
51	Dog Act
52	Street Appeals
53	Execution of Documents
54	Donations
55	Liquor, Sale or Consumption – Council Property
56	Hall Hire
57	Contractors – Use on Works
58	Street Trees - Removal
59	Signs and Hoardings
60	Council Resources for Wild Fire Control
61	Study Leave
62	Street Stalls – Market Days
63	Overflow Camping Areas
64	Disposal of Verge Timber
65	Management of Roadside Vegetation
66	Use of Shire of Nannup Corporate Identity
67	REVOKED (Power Dinghy Racing Boat Club Event)
68	Alternative Fire Breaks
69	Street Banners
70	Demolition Permits
71	Write Off of Debts

Shire of Nannup Delegations of Authority Register

<b><u>Delegation No</u></b>	<b><u>Subject</u></b>
72	Extension of Council endorsed Leases or MOU's
73	Building – Extension of Time to Complete
74	Building Permits
75	Certificates of Classification
76	<i>Incorporated with Delegation 78</i>
77	Health Act Parts V to IX
78	Setback and Building Envelope Variations
79	Planning Infringement Notices

<b>DELEGATION NUMBER</b>	-	<b>1</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 9.10)
DELEGATION SUBJECT	-	Enforcement and Legal Proceedings
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	ADM 1
RECORDING REQUIREMENT	-	Individual Personnel File

The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions on behalf of Council under the Local Government Act 1995 and Council's Local Laws. Further, the Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions as specified by the Chief Executive Officer.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>2</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Sections 5.42/5.43(b))
DELEGATION SUBJECT	-	Tenders
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	ADM 4
RECORDING REQUIREMENT	-	<ul style="list-style-type: none"><li>• Relevant Tender File or</li><li>• The Purchase Order Document where the amount of the purchase is less than the \$100,000 Threshold Limit</li></ul>

1. The Chief Executive Officer is delegated authority to call tenders for any goods or services required where provision has been made in Council's budget and the amount exceeds \$100,000, or where the expenditure is anticipated to be less than this sum, if the best interests of Council would be served by calling tenders.
2. The Chief Executive Officer is delegated authority to implement the requirements of Council policy ADM 4 in respect of authorising purchases on behalf of Council where provision has been made in Council's budget and the amount is less than \$100,000.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>3</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Sections 3.39 to 3.48)
DELEGATION SUBJECT	-	Impounding Goods
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	WRK 28

In respect of the Local Government Act 1995 the Chief Executive Officer is delegated authority to:

1. Authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding.
2. Take appropriate action with respect to impounded non-perishable goods in accordance with Section 3.42.
3. Give notice in accordance with Section 3.44 to collect goods.
4. Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46.
5. Take action to recover expenses in accordance with Section 3.48.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>4</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Sections 3.47 and 3.58)
DELEGATION SUBJECT	-	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	WRK 28

The Chief Executive Officer is delegated authority to dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section and 3.58 of the Local Government Act 1995.

The Chief Executive Officer may dispose of the above only after calling public tenders in accordance with the procedures as set out in Part 4 of the Local Government (Functions and General) Regulations. The Chief Executive Officer is authorised pursuant to Section 5.43(b) of the Local Government Act 1995 to accept any tender up to the value of \$1000. Tenders for amounts exceeding \$1000 shall be referred to the Council for consideration.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on 223 May 2013 2014.*



<b>DELEGATION NUMBER</b>	-	<b>5</b>
LEGISLATIVE POWER	-	Local Government Act 1995 Sections 3.12 & 3.16)
DELEGATION SUBJECT	-	Local Laws
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	ADM 5

The Chief Executive Officer is delegated authority to perform the following powers/duties in relation to local laws made under the Local Government Act 1995 and any other Act:

1. Give State-wide public notice and provide the appropriate Minister with a copy of the proposed local law and the State-wide public notice as required under Section 3.12(3).
2. After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5).
3. After the local law has been published in the Gazette give State-wide public notice in accordance with Section 3.12(6).
4. Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15.
5. Give State-wide public notice stating an intention to review a local law as required under Section 3.16(2).
6. After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3).
7. After the Council has made a determination in respect of the local law review, give State-wide public notice as required under Section 3.16(5).

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	- 6
LEGISLATIVE POWER	- Local Government Act 1995 (Section 3.21)
DELEGATION SUBJECT	- Executive Functions – Duties
DELEGATE	- Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-
RECORDING REQUIREMENT	- Relevant Property Assessment File

The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions:

1. Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met.
2. Ensure that as little harm or inconvenience is caused and as little damage is done as is possible.
3. Ensure that danger to any person or property does not arise from anything done on land.
4. Ensure that anything belonging to ~~it~~ the council, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless the Act expressly allows it to be left there.
5. Ensure that buildings, fences, and other structures are not disturbed or damaged.
6. Ensure that when ~~it enters~~ land that is fenced is entered, ~~it enters~~ entry is through the existing and usual openings in the fence unless ~~it is~~ the opening of the fence has been expressly authorised ~~to open the fence~~.
7. Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.

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<b>DELEGATION NUMBER</b>	-	<b>7</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 3.24.)
DELEGATION SUBJECT	-	Certain Things to be Done in Respect of Land
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

The Chief Executive Officer is delegated authority to authorise any person to exercise on behalf of the local government the powers given to a local government by Subdivision 2 (Certain Provisions about Land) of the Local Government Act 1995.

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Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>8</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 3.28 to 3.36)
DELEGATION SUBJECT	-	Power of Entry
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995.

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*Reviewed at a Council Meeting on ~~223~~ 23 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>9</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.18)
DELEGATION SUBJECT	-	Register of Delegations to Committees
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	ADM 22 & Register Of Delegations

The Chief Executive Officer is delegated authority to keep a Register of the delegations made by Council to Committees, the Register being required in accordance with the provisions of Section 5.18 of the Local Government Act 1995.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>10</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.53)
DELEGATION SUBJECT	-	Annual Report
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	ADM 17

The Chief Executive Officer is delegated authority to prepare, each financial year, the Annual Report as required by Section 5.53(1) of the Local Government Act 1995.

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<b>DELEGATION NUMBER</b>	-	<b>11</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.56) <u>Local Government (Administration) Regulation 19</u>
DELEGATION SUBJECT	-	<u>Forward Plan for the Future</u>
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	ADM 29

The Chief Executive Officer is delegated authority to prepare Council's Forward Plan Strategic Community Plan (Plan for the Future) as required by Section 5.56 of the Local Government Act 1995 and Local Government (Administration) Regulation 19C.

The Chief Executive Officer is delegated authority to submit for Council's consideration a review of the Forward Plan Strategic Community Plan every 2 four years as required by Local Government (Administration) Regulation 19C(4).

The Chief Executive Officer is delegated authority to ensure that the electors and ratepayers of the district are consulted during the development of the Forward Plan Strategic Community Plan, and when preparing any modifications of the plan as required by Local Government (Administration) Regulation 19C(79).

The Chief Executive Officer is delegated authority to ensure that the Forward Plan Strategic Community Plan contains a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan as required by Local Government (Administration) Regulation 19C(810).

The Chief Executive Officer is delegated authority to give local public notice of the adoption of, or modifications to the Forward Plan Strategic Community Plan as required by Local Government (Administration) Regulation 19D.

The Chief Executive Officer is delegated authority to prepare Council's Corporate Business Plan as required by Section 5.56 of the Local Government Act 1995 and Local Government (Administration) Regulation 19DA(1).

The Chief Executive Officer is delegated authority to submit for Council's consideration an annual review of the Corporate Business Plan as required by Local Government (Administration) Regulation 19DA(4).

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~223~~ May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>12</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.96)
DELEGATION SUBJECT	-	Copies of Information
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	ADM 7

The Chief Executive Officer is delegated authority to ensure copies are available to persons inspecting information made available for inspection under Division 7, Part 5 of the Local Government Act 1995 and ensure that the price at which the copies are sold does not exceed the cost of providing the copies.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May ~~2013~~ 2014.*



<b>DELEGATION NUMBER</b>	-	<b>13</b>
LEGISLATIVE POWER	-	Local Government (Administration) Regulations (Regulation 12)
DELEGATION SUBJECT	-	Council and Committee Meetings
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	ADM 8
RECORDING REQUIREMENT	-	ADM 18

The Chief Executive Officer is delegated authority to perform the following duties:

1. At least once each year, give Local Public Notice of the dates on which and the time and place at which ordinary Council meetings, and, the Committee meetings that are required under the Local Government Act 1995 to be open to members of the public, are to be held.
2. Give Local Public Notice of any change to the date, time or place of a meeting which is open to the public.
3. Give Local Public Notice of the date, time, place and purpose of any special meeting of the Council that is to be open to members of the public.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>14</b>
LEGISLATIVE POWER	-	Local Government (Administration) Regulations (Regulations 13 and 14)
DELEGATION SUBJECT	-	Public Inspection of Documents Relating to Council Meetings
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	ADM 11
RECORDING REQUIREMENT	-	ADM 18

The Chief Executive Officer is delegated authority to ensure that unconfirmed minutes of each Council meeting and each Committee meeting are available for inspection by members of the public within 10 and 5 business days respectively.

The Chief Executive Officer is delegated authority to ensure notice papers and agendas relating to any Council or Committee meeting, and which have been made available to members of the Council or Committee, are available for inspection by members of the public from the time the documents are made available to the members.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>15</b>
LEGISLATIVE POWER	-	Local Government (Financial Management) Regulations 1996 (Regulation 13)
DELEGATION SUBJECT	-	Creditors, Payment of
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	As Vouchers Kept In Sequential Order

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a) The payee's name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>16</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 6)
DELEGATION SUBJECT	-	Rate Book
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Item 1 - The Rate Book Items 2 to 9 - Individual Property Assessment Files

In accordance with the Local Government Act 1995 the Chief Executive Officer is hereby delegated the performance of the following functions of the Council:

1. Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40.
2. The service of rate notices referred to in Section 6.41.
3. Entering into an agreement in accordance with Section 6.49 for the payment of rates and service charges.
4. Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50.
5. The recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62.
6. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled in accordance with Section 6.64(3).
7. Exercise discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with Section 6.76(4).
8. Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6).
9. Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>17</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 6.4)
DELEGATION SUBJECT	-	Financial Reports
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FNC 1

The Chief Executive Officer is delegated authority to prepare the annual financial reports and such other financial reports as prescribed in Local Government Act 1995 Section 6.4(1) and Local Government (Financial Management) Regulation 34.

Further, the Chief Executive Officer is delegated authority to submit the accounts and financial reports to the Council's auditors in accordance with Section 6.4(2) of the Local Government Act 1995.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>18</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 6.9)
DELEGATION SUBJECT	-	Trust Fund
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FNC 2

The Chief Executive Officer is delegated authority to manage the Trust Fund as required by Section 6.9 of the Local Government Act 1995.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>19</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 6.14)
DELEGATION SUBJECT	-	Investments
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	FNC 7
RECORDING REQUIREMENT	-	FNC 2

The Chief Executive Officer is delegated authority to invest any monies held in the Municipal Fund or the Trust Fund that is not, for the time being, required by the local government for any other purpose. In exercising this delegated authority the Chief Executive Officer shall observe Section 6.14 of the Local Government Act 1995.

Further, the Chief Executive Officer is delegated authority to establish and document internal control procedures to be followed by employees to ensure control over investments, as required by Local Government (Financial Management) Regulation 19. The control procedures are to enable the identification of:

- a) The nature and location of all investments, and
- b) The transactions related to each investment.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>20</b>
LEGISLATIVE POWER	-	Local Government (Financial Management) Regulations 1996 (Regulation 11)
DELEGATION SUBJECT	-	Payment of Accounts
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FNC 8

The Chief Executive Officer is delegated authority to:

1. Develop procedures for the authorisation of and the payment of, accounts to ensure that there is effective security for, and properly authorised use of:
  - a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
  - b) petty cash systems.
2. Develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that:
  - a) the relevant debt was incurred by a person who was properly authorised to do so, and
  - b) the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, as the case requires.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*



<b>DELEGATION NUMBER</b>	-	<b>21</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 6.8)
DELEGATION SUBJECT	-	Expenditure Before Adoption of Budget
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FNC 3

The Chief Executive Officer is delegated authority to authorise operating expenditure and appropriate capital expenditure that is included in Council's ~~Forward~~ Corporate Business Plan from the Municipal Fund prior to the adoption of the annual budget.

The Chief Executive Officer in exercising this delegated authority shall ensure the proposed expenditure is included in the draft budget to be presented to Council.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>22</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Sections 3.50, 3.50A and 3.51)
DELEGATION SUBJECT	-	Temporary Closure of Thoroughfares to Vehicles
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Road File

The Chief Executive Officer is delegated authority to give the necessary notices and take all appropriate actions to temporarily close any thoroughfare pursuant to the requirements of Section 3.50, 3.50A and 3.51 of the Local Government Act 1995.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>23</b>
LEGISLATIVE POWER	-	Local Government (Uniform Local Provisions) Regulations 1996 (Regulation 9)
DELEGATION SUBJECT	-	Gates Across Public Thoroughfares
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Road File and Council's Register of Gates and Devices if Applicable

The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>24</b>
LEGISLATIVE POWER	-	Local Government (Uniform Local Provisions) Regulations 1996 (Regulation 11)
DELEGATION SUBJECT	-	Excavation in or near Public Thoroughfare
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	<ol style="list-style-type: none"><li>1. For excavation in a public thoroughfare, the relevant road or reserve file</li><li>2. For excavations on land adjoining a public thoroughfare, the relevant property assessment file</li></ol>

The Chief Executive Officer is delegated the authority to issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Regulations 6 and 11 of the Local Government (Uniform Local Provisions) Regulations 1996. The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street, way or public place. Licences are to be issued subject to the conditions detailed in Section ~~377~~ 6 of the Local Government (~~Miscellaneous~~ Uniform Local Provisions) ~~Act 1960~~ Regulations 1996 and such other conditions as considered relevant by the Chief Executive Officer.

The Chief Executive Officer is delegated authority to take all appropriate action in accordance with Local Government (Uniform Local Provisions) Regulation 11 to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	- <b>25</b>
LEGISLATIVE POWER	- Local Government (Uniform Local Provisions) Regulations 1996 (Regulations 12 to 15)
DELEGATION SUBJECT	- Crossovers
DELEGATE	- Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	- LPP 003
RECORDING REQUIREMENT	- Relevant Property Assessment File

The Chief Executive Officer is delegated authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant.

The Chief Executive Officer is delegated authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~223~~ 23 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>26</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 3.51)
DELEGATION SUBJECT	-	Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage Onto Adjoining Land
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

In respect of the Local Government Act 1995 the Chief Executive Officer is delegated authority to give the required notices as specified in Section 3.51(3) and (4) of the Local Government Act 1995 before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

Further, the Chief Executive Officer is delegated authority to consider any submissions received and proceed with the proposal if no objection is received.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>27</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 3.52)
DELEGATION SUBJECT	-	Public Thoroughfares – Public Use
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Road File

The Chief Executive Officer is delegated authority to:

1. Ensure that public thoroughfares are kept open for public use as required under Section 3.52(2) of the Local Government Act 1995.
2. In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 23 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>28</b>
LEGISLATIVE POWER	-	Building Act 2011 (Section 110)
DELEGATION SUBJECT	-	Buildings - Issue of Building Orders
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

The Chief Executive Officer is delegated authority to issue Building Orders pursuant to Part 8 of the Building Act 2011 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant the issue of a notice.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~223~~ 23 May ~~2013~~ 2014.*



<b>DELEGATION NUMBER</b>	-	<b>29</b>
LEGISLATIVE POWER	-	Building Act 2011 (Section 112)
DELEGATION SUBJECT	-	Buildings - Unfit for Human Occupation
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	The Relevant Property Assessment File

The Chief Executive Officer is delegated authority to serve upon the owners and occupiers of buildings which are unfit for human occupation written notices under Section 112 of the Building Act 2011.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>30</b>
LEGISLATIVE POWER	-	Building Act 2011 (Section 112)
DELEGATION SUBJECT	-	Works - Unlawful
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	The Relevant Property Assessment File

1. The Chief Executive Officer is delegated authority to issue Building Orders to stop work pursuant to Section 112 of the Building Act 2011 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant the issue of a Building Order.
2. The Chief Executive Officer is delegated authority to withdraw Building Orders requiring works to be stopped pursuant to Section 112 of the Building Act 2011 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>31</b>
LEGISLATIVE POWER	-	Building Act 2011 (Section 112)
DELEGATION SUBJECT	-	Buildings - Dangerous
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	The Relevant Property Assessment File

The Chief Executive Officer is delegated the authority to carry out the following functions as provided in Section 112 of the Building Act 2011:

1. Issue a certificate which states that the subject building is in a dangerous state.
2. Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.

The Chief Executive Officer is delegated the authority to shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger in accordance with the Building Act 2011.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>32</b>
LEGISLATIVE POWER	-	Local Government (Uniform Local Provisions) Regulations 1996 (Regulation 17)
DELEGATION SUBJECT	-	Private works on, over, or under public places
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

The Chief Executive Officer is delegated the authority to approve applications to undertake a construction on, over, or under a specified public thoroughfare or public place that is local government property.

The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street, way or public place. Permission is to be issued subject to the conditions detailed in Regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996 and such other conditions as considered relevant by the Chief Executive Officer.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May ~~2013~~ 2014.*

- DELEGATION NUMBER** - **33**
- LEGISLATIVE POWER - Local Government Act 1995 (Section 5.45)
- DELEGATION SUBJECT - Award/Industrial Matters
- DELEGATE - Chief Executive Officer
- COUNCIL POLICY -
- RECORDING REQUIREMENT - PSN 22

The Chief Executive Officer is delegated authority to provide Council's Industrial Service provider with consent to act on the Council's behalf in any general Industrial/Award matter and any Industrial dispute involving an employee/s of Council excepting matters relating to the CEO's contract.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>34</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.45)
DELEGATION SUBJECT	-	Legal Advice
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	ADM 1
RECORDING REQUIREMENT	-	<ol style="list-style-type: none"><li>1. Where the matter relates to a private property – the relevant property assessment file</li><li>2. Where the matter relates to an issue not on private property, the relevant subject file for that particular matter</li></ol>

Subject to provision being made in the budget for legal expenses, the Chief Executive Officer is delegated authority to obtain from an appropriate solicitor such legal advice and opinions as is deemed necessary in the exercise of the management of the local government.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>35</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Contract Variations
DELEGATE	-	Chief Executive Officer Manager Corporate Services Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Subject File Relevant to the Contract

The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>36</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Native Title
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	TPL 12

The Chief Executive Officer is delegated authority to register an interest in any Native Title Claim affecting Council in order for Council to have sufficient interest to become a party to the Native Title Application.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~22~~ 23 May ~~2013~~ 2014.*



<b>DELEGATION NUMBER</b>	-	<b>37</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Telephones (Private) - Use by Employees for Council Business
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Personnel File of The Employee Involved

The Chief Executive Officer is delegated authority to make appropriate financial and other arrangements with all employees required to have a telephone installed in his/her principal place of residence within the Shire for some use on Council business.

The Chief Executive Officer is further delegated authority to make appropriate arrangements to reimburse any employee with any telephone expense incurred on Council business.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>38</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.45)
DELEGATION SUBJECT	-	Appointment of Consultants
DELEGATE	-	Chief Executive Officer Manager Corporate Services Manager Infrastructure
COUNCIL POLICY	-	ADM 4
RECORDING REQUIREMENT	-	Subject File Created For The Task To Which The Consultancy Relates

The Chief Executive Officer is delegated authority to appoint consultants/contractors including architects, valuers, planning consultants and the like in accordance with Council's adopted purchasing policy ADM 4.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>39</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Insurance - Public Liability Claims
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FNC 13

The Chief Executive Officer is delegated authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.

In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by Council's Solicitors.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>40</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Surplus Equipment, Materials, Tools, etc.
DELEGATE	-	Chief Executive Officer Manager Corporate Services Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Tender File

The Chief Executive Officer is delegated authority to hold a surplus goods sale at Council's depot or administration office, by tender or any other fair means, for items of surplus equipment, materials, tools, etc. which are no longer required.

~~The list of surplus equipment materials, tools, etc. shall be forwarded to Council for perusal at its Information Session at the meeting prior to the tender being advertised.~~

~~The holding result of that sale is to result in an agenda item must be reported to the next Council meeting, whereby Council will confirm listing the items of surplus equipment to be sold, the successful tenderer and the price.~~

~~Any Council member or staff member who has placed a tender for any item must not be part of the tender award process and is to declare a financial interest when the matter comes before Council as would normally be the case.~~

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>41</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Conferences/Seminars/Training Courses - Expenses of Councillors and Staff
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	ADM 6
RECORDING REQUIREMENT	-	PSN 6

The Chief Executive Officer is delegated authority to reimburse all reasonable expenses to members and staff incurred whilst attending authorised conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the Chief Executive Officer. Such expenses may include registration fees, accommodation, meals, refreshments, travel and other appropriate out-of-pocket expenses. Before exercising this delegated authority the Chief Executive Officer shall obtain from the Councillor or staff member receipts or other appropriate proof that the expense was incurred, along with a declaration that the expense was incurred wholly whilst on Council business.

This delegation also applies to the payment of expenses of partners when the Council has specifically resolved that it is appropriate for a Councillor or staff member to be accompanied by another person.

The Chief Executive Officer shall observe any Council policy in place from time to time.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>42</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Budget Expenditure
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FNC 3

The Chief Executive Officer is delegated authority to approve expenditure on goods and/or services and programs/projects for which funds have been provided in the Annual Budget without further reference to the Council. In exercising this delegated authority the Chief Executive Officer shall:

1. Provide for appropriate internal control over all expenditure.
2. Ensure all statutory requirements are met.
3. Ensure all Council policies are observed.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>43</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Grants and Subsidies
DELEGATE	-	Chief Executive Officer Community Development Officer Community Emergency Services <u>Officer</u> <del>Manager</del> Manager Corporate Services Manager Infrastructure
COUNCIL POLICY	-	FNC 6
RECORDING REQUIREMENT	-	FNC 6

The Chief Executive Officer is delegated authority to make submissions for grants and/or subsidies from State and Commonwealth Governments without prior approval of Council. In exercising this delegated authority the following conditions shall be observed:

1. The grant/subsidy shall be subject to Council's "Acceptance of Grant Funding Policy" FNC 6.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>44</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Staff - Conferences, Seminars & Training Courses
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	ADM 6
RECORDING REQUIREMENT	-	PSN 6

The Chief Executive Officer is delegated authority to approve the attendance by Council staff at conferences, seminars and training courses where, in the opinion of the Chief Executive Officer, attendance will enhance the professional development of the officer, provide benefits to the Council and is relevant to the duties and responsibilities of the officer.

The Chief Executive Officer is further delegated authority to meet "up front" or reimburse any appropriate expense involved. This delegation is to be exercised in accordance with any Council Policy on the issue that may be in force from time to time and shall be subject to funds being available for the purpose within Council's budget.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*



<b>DELEGATION NUMBER</b>	-	<b>45</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Staff Housing
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	ADM 36

The Chief Executive Officer is delegated authority to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council. In exercising this delegation the Chief Executive Officer shall have regard to any Council policy in place from time to time.

In the event that any Council provided accommodation is, at any time, not required for Council employees, the Chief Executive Officer is delegated authority to rent the accommodation to persons other than Council employees, provided the tenancy arrangement is only on a monthly basis.

The Chief Executive Officer is further delegated authority to determine the level of bond to be applied to each occupancy arrangement.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>46</b>
LEGISLATIVE POWER	-	Bush Fires Act (Section 25)
DELEGATION SUBJECT	-	Permission to Burn During Prohibited Burning Period
DELEGATE	-	Chief Executive Officer Manager Infrastructure Community Emergency Services <u>Officer</u> <del>Manager</del>
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FRC 24

The Bush Fire Control Officer of an area affected, be permitted to advise DFES of any approval or rejection of proposals relating to the permissions granted under Section 25 1(c) of the Bush Fires Act 1954.

*Adopted at a Council Meeting on 22 January 2004.  
Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>47</b>
LEGISLATIVE POWER	-	Bush Fires Act 1954 (Sections 17 and 18)
DELEGATION SUBJECT	-	Burning – Prohibited and Restricted Times (Variations)
DELEGATE	-	Shire President and Chief Bushfire Control Officer jointly
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FRC 24

That pursuant to Sections 17(10) and 18(5)(c) of the Bush Fires Act 1954, the Shire President and Chief Bush Fire Control Officer be jointly delegated Council's powers and duties under Section 17(7)(8) and Section 18(5) of the Bush Fires Act 1954 in respect of varying the prohibited burning times and restricted burning times.

Administrative arrangements on any variation are to be carried out by the Chief Executive Officer or further delegated to the Manager Infrastructure and Community Emergency Services Manager Officer with the Department of ~~Environment and Conservation~~ Parks and Wildlife being consulted before the authority under this Delegation is exercised.

In any given year the Chief Executive Officer, Manager Infrastructure and Community Emergency Services Manager Officer is to formally advise the Department of ~~Environment and Conservation~~ Parks and Wildlife when the Autumn restricted burning period ceases even if there is no change to the scheduled "opening" of the non-restricted burning period.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 223 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>48</b>
LEGISLATIVE POWER	-	Building Act 2011
DELEGATION SUBJECT	-	Strata Titles
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

Pursuant to the provisions of Section 50 of the Building Act 2011, the Chief Executive Officer is authorised to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, provided that the buildings shown on the strata plan are first inspected to ensure compliance with Town Planning, Health and other Council requirements and that the Chief Executive Officer is of the opinion that the buildings are of sufficient standard and suitable to be divided into lots pursuant to the Strata Titles Act 1985.

*(Note: This delegation is to be supported by an instrument in writing under the Common Seal of the Shire).*

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>49</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 6.12)
DELEGATION SUBJECT	-	Building Permit Fees - Refunds and Exemptions
DELEGATE	-	Chief Executive Officer Building Surveyor
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

The Chief Executive Officer is delegated authority to determine applications for the refund of building permit fees where a building project is abandoned after the issue of the building permit. Any refund shall not exceed 50% of the building permit fee paid and no refund is to be made when the building project is abandoned after the expiry of 12 months from the date of issue of the permit.

The Chief Executive Officer is further delegated authority to determine any applications from sporting, charitable and other community groups for exemption from payment of any building permit fees.

**NOTE:** This delegation applies only to that part of the Building Permit Fee retained by Council and not to that part collected as a Building Industry Training levy.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 22 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>50</b>
LEGISLATIVE POWER	-	Bush Fires Act 1954 (Section 59(3))
DELEGATION SUBJECT	-	Offences - Bush Fires Act
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FRC 24 (Fire Incidents) or FRC 7 (Firebreaks) as appropriate

The Chief Executive Officer is delegated general authority to consider allegations of offences alleged to have been committed against the Bush Fires Act within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences. This delegation extends to the issue of infringement notices in accordance with the provisions of Section 59A of the Act.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>51</b>
LEGISLATIVE POWER	-	Dog Act 1976 (Sections 29 and 44)
DELEGATION SUBJECT	-	Proceedings under Dog Act
DELEGATE	-	Chief Executive Officer Rangers employed by the City of Busselton
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	WRK 28

In accordance with Section 44 of the Dog Act, the Chief Executive Officer is authorised to institute and carry on proceedings in the name of the Shire in respect of offences alleged to have been committed within the district against the Dog Act.

This delegation also enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Act.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>52</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Street Appeals
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Road File For The Street In Which The Appeal Will Be Conducted

The Chief Executive Officer is delegated authority to determine all applications for street appeals and may impose any conditions considered appropriate. The Chief Executive Officer shall have regard to any Council policy relating to street appeals that may be established by Council from time to time.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*



<b>DELEGATION NUMBER</b>	-	<b>53</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Execution of Documents
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Subject File Relevant To The Matter For Which The Contract Is Prepared

Where:

- a) the Council has authorised entering into a formal contract, or
- b) a formal contract is authorised under a delegated authority from the Council, or
- c) a formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operation of the Council,

the Chief Executive Officer is delegated authority to prepare the necessary documentation, taking into account any specific or policy requirements of Council, and arrange for execution of the contract documents without further reference to Council.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 22 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>54</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Donations
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FNC 6

The Chief Executive Officer is delegated authority to determine requests for donation of monies up to the value of \$100 when a group or individual can demonstrate:

1. Significant direct benefit to the local community.
2. That the group is a community group or non-profit making organisation or running a non profit activity.
3. That the group's financial status is such as to justify a donation from Council.
4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, e.g. support of needy groups and individuals who bring credit to the municipality by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.
5. That available funding exists in Council's budget.

A maximum sum of \$1,000 may be allocated in this way within any one financial year.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~22~~ 23 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>55</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Liquor, Sale or Consumption - Council Property
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Building Or Property Assessment File

The Chief Executive Officer is delegated authority to approve applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council. In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with local Police.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>56</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Hall Hire
DELEGATE	-	Chief Executive Officer Manager Corporate Services Manager Infrastructure
COUNCIL POLICY	-	ADM 7
RECORDING REQUIREMENT	-	Relevant Building Or Property Assessment File For The Particular Council Facility

The Chief Executive Officer is delegated authority to accept or reject applications for the hire of the Council Hall and other Council owned facilities. In exercising this delegation, the Chief Executive Officer shall have regard to the following:

1. Council facilities are not to be made available to private entrepreneurs to be used for commercial retailing.
2. All hall equipment is to remain within the hall and is not to be made available for hire or use away from the hall.
3. Hirers are to pay a bond, which is set by Council at its annual budget, the bond being refundable upon clearance by the Chief Executive Officer.
4. The application of the bonds is at the discretion of the Chief Executive Officer and they are not to apply to meetings of recognised pensioner associations.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>57</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.45)
DELEGATION SUBJECT	-	Contractors - Use on Works
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	ADM 4
RECORDING REQUIREMENT	-	Works Files Relevant to Construction or Maintenance

The Chief Executive Officer is delegated authority to engage private contractors to assist and compliment Council's works staff in carrying out any works and services. In exercising this delegated authority, the Chief Executive Officer shall have due regard to the following:

1. It must be demonstrated that by engaging the private contractors, it will be in the best interests of Council.
2. Appropriate funds are provided on the budget.
3. The engagement of private contractors shall only take place with due compliance with the Local Government (Functions and General) Regulations relating to tenders and council policy.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>58</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Street Trees - Removal
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	WRK 2, WRK 5, WRK 9
RECORDING REQUIREMENT	-	Road File Relevant To The Location Of The Tree

The Chief Executive Officer is delegated authority to authorise the removal of any tree on any townsite street or road reserve where the street or road is under the care, control and maintenance of the Council. This delegated authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, structurally dangerous or is creating a traffic hazard by restricting the vision of motorists.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>59</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Signs and Hoardings
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	LPP 018
RECORDING REQUIREMENT	-	Relevant Property Assessment File Where The Sign Will Be Located

The Chief Executive Officer is delegated authority to approve the erection and where appropriate, the licensing and/or approval of signs and hoardings that comply with Council's Local Planning Policy 18 Signs and Advertisements of the Town Planning Scheme, any Local Laws or policy adopted by Council. Where an application does not comply with Council's Town Planning Scheme, any Local Laws or policy adopted by Council, the application is to be refused.

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>60</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Council Resources for Wild Fire Control
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FRC 24

The Chief Executive Officer is delegated authority to:

Authorise the allocation of resources for the control of wildfires provided that:

1. The resources requested are the result of a direct request from either the Chief Bush Fire Control Officer, or in his absence the Deputy Chief Bush Fire Control Officer.
2. The machinery is driven by a staff member competent in the use of the machine.
3. The machine operator being given total discretion to withdraw the machinery from use at any time if he/she considers the situation to be dangerous enough to put personal safety at risk, or inflict serious damage to the machine.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May ~~2013~~ 2014.*



<b>DELEGATION NUMBER</b>	-	<b>61</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Study Leave
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	PSN 3
RECORDING REQUIREMENT	-	Individual Employee Personnel File

The Chief Executive Officer is delegated authority to approve applications for Study Leave in accordance with the following guidelines:

1. Council has allowed up to 50% of tuition time as paid study leave.
2. A maximum of 2 days paid study leave per course subject is permitted.
3. A maximum of 8 days paid study leave is permitted during any calendar year.

#### **Intensive Study Course**

Leave may be granted for up to 4 days per course for staff to attend an approved intensive course of study. Any leave so granted shall be split into equal portions of paid study leave, and accrued staff leave (i.e. Annual Recreation Leave, Rostered Days Off, etc.)

#### **Correspondence**

Leave may be granted for up to one half of the recognised full time equivalent tuition time associated with an approved correspondence course of study to be paid study leave. The balance of the time required to complete the course of study must be incurred in the officer's own time.

Approval for paid study leave will only be granted if the time away from the workplace does not adversely affect the normal operations of Council.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~23~~ 23 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>62</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Street Stalls – Market Days
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	LPP 014
RECORDING REQUIREMENT	-	Relevant Road or Reserve File on Which The Function Will Be Held

The Chief Executive Officer is delegated authority to approve the use of Council owned land and Reserves for the purpose of Market Days subject to:

1. The user groups and organisations involved with the market days must nominate one person as official Council contact.
2. The site must at all times be kept free of litter.
3. Signs indicating the location of the market day must be removed promptly.
4. Recipients of donations from the stall organiser shall be bona fide charities, sporting associations or community groups.

Council reserves the right to cancel this approval should conditions 1 to 4 not be met or the market day's operations detract from the general amenity of the location.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>63</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Overflow Camping Areas
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	LPP 016
RECORDING REQUIREMENT	-	REC 2

The Chief Executive Officer is delegated authority to approve applications from organisations/community groups for use of reserves in the townsite for camping caravans subject to it being clearly demonstrated by the proponents that both the Brockman Street and Balingup Road Caravan Parks are, or would be, fully booked due to seasonal factors or special events.

Should the proponents demonstrate full bookings then the Chief Executive Officer be authorised to permit camping on the Community Centre grounds subject to:

1. Camping may be allowed in the vicinity of the hockey grounds.
2. Bonds and Fees to be charged as resolved by Council (refer to Councils list of adopted Fees and Charges).
3. No campfires will be allowed.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>64</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Disposal of Verge Timber
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	WRK 2
RECORDING REQUIREMENT	-	Relevant Road File Where The Timber Has Been Cleared.

The Chief Executive Officer is delegated authority to dispose of all surplus wood arising from roadside clearing in the following circumstances:

1. There is to be no consideration (money) paid for timber.
2. Council declines any liability in respect of people accessing timber utilising their own equipment and machinery.
3. Timber can be removed in an orderly manner on a first come first served basis under the direction of Council's Manager Infrastructure.
4. Any timber removed is to be removed from site by the person requesting.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>65</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Management of Roadside Vegetation
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	WRK 5
RECORDING REQUIREMENT	-	1. Road File Relevant to the Cleared Area 2. Copy - Relevant Property Assessment File.

The Chief Executive Officer is delegated authority to approve proposals to clear vegetation on road reserves subject to:

1. All proposals to clear vegetation on a road reserve must be submitted to the Shire of Nannup in writing.
2. Each proposal should detail the location, amount and type of vegetation to be removed.
3. Approval may only be granted after an on-site inspection, for clearing for the installation of a new or replacement fence to a maximum width of one (1) metre.
4. Any dead or dying trees outside of the approved one (1) metre width may be removed with the authority of the Chief Executive Officer.
5. Landowners are to be mindful of existing natural vegetation when undertaking clearing activities to ensure that damage to such vegetation is minimised.
6. All timber pushed over is to be stacked in the landowner's paddock for disposal prior to full repair of boundary fence by the applicant.
7. The road verge is to left in a clean and tidy state after clearing has been completed.
8. All other requests for clearing in excess of one (1) metre width are to be submitted to Council for consideration.
9. Trees to be removed from road reserves to provide for fence lines or public safety or to facilitate roadworks are the responsibility of Council and can be disposed of by Council in accordance with Council Delegation 64.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>66</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Use of Shire of Nannup Corporate Identity
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	ASS 27

The Chief Executive Officer is delegated authority to approve the use of the Shire of Nannup Corporate Identity provided that such authority shall only be used where the application is for items which promote Nannup and do not denigrate the integrity of the design or the Shire.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on 223 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>67 - REVOKED</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Power Dinghy Racing Boat Club Event
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	ASS 1

The Chief Executive Officer is delegated authority to approve the event known as the Power Dinghy Racing Club Event including the erection of directional and identifying signs for the subject to the locations of the signage being to the satisfaction of the Chief Executive Officer.

*Adopted at a Council Meeting on 28 June 2001.  
Revoked at a Council Meeting on 23 March 2012.*

<b>DELEGATION NUMBER</b>	-	<b>68</b>
LEGISLATIVE POWER	-	Bush Fires Act 1954 (Section 33)
DELEGATION SUBJECT	-	Alternative Fire Breaks
DELEGATE	-	Chief Executive Officer Manager Infrastructure Chief Bushfire Control Officer Community Emergency Services <u>Officer</u> Manager
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FRC 7

The Chief Executive Officer is delegated authority to approve variations to fire breaks provided that applications are received by 1 November each year and that any such application must bear the signature of the Bush Fire Control Officer for the area indicating the agreement to the variation.

Applications must be renewed each year as circumstances can change from year to year, particularly in relation to weather, fuel loading and land condition.

*Adopted at a Council Meeting on 22 November 2001.  
Reviewed at a Council Meeting on ~~223~~ 23 May ~~2013~~ 2014.*



<b>DELEGATION NUMBER</b>	-	<b>69</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Street Banners
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	LPP 018
RECORDING REQUIREMENT	-	WRK 22

The Chief Executive Officer is delegated authority to approve the display of various community banners in the spaces provided on Warren Road.

*Adopted at a Council Meeting on 20 December 2001.  
Reviewed at a Council Meeting on ~~223~~ 23 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>70</b>
LEGISLATIVE POWER	-	Building Act 2011 (Section 21)
DELEGATION SUBJECT	-	Demolition Permits
DELEGATE	-	Chief Executive Officer Building Surveyor
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

The Chief Executive Officer is delegated authority to approve the issue of a demolition permit under Section 21 of the Building Act 2011 to take down a building or a part of a building and such permit may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ 23 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>71</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 6.12)
DELEGATION SUBJECT	-	Write Off Of Debts
DELEGATE	-	Chief Executive Officer Manager Corporate Services
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	FNC5

The Chief Executive Officer is delegated authority to write off debts to Council to a maximum value of \$5,000 per transaction.

*Adopted at a Council Meeting on 22 June 2006.*

*Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>72</b>
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Extension of Council endorsed Leases or MOU's
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property File

The Chief Executive Officer is delegated authority to agree to future extensions of existing Council endorsed leases or Memorandums of Understanding between the Nannup Shire Council and community organisations for the use of Council owned buildings within the terms and conditions of the existing Council endorsed document. If the community organisation as part of their request for extension requests any changes to the lease, then the approval of Council shall be sought for the extension.

*Adopted at a Council Meeting on 22 August 2002.*

*Reviewed at a Council Meeting on 22 May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>73</b>
LEGISLATIVE POWER	-	Building Act 2011 (Section 65)
DELEGATION SUBJECT	-	Building – Extension of Time for Building or Demolition Permit
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

That in accordance with Regulation 24 of the Building Regulations 2012 Council's Chief Executive Officer is delegated authority to approve of an extension of time where it was not possible to complete the building within the period specified in the building licence, subject to the payment of an additional building permit fee calculated in the following manner:

The fee payable is to be in accordance with Schedule 2 of the Building Regulations 2012.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~22~~ 23 May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>74</b>
LEGISLATIVE POWER	-	Building Act 2011 (Section 20)
DELEGATION SUBJECT	-	Building Permits
DELEGATE	-	Chief Executive Officer Building Surveyor
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File.

That pursuant to Section 32 of the Building Act 2011, the Chief Executive Officer is delegated authority to approve or refuse to approve an application for a Building Permit but where an application so submitted conforms to:

1. all Local Laws, Regulations and Codes in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and
2. all Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters,

the Chief Executive Officer shall not refuse to approve that application.

Furthermore, the issuing of a building permit under Section 32 of the Building Act 2011 may be subject to such conditions as the Chief Executive Officer considers necessary.

*Adopted at a Council Meeting on 22 July 1999.*

*Reviewed at a Council Meeting on ~~223~~ May 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>75</b>
LEGISLATIVE POWER	-	Building Act 2011 (Part 4)
DELEGATION SUBJECT	-	Occupancy Permit and Building Approval Certificates
DELEGATE	-	Chief Executive Officer Building Surveyor
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

The Chief Executive Officer is delegated authority to issue Occupancy Permits and Building Approval Certificates in accordance with the Building Act 2011 (Part 4).

*Adopted at a Council Meeting on 22 July 1999.  
Reviewed at a Council Meeting on ~~223~~ 2013 2014.*

<b>DELEGATION NUMBER</b>	-	<b>76</b>
LEGISLATIVE POWER	-	Planning and Development Act 2005 (Section 72)
DELEGATION SUBJECT	-	Planning (Development Applications) of a minor nature
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

*Incorporated within Delegation 78.*

*Adopted at a Council Meeting on 27 September 2001.  
Incorporated within Delegation 78 at a Council Meeting on 23 May 2013.*



<b>DELEGATION NUMBER</b>	-	<b>77</b>
LEGISLATIVE POWER	-	Health Act 1911 (Section 26)
DELEGATION SUBJECT	-	Health Act Parts V to IX
DELEGATE	-	Chief Executive Officer Manager Infrastructure
COUNCIL POLICY	-	
RECORDING REQUIREMENT	-	Relevant Property Assessment File

Objective:

- ~~1. To enable routine matters to be dealt with expeditiously.~~
- ~~2. To expedite the decision making process relative to matters of urgency.~~
- ~~3. To reduce the number of issues placed before Council for formal action.~~

In accordance with the powers contained within Section 26 of the Health Act, 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.

*Adopted at a Council Meeting on 2 May 2002.*

*Reviewed at a Council Meeting on ~~223~~ May ~~2013~~ 2014.*

<b>DELEGATION NUMBER</b>	-	<b>78</b>
LEGISLATIVE POWER	-	Planning and Development Act 2005 (Section 72)
DELEGATION SUBJECT	-	Town Planning
DELEGATE	-	Chief Executive Officer
COUNCIL POLICY	-	Local Planning Policies
RECORDING REQUIREMENT	-	Relevant Property Assessment File

Objective:

- ~~1. To minimise the need for unnecessary delays in the processing of Planning Applications and other planning proposals.~~
- ~~2. To minimise the need for Council consideration of non-contentious applications and proposals which satisfy relevant planning legislation and policy.~~

Statement:

The Chief Executive Officer has delegated authority as follows:

**1. Requirements for Public Notice**

- 1.1 Proceeding 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 Making 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 Making 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 above is provided the application has not been the subject of objection or if the matter has become contentious in any way that cannot be addressed via conditions of approval.

### **3. Exercising Discretion**

#### **3.1 Determining 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 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 Making 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 Making 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 Making 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 Requiring 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 Accepting 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 Taking 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 Electing to return or defer consideration of incomplete and unsatisfactory applications for planning consent.
- 9.2 Granting 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 Approve the use of street names where an approved street names list exists.
- 9.4 Provision 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 significant impact on Council infrastructure is to be determined by the Council.

GUIDELINES - Nil

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

*Adopted at a Council Meeting on 23 September 2004.*

*Reviewed at a Council Meeting on 223 May 2013 2014.*