



DELEGATED AUTHORITY REGISTER

REVIEWED AND ADOPTED: 20 JUNE 2017

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DOCUMENT CONTROL			
Version	Details		Date
	Approved By	Action Taken	
1.	Council	Delegation Register reviewed and adopted	17/06/2014 Item 11.1.1
2.	Council	New Delegation 3.4A adopted	15/07/2014 – Item 11.1.2
3.	Council	Delegation Register reviewed and adopted	16/06/2015 – Item 11.1.4
4.	CEO – Del 1.17	Section 7 – Planning amended. Preamble deleted and Delegations 7.1 – Town Planning Powers, 7.3 – Advertising, 7.5 – Miscellaneous and 7.6 – Power of Entry.	26/11/2015 – NM7541
5.	Council	Delegation Register reviewed and adopted	21/06/2016 – Item 11.1.5
6.	Council	New Delegation 3.4B adopted	19/07/2016 – Item 11.1.2
7.	Council	Delegation Register amended to include Delegation 1.18 (omitted from version adopted by Council on 21/06/2016).	16/08/2016 – Item 11.1.3
8.	Council	Delegation Register amended by repealing Delegation 4.1 <i>Health Act 1911</i> – Appointment of Deputy and adopting Delegation 4.7 <i>Public Health Act 2016</i> – Designation of Authorised Officers and Delegation 4.8 <i>Public Health Act 2016</i> – Certificates of Authority	21/02/2017 – Item 11.1.1
9.	Council	Delegation Register reviewed and adopted	20/06/2017 – Item 11.1.1
10.	Council	New Delegation 7.8 adopted.	19/12/2017 – Item 11.3.3

INTRODUCTION

Purpose of Delegating Authority

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire of Gingin's commitment to a strong customer service focus.

The Delegated Authority Register details the head of power for each delegation, including legislation and Council policies, to enable easier cross-referencing. The Register will be reviewed on an annual basis in accordance with the requirements of s. 5.46 of the *Local Government Act 1995*, with the coordination of the review to be performed by the Chief Executive Officer.

Legislation

The *Local Government Act 1995* allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the *Local Government Act 1995*, except for those listed in s. 5.43.

All delegations made by the Council must be by Absolute Majority [s. 5.42(1)].

Apart from the *Local Government Act 1995*, its regulations and the Shire of Gingin's local laws created under the Act, a number of other pieces of legislation also provide for the delegation of authority by the Council including (but not limited to):

- *Building Act 2011*
- *Bush Fires Act 1954*;
- *Caravan Parks and Camping Grounds Act 1995*;
- *Control of Vehicles (Off-road Areas) Act 1978*;
- *Dog Act 1976*;
- *Environmental Protection Act 2005*;
- *Food Act 2008*;
- *Freedom of Information Act 1992*;
- *Public Health Act 2016*;
- *Land Administration Act 1997*;
- *Litter Act 1979*;
- *Local Government (Miscellaneous Provisions) Act 1960*;
- *Planning and Development Act 2005*; and
- *Strata Titles Act 1985*.

Note – Reference to an Act also includes any associated regulations and/or Shire of Gingin local laws that may be established under that Act.

Delegation by the Chief Executive Officer

Many of the pieces of legislation (including the *Local Government Act 1995*) which provide for delegation of authority by Council to the Chief Executive Officer also allow the Chief Executive Officer to further delegate a particular power or powers to another employee. Usually this delegation must be made in writing, and must include any conditions or limitations placed by Council on the original delegation. The Chief Executive Officer may usually also place additional conditions or limitations on the delegation as he or she considers necessary.

The Chief Executive Officer may also delegate the exercise of any power or the discharge of any duty granted under the *Local Government Act 1995* by right of his or her position as Chief Executive Officer, other than the power of delegation itself [s. 5.44].

Under s. 5.46(1) and s. 5.46(2) of the *Local Government Act 1995*, a Register of Delegations relevant to the Chief Executive Officer and other Shire employees is to be kept and reviewed at least once in every financial year. Officers are also required to keep certain records whenever they exercise a power or duty which has been delegated to them [s. 5.46(3)].

This record must contain the following information [Reg. 19 – *Local Government (Administration) Regulations 1996*]:

- How the person exercised the power or discharged the duty;
- When the person exercised the power or discharged the duty; and
- The persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or discharge of the duty.

Officers with delegated powers are responsible for ensuring that the requirements of Reg. 19 are complied with.

A person to whom a power is delegated is considered to be a ‘designated employee’ under s. 5.74(b) of the *Local Government Act 1995* and is required to complete a Primary Return when commencing in the position and an Annual Return for each financial year thereafter.

Acting Through Another Person

Local Government Act 1995 – Section 5.45 (2)

Nothing in this Division (Division 4 – Local Government Employees) is to be read as preventing –

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
-

- (b) a CEO from performing any of his or her functions by acting through another person.

The key difference between a delegation and “acting through” is that a delegate exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the “acting through” concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

This difference is reinforced by s. 56 of the *Interpretation Act 1984*, which states:

56. “May” imports a discretion, “shall” is imperative

- (1) *Where in a written law the word “may” is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
- (2) *Where in a written law the word “shall” is used in conferring a function, such work shall be interpreted to mean that the function so conferred must be performed.*

1. ADMINISTRATION

1.1 VARIATIONS AND EXTENSIONS TO TENDERS AND CONTRACTS

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s.3.18 Local Government (Functions and General) Regulations 1996 – Reg. 20</i>
Delegation to	Chief Executive Officer
Delegation	<ol style="list-style-type: none">1. To determine whether a variation is minor in accordance with <i>Local Government (Functions and General) Regulations – Reg. 20(3)</i>.2. To approve:<ol style="list-style-type: none">a. minor variations to accepted tenders prior to a contract being entered into; andb. variations and/or extensions to existing contracts entered into by the Shire.
Conditions and exceptions	<ol style="list-style-type: none">1. Funds required to meet the cost of any variation must be contained within the amount set aside in the adopted Budget.2. An option to extend must be specified in the original tender and contract documents.3. Any extension must be on the same terms and conditions as the last year of the original term (allowing for price increases in line with the contract provision for price, if any).
Minimum reporting requirement	Record to be placed on appropriate file. (The Contract).
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.

CEO Delegates to Executive Manager Corporate and Community Services
 Executive Manager Planning and Development
 Executive Manager Operations – Construction
 Executive Manager Assets

Conditions and Exceptions to On-Delegation In accordance with the original delegation.

Version	Decision Reference	Synopsis
1.	07/12/1999 – Item 10.7	Delegation adopted.
2.	18/06/2013 – Item 11.1.3	Amended by updating of position titles.
3.	17/06/2014 – Item 11.1.1	Amended by change of title, change of Power Exercised or Duty Delegated, delegation expanded to include extension of contracts
4.	24/07/2017 – By CEO (NM12038)	Reference to Executive Manager Regulatory Services and Executive Manager Operations deleted. New positions of Executive Manager Planning and Development, Executive Manager Operations-Construction and Executive Manager Assets added.

1.2 DONATIONS

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44)</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s. 6.7(2)</i>
Delegation to	Chief Executive Officer
Delegation	<p>To determine requests for donation of monies up to the value of \$1,000 where a group or individual can demonstrate:</p> <ol style="list-style-type: none"> 1. Significant direct benefit to the local community; 2. That the group is a community group or not for profit organisation, or is running a not for profit activity; 3. That the group’s financial status is such as to justify a donation from the Shire; 4. That special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation (eg 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); and 5. That available funding exists in the Shire’s adopted budget.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	N/A

**Conditions and
Exceptions to On-
Delegation**

N/A

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	Delegation adopted.

1.3 INSURANCE

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

1.4 STREET APPEALS

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

1.5 NATIVE TITLE CLAIMS

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

1.6 INSURANCE – MOTOR VEHICLE CLAIMS

Repealed by resolution of Council 17 June – Item 11.1.1

1.7 CONFERENCES, SEMINARS, TRAINING COURSES – EXPENSES OF COUNCILLORS

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44)</i>
Power exercised or duty delegated	<i>Local Government (Administration) Regulations 1996 – Reg. 32</i>
Delegation to	Chief Executive Officer
Delegation	To reimburse all reasonable expenses to Councillors 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 accommodation, meals, refreshments, travel and other appropriate out-of-pocket expenses.
Conditions and exceptions	Reimbursements are subject to: <ol style="list-style-type: none"> 1. compliance with Council Policy No. 1.29 – Councillors’ Entitlements; and 2. Funds being available in the Shire’s adopted Budget.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Nil
Conditions and Exceptions to On-Delegation	Nil

Version	Decision Reference	Synopsis
1.	07/12/1999 – Item 10.7	Delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended to include reference to Council Policy 1.29 – Councillor Entitlements in Conditions and Exceptions.

1.8 MINING TENEMENTS

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

1.9 COLLECTION OF VEGETATION, SEEDS AND FIREWOOD ON LAND UNDER THE CONTROL OF THE SHIRE OF GINGGIN

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s. 3.54</i>
Delegation to	Chief Executive Officer
Delegation	To determine all applications for the picking of wildflowers or other plants and collection of wildflower or other seed or firewood on any land owned, controlled or managed by the Shire of Ginggin.
Conditions and exceptions	Delegation does not apply to land located within townsites.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Operations – Construction Executive Manager Assets
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	07/12/1999 – Item 10.7	Delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended by expanding delegation to include land owned in freehold title by the Shire, as well as reserves.
3.	16/06/2015 – Item 11.1.4	Amended to extend delegation to applications for collection of wildflower seed.
4.	24/07/2017 – By CEO (NM12038)	Reference to position of Executive Manager Operations deleted. New positions of Executive Manager Operations-Construction and Executive Manager Assets added.

1.10 SERVING OF NOTICES REQUIRING CERTAIN THINGS TO BE DONE BY OWNER OR OCCUPIER OF LAND

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s. 3.25</i>
Delegation to	Chief Executive Officer
Delegation	To give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice requiring them to take any action specified in Schedule 3.1 of the <i>Local Government Act 1995</i> .
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Corporate and Community Services Executive Manager Planning and Development Executive Manager Operations – Construction Executive Manager Assets
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	Unknown	Delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended by changing Delegation title and minor amendments to delegation wording.
3.	24/07/2017 – By CEO (NM12038)	Reference to Executive Manager Regulatory Services and Executive Manager Operations deleted. New positions of Executive Manager Planning and Development, Executive Manager Operations-Construction and Executive Manager Assets added.

1.11 ADDITIONAL POWERS WHEN GIVING A NOTICE UNDER S. 3.25 OF THE LOCAL GOVERNMENT ACT 1995

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s. 3.26</i>
Delegation to	Chief Executive Officer
Delegation	<p>In the event that a party issued with a notice under section 3.25 of the Act fails to comply with that notice:</p> <ol style="list-style-type: none"> 1. to do anything that the CEO considers necessary to achieve, so far as is practicable, the purpose for which the notice was given; and 2. to recover the cost of any action taken in this regard as a debt due from the party who failed to comply with the notice.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Corporate and Community Services Executive Manager Planning and Development Executive Manager Operations – Construction Executive Manager Assets
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	06/05/2008 – Item 11.2.2	Delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended by changing Delegation title and including power for the CEO to recover any costs incurred in taking an action.
3.	24/07/2017 – By CEO (NM12038)	Reference to Executive Manager Regulatory Services and Executive Manager Operations deleted. New positions of Executive Manager Planning and Development, Executive Manager Operations-Construction and Executive Manager Assets added.

1.12 DOING ANY OF THE THINGS PRESCRIBED IN SCHEDULE 3.2 ON LAND THAT IS NOT SHIRE PROPERTY

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s. 3.26</i>
Delegation to	Chief Executive Officer
Delegation	To do any of the things prescribed in Schedule 3.2 even though the land on which the thing is to be done is not Shire property and the Shire does not have consent to do it.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Operations – Construction Executive Manager Assets Executive Manager Planning and Development
Conditions and Exceptions to On-Delegation	Executive Manager Operations-Construction N/A Executive Manager Assets Powers as listed in 1.12 – Schedule 1 Executive Manager Planning and Development Powers as listed in 1.12 – Schedule 1

Version	Decision Reference	Synopsis
1.	06/05/2008 – Item 11.2.2	Delegation adopted.
2.	24/07/2017 – By CEO (NM12038)	Reference to Executive Manager Operations deleted. New positions of Executive Manager Operations-Construction, Executive Manager Assets and Executive Manager Planning and Development added. Schedule 1 inserted. Conditions and Exceptions updated to reference Schedule 1.

1.12 SCHEDULE 1

Powers Delegated by the CEO to:

Executive Manager Assets

Executive Manager Planning and Development

1. *Local Government Act 1995* – Sch. 3.2 (6)
Place on land signs to indicate the names of public thoroughfares.

1.13 ENTER LAND IN AN EMERGENCY WITHOUT NOTICE OR CONSENT

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s. 3.34</i>
Delegation to	Chief Executive Officer
Delegation	To determine that the Shire will enter any land, premises or thing immediately and without notice and perform any of a local government’s functions considered appropriate to deal with an emergency.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	The power to further delegate has been prohibited in this instance.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	06/05/2008 – Item 11.2.2	Delegation adopted.

1.14 ADMINISTERING THE SHIRE'S LOCAL LAWS

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s. 3.18</i> All Shire of Gingin Local Laws
Delegation to	Chief Executive Officer
Delegation	To exercise all the powers and discharge all the duties of the Shire of Gingin so as to administer the Local Laws made by the Shire.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Corporate and Community Services Executive Manager Planning and Development Executive Manager Operations – Construction Executive Manager Assets Community Emergency Services Manager/Chief Bush Fire Control Officer Shire Rangers
Conditions and Exceptions to On-Delegation	Nil

Version	Decision Reference	Synopsis
1.	06/05/2008 – Item 11.2.2	Delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended by correcting Power Exercised or Duty Delegated details.
3.	29/05/2014 – Decision of CEO under Del. 17	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager.
4.	22/06/2015	Inclusion of Schedule 1. First entry on schedule is clarification that delegation to CESM/CBFCO includes power to approve or refuse an application to burn a thoroughfare.
5.	24/07/2017 – By CEO (NM12038)	Reference to Executive Manager Regulatory Services and Executive Manager Operations deleted. New positions of Executive Manager Planning and Development, Executive Manager Operations-Construction and Executive Manager Assets added.

1.14 SCHEDULE 1

Powers Delegated by the CEO to:

Community Emergency Services Manager/Chief Bush Fire Control Officer

1. *Activities in Thoroughfares and Public Places and Trading Local Law 2004 – clauses 5.15 and 5.16*
Approving or refusing an application to burn a thoroughfare.

1.15 APPOINTING TENANTS – LANCELIN AGED PERSONS' UNITS

Repealed by resolution of Council 21 June 2016 – Item 11.1.5

1.16 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (FOR PERIODS OF 35 DAYS OR LESS)

Legislative authority to delegate	<i>Local Government Act 1995 (S5.42)</i>
Power exercised or duty delegated	<i>Local Government Act 1995 (S5.36(1)(a))</i>
Delegation to	Chief Executive Officer
Delegation	To make appointments to the position of Acting Chief Executive Officer.
Conditions and exceptions	<ol style="list-style-type: none"> 1. The position of Acting Chief Executive Officer can only be conferred on an employee of the Shire of Gingin who holds the position of Executive Manager and is designated as a “Senior Employee” in accordance with Section 5.37 of the <i>Local Government Act 1995</i>. 2. Delegated authority is only granted for appointments to the position of Acting Chief Executive Officer covering a period of 35 days or less. In instances where an appointment is required for a period exceeding 35 days, then that proposed appointment must be presented to Council for determination prior to the appointment taking effect.
Minimum reporting requirement	<ol style="list-style-type: none"> 1. Record to be placed on appropriate file. 2. The Chief Executive Officer must advise Councillors of any appointments to the position of Acting Chief Executive Officer made under delegated authority, prior to the appointment taking effect. <p>In instances where it is necessary for an appointment to be made at short notice, then Councillors are to be advised of that appointment as soon as possible.</p>
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	N/A

**Conditions and
Exceptions to On-
Delegation**

N/A

Version	Decision Reference	Synopsis
1.	21/01/2014 – Item 11.1.4	Delegation adopted.

1.17 AMENDING AND UPDATING DELEGATIONS AND POLICIES

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s.5.46</i>
Delegation to	Chief Executive Officer
Delegation	To make routine updates to the Shire’s Delegation and Policy Manuals to reflect matters such as changes in staff position titles, changes to amounts as a result of budget adoption and CPI and changes to relevant legislation, without the need to seek a resolution of Council.
Conditions and exceptions	Delegated authority extends only to those amendments that will not result in a significant variation to a policy or delegation and/or result in cost implications to the Shire.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	Delegation adopted.

1.18 APPROVING OR REJECTING APPLICATIONS FOR FUNDING UNDER THE MID-YEAR COMMUNITY GRANT SCHEME

Legislative authority to delegate	<i>Local Government Act 1995 (S5.42)</i>
Power exercised or duty delegated	N/A
Delegation to	Chief Executive Officer
Delegation	To approve or reject applications for funding under the Mid-Year Community Grant Scheme.
Conditions and exceptions	Approval or rejection must be in accordance with recommendations made by the Mid-Year Grant Scheme Application Assessment Panel.
Minimum reporting requirement	Record to be placed on appropriate file.

Version	Decision Reference	Synopsis
1.	16/12/2014 – Item 11.15	Delegation adopted.

2. MATTERS RELATING TO FINANCE

2.1 CREDITORS – PAYMENT OF

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	Local Government (Financial Management) Regulations 1996 – Reg. 12(1)
Delegation to	Chief Executive Officer
Delegation	To: <ul style="list-style-type: none"> 1. Make payments from the Municipal Fund, Trust Fund or Reserve Fund. 2. Approve and sign Electronic Fund Transfers between Council’s Municipal, Reserve, Trust and Interest Bearing Deposit Accounts. 3. Approve and sign cheques/electronic fund transfers, subject to the disbursement of payments being authorised in accordance with Council’s Budget as “Authorised Expenditure”.
Conditions and exceptions	<ul style="list-style-type: none"> 1. Each payment from the Municipal Fund, Trust Fund or Reserve Fund is to be noted on a list compiled for each month showing: <ul style="list-style-type: none"> a) The payee’s name b) The amount of the payment c) The date of the payment d) Sufficient information to identify the transaction. 2. Any disbursement of payments must be authorised in accordance with Council’s Budget as “Authorised Expenditure”.
Minimum reporting requirement	Report to be presented to Council as part of its monthly financial report.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.

CEO Delegates to

Executive Manager Corporate and Community Services
Executive Manager Operations - Construction
Executive Manager Planning and Development
Executive Manager Assets

Conditions and Exceptions to On-Delegation

1. Cheques/electronic fund transfers in excess of \$200,00 are to be signed by the Chief Executive Officer and the Executive Manager Corporate and Community Services.

2. Cheques/electronic fund transfers up to the value of \$200,00 are to be jointly signed by any two of the following officers:

Chief Executive Officer
Executive Manager Corporate and Community Services
Executive Manager Planning and Development
Executive Manager Operations – Construction
Executive Manager Assets

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	Delegation adopted.
2.	19/02/2002 – Item 10.4	Delegation amended authorising Finance Officer to sign cheques up to the value of \$60,000.00
3.	01/11/2005 – Item 14.1	Amended to allow Payroll Officer or Executive Support Officer to co-sign cheques under certain circumstances.
4.	20/04/2010 – Item 11.1.6	References to Senior Finance Officer and Executive Support Officer replaced with Manager Financial Services and Community Development Officer, respectively.
5.	15/03/2011 – Item 11.1.4	Reference to Deputy Chief Executive Officer deleted and replaced with Executive Manager Corporate Services, Executive Manager Planning and Development, Executive Manager Engineering Services and Executive Manager Health and Building Services authorised as co-signatories.
6.	18/06/2013 – Item 11.1.3	Position titles updated. Maximum value of cheques/electronic fund transfers increased from \$150,000 to \$200,000
7.	16/06/2013 – Item 11.1.1	References to Executive Manager Financial Services and Executive Manager Planning and Engineering Services deleted and replaced with reference to Executive Manager Corporate and Community Services and Executive Manager Operations respectively by decision of CEO under Del. 1.17.
8.	09/06/2017 – By CEO (NM11754)	Sub-Delegation with respect to power to sign cheques/EFTs for more than \$200,000 restricted to CEO and EMCCS.
9.	20/06/2017 – Item 11.1.1	Delegation reviewed and reformatted.
10.	24/07/2017 – By CEO (NM12038)	Reference to Executive Manager Regulatory Services and Executive Manager Operations deleted, new positions of Executive Manager Planning and Development, Executive Manager Operations-Construction and Executive Manager Assets added.

2.2 WAIVE OR GRANT CONCESSIONS ON MONEY OWED TO THE SHIRE

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s. 6.12(1)(b) and (c) and s. 6.12(3)</i>
Delegation to	Chief Executive Officer
Delegation	To: <ol style="list-style-type: none"> 1. waive or grant concessions in relation to any amount of money, or write off any amount of money which is owed to the Shire; and 2. determine any conditions that may be applicable to the granting of a concession under subsection 6.12(1)(b).
Conditions and exceptions	<p>The maximum amount to be written off under this delegation is \$1,000.00.</p> <p>This delegation extends only to monies owed to the Shire under the provisions of the <i>Local Government Act 1995</i>.</p> <p>Fees levied under the <i>Planning and Development Act 2005</i> and the <i>Building Act 2011</i> are addressed by Council's Policy 3.19 – Fees Relating to Planning and Building Matters.</p>
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	05/06/2008 – Item 11.2.2	Delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended by including conditions on exemptions for building licence fees (previous Del. 6.4) and planning fees, increasing the maximum value to \$1,000 and empowering the CEO to determine conditions applicable to any concession granted.
3.	20/06/2017 – Item 11.1.1	Amended by deleting reference to planning and building related fees.

2.3 TRANSFER MONEY HELD IN THE TRUST FUND FOR MORE THAN 10 YEARS

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – S. 6.9(4)</i>
Delegation to	Chief Executive Officer
Delegation	To determine whether money held in the Trust Fund for more than 10 years will be transferred to the Municipal Fund.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Corporate and Community Services
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	05/06/2008 – Item 11.2.2	Delegation adopted.
2.	08/06/2016 – CEO	Decision made by CEO to on-delegate to Executive Manager Corporate and Community Services

2.4 INVESTING MONEY NOT REQUIRED FOR THE TIME BEING

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – S. 6.14(1) Local Government (Financial Management) Regulations 1996 - Reg. 19</i>
Delegation to	Chief Executive Officer
Delegation	To determine whether money held in the Municipal, Reserve or Trust Funds, that is not required for the time being will be invested. The authority to establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment.
Conditions and exceptions	Investment is to be in accordance with Council Investment Policy 3.2.
Minimum reporting requirement	A Report be presented to Council as part of its monthly financial report.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Corporate and Community Services
Conditions and Exceptions to On-Delegation	In accordance with primary delegation

Version	Decision Reference	Synopsis
1.	05/06/2008 – Item 11.2.2	Delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended by adding a reference to the <i>Local Govt (Financial Management) Regs 1996</i> to the Power Exercised or Duty Delegated and including power for the CEO to establish and document internal control procedures.

2.5 PROPERTY ACQUISITION AND DISPOSAL

Abolished by resolution of Council 20 August 2013 – Item 11.1.2. See Delegation 2.14.

2.6 RATE BOOK

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – S. 6.39(2), 6.40, 6.49, 6.50(2), 6.56(1), 6.60(2) AND 6.76(4)</i>
Delegation to	Chief Executive Officer
Delegation	<p>To undertake the performance of the following functions of the Council:</p> <ol style="list-style-type: none">a. The discharge of the obligations specified in s.6.39(2) of the <i>Local Government Act 1995</i>.b. To determine the time allowed for the payment of a rate before it is deemed to be in arrears, in accordance with s.6.50(1) of the <i>Local Government Act 1995</i>.c. The powers conferred in s.6.40 of the <i>Local Government Act 1995</i>.d. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with s.6.76(4) of the <i>Local Government Act 1995</i>.e. To consider any objection and either disallow it or allow it, wholly or in part, in accordance with s.6.76(5) of the <i>Local Government Act 1995</i>.f. After making a decision on an objection, to promptly serve upon the person by whom the objection was made written notice of the decision on the objection and a statement of the reason/s for that decision in accordance with s.6.76(6) of the <i>Local Government Act 1995</i>.f. The recovery of rates by complaint or action pursuant to the provisions of s.6.56(1) of the <i>Local Government Act 1995</i>.g. Entering into an agreement in accordance with s.6.49 of the <i>Local Government Act 1995</i>.

- h. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with s.6.60(2) of the *Local Government Act 1995*.

Conditions and exceptions

Nil

Minimum reporting requirement

Record to be placed on appropriate file.

CEO's Power to Delegate

CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.

CEO Delegates to

Executive Manager Corporate and Community Services

Conditions and Exceptions to On-Delegation

In accordance with the primary delegation.

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	Delegation adopted.
2.	29/05/2015 – By decision of CEO under Del. 1.17.	References to S6.50(1) and s6.6(2) deleted and replaced with references to s6.50(2) and s6.60(2) respectively.
3.	16/06/2015 – Item 11.1.4	Items e and f added to Delegation. Subsequent items renumbered accordingly.

2.7 INVITING TENDERS

Legislative authority to delegate	<i>Local Government Act 1995 (S5.42)</i>
Power exercised or duty delegated	<i>Local Government Act 1995 (S3.57) Local Government (Functions and General) Regulations 1996 – Reg 11</i>
Delegation to	Chief Executive Officer
Delegation	To publicly invite tenders for the supply of goods and services as identified in the adopted Annual Budget, or as separately approved by Council.
Conditions and exceptions	<p>The calling of tenders is to be undertaken in accordance with Council’s Policy 3.10 (Purchasing) and any other relevant policies.</p> <p>In calling for tenders, the Chief Executive Officer shall have regard to Part 4 of the <i>Local Government (Functions and General) Regulations 1996</i>.</p> <p>Acceptance of the most advantageous tender is subject to the Regulations and Council’s Delegation 2.9 (Accepting or Rejecting Tenders/Quotations).</p>
Minimum reporting requirement	Record to be placed on appropriate file and the Tender Register.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Nil
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	07/12/1999 – Item 10.7	Delegation “Purchase of Plant and Equipment” adopted as part of review of Delegation Register.
2.	Date unknown	Delegation reviewed and amended to be known as “Inviting Tenders”
3.	17/12/2013 – Item 11.1.11	Amended to allow the CEO to call tenders for any item, rather than just plant and equipment.
4.	16/06/2015 – Item 11.1.4	Minimum Reporting Requirement amended to require decisions made by the CEO under Delegation 2.9 to be circulated to Councillors via regular communications channels rather than via the Information Bulletin.
5.	21/06/2016 – Item 11.1.5	Minimum Reporting Requirements amended by deleting requirement for a report to be presented to Council recommending acceptance of most advantageous tender unless a decision is made by the Chief Executive Officer under delegated authority.

2.8 DEVELOPING TENDER DOCUMENTATION

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government (Functions and General) Regulations 1996 – Reg. 14(2a), 14(4a), 14(4d) and 14(5)</i>
Delegation to	Chief Executive Officer
Delegation	<p>To determine:</p> <ul style="list-style-type: none"> (a) The criteria for deciding which tender should be accepted before tenders are invited; (b) The information that should be disclosed to those interested in submitting a tender; (c) Whether or not the Shire will be submitting a tender; and (d) Any variation to the information supplied to tenderers after the notice has been given in compliance with Regulation (5) of the Local Government (Functions and General) Regulations.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Corporate and Community Services Executive Manager Planning and Development Executive Manager Operations – Construction Executive Manager Assets

Conditions and Exceptions to On- Delegation

Nil

Version	Decision Reference	Synopsis
1.	05/06/2008 – Item 11.2.2	Delegation adopted.
2.	24/07/2017 – By CEO (NM12038)	Reference to Executive Manager Regulatory Services and Executive Manager Operations deleted. New positions of Executive Manager Planning and Development, Executive Manager Operations-Construction and Executive Manager Assets added.

2.9 ACCEPTING OR REJECTING TENDERS

Legislative authority to delegate	<i>Local Government Act 1995 (S5.42)</i>
Power exercised or duty delegated	<i>Local Government Act 1995 (S3.57) Local Government (Functions and General) Regulations 1996 – Reg 18</i>
Delegation to	Chief Executive Officer
Delegation	To accept or reject tenders with a value not exceeding \$250,000.
Conditions and exceptions	Tenders with a value greater than \$250,000 must be referred to Council for determination. This delegation applies only to expenditure which is identified in Council’s adopted Annual Budget.
Minimum reporting requirement	Record to be placed on appropriate file and the Tender Register.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	Delegation adopted.
2.	Date unknown	Value increased from \$50,000 to \$100,000.
3.	17/12/2013 – Item 11.1.11	Value increased from \$100,000 to \$250,000.
3.	16/06/2015 – Item 11.1.4	Minimum Reporting Requirement amended to require decisions made under this delegation to be circulated to Councillors via regular communications channels rather than via the Information Bulletin.
4.	21/06/2016 – Item 11.1.5	All references to quotations removed from delegation. Minimum Reporting Requirements amended to delete the requirement for Council to be advised of decisions made under this delegation.

2.10 MINOR VARIATION TO ACCEPTED TENDER

Abolished by resolution of Council 17 June 2014 – Item 11.1.1

2.11 SELECTING THE NEXT MOST APPROPRIATE TENDER

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and 5.44</i>
Power exercised or duty delegated	<i>Local Government (Functions and General) Regulations 1996 – Reg 20(2)</i>
Delegation to	Chief Executive Officer
Delegation	To select the next most appropriate tender if: <ol style="list-style-type: none"> 1. the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or 2. agreement cannot be reached between the Shire and the chosen tenderer on any other variation to be included in the contract as a result of the varied requirement.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	05/06/2008 – Item 11.2.2	Delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended to clarify the circumstances under which the next most appropriate tender can be selected.
3.	16/06/2015 – Item 11.1.4	Minimum Reporting Requirement amended to require decisions made under this delegation to be circulated to Councillors via regular communications channels rather than via the Information Bulletin.
4.	21/06/2016 – Item 11.1.5	Minimum Reporting Requirements amended to remove requirement for Councillors to be advised of decisions made under this delegation.

2.12 SURPLUS ASSETS, MATERIALS, TOOLS ETC

Abolished by resolution of Council 20 August 2013 – Item 11.1.2. See Delegation 2.14.

2.13 AUDIT COMMITTEE TO MEET ANNUALLY WITH AUDITOR

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

2.14 DISPOSITION OF ASSETS OTHER THAN LAND

Legislative authority to delegate	<i>Local Government Act 1995 (S5.42 & 5.44)</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – (S3.58) Local Government (Functions & General) Regulations – Reg 30</i>
Delegation to	Chief Executive Officer
Delegation	To dispose of any Shire-owned asset (other than land) with a value not exceeding \$50,000.
Conditions and exceptions	<p>Assets with a value not exceeding \$20,000 can be disposed of regardless of whether such disposal has been identified in Council’s adopted Budget.</p> <p>Assets with a value of between \$20,001 and \$50,000 cannot be disposed of unless such disposal has been identified in Council’s adopted Budget.</p> <p>Disposal of assets to be undertaken in accordance with Policy 3.18 (Disposition of Assets).</p>
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	20/08/2013 – Item 11.1.2	New Delegation 2.14 adopted. Replaces previous Delegation 2.5 Property – Acquisition and Disposal and Delegations 2.12 – Surplus Assets, Materials, Tools, etc
2.	17/12/2013 – Item 11.1.11 18/02/2014 – Item 11.1.4	Delegation amended to allow CEO to dispose of any asset (other than land), provided that the disposal of an asset with a value of more than \$20,001 is referenced in the Annual Budget.

3. LAW, ORDER & PUBLIC SAFETY

3.1 *BUSH FIRES ACT 1954 - VARIATION OF PROHIBITED AND RESTRICTED BURNING TIMES*

Legislative authority to delegate	<i>Bush Fires Act 1954 – s.17(10)</i>
Power exercised or duty delegated	<i>Bush Fires Act 1954 – s.17(7), 17(8) and 18(5)</i>
Delegation to	Shire President Chief Bush Fire Control Officer
Delegation	To jointly exercise the Shire’s powers and duties under Section 17(7), 17(8) and Section 18(5) of the <i>Bush Fires Act 1954</i> in respect to varying prohibited and restricted burning times..
Conditions and exceptions	The Shire President and Chief Bush Fire Control Officer are to consult with the Regional Manager of the Department of Parks and Wildlife before exercising this delegated authority .
Minimum reporting requirement	Record to be placed on appropriate file and local public notice given in accordance with s.18(a)(iii).
CEO’s Power to Delegate	N/A
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	07/12/1999 Item 10.7	New delegation adopted.
2.	Unknown	Delegation to Chief Executive Officer repealed and replaced with delegation to Shire President.
3.	17/06/2014 – Item 11.1.1	Amended by replacing reference to Dept of Environment & Conservation with Dept of Parks & Wildlife and including reference to <i>Bush Fires Act 1954</i> public notice requirements in the Minimum Reporting Requirement.

3.2 BUSH FIRES ACT 1954 – PROSECUTION OF OFFENCES

Legislative authority to delegate	<i>Bush Fires Act 1954 – s.59(3)</i>
Power exercised or duty delegated	<i>Bush Fires Act 1954 – s.59(3)</i>
Delegation to	Chief Executive Officer Executive Manager Planning and Development Community Emergency Services Manager/Chief Bush Fire Control Officer Coordinator Ranger and Health Services
Delegation	To consider offences alleged to have been committed against the <i>Bush Fires Act 1954</i> within the district, and if the delegate 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.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	Nil
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	New delegation adopted.
2.	Unknown	Delegation to Chief Bush Fire Control Officer and Shire Rangers repealed. Reference to issuing of infringement notices deleted (see Delegation 3.3). Delegation to Chief Executive Officer and Chief Bush Fire Control Officer to withdraw infringement notices deleted (see Delegation 3.4).
3.	17/06/2014 – Item 11.1.1	Amended by changing title and adding further delegations to the Executive Manager Regulatory Services and Manager Ranger and Fire Services/CBFCO.
4.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Manager Ranger and Fire Services deleted and replaced with reference to Community Emergency Services Manager.
5.	15/08/2017 – Item 11.1.1	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development and Coordinator Ranger and Health Services added.

3.3 BUSH FIRES ACT 1954 – ISSUING INFRINGEMENT NOTICES

Legislative authority to delegate	<i>Bush Fires Act 1954 – s.59(3)</i>
Power exercised or duty delegated	<i>Bush Fires Act 1954 – s.59(3) and s.59A(2)</i>
Delegation to	Community Emergency Services Manager/Chief Bush Fire Control Officer Shire Rangers
Delegation	To issue infringement notices for offences against the <i>Bush Fires Act 1954</i> as prescribed for the purposes of s.59A.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	Nil
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	Unknown – between 21/08/1997 and 20/05/2008	New delegation adopted.
2.	17/06/2014 – Item 11.1.1	Amended by changing title and wording of delegation to clarify that delegation extends only to issuing of infringement notices and does not include commencement of legal proceedings.
3.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager.

3.4 *BUSH FIRES ACT 1954 – WITHDRAWAL OF INFRINGEMENT NOTICES*

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

3.4A BUSH FIRES ACT 1954 – APPOINTMENT OF BUSH FIRE CONTROL OFFICERS

Legislative authority to delegate	<i>Bush Fires Act 1954 – s.48</i>
Power exercised or duty delegated	<i>Bush Fires Act 1954 – s.38</i>
Delegation to	Chief Executive Officer
Delegation	To appoint Bush Fire Control Officers, including the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer/s and Fire Weather Officer.
Conditions and exceptions	<ol style="list-style-type: none"> 1. Chief Bush Fire Control Officer is to be the Shire’s Community Emergency Services Manager (or equivalent position). Any other proposed appointment must be presented to Council for consideration. 2. Appointments to the position of Deputy Chief Bush Fire Control Officer must result from a recommendation of the Shire’s Bush Fire Advisory Committee. 3. Appointments to the position of Bush Fire Control Office must result from a recommendation of the Shire’s Bush Fire Advisory Committee. <p>Condition 3 does not apply to the appointment of Shire Rangers as Bush Fire Control Officers for the Shire in its entirety.</p>
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	Nil. The <i>Bush Fires Act 1954</i> does not contain any power of further delegation.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	15/07/2014 – Item 11.1.2	Delegation adopted
2.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Manager Ranger and Fire Services in Condition 1 replaced with Community Emergency Services Manager.

3.4B BUSH FIRES ACT 1954 – APPROVAL AND ISSUE OF FIREBREAK ORDER

Legislative authority to delegate	<i>Bush Fires Act 1954 – s.48</i>
Power exercised or duty delegated	<i>Bush Fires Act 1954 – s.33(1)</i>
Delegation to	Chief Executive Officer
Delegation	To approve the format and content, and authorise the issue, of the annual Shire of Ginggin Firebreak Order.
Conditions and exceptions	The draft Firebreak Order shall be submitted to the Shire’s Bush Fire Advisory Committee for consideration prior to submission to the Chief Executive Officer for approval.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	Nil. The <i>Bush Fires Act 1954</i> does not contain any power of further delegation.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	19/07/2016 – Item 11.1.2	Delegation adopted

3.5 EVENTS ON ROADS

Now Delegation 5.7 Temporary Closure of Thoroughfare - Events

3.6 DOG ACT 1976 – WITHDRAWAL OF INFRINGEMENTS

*Repealed by resolution of Council 17 June 2014 – Item 11.1.1
See Delegation 3.16.*

3.7 ENFORCEMENT AND LEGAL PROCEEDINGS

*Repealed by resolution of Council 17 June 2014 – Item 11.1.1
See Delegation 3.17.*

3.8 PROSECUTION FOR AN OFFENCE AGAINST THE LOCAL GOVERNMENT ACT 1995 AND SHIRE LOCAL LAWS

*Repealed by resolution of Council 17 June 2014 – Item 11.1.1
See Delegation 3.17*

3.9 IMPOUNDING GOODS – AUTHORISED EMPLOYEE

*Repealed by resolution of Council 17 June 2014 – Item 11.1.1
See Delegation 3.17.*

**3.10 IMPOUNDING ABANDONED VEHICLE WRECKS – AUTHORISED
EMPLOYEE**

*Repealed by resolution of Council 17 June 2014 – Item 11.1.1
See Delegation 3.17.*

3.11 DECLARING AN IMPOUNDED VEHICLE TO BE AN ABANDONED WRECK

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 - S 3.40A(4)</i>
Delegation to	Chief Executive Officer
Delegation	To declare a vehicle to be an abandoned vehicle wreck if – <ul style="list-style-type: none"> (a) after 7 days from the removal of the vehicle under Section 3.40A(1) of the <i>Local Government Act 1995</i>, the owner of the vehicle has not been identified; or (b) after 7 days from being given notice under Section 3.40A(2) of the <i>Local Government Act 1995</i>, the owner of the vehicle has not collected it.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Planning and Development Coordinator Ranger and Health Services
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	06/05/2008 – Item 11.2.2	New delegation adopted.
2.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development and Coordinator Ranger and Health Services added.

3.12 SALE OF IMPOUNDED/SEIZED/CONFISCATED VEHICLES, ANIMALS OR GOODS

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 - S 3.47</i>
Delegation to	Chief Executive Officer
Delegation	To dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 of the <i>Local Government Act 1995</i> .
Conditions and exceptions	<p>The Chief Executive Officer may dispose of the above only after calling public tenders in accordance with Part 4 of the <i>Local Government (Functions and General) Regulations</i>.</p> <p>The Chief Executive Officer is authorised pursuant to Section 5.43 (b) of the <i>Local Government Act 1995</i>, to accept any tender up to the value of \$5,000. Tenders for amounts exceeding \$5,000 shall be referred to the Council for consideration.</p>
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Planning and Development Coordinator Ranger and Health Services
Conditions and Exceptions to On-Delegation	In accordance with original delegation.

Version	Decision Reference	Synopsis
1.	07/12/1999 – Item 10.7	New delegation adopted.
2.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development and Coordinator Ranger and Health Services added.

3.12A DESTRUCTION AND DISPOSAL OF SICK OR INJURED IMPOUNDED ANIMALS

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 - S 3.47A</i>
Delegation to	Chief Executive Officer
Delegation	To determine that any impounded animal that is ill or injured to such an extent that treating it is not practicable shall be humanely destroyed and the carcass disposed of.
Conditions and exceptions	Destruction and disposal of impounded animals will only be carried out by the Community Emergency Services Manager/Chief Bush Fire Control Officer or Rangers. In disposing of animal carcasses, Officers will have regard to any requirements of clause 5.2.6 of the Shire of Gingin Health Local Law 2004.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Planning and Development Community Emergency Services Manager/Chief Bush Fire Control Officer Rangers
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	New delegation adopted.
2.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager/Chief Bush Fire Control Officer.
3.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.

3.13 PROCEEDINGS UNDER *DOG ACT 1976*

*Repealed by resolution of Council 17 June 2014 – Item 11.1.1
See Delegation 3.16.*

3.14 SIGNS AND BILL POSTING

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

3.15 CAT ACT 2011 – APPOINTMENT OF AUTHORISED PERSONS

*Repealed by resolution of Council 17 June 2014 – Item 11.1.1
See Delegation 3.15A.*

3.15A CAT ACT 2011

Legislative authority to delegate	<i>Cat Act 2011 – s.44</i>
Power exercised or duty delegated	<i>All powers and duties of the local government under the Cat Act 2011 and subsidiary legislation</i>
Delegation to	Chief Executive Officer
Delegation	To fulfil, carry out, undertake or enforce any power or duty of the local government under the <i>Cat Act 2011</i> and its subsidiary legislation.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act. (s.45(1))
CEO Delegates to	Executive Manager Planning and Development Community Emergency Services Manager/Chief Bush Fire Control Officer Rangers Powers as listed in 3.15A – Schedule 1
Conditions and Exceptions to On-Delegation	In accordance with original delegation.

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	New delegation adopted.
2.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager.
3.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.

3.15A SCHEDULE 1**Powers Delegated by the CEO to:**

Executive Manager Regulatory Services

Community Emergency Services Manager/Chief Bush Fire Control Officer

Rangers

1. *Cat Act 2011 – s.13*
On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision.
2. *Cat Act 2011 – s.26*
Issue a cat control notice
3. *Cat Act 2011 – s.37(1) and s.37(2)*
Cat Regulations 2012 – Reg. 22
Grant, refuse to grant, renew or refuse to renew an application to breed cats.
4. *Cat Act 2011 – s.37(3) and s.37(4)*
Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to verify the information by statutory declaration.
5. *Cat Act 2011 – s.38*
Cancel an approval to breed.
6. *Cat Act 2011 - s.39*
Issue a certificate to an approved breeder
7. *Cat Act 2011 – s.40*
Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision.
8. *Cat Act 2011 – s.49(3)*
Recover costs associated with the destruction of a cat in a court of competent jurisdiction.

3.16 DOG ACT 1976

Legislative authority to delegate	<i>Dog Act 1976 – s.10AA(1)</i>
Power exercised or duty delegated	All powers and duties of the local government under the <i>Dog Act 1976</i> and subsidiary legislation
Delegation to	Chief Executive Officer
Delegation	To fulfil, carry out, undertake or enforce any power or duty of the local government under the <i>Dog Act 1976</i> and its subsidiary legislation.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	The Chief Executive Officer is expressly authorised by Council to further delegate the power or duty. (s.10AA(3))
CEO Delegates to	Executive Manager Planning and Development Community Emergency Services Manager/Chief Bush Fire Control Officer Rangers Powers as listed in 3.16 – Schedule 1
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	New delegation adopted.
2.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Manager Ranger and Fire Services deleted and replaced by reference to Community Emergency Services Manager.
3.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.

3.16 SCHEDULE 1

Powers Delegated by the CEO to:

Executive Manager Regulatory Services

Community Emergency Services Manager/Chief Bush Fire Control Officer

Rangers

1. *Dog Act 1976 – s.10A*
Pay and direct a vet to sterilise a dog owned by an eligible person
2. *Dog Act 1976 – s.15(4)(a)*
Discount or waive the registration fee for an individual dog or any class of dogs, except dangerous dogs.
3. *Dog Act 1976 – s.16(3)*
Direct a Registration Officer to refuse to effect or renew the registration of a dog, or to cancel the registration of a dog in circumstances prescribed by s.16(3).
4. *Dog Act 1976 – s.17A*
Where no application for registration has been made, give written notice to an owner that a dog cannot be registered for any of the prescribed reasons and inform the owner of their right of review.
5. *Dog Act 1976 – s.33H*
Revoke a declaration as a dangerous dog or proposal to destroy.

3.17 APPOINTMENT OF AUTHORISED PERSONS

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s.9.10(1)</i>
Delegation to	Chief Executive Officer
Delegation	To appoint persons or classes of persons to be authorised for the purposes of performing particular functions under the <i>Local Government Act 1995</i> as specified by the Chief Executive Officer.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file with copy of written authorisation.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Nil
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	New delegation adopted.
2.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted.

4. HEALTH

4.1 HEALTH ACT – APPOINTMENT OF DEPUTY

*Repealed by resolution of Council 21 February 2017 – Item 11.1.1
See Delegations 4.7 and 4.8.*

4.2 TEMPORARY ACCOMMODATION

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	Council Policy 8.8 – Temporary Accommodation
Delegation to	Chief Executive Officer
Delegation	To determine applications for Temporary Accommodation with respect to Council’s Policy 8.8 “Temporary Accommodation”.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	
CEO Delegates to	Executive Manager Planning and Development Principal Environmental Health Officer
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	18/07/2000 – Item 10.9	New delegation adopted.
2.	17/06/2014 – Item 11.1.1	Reference to Manager Health Services replaced with Environmental Health Technical Officer.
3.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Environmental Health Technical Officer deleted and replaced by reference to Environmental Health Officer.
4.	24/07/2017 – By CEO (NM12038)	Sub-delegations to Executive Manager Regulatory Services and Environmental Health Officer deleted. Sub-delegations to Executive Manager Planning and Development and Principal Environmental Health Officer added.

4.3 FOOD ACT 2008 – APPOINTMENT OF AUTHORISED OFFICERS

Legislative authority to delegate	<i>Food Act 2008 – s.118(2)</i>
Power exercised or duty delegated	<i>Food Act 2008 – s.122(1)</i>
Delegation to	Chief Executive Officer
Delegation	To appoint officers as Authorised Officers in accordance with section 122 of the <i>Food Act 2008</i> .
Conditions and exceptions	Nil
Minimum reporting requirement	A list of authorised officers must be prepared and maintained in accordance with s.122(3) of the <i>Food Act 2008</i> . Record to be placed on appropriate file.
CEO’s Power to Delegate	Nil
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	18/06/2013 – Item 11.1.3	New delegation adopted.
2.	17/06/2014 – Item 11.1.1	Title amended.
3.	24/07/2017 – By CEO (NM12038)	Delegation to Executive Manager Regulatory Services deleted as position is defunct.

4.4 FOOD ACT 2008 – APPOINTMENT OF DESIGNATED OFFICERS

Legislative authority to delegate	<i>Food Act 2008 – s.118(2)</i>
Power exercised or duty delegated	<i>Food Act 2008 – s.126(13)</i>
Delegation to	Chief Executive Officer
Delegation	To appoint Authorised Officers as Designated Officers to issue, extend or withdraw infringements for offences against the <i>Food Act 2008</i> .
Conditions and exceptions	A person who is a designated officer for the purposes of issuing infringements cannot be a designated officer for the purposes of extending or withdrawing infringements.
Minimum reporting requirement	A list of designated officers must be prepared and maintained in accordance with s.122(3) of the <i>Food Act 2008</i> . Record to be placed on appropriate file.
CEO's Power to Delegate	Nil
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	New delegation adopted.
2.	24/07/2017 – By CEO (NM12038)	Delegation to Executive Manager Regulatory Services deleted as position is defunct.

4.5 FOOD ACT 2008 – PROHIBITION ORDERS

Legislative authority to delegate	<i>Food Act 2008 – s.118(2)</i>
Power exercised or duty delegated	<i>Food Act 2008 – s.65</i> <i>Food Act 2008 – s.66</i> <i>Food Act 2008 – s.67(4)</i>
Delegation to	Executive Manager Planning and Development Principal Environmental Health Officer
Delegation	<ol style="list-style-type: none"> 1. To serve a prohibition order on the proprietor of a food business in accordance with Part 6 of the <i>Food Act 2008</i>. 2. To give a certificate of clearance with respect to a prohibition order served in accordance with Part 6 of the <i>Food Act 2008</i>. 3. To give written notification to the proprietor of a food business on whom a prohibition order has been served of any decision not to give a certificate of clearance after an inspection under s.66 or 67.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	Nil
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	New delegation adopted.
2.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Environmental Health Technical Officer deleted and replaced by reference to Environmental Health Officer.
3.	24/07/2017 – By CEO (NM12038)	Delegation to Environmental Health Officer amended to reference Principal Environmental Health Officer.
4.	15/08/2017 – Item 11.1.1	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.

4.6 FOOD ACT 2008 – REGISTRATION OF FOOD BUSINESSES

Legislative authority to delegate	<i>Food Act 2008 – s.118(2)</i>
Power exercised or duty delegated	<i>Food Act 2008 – s.110</i> <i>Food Act 2008 – s.112</i>
Delegation to	Executive Manager Planning and Development Principal Environmental Health Officer
Delegation	To grant, apply conditions to, refuse, vary or cancel registration of a food business.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	Nil
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	New delegation adopted.
2.	29/05/2015 – by decision of CEO under Del. 1.17.	Reference to Environmental Health Technical Officer deleted and replaced by reference to Environmental Health Officer.
3.	24/07/2017 – By CEO (NM12038)	Delegation to Environmental Health Officer amended to reference Principal Environmental Health Officer
4.	15/08/2017 – Item 11.1.1	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.

4.7 PUBLIC HEALTH ACT 2016 – DESIGNATION OF AUTHORISED OFFICERS

Legislative authority to delegate	<i>Public Health Act 2016 s. 21</i>
Power exercised or duty delegated	<i>Public Health Act 2016 s. 24(1), (3) and (4)</i>
Delegation to	Chief Executive Officer
Delegation	<ol style="list-style-type: none"> 1. To designate a person or a class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> a. the <i>Public Health Act 2016</i> or another specified act; or b. the specified provisions of the <i>Public Health Act 2016</i> or another specified act; or c. the provisions of the <i>Public Health Act 2016</i> or another specified act other than the specified provisions of that act. 2. To designate, under s. 24(1): <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. 3. To act jointly with other local governments in the designation of persons or classes of persons as authorised officers.
Conditions and exceptions	N/A
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	Nil. <i>Public Health Act 2016</i> does not contain a power of further delegation.
CEO Delegates to	N/A



DELEGATION REGISTER

**Conditions and
Exceptions to On-
Delegation**

N/A

Version	Decision Reference	Synopsis
1.	21/02/2017 – Item 11.1.1	New delegation adopted.

4.8 PUBLIC HEALTH ACT 2016 – CERTIFICATES OF AUTHORITY

Legislative authority to delegate	<i>Public Health Act 2016 s. 21</i>
Power exercised or duty delegated	<i>Public Health Act 2016 s. 30</i>
Delegation to	Chief Executive Officer
Delegation	To sign Certificates of Authority issued to authorised officers appointed under the <i>Public Health Act 2016</i> .
Conditions and exceptions	N/A
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	Nil. <i>Public Health Act 2016</i> does not contain a power of further delegation.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	21/02/2017 – Item 11.1.1	New delegation adopted.

4.9 FOOD ACT 2008 – DETERMINE COMPENSATION

Legislative authority to delegate	<i>Food Act 2008 – s. 118(2)(b)</i>
Power exercised or duty delegated	<i>Food Act 2008 – s. 70(2) and 70(3)</i>
Delegation to	Chief Executive Officer
Delegation	In respect to applications for compensation under s. 70, to determine <ol style="list-style-type: none"> 1. whether there were insufficient grounds for making a prohibition order; and 2. where compensation is to be paid, the compensation to the applicant that is just and reasonable.
Conditions and exceptions	The level of compensation to be paid in respect of any single claim is not to exceed a maximum of \$5,000.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	Nil. The <i>Food Act 2008</i> does not contain any power of sub-delegation.
CEO Delegates to	Nil
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	20/06/2017 – Item 11.1.1	Delegation adopted.

5. ENGINEERING

5.1 APPLICATIONS FOR OPERATION OF “B” DOUBLES AND ROAD TRAINS

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	To approve the use of local roads deemed as suitable by the Chief Executive Officer for the operation of “B” double road trains and pocket road trains (Restricted Access Vehicle (RAV) Network 2, 3 and 4 combinations).
Delegation to	Chief Executive Officer
Delegation	<p>Any roads, other than those approved by Main Roads in consultation with Council, which will be related to direct farm or business activity access, will be dealt with on their merits, and will include road conditions if appropriate.</p> <p>The Chief Executive Officer is authorised to approve applications to use RAV Network 2,3 and 4 combinations on all local roads considered suitable for usage by that combination, provided that such usage is for the purpose of servicing an established enterprise operating from within the Municipality.</p>
Conditions and exceptions	The Chief Executive Officer in exercising this delegation shall have regard to Council Policy 7.6
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Operations - Construction
Conditions and Exceptions to On-Delegation	In accordance with primary delegation

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	New delegation adopted.
2.	21/06/2016 – Item 11.1.5	Power Exercised or Duty Delegated amended by adding the words (<i>Restricted Access Vehicle (RAV) Network 2</i>).
3.	18/10/2016 – Item 11.4.2	Delegation amended to reflect the proposed changes to Policy 7.6 and to tidy up terminology with regards to road trains and RAVs.
4.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.

5.2 REGISTERED GATES

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations – Reg. 9 and Reg. 10</i>
Delegation to	Chief Executive Officer
Delegation	To approve applications for permits to erect gates across road reserves subject to the <i>Local Government Act 1995</i> .
Conditions and exceptions	<ul style="list-style-type: none"> a. That the road be of a minor nature with a low traffic density. b. That the gate be a heavy duty swing type. c. That the gate be unlocked at all times. d. That all landowners adjoining the road or using the road for access to supply written approval of the proposal.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Operations - Construction
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	New delegation adopted.
2.	17/06/2014 – Item 11.1.1	Sub-delegation to Executive Manager Operations.
3.	20/06/2017 – Item 11.1.1	Condition e requiring payment of an annual fee deleted.
4.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.

5.3 PERMANENT CLOSURE OF ROADS PROCEDURES

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

5.4 TEMPORARY CLOSURE OF THOROUGHFARES

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s.3.50</i>
Delegation to	Chief Executive Officer
Delegation	To approve the temporary closure, either wholly or partially, of any thoroughfare managed by the Shire of Gingin.
Conditions and exceptions	Delegation only relates to circumstances where there is an alternative route available to traffic which might otherwise use the section of road to be closed, or the closure is intended to be of such short duration that no great inconvenience will be suffered.
Minimum reporting requirement	Record to be placed on appropriate file. Elected Members to be advised of any road closure likely to be in effect for more than five working days.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Operations - Construction
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	New delegation adopted.
2.	17/06/2014 – Item 11.1.1	Title amended. Delegation wording amended to more clearly reflect the intent of the legislation. Minimum reporting requirement amended.
3.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.

5.5 PARTIAL CLOSURE OF THOROUGHFARES FOR REPAIRS OR MAINTENANCE

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s.3.50A</i>
Delegation to	Chief Executive Officer
Delegation	To partially and temporarily close a thoroughfare without giving local public notice, if the closure – <ul style="list-style-type: none"> (a) is for the purpose of carrying out repairs or maintenance; and (b) is unlikely to have a significant adverse effect on users of the thoroughfare.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Operations - Construction
Conditions and Exceptions to On-Delegation	In accordance with original delegation.

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	New delegation adopted.
2.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.

5.6 REVOCATION OF ROAD CLOSURE ORDER

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42 and s.5.44</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s.3.50(6)</i>
Delegation to	Chief Executive Officer
Delegation	To revoke an order to temporarily close a thoroughfare under the management of the Shire of Gingin.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Operations - Construction
Conditions and Exceptions to On-Delegation	In accordance with original delegation.

Version	Decision Reference	Synopsis
1.	17/06/2014 – Item 11.1.1	New delegation adopted.
2.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.

5.7 TEMPORARY CLOSURE OF THOROUGHFARES - EVENTS

Legislative authority to delegate	<i>Local Government Act 1995 – s.5.42</i>
Power exercised or duty delegated	<i>Local Government Act 1995 – s.3.50</i>
Delegation to	Chief Executive Officer
Delegation	To determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the <i>Road Traffic (Events on Roads) Regulations 1991</i> .
Conditions and exceptions	The Chief Executive Officer shall have regard to s.3.50 of the <i>Local Government Act 1995</i> .
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Operations - Construction
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	21/08/1997 – Item 5.1.3	New delegation adopted.
2.	17/06/2014 – Item 11.1.1	Title amended. Sub-delegation to Executive Manager Operations added.
3.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Operations deleted. Sub-delegation to Executive Manager Operations-Construction added.

6. BUILDING

6.1 APPROVE OR REFUSE A BUILDING PERMIT

Legislative authority to delegate	<i>Building Act 2011 – s.127</i>
Power exercised or duty delegated	<i>Building Act 2011 – s.20, 22 and 27</i>
Delegation to	Chief Executive Officer
Delegation	<ol style="list-style-type: none"> 1. To approve or refuse to approve an application for the grant of a building permit. 2. To impose any conditions on the grant of a building permit in addition to those provided for in the <i>Building Act 2011</i> and <i>Building Regulations 2012</i>. 3. To add, vary or revoke conditions imposed before the building work is complete.
Conditions and exceptions	<p>Consideration of an application for the grant of a building permit must have regard for the following adopted policies of Council:</p> <ul style="list-style-type: none"> • 8.1 (Building Control Disclaimer); • 8.3 (Building Licence – Deposit for Footpaths/ Cycleway); • 8.4 (Sign Applications); • 8.5 (Amalgamation of Lots for Building Sites); • 8.6 (Roof Drainage); • 8.7 (Roof Guttering on Outbuildings); • 8.8 (Temporary Accommodation); • 8.9 (Retaining Walls); <p><u>Retaining Walls</u></p> <ul style="list-style-type: none"> • 8.10 (Retaining Walls – Cut and Fill of Lots); and • 8.11 (Oversized Outbuildings). <p>This delegation applies to retaining walls between 1 metre and 1.8 metres in height. Plans showing height, length and location and accompanied by certification of structural adequacy prepared by a Professional (Structural) Engineer* must be submitted.</p>

*Professional Engineer as defined in the Building Code of Australia.

Plans submitted for retaining walls with a height exceeding 1.8 metres must be referred to Council for determination.

The CEO is to exercise discretion in issuing a building licence for earthworks and retaining walls, prior to issuing a building licence for a dwelling on the subject lot.

Minimum reporting requirement

Record to be placed on appropriate file.

CEO's Power to Delegate

CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.

CEO Delegates to

Executive Manager Assets
Manager Building Services

Conditions and Exceptions to On-Delegation

In accordance with primary delegation.

Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the *Building Regulations 2012*.

Version	Decision Reference	Synopsis
1.	18/10/2011 – Item 11.4.1 20/03/2012 – Item 11.4.1	New delegation adopted following introduction of the <i>Building Act 2011</i> .
2.	20/08/2013 – Item 11.1.1 18/02/2014 – Item 11.1.5	Delegation 6.2 (Building Licences – Retaining Walls) deleted and relevant content incorporated into Delegation 6.1. Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services. Title changed from <i>Issue of Building Licences</i> to <i>Approve or Refuse a Building Permit</i> .
3.	16/06/2015 – Item 11.1.4	Minimum Reporting Requirement amended to require decisions made under this delegation to be circulated to Councillors via regular communications channels rather than via the Information Bulletin.
4.	20/06/2017 – Item 11.1.1	Delegation and Conditions and Exceptions amended to conform with the <i>Building Act 2011</i> . Reference to Council Policy 8.2 deleted. Minimum Reporting Requirement amended to delete requirement to advise elected members.
5.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

6.2 BUILDING LICENCES – RETAINING WALLS

*Abolished by resolution of Council 20 August 2013 – Item 11.1.1
Abolished by resolution of Council 18 February 2014 – Item 11.1.5
See Delegation 6.1*

6.3 ISSUE AN OCCUPANCY PERMIT AND A BUILDING APPROVAL CERTIFICATE

Legislative authority to delegate	<i>Building Act 2011 – s.127</i>
Power exercised or duty delegated	<i>Building Act 2011 – s.58</i>
Delegation to	Chief Executive Officer
Delegation	To issue an occupancy permit and a building approval certificate in accordance with section 58 of the <i>Building Act 2011</i> .
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Assets Manager Building Services
Conditions and Exceptions to On-Delegation	In accordance with primary delegation. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .

Version	Decision Reference	Synopsis
1.	18/10/2011 – Item 11.4.1 20/03/2012 - Item 11.4.1	New delegation adopted following introduction of the <i>Building Act 2011</i> .
2.	20/08/2013 – Item 11.1.1 18/02/2014 – Item 11.1.5	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.
3.	17/06/2014 – Item 11.1.1	Sub-delegation to Executive Manager Regulatory Services added.
4.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

6.4 BUILDING LICENCE FEES - EXEMPTIONS

Repealed by resolution of Council 17 June 2014 – Item 11.1.1

6.5 EXTENSION OF OCCUPANCY PERMIT OR BUILDING APPROVAL CERTIFICATE

Legislative authority to delegate	<i>Building Act 2011 – s.127</i>
Power exercised or duty delegated	<i>Building Act 2011 – s.65</i>
Delegation to	Chief Executive Officer
Delegation	To extend the period of duration of an Occupancy Permit or a Building Approval Certificate in accordance with section 65 of the <i>Building Act 2011</i> .
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Assets Manager Building Services
Conditions and Exceptions to On-Delegation	In accordance with primary delegation Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .

Version	Decision Reference	Synopsis
1.	18/10/2011 – Item 11.4.1 20/03/2012 - Item 11.4.1	New delegation adopted following introduction of the <i>Building Act 2011</i> .
2.	20/08/2013 – Item 11.1.1 18/02/2014 – Item 11.1.5	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.
3.	17/06/2014 – Item 11.1.1	Sub-delegation to Executive Manager Regulatory Services added.
4.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

6.6 ISSUE BUILDING ORDERS

Legislative authority to delegate	<i>Building Act 2011 – s.127</i>
Power exercised or duty delegated	<i>Building Act 2011 – s.110</i>
Delegation to	Chief Executive Officer
Delegation	To issue Building Orders in accordance with section 110 of the <i>Building Act 2011</i> .
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Assets Manager Building Services
Conditions and Exceptions to On-Delegation	In accordance with primary delegation

Version	Decision Reference	Synopsis
1.	18/10/2011 – Item 11.4.1 20/03/2012 - Item 11.4.1	New delegation adopted following introduction of the <i>Building Act 2011</i> .
2.	20/08/2013 – Item 11.1.1 18/02/2014 – Item 11.1.5	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.
3.	17/06/2014 – Item 11.1.1	Sub-delegation to Executive Manager Regulatory Services added.
4.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

6.7 REVOKE BUILDING ORDERS

Legislative authority to delegate	<i>Building Act 2011 – (S127)</i>
Power exercised or duty delegated	<i>Building Act 2011 – (S117)</i>
Delegation to	Chief Executive Officer
Delegation	To revoke Building Orders in accordance with section 117 of the <i>Building Act 2011</i> .
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Assets Manager Building Services
Conditions and Exceptions to On-Delegation	In accordance with primary delegation

Version	Decision Reference	Synopsis
1.	18/10/2011 – Item 11.4.1 20/03/2012 - Item 11.4.1	New delegation adopted following introduction of the <i>Building Act 2011</i> .
2.	20/08/2013 – Item 11.1.1 18/02/2014 – Item 11.1.5	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.
3.	17/06/2014 – Item 11.1.1	Sub-delegation to Executive Manager Regulatory Services added.
4.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

6.8 APPROVE OR REFUSE A DEMOLITION PERMIT

Legislative authority to delegate	<i>Building Act 2011 – s.127</i>
Power exercised or duty delegated	<i>Building Act 2011 – s.21</i>
Delegation to	Chief Executive Officer
Delegation	To approve or refuse a demolition licence to take down a building or part of a building. Licence may be subject to such conditions as are considered necessary for the safe and proper execution of the work.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Assets Manager Building Services
Conditions and Exceptions to On-Delegation	In accordance with primary delegation. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the <i>Building Regulations 2012</i> .

Version	Decision Reference	Synopsis
1.	18/10/2011 – Item 11.4.1 20/03/2012 – Item 11.4.1	New delegation adopted following introduction of the <i>Building Act 2011</i> .
2.	20/08/2013 – Item 11.1.1 18/02/2014 – Item 11.1.5	Delegated authority granted to CEO with power to delegate, rather than direct to Manager Building Services.
3.	17/06/2014 – Item 11.1.1	Sub-delegation to Executive Manager Regulatory Services added.
4.	24/07/2017 – By CEO (NM12038...)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

6.9 BUILDING ACT 2011 – APPOINTMENT OF AUTHORISED PERSONS

Legislative authority to delegate	<i>Building Act 2011 – (S127)</i>
Power exercised or duty delegated	<i>Building Act 2011 – (S96(3))</i>
Delegation to	Chief Executive Officer
Delegation	To appoint Authorised Persons as required for the purposes of administering the requirements of the <i>Building Act 2011</i> .
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	N/A
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	20/08/2013 – Item 11.1.1 18/02/2014 – Item 11.1.5	New delegation adopted.

7. PLANNING

7.1 TOWN PLANNING POWERS

Legislative authority to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 82)</i>
Power exercised or duty delegated	In accordance with Delegation 7.1 Schedule 1
Delegation to	Chief Executive Officer
Delegation	To deal with applications in the manner specified in Delegation 7.1 Schedule 1.
Conditions and exceptions	As detailed in Delegation 7.1 Schedule 1
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Planning and Development Manager Statutory Planning Compliance/Planning Officer
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	05/08/2003 – Item 10.1.2	New delegation adopted.
2.	16/10/2012 – Item 11.3.7	Amended to reflect changes resulting from introduction of LPS. No. 9.
3.	18/06/2013 – Item 11.1.3	Amended to show new position titles. Minor amendments to Parts 4 and 5.
4.	17/06/2014 – Item 11.1.1	References to legislation amended. Land Use Development of Caretaker's Dwelling included in Schedule 1.
5.	16/06/2015 – Item 11.1.4	Addition to Delegation Table in Schedule 1 – Approve all development applications for Use Not Listed – Signs.
6.	20/11/2015 – Under Del. 1.17	Legislative authority to delegate amended from LPS 9 to <i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 82)</i>
7.	20/12/2016 – Item 11.1.5	Cl. a of Schedule 1 – Agriculture Intensive – Irrigated Horticulture amended by deleting <i>Proposals greater than 500m from residential or rural residential settlements</i> and inserting <i>Proposals greater than 300m from any sensitive land use (ie single dwelling);</i> . Additional cl. c inserted.
8.	17/01/2017 – Under <i>Planning & Development (Local Planning Schemes) Regulations 2015 Reg. 83</i>	Subdelegation by CEO extended to Compliance/Planning Officer.
9.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development.

DELEGATION TABLE

1. Preamble

1.1 The delegations given to the Chief Executive Officer hereunder only permit that Officer to approve applications. Applications that the Chief Executive Officer is not prepared to approve shall be referred to Council for determination.

1.2 The Chief Executive Officer, when exercising a power delegated by Council in this section, shall only make such decisions after ensuring that the approval complies with the provisions of the Local Planning Scheme and is consistent with other decisions of Council in respect of such uses.

1.3 All subdivision proposals in the "General Rural" zone intended to accommodate service infrastructure. Council's support for such proposals to include the following condition:

A Restrictive Covenant being placed on the land, at the subdivider's cost, under a legal agreement that ensures:

- i) Use of the subdivided portion of land shall be limited to service infrastructure; and
- ii) If the infrastructure is no longer required, the subdivided portion of land could not be sold, but would be amalgamated with the adjoining land.

2. Subdivision/Amalgamation – Delegation

That the Chief Executive Officer be delegated authority to provide advice on and grant clearance for the following subdivisions and amalgamations of land referred to Council by the Western Australian Planning Commission:

2.1 All subdivisions for 50 lots or less that conform with Council's Local Planning Scheme No 9 (as amended).

NOTE: Subdivisions for more than 50 lots must be referred to Council for determination.

2.2 All subdivisions/amalgamations that comply with the subdivision detail depicted on a Structure Plan/Detailed Area Plan or Outline Development Plan adopted by Council.

3. Permitted Uses – Delegation

That the Chief Executive Officer be delegated authority to:

- (a) Approve all applications for planning approval where the proposed use is a 'P' use in the zoning table of Local Planning Scheme No. 9.
- (b) Approve all applications for planning approval where the proposed use is incidental under the Local Planning Scheme No. 9, subject to:
 - (i) Application of standard tests of dominance and subservience, in accordance with appropriate and accepted town planning practice;
 - (ii) Compliance with any requirements of Council established by earlier relevant Council decisions in respect of such uses, which are considered relevant to the application.

4. Residential Development – Residential Design Codes of Western Australia (as amended)

The Chief Executive Officer is delegated authority to approve all development applications for a single house (including outbuildings) and grouped or multiple dwelling development to a maximum of six (6) dwelling units where:

- (a) The permissibility is designated a 'P', 'D' or 'A' use in Table 1: Zoning Table of the Shire of Gingin Local Planning Scheme No. 9 (as amended);
- (b) No objection or concern has been raised by an adjoining landowner or residents (if required to be advertised); and
- (c) The application complies with Scheme provisions and any relevant Local Planning Policy standards and requirements except for the extent of variation.

NOTE: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.

5. Other Use and Development

The Chief Executive Officer is granted Delegated Authority to:

(a) Approve all development applications for the discretionary use class under designated zones subject to no objection received during advertising in accordance with the table below:		
Land Use Development	Delegated Zones	Specific Delegation Criteria
Aquaculture	General Rural/Rural Living/General Industry/Rural Industry	
Ancillary Accommodation	Residential/Rural Industry/Rural Living	Approval for applications that comply with Scheme requirements, Residential Design Codes and relevant Local Planning Policy
Bed and Breakfast	Rural Living	Approval for: (a) Applications that comply with Scheme requirements; and (b) Applications where no adverse public submissions have been received
Caretaker's Dwelling	Mixed Business/Rural Industry/General Rural/Tourism/Conservation	Subject to compliance with Clause 5.10.9 of LPS No. 9
Child Care Premises	Rural Living	Approval for: (a) Applications that comply with Scheme requirements; and (b) Applications where no adverse public submissions have been received.
Home Occupation	Residential/Tourism/General Rural/Rural Industry/Rural Living	Approval for: (a) Applications that comply with Scheme requirements; and

		(b) Applications where no adverse public submissions have been received.
Agriculture Intensive – Irrigated Horticulture	General Rural	Approval for: (a) Proposals greater than 300m from any sensitive land use (ie single dwelling); (b) Proposals that are able to comply with the standard approval conditions relative to Agriculture – Intensive; and (c) Minor Development Incidental to Agriculture Intensive (eg storage sheds, silos, water tanks, bushfire mitigation infrastructure and solar panels).
Industry – Light	Rural Industry	
Market	Tourism/Town7260 Centre/General Industry/General Rural	Approval for applications that comply with Scheme provisions.
Restaurant	Tourism/Town Centre	
Industry – Rural	General Industry/Rural Industry	
Industry – Service	Town Centre/Mixed Business/Rural Industry	
Shop	Tourism	
Trade Display	Town Centre/General Industry/Rural Industry	
Transportable Dwellings	All zones	Approval for applications which: (a) Comply with Council's Policy Statement 1.7 – Transportable Dwellings; and

DELEGATION REGISTER

		(b) Are designated 'P' or 'D' in the Policy Statement Table.
Vehicle Repairs	Rural Industry	
Vehicle Sales & Hire	Town Centre	
Warehouse	Mixed Business/Rural Industry	
<p>(b) Approve an amendment or relocation of designated building envelopes on "Rural Living" and "General Rural" zoned properties where no objection is raised from adjoining landowners and the proposal will not result in removal of significant vegetation.</p> <p><i>NOTE: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</i></p>		
<p>(c) Approve all development applications for Use Not Listed – Signs, subject to no objection being received during advertising, in accordance with the table below:</p>		
Land Use Development	Delegated Zones	Specific Delegation Criteria
Advertisement	All Zones	Approval for applications that fully comply with the Shire's By-law Relating to Signs and Bill Posting

7.2 RESTRICTIVE COVENANTS

Legislative authority to delegate	Shire of Gingin Local Planning Scheme No. 9 (as amended) – Clause 11.3 -
Power exercised or duty delegated	<i>Transfer of Land Act 1893</i> – s.129A
Delegation to	Chief Executive Officer
Delegation	To deal with all future applications pertaining to the placing of Restrictive Covenants on freehold land within the Shire of Gingin under s.129BA of the <i>Transfer of Land Act 1893</i> .
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Nil
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	04/06/2002 – Item 10.3	New delegation adopted.
2.	16/10/2012 – Item 11.3.7	Amended to reflect changes resulting from introduction of LPS. No. 9.
3.	18/06/2013 - Item 11.1.3	Amended to show new position titles
4.	17/06/2014 – Item 11.1.1	Legislative Authority to Delegate amended.
5.	21/06/2016 – Item 11.1.5	Delegation amended by adding the words <i>within the Shire of Gingin under s. 129BA of the Transfer of Land Act 1893</i> .

7.3 ADVERTISING

Legislative authority to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 83)</i>
Power exercised or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 64)</i>
Delegation to	Chief Executive Officer
Delegation	To initiate advertising of an application for a 'P', 'D' or 'A' use in Table 1: Zoning Table pursuant to the provisions under Clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and in accordance with Local Planning Policy.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Planning and Development Manager Statutory Planning Compliance/Planning Officer
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	15/03/2011 – Item 11.1.4	New delegation adopted.
2.	16/10/2012 – Item 11.3.7	Amended to reflect changes resulting from introduction of LPS. No. 9.
3.	18/06/2013 – Item 11.1.3	Amended to show new position titles.
4.	17/06/2014 – Item 11.1.1	Legislative Authority to Delegate amended.
5.	20/11/2015 – Under Del. 1.17	Legislative authority to delegate amended from LPS 9 to <i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 83)</i> . Power exercised amended from Shire of Gingin Local Planning Scheme No. 9 (as amended) – clause 9.4 to <i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 64)</i> . Delegation amended by deleting reference to Clause 9.4 of the Shire of Gingin Local Planning Scheme No. 9 and replacing with Clause 64 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
6.	17/01/2017 – Under <i>Planning & Development (Local Planning Schemes) Regulations 2015 Reg. 83</i>	Subdelegation by CEO extended to Compliance/Planning Officer.
7.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Planning and Development added.

7.4 NON-STATUTORY DELEGATIONS

Legislative authority to delegate	<i>Local Government Act 1995 – s. 5.44</i>
Power exercised or duty delegated	
Delegation to	Chief Executive Officer
Delegation	<p>To respond to requests, applications or referrals received by the Shire on the following matters:</p> <ul style="list-style-type: none"> • Sale or lease of land by State or Federal Government departments; • Land clearing applications from State or Commonwealth agencies; and • Mining Tenement and Exploration Licence referrals from Department of Mines and Petroleum.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Planning and Development Manager Statutory Planning Compliance/Planning Officer
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	15/03/2011 – Item 11.1.4	New delegation adopted.
2.	16/10/2012 – Item 11.3.7	Renumber from Delegation 7.5. Previous 7.4 (Subdivision Applications) repealed as a result of the introduction of LPS. No. 9.
3.	18/06/2013 – Item 11.1.3	Amended to show new position titles.
4.	17/06/2013 – Item 11.1.1	Legislative Authority to Delegate amended.
5.	21/06/2016 – Item 11.1.5	Delegation amended by deleting reference to liquor license applications referrals.
6.	17/01/2017 – Under <i>Planning & Development (Local Planning Schemes) Regulations 2015 Reg. 83</i>	Subdelegation by CEO extended to Compliance/Planning Officer.
7.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

7.5 MISCELLANEOUS

Legislative authority to delegate *Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 83)*

Power exercised or duty delegated

Delegation to Chief Executive Officer

Delegation To:

- a) Address all matters which arise out of the imposition of conditions on a development approval and provide clarification where required;
- b) Determine Council's position in consultation with the Shire President (or Deputy Shire President in the absence of the Shire President) with respect to any mediation process resulting from an appeal lodged with the State Administrative Tribunal;
- c) Serve notices on property owners who are deemed to be in breach of the Shire's Local Planning Scheme No. 9 (as amended). This may relate to unlawful land use or development, non-compliance with a condition/s of development approval or contravention of a direction set by the Scheme or a Local Planning Policy;
- d) Obtain legal advice in relation to a planning matter within the designated budget allocation;
- e) Entertain initial discussions and provide direction to applicants on development proposals in line with state planning policy and current planning instruments including strategy documents endorsed/adopted by Council; and

- f) To engage an independent planning consulting service at the State Administrative Tribunal should Council's Resolution differ from Shire Officer's Recommendation resulting in the Review of an Application for Planning Approval

Conditions and exceptions

- All development applications or subdivision referrals where the Chief Executive Officer or other delegated officers recommend refusal/objection of the application shall be presented to Council for consideration and a decision; and
- The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire's Local Planning Scheme No. 9 (as amended) shall be subject to a resolution of Council.

Minimum reporting requirement

Record to be placed on appropriate file.

CEO's Power to Delegate

CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.

CEO Delegates to

Executive Manager Planning and Development
Manager Statutory Planning
Compliance/Planning Officer

Conditions and Exceptions to On-Delegation

Delegation applies only to Points a, c, d, e and f.

Version	Decision Reference	Synopsis
1.	15/03/2011 – Item 11.1.4	New delegation adopted.
2.	16/10/2012 – Item 11.3.7	Renumbered from Delegation 7.6. Amended to reflect changes resulting from introduction of LPS. No. 9.
3.	18/06/2013 – Item 11.1.3	Amended to show new position titles.
4.	17/06/2013 – Item 11.1.1	Legislative Authority to Delegate amended.
5.	20/11/2015 – Under Del. 1.17	Legislative authority to delegate amended from LPS 9 to Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 82)
6.	21/06/2016 – Item 11.1.5	Conditions and Exceptions amended by deleting the requirement for a list of all development applications determined under Delegated Authority to be included in the agenda and minutes for ordinary Council meetings.
7.	17/01/2017 – Under <i>Planning & Development (Local Planning Schemes) Regulations 2015 Reg. 83</i>	Subdelegation by CEO extended to Compliance/Planning Officer.
8.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

7.6 ENTRY AND INSPECTION POWERS – APPOINTMENT OF AUTHORISED OFFICERS

Legislative authority to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 82 and 83)</i>
Power exercised or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 79)</i>
Delegation to	Chief Executive Officer
Delegation	To appoint employees of the Shire of Gingin as authorised persons for the purpose of entering any building or land in order to ascertain whether the provisions of the Scheme are being observed.
Conditions and exceptions	Nil
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Nil
Conditions and Exceptions to On-Delegation	N/A

Version	Decision Reference	Synopsis
1.	15/03/2011 – Item 11.1.4	New delegation adopted.
2.	16/10/2012 – Item 11.3.7	Amended to reflect changes resulting from introduction of LPS. No. 9.
3.	18/06/2013 – Item 11.1.3	Amended to show new position titles.
4.	17/06/2013 – Item 11.1.1	Legislative Authority to Delegate amended.
5.	20/11/2015 – Under Del. 1.17	Legislative authority to delegate amended from LPS 9 to <i>Planning and Development (Local Planning Schemes) Regulations 2015 – (cl. 82 and 83)</i> . Power exercised or duty delegated amended from LPS 9 to <i>Planning and Development (Local Planning Schemes) Regulation s015 – (cl. 79)</i> . Delegation subject amended from <i>Power of Entry – Appointment of Authorised Officers</i> to <i>Entry and Inspection Powers – Appointment of Authorised Officers</i>

7.7 SEA CONTAINERS

Legislative authority to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – Reg. 83</i>
Power exercised or duty delegated	Shire of Gingin Local Planning Scheme No. 9 (s4.4.2) (Applicable to Sea Containers only)
Delegation to	Chief Executive Officer
Delegation	To process and approve Planning Applications for Sea Containers
Conditions and exceptions	Subject to full compliance with Local Planning Policy 1.9 – Sea Containers.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO’s Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.
CEO Delegates to	Executive Manager Planning and Development Manager Statutory Planning Compliance/Planning Officer
Conditions and Exceptions to On-Delegation	In accordance with primary delegation.

Version	Decision Reference	Synopsis
1.	20/08/2013 – Item 11.1.1	New delegation adopted.
2.	17/01/2017 – Under <i>Planning & Development (Local Planning Schemes) Regulations 2015 Reg. 83</i>	Subdelegation by CEO extended to Compliance/Planning Officer.
3.	24/07/2017 – By CEO (NM12038)	Sub-delegation to Executive Manager Regulatory Services deleted. Sub-delegation to Executive Manager Assets added.

7.8 PLANNING AND DEVELOPMENT ACT 2005 – ENFORCEMENT AND LEGAL PROCEEDINGS FOR UNAUTHORISED USE OR BUILT DEVELOPMENT

Legislative authority to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015 – s. 82</i>
Power exercised or duty delegated	<i>Planning and Development Act 2005 – Part 13 Enforcement and Legal Proceedings</i>
Delegation to	Chief Executive Officer
Delegation	The power to issue Direction Notices and prosecute under Part 13 of the <i>Planning and Development Act 2005</i> with respect to unauthorised use or built development which contravenes the Shire's Local Planning Scheme.
Conditions and exceptions	<ol style="list-style-type: none"> 1. Where the matter relates to an unauthorised use, a Direction Notice may be given to the owner or alleged offender seeking the cessation of the use within a specified time period. The specified time period will depend on the nature of the offence and its effect on the public interest. 2. Where the matter relates to an unauthorised built development, a Directions Notice may be given to the owner or alleged offender seeking them to remove, pull down, take up, or alter the development, and restore the land as nearly as practicable to its condition immediately before the development started. 3. Where a Directions Notice has been issued for unauthorised built development, a minimum of 60 days from the date of the issue of the Directions Notice will be allowed for the owner or alleged offender to comply.
Minimum reporting requirement	Record to be placed on appropriate file.
CEO's Power to Delegate	CEO has power to delegate all or any part of this delegation, other than the power of delegation itself.



DELEGATION REGISTER

Version	Decision Reference	Synopsis
1.	19/12/2017 – Item 11.3.3	Delegation adopted by Council