



Delegations Register

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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's commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the *Local Government Act 1995* (the *Act*) on an annual basis. The co-ordination of the review will be performed through the Corporate Strategy and Performance Directorate.

Legislation

The *Act* allows for a local government to delegate to the Chief Executive Officer (CEO) the exercise of any of its powers or the discharge of any of its duties under the *Act* except those listed in s. 543. All delegations made by the Council must be by absolute majority decision. {s.5.42 (1)}.

Associated Legislation

Legislation other than the *Act*, its regulations and the local government's local laws created under the *Act* where delegations or authorisations may occur are as follows:-

- *Planning and Development Act 2005* including regulations, and adopted policies;
- *Dog Act 1976* and regulations;
- *Cat Act 2011* and regulations;
- *Bush Fires Act 1954*, regulations and local laws created under that Act;
- *Health Act 1911* (as amended) regulations and local law created under that Act;
- *Freedom of Information Act 1992*;
- *Land Administration Act 1997*, as amended and regulations;
- *Litter Act 1979* and regulations;
- *Local Government (Miscellaneous Provisions) Act 1960* as amended;
- *Caravan Parks and Camping Grounds Act 1995*;
- *Control of Vehicles (Off-Road Areas) Act 1978* and regulations;
- *Strata Titles Act 1985*;
- *Food Act 2008*;
- *Environmental Protection Act 2005*;
- *Building Act 2011 and Building Regulations 2012*

Some legislation provides for authorisation of Local Government officers to have powers as are necessary in order for them to perform their required duties as a specific function of the local government. These duties are carried out as "acting through" functions under s.5.45 (2) of the *Act* and applies only to functions under *the Act*.

When dealing with functions under other legislation, one of the following may apply:

- Delegation, where that legislation includes express powers to delegate and those powers are capable of being used by Local Government
- Authorisation, where that legislation includes express powers to appoint authorised persons, and those powers are capable of being used by Local Government
- Implied Authorisation, where the function requires discretion and the parliament in drafting the legislation did not intend for the power to only be exercised by the office in which it is vested and the function is undertaken so frequently so as to be administratively unreasonable for it only to be exercised by the office in which it is vested.

The *Planning and Development Act 2005* recognises the WA Planning Commission to delegate under S16(1) and (3)(e) "any function of the Commission under this *Act* or any other written law, except this power of delegation, a local government, a committee established under the *Act* or an employee of a local government."

Section 14(a) (iii) "Functions" of the *Planning and Development Act* recognises the functions of the Commission to advise the Minister on legislation and delegations associated with local planning schemes. This includes Council's Town Planning Scheme No.7.

Section 5.42 of the *Local Government Act 1995*, provides power for Local Governments to delegate s.214 (2), (3) or (5) of the *Planning and Development Act*.

Delegation by the Chief Executive Officer

The Act allows for the CEO to delegate certain powers under that Act, to another Employee. {S5.44 (1)}. This must be done in writing. {S5.44 (2)} The Act allows for the CEO to place conditions on any delegations if desired. {S 5.44 (4)}

A register of delegations relevant to the CEO and other employees is to be kept and reviewed at least once every financial year. {S.5.46 (1) and (2)}. If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is used. {S 5.46 (3)}

The record is to contain the following information:

- 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 the discharge of the duty. {Local Government (Administration) Regulations 1996 Regulation 19.}

Departments responsible for a work process are to ensure that data is captured and records managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the CEO where applicable, once approved through a signed authority by the CEO.

A person to whom a power is delegated under the Act is considered to be a 'designated employee' under s . 5.74(b) of the Act and is required to complete a primary and annual return each year.

There is no power for a person other than the CEO to delegate a power. {S 5.44 (1)}.

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.

The difference between a delegated authority to exercise a discretion on behalf of the Shire and acting through another person to undertake a function on behalf of the Shire where no discretion exists is reinforced by Section 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 word shall be interpreted to mean that the function so conferred must be performed.

PART 1
FUNCTIONS OF LOCAL GOVERNMENTS

PART 3 OF THE *LOCAL GOVERNMENT
ACT 1995*

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power inclusive of conditions [see below].</i>	To declare a vehicle to be an abandoned vehicle wreck
Legislative Power or duty delegated:	Section 3.40A(4) <i>Local Government Act 1995</i>
Legislative power to delegate	Section 5.42 and Section 5.44 <i>Local Government Act 1995</i>
Delegation to:	Chief Executive Officer
Delegation:	To declare a vehicle to be an abandoned vehicle wreck if – (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
CEO delegates to:	Director Property & Development Services All Rangers
Delegation delegated by the CEO	The CEO delegates to the above Officers the exercise of this delegated power. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements:	<ul style="list-style-type: none"> • Action taken to must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Notification of the delegated decision must be made to Councillors via EMACCESS within 7 working days of the decision.
Details of Review:	23 October 2018 22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power inclusive of conditions [see below].</i>	To dispose of any vehicles, animals or goods that have been impounded/seized/confiscated or surrendered under the provisions of Section 3.47 of the <i>Local Government Act 1995</i> .
Legislative Power or duty delegated:	Section 3.47 and 3.48 of <i>Local Government Act 1995</i>
Legislative power to delegate	Section 5.42 and Section 5.44 <i>Local Government Act 1995</i>
Policy	FIN23 Disposal of Property (Other than land)
Delegation to:	Chief Executive Officer
Delegation:	To sell or otherwise dispose of any goods which have not been collected in accordance with a notice given, as per s3.47 <i>Local Government Act 1995</i> . Authority to recover expense incurred for removing, impounding, and disposing of confiscated or uncollected goods s3.48.
Conditions and Exceptions:	The Chief Executive Officer is authorised to dispose of any item up to the value of \$5,000. Items exceeding \$5,000 in value shall be referred to Council for consideration.
CEO delegates to:	Director Property & Development Services Director Infrastructure Services Manager Airport All Rangers
Delegation delegated by the CEO	The CEO delegates to the above Officers the exercise of this delegated power. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements:	<ul style="list-style-type: none"> • Action taken to must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Notification of the delegated decision must be made to Councillors via EMACCESS within 7 working days of the decision. • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20
Details of Review:	23 October 2018 22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power inclusive of conditions [see below].</i>	A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks. A local government may, by local public notice, order a thoroughfare to be wholly or partially closed to vehicles for a period exceeding 4 weeks.
Legislative Power or duty delegated:	Section 3.50 (1),(1a) and 3.50(4) <i>Local Government Act 1995</i>
Legislative power to delegate	Section 5.42 and Section 5.44 <i>Local Government Act 1995</i>
Policy	ENG06 Road Closures
Delegation to:	Chief Executive Officer
Delegation:	The CEO is delegated the power to close a thoroughfare, wholly or partially, subject to Section 3.50 of the <i>Local Government Act 1995</i> .
Conditions and Exceptions:	<p>S.3.50 (4)</p> <p>Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —</p> <ul style="list-style-type: none"> (a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and (b) give written notice to each person who — <ul style="list-style-type: none"> (i) is prescribed for the purposes of this section; or (ii) owns land that is prescribed for the purposes of this section; and (c) allow a reasonable time for submissions to be made and consider any submissions made. <p>The permanent closure of thoroughfares to be referred to Council for determination in accordance with the <i>Land Administration Act 1997</i>.</p>
CEO delegates to:	Director Infrastructure Services Director Property & Development Services
Delegation delegated by the CEO	The CEO delegates to the above Officers the exercise of this delegated power. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements:	<ul style="list-style-type: none"> • Action taken to close thoroughfares must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Notification of the delegated decision must be made to Councillors via EMACCESS within 7 working days of the decision.
Details of Review:	11 December 2013 PREVIOUSLY DA024 and DA029 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

PART 2
ADMINISTRATION

PART 5 OF *THE LOCAL GOVERNMENT
ACT 1995*

Function to be performed:
*This text is provided as a reference only.
 Delegates shall only act in full
 understanding of the delegated statutory
 power, inclusive of conditions [see below].*

Appointment of an Acting Chief Executive Officer from the class of persons as identified in Policy ELM24 Appointment of an Acting Chief Executive Officer for periods of 10 working days or less to undertake the CEO's functions.

Head of Power

ELM24 Appointment of an Acting Chief Executive Officer

Legislative power to delegate:

Section 5.41 and 5.42 of the *Local Government Act 1995*

Policy:

ELM24 Appointment of an Acting Chief Executive Officer

Delegation to:

Chief Executive Officer

Delegation:

To undertake the CEO's functions.

Conditions and Exceptions:

The following shall in all circumstances, be undertaken in consultation with the President;

The appointment of an Acting CEO is to be from a class of persons as defined in the Policy ELM24 Appointment of an Acting Chief Executive;

Shall only be granted for appointments to the position of Acting Chief Executive Officer covering a period of 10 working days or less and only following consultation with the Shire President;

In instances where an appointment is required for a period exceeding 10 days, then that proposed appointment must be presented to Council for determination prior to the appointment taking effect;

In the event of an unforeseen absenteeism of the CEO then the default CEO will be the Director, Corporate Services for a period of no more than 10 working days; and

Where the Director Corporate Services is unavailable, the President will choose an Acting CEO from the remaining persons as defined in Policy ELM24 Appointment of and Acting Chief Executive Officer

Reporting Requirements:

- **The Chief Executive Officer must advise Elected Members, upon use of the delegation, of any appointments which are made to the position of Acting Chief Executive Officer under delegated authority via EMACCESS.**
- **Details of the appointments must be recorded in Synergy under the appropriate File Number record to meet legislative requirements (including personal file).**

Details of Review:

11 December 2013
 16 July 2014
 15 July 2015
 19 July 2016
 18 July 2017
 23 October 2018
 22 October 2019

DA02-2

LEGAL PROCEEDINGS – LOCAL GOVERNMENT ACT 1995

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	To allow the Chief Executive Officer to authorise legal expenses for Elected Members and Officers where a report cannot be presented to Council for approval and the expenses do not exceed \$5,000.	
Legislative Power or duty delegated:	Section 3.1 of the <i>Local Government Act 1995</i>	
Legislative power to delegate	Section 5.42 of the <i>Local Government Act 1995</i>	
Policy	ELM27 Legal Proceedings	
Delegation to:	Chief Executive Officer	
Delegation:	The Chief Executive Officer is delegated the power to authorise legal expenses for Elected Members and Officers where a report cannot be presented to Council for approval subject to the <i>Local Government Act 1995</i> .	
Conditions and Exceptions:	Subject to - <ul style="list-style-type: none"> • Funds being available in the Shire's Annual Budget; • An approved Application that complies with ELM27 Legal Proceedings; • Legal expenses do not exceed \$5,000 in respect of each application; and • For any applications anticipated to be or are over \$5,000, a report must be presented to Council in all instances. 	
CEO delegates to:	N/A	
Delegation delegated by the CEO	Nil	
Reporting Requirements:	<ul style="list-style-type: none"> • Elected Members will be given at least 24 hours' notice via EMACCESS of the CEO's intent to use this delegated authority. • Details of the delegation exercised must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. 	
Details of Review:	15 September 1998 16 October 2001 17 June 2003 24 October 2006 19 February 2008 17 March 2009 17 February 2010	30 October 2011 11 December 2013 PREVIOUSLY DA018 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

DELEGATION OF POWERS AND DUTIES OF THE LOCAL GOVERNMENT ACT TO THE CHIEF EXECUTIVE OFFICER

<p>Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<p>The Chief Executive Officer's functions to be performed shall encompass the Local Government Act and Associated Regulations. As such, it is necessary for the Chief Executive Officer to hold those powers necessary for them to perform the functions required of them in an expeditious and competent manner.</p>								
<p>Legislative Power or duty delegated:</p>	<p>Section 5.42 of the <i>Local Government Act 1995</i></p>								
<p>Legislative power to delegate</p>	<p>Section 5.41(i) of the <i>Local Government Act 1995</i></p>								
<p>Delegation to:</p>	<p>Chief Executive Officer</p>								
<p>Delegation:</p>	<p>Council delegates to the Chief Executive Officer all of the delegable functions of the local government under the Local Government Act and Associated Regulations for the effective management of the Shire of Ashburton. This delegation is supplementary to the prescribed delegations in the Delegated Authority Register.</p>								
<p>Conditions and Exceptions:</p>	<p>The delegation takes into account s5.43 of the Local Government Act. The delegation shall only be used when; an urgent operational function needs to be implemented and is not already prescribed as a delegated function; or, it is problematic for Council to convene to otherwise make the decision. Elected members will where possible be given at least 24 hours' notice via EMACCESS of the CEO's intent to use this delegated authority.</p>								
<p>Specification:</p>	<p>This delegation is limited only to the extent that a constraint is outlined by the statute within which the Chief Executive Officer is operating, to any Council resolutions in effect, and the following limitations and clarifications:</p> <p>LIMITATIONS – The CEO's delegated authority is subject to the following limitations:-</p> <ol style="list-style-type: none"> a) State Administrative Tribunals (SAT) negotiations and mediations up to a value of \$250,000 where there is a budget provision approved; or b) Dispose of minor plant and equipment with a depreciated value of not more than \$49,999 without the requirement of Council approval. <p>In all proposed actions, notification of the intent to undertake a delegated decision must be made to Councillors via EMACCESS and Councillors given not less than 5 working days to request the matter be referred to the next available Council meeting for decision.</p>								
<p>CEO delegates to:</p>	<p>Nil</p>								
<p>Delegation delegated by the CEO</p>	<p>N/A</p>								
<p>Reporting Requirements:</p>	<ul style="list-style-type: none"> • Details of the appointments must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Elected members must be informed of approved applications at the next ordinary meeting of Council via OCM Agenda Item via the Executive Officer. • Notification of the delegated decision must be made to Councillors via EMACCESS within 7 working days of the decision. • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20 								
<p>Details of Review:</p>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">11 December 2013</td> <td style="width: 50%;">19 July 2016</td> </tr> <tr> <td>16 July 2014</td> <td>18 July 2017</td> </tr> <tr> <td>15 July 2015</td> <td>23 October 2018</td> </tr> <tr> <td></td> <td>22 October 2019</td> </tr> </table>	11 December 2013	19 July 2016	16 July 2014	18 July 2017	15 July 2015	23 October 2018		22 October 2019
11 December 2013	19 July 2016								
16 July 2014	18 July 2017								
15 July 2015	23 October 2018								
	22 October 2019								

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Council delegates the function of authorising gifts for all retired Councillors as prescribed in 34AC of the <i>Local Government (Administration) Regulations 1996</i> .
Legislative Power or duty delegated:	Section 5.100A of the <i>Local Government Act 1995</i> 34AC <i>Local Government (Administration) Regulations 1996</i>
Legislative power to delegate	Section 5.41 <i>Local Government Act</i>
Delegation to:	Chief Executive Officer
Delegation:	Council delegates to the Chief Executive Officer the delegable function of authorising gifts for all retired Councillors.
Conditions and Exceptions:	The following shall in all circumstances, be undertaken in consultation with the President; <ol style="list-style-type: none"> 1. The retirement of a council member who has served at least one full 4 year term of office is prescribed under s5.100A (a) as circumstances in which a gift can be given to the Council member. 2. The amount as prescribed under section 5.100A (b) in respect of a gift given to a council member in the circumstances set out in sub-regulation (1).
CEO delegates to:	Executive Coordinator
Delegation delegated by the CEO	Functions delegated by the CEO to be undertaken by the Executive Coordinator to organise gifts for all retired Councillors as prescribed in 34AC of the <i>Local Government (Administration) Regulations 1996</i> .
Reporting Requirements:	<ul style="list-style-type: none"> • Details of the appointments must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Notification of the delegated decision must be made to Councillors via EMACCESS within 7 working days of the decision. • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20
Details of Review:	11 December 2013 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

PART 3
FINANCIAL MANAGEMENT

PART 6 OF *THE LOCAL GOVERNMENT
ACT 1995*

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of council.	
Legislative Power or duty delegated:	Regulation 12(1)(a) of the <i>Local Government (Financial Management) Regulations 1996</i>	
Legislative power to delegate	Section 5.42 and Section 5.44 <i>Local Government Act 1995</i>	
Delegation to:	Chief Executive Officer	
Delegation:	The Chief Executive Officer is delegated the power to make payments from the municipal fund or the trust fund, subject to Regulation 12(1) of the <i>Local Government (Financial Management) Regulations 1996</i> and Council's Accounting Policy.	
Conditions and Exceptions:	Subject to the requirements of Regulation 13 of the <i>Local Government (Financial Management) Regulations 1996</i> .	
CEO delegates to:	Directors	
Delegation delegated by the CEO	The CEO delegates to the above Officers the exercise of this delegated power. The exercise of the delegated power does not include the power of delegation.	
Reporting Requirements:	<ul style="list-style-type: none"> • Elected members must be informed of approved payments at the next ordinary meeting of Council via OCM Agenda Item. 	
Details of Review:	15 September 1998 in 16 October 2001 17 June 2003 24 October 2006 19 February 2008 17 March 2009 24 June 2009 17 February 2010	30 October 2011 31 December 2013 PREVIOUSLY DA004 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government may write off any amount of money that it is owed to the local government														
Legislative Power or duty delegated:	Section 6.12(1)(c) <i>Local Government Act 1995</i>														
Legislative power to delegate	Section 5.42 and Section 5.44 <i>Local Government Act 1995.</i>														
Delegation to:	Chief Executive Officer														
Delegation:	The CEO is delegated the power to write off any amount of money owed to the Shire, subject to section 6.12(2) of the <i>Local Government Act 1995.</i>														
Conditions and Exceptions:	<ul style="list-style-type: none"> • CEO authorisation shall apply to an amount up to a value of \$2,499 per debtor; • Director Corporate Services has the authorisation up to a value of \$750 per debtor; • Finance Manager has the authorisation to an amount up to the value of \$500 per debtor; • Finance Officer -Rates has the authorisation to an amount up to the value of \$10 per debtor; <p>With the exception of the last dot point relating to the Finance Officer - Rates, none of the above shall be construed as authorising rate or service charge debts being able to be written off.</p> <p>Authorised staff will need to take into consideration when making such decisions include:</p> <ul style="list-style-type: none"> • The amount involved; • Impact of the writing off of the debt will have on the Council's finances and the debtor; • The likelihood of ever recovering the debt. 														
CEO delegates to:	Director Corporate Services Finance Manager Finance Officer - Rates														
Delegation delegated by the CEO	The CEO delegates to the above Officers the exercise of this delegated power. The exercise of the delegated power does not include the power of delegation.														
Reporting Requirements:	<ul style="list-style-type: none"> • Details of write off must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Elected members must be informed via EMACCESS of write off values above \$750, within 7 working days of the decision. 														
Details of Review:	<table border="0"> <tr> <td>16 October 2001</td> <td>11 December 2013</td> </tr> <tr> <td>17 June 2003</td> <td>16 July 2014</td> </tr> <tr> <td>24 October 2006</td> <td>15 July 2015</td> </tr> <tr> <td>19 February 2008</td> <td>19 July 2016</td> </tr> <tr> <td>17 March 2009</td> <td>18 July 2017</td> </tr> <tr> <td>17 February 2010</td> <td>23 October 2018</td> </tr> <tr> <td>30 October 2011</td> <td>22 October 2019</td> </tr> </table>	16 October 2001	11 December 2013	17 June 2003	16 July 2014	24 October 2006	15 July 2015	19 February 2008	19 July 2016	17 March 2009	18 July 2017	17 February 2010	23 October 2018	30 October 2011	22 October 2019
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17 February 2010	23 October 2018														
30 October 2011	22 October 2019														

<p>Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i></p>	<p>A local government may approve the waiving or granting concessions in relation to any amount of money but shall not apply to an amount of money owing in respect of rates and service charges.</p>		
<p>Legislative Power or duty delegated:</p>	<p>Section 6.12(1)(b) and 6.12(2) and (3) of the <i>Local Government Act 1995</i></p>		
<p>Legislative power to delegate</p>	<p>Section 5.42 of the <i>Local Government Act 1995</i></p>		
<p>Delegation to:</p>	<p>Chief Executive Officer</p>		
<p>Delegation:</p>	<p>The Chief Executive Officer is delegated the power to approval concessions for minor charges where appropriate.</p>		
<p>Conditions and Exceptions:</p>	<p>Authorisation only applies to charges less than \$500. The delegate has the authority to deal with such matters relevant to the delegation.</p>		
<p>CEO delegates to:</p>	<p>Director Corporate Services Director Community Services Director Property & Development Services</p>		
<p>Delegation delegated by the CEO</p>	<p>The CEO delegates to the above Officers the exercise of this delegated power subject to a limit of \$ 500. The exercise of the delegated power does not include the power of delegation.</p>		
<p>Reporting Requirements:</p>	<ul style="list-style-type: none"> • Details of minor variation must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Notification of the delegated decision must be made to Councillors via the next available information bulletin. • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20 		
<p>Details of Review:</p>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"> 15 September 1998 16 October 2001 17 June 2003 24 October 2006 19 February 2008 17 March 2009 17 February 2010 </td> <td style="width: 50%;"> 30 October 2011 11 December 2013 PREVIOUSLY DA002 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019 </td> </tr> </table>	15 September 1998 16 October 2001 17 June 2003 24 October 2006 19 February 2008 17 March 2009 17 February 2010	30 October 2011 11 December 2013 PREVIOUSLY DA002 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019
15 September 1998 16 October 2001 17 June 2003 24 October 2006 19 February 2008 17 March 2009 17 February 2010	30 October 2011 11 December 2013 PREVIOUSLY DA002 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019		

PART 4

MISCELLANEOUS PROVISIONS

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power inclusive of conditions [see below].</i>	Authorise the provision of instruction to Shire Solicitors in relation to Wittenoom Based Asbestos claims against the Shire of Ashburton and authorises to settle those claims.
Section / Act	S9.29 of the <i>Local Government Act 1995</i> .
Date of Decision	Adopted at the Ordinary Meeting of Council held on 24 October 2006
Authority Delegated:-	The CEO is delegated to provide instructions to Shire Solicitors in relation to Wittenoom Based Asbestos claims against the Shire of Ashburton and to settle those claims.
Conditions:	Limit of Shire of Ashburton's portion of claim able to be settled to be either: <ul style="list-style-type: none"> • a maximum of \$125,000; or • a portion not greater than 12.5% of the claim..
Officer (s) upon whom Delegation conferred:	Chief Executive Officer
CEO delegates to:	Nil
Method of Recording Use of Delegation:	<ul style="list-style-type: none"> • Details of outcomes must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Notification of the delegated decision must be made to Council via the Audit & Risk Management Committee. • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20
Details of Review	19 February 2008 17 March 2009 17 February 2010 30 October 2011 11 December 2013 PREVIOUSLY DA036 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

PART 5
LOCAL GOVERNMENT
(UNIFORM LOCAL PROVISIONS)
REGULATIONS 1996

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government may grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property.
Legislative Power or duty delegated:	Regulation R17(5) and 17(6)(c) of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Legislative power to delegate	Section 5.42 and Section 5.44, <i>Local Government Act 1995</i>
Policy:	PLA03 Standard Development and Subdivision Conditions and Grounds of Refusal Policy
Delegation to:	Chief Executive Officer
Delegation:	The Chief Executive Officer is delegated the power to grant permission to a person to construct anything on, over or under a public thoroughfare or other public place that is local government property, subject to Regulation 17 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> .
Conditions and Exceptions:	Nil
CEO delegates to:	Director Infrastructure Services Director of Property & Development Services Principal Town Planner
Delegation delegated by the CEO	The CEO delegates to the above Officers the exercise of this delegated power. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements:	<ul style="list-style-type: none"> • Details of the appointments must be recorded in Synergy under the appropriate File Number record to meet legislative requirements, (including personal file). • Notification of the delegated decision must be made to Councillors via the next available information bulletin.
Details of Review:	11 December 2013 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

PART 6
LOCAL GOVERNMENT
(FUNCTIONS AND GENERAL)
REGULATIONS 1996

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government does not have to publicly invite tenders before it enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than \$150,000 if it has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.
Legislative Power or duty delegated:	Section 3.57(1) of the <i>Local Government Act 1995</i> and Regulation 11(2)(f) of the <i>Local Government (Functions and General) Regulations 1996</i> .
Legislative power to delegate	Section 5.42 and Section 5.44 <i>Local Government Act 1995</i>
Policy:	FIN12 Purchasing Policy
Delegation to:	Chief Executive Officer
Delegation:	The Chief Executive Officer is delegated the power to determine that the Shire has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier and not publicly invite tenders before the Shire enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than \$150,000.
Conditions and Exceptions:	In all proposed actions, notification of the intent to undertake a delegated decision must be made to Councillors via EMACCESS and Councillors given not less than 72 hours to request the matter be referred to the next available Council meeting for decision. The determination is to be supported by a detailed report and subject to the requirements and conditions of Council's FIN12 Purchasing Policy.
CEO delegates to:	Nil
Delegation delegated by the CEO	N/A
Reporting Requirements:	<ul style="list-style-type: none"> • Details of the determination must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20. • If the Chief Executive Officer seeks, and has approved, a determination of Sole Supplier through DA06-1, a copy of the authorised DA must accompany any purchase order's raised for that supplier. • Notification of the delegated decision must be made to Councillors via EMACCESS within 7 working days of the decision. • A copy of the authorised DA must also be sent to the Procurement Unit for notification and filing.
Details of Review:	<p>11 December 2013 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019</p>

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	The local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.																		
Legislative Power or duty delegated:	Regulation 14(2a) of the <i>Local Government (Function and General) Regulations 1996</i> .																		
Legislative power to delegate	Section 5.42 and Section 5.44 <i>Local Government Act 1995</i>																		
Policy:	FIN12 Purchasing Policy																		
Delegation to:	Chief Executive Officer																		
Delegation:	The Chief Executive Officer is delegated the power to amend, in writing, the tender evaluation criteria from that of FIN12 Purchasing Policy prior to tenders being advertised.																		
Conditions and Exceptions:	Nil																		
CEO delegates to:	Directors																		
Delegation delegated by the CEO	The CEO authorises the Directors to amend, in writing the tender evaluation criteria from that of FIN12 Purchasing Policy prior to tenders being advertised.																		
Reporting Requirements:	<ul style="list-style-type: none"> • Details of the variation to the evaluation criteria must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20 • Details of delegation exercised to be included in the next available Information Bulletin • 																		
Details of Review:	<table border="0"> <tr> <td>15 September 1998</td> <td>11 December 2013</td> </tr> <tr> <td>16 October 2001</td> <td>16 July 2014</td> </tr> <tr> <td>17 June 2003</td> <td>15 July 2015</td> </tr> <tr> <td>24 October 2006</td> <td>19 July 2016</td> </tr> <tr> <td>19 February 2008</td> <td>18 July 2017</td> </tr> <tr> <td>17 March 2009</td> <td>23 October 2018</td> </tr> <tr> <td>17 February 2010</td> <td>22 October 2019</td> </tr> <tr> <td>30 October 2011</td> <td></td> </tr> <tr> <td>12 February 2013</td> <td></td> </tr> </table>	15 September 1998	11 December 2013	16 October 2001	16 July 2014	17 June 2003	15 July 2015	24 October 2006	19 July 2016	19 February 2008	18 July 2017	17 March 2009	23 October 2018	17 February 2010	22 October 2019	30 October 2011		12 February 2013	
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19 February 2008	18 July 2017																		
17 March 2009	23 October 2018																		
17 February 2010	22 October 2019																		
30 October 2011																			
12 February 2013																			

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government may, with the approval of the tenderer, make a minor variation in a contract for goods or services before it enters the contract with the successful tenderer.
Legislative Power or duty delegated:	Regulation 20(1) of the <i>Local Government (Function and General) Regulations 1996</i> .
Legislative power to delegate	Section 5.42 and Section 5.44 <i>Local Government Act 1995</i>
Delegation to:	Chief Executive Officer
Policy:	FIN12 Purchasing Policy
Delegation:	The Chief Executive Officer is delegated the power, with the approval of the tenderer, to make a minor variation in a contract for goods or services before the Shire enters the contract with the successful tenderer, subject to Regulation 20(1) of the <i>Local Government (Functions and General) Regulations 1996</i> .
Conditions and Exceptions:	That the variation is minor having regard to the total goods or services that tenderers were invited to supply. That the variation is in the opinion of the Chief Executive Officer within the criteria established for that tender.
CEO delegates to:	Nil
Delegation delegated by the CEO	N/A
Reporting Requirements:	<ul style="list-style-type: none"> • Details of the minor variation must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20 • A copy of the authorised DA must also be sent to Procurement for notification and filing. • Notification of the delegated decision must be made to Councillors via EMACCESS within 7 working days of the decision.
Details of Review:	11 December 2013 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

<p>Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power inclusive of conditions [see below].</i></p>	<p>Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services.</p> <p>Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers.</p>																		
<p>Legislative Power or duty delegated:</p>	<p>S3.57 of the <i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer</p>																		
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995:</i> s5.42 Delegation of some powers or duties to the Chief Executive Officer; and s5.43 Limitations on delegations to the Chief Executive Officer</p>																		
<p>Policy:</p>	<p>FIN12 Purchasing Policy</p>																		
<p>Delegation to:</p>	<p>Chief Executive Officer</p>																		
<p>Delegation:</p>	<p>Authorisation is given to call for Expressions of Interest for the supply of goods or services where appropriate. Authorisation is given consider Expressions of Interest received and determine a list of acceptable tenderers.</p>																		
<p>Conditions and Exceptions:</p>	<p>The delegate has the authority to deal with such matters relevant to this delegation.</p> <p>Details of the expression of interest sought must be recorded in the appropriate record and in the Tender Register as required by the <i>Local Government (Functions and General) Regulations 1996</i>, Regulation 17.</p> <p>A determination to call a tender must only occur where the procurement is identified in Annual Budget allocations.</p>																		
<p>CEO delegates to:</p>	<p>Directors</p>																		
<p>Reporting Requirements:</p>	<ul style="list-style-type: none"> • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20 • Details to be recorded in the Tender Register to meet legislative requirements (Procurement). • A copy of the authorised DA must also be sent to Procurement. 																		
<p>Details of Review:</p>	<table border="0"> <tr> <td>16 March 1999</td> <td>17 February 2010</td> </tr> <tr> <td>16 October 2001</td> <td>30 October 2011</td> </tr> <tr> <td>17 June 2003</td> <td>11 December 2013 PREVIOUSLY DA007</td> </tr> <tr> <td>24 October 2006</td> <td>16 July 2014</td> </tr> <tr> <td>19 February 2008</td> <td>15 July 2015</td> </tr> <tr> <td>17 March 2009</td> <td>19 July 2016</td> </tr> <tr> <td></td> <td>18 July 2017</td> </tr> <tr> <td></td> <td>23 October 2018</td> </tr> <tr> <td></td> <td>22 October 2019</td> </tr> </table>	16 March 1999	17 February 2010	16 October 2001	30 October 2011	17 June 2003	11 December 2013 PREVIOUSLY DA007	24 October 2006	16 July 2014	19 February 2008	15 July 2015	17 March 2009	19 July 2016		18 July 2017		23 October 2018		22 October 2019
16 March 1999	17 February 2010																		
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17 June 2003	11 December 2013 PREVIOUSLY DA007																		
24 October 2006	16 July 2014																		
19 February 2008	15 July 2015																		
17 March 2009	19 July 2016																		
	18 July 2017																		
	23 October 2018																		
	22 October 2019																		

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government must consider any submissions that have not been rejected and decide which ones could satisfactorily supply the goods or services. The local government may then execute the associated contract.	
Legislative Power or duty delegated:	S3.57 of the <i>Local Government Act 1995</i> and Regulation 18 of the <i>Local Government (Functions and General Regulations) 1996</i> .	
Legislative power to delegate	<i>Local Government Act 1995</i>	
Delegation to:	Chief Executive Officer	
Delegation:	The Chief Executive Officer is authorised to accept the tenders and to execute the associated contracts.	
Policy:	FIN12 Purchasing Policy	
Conditions and Exceptions:	In order for the CEO to exercise this delegation: <ul style="list-style-type: none"> • the provision of the goods or services are time critical; • not exceeding \$250,000; • an endorsed Budget allocation must be provided for; and • Elected Members will be given at least 48 hours' notice via EMACCESS of the CEO's intent to use this delegated authority 	
CEO delegates to:	Nil	
Delegation delegated by the CEO	N/A	
Reporting Requirements:	<ul style="list-style-type: none"> • All awarded tenders to be recorded in the Tender Register to meet legislative requirements (Procurement). • Elected Members must be informed via OCM Agenda. • Elected Members will be given at least 48 hours' notice via EMACCESS of the CEO's intent to use this delegated authority under "Conditions and Exceptions". • Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20 	
Details of Review:	15 September 1998 16 October 2001 17 June 2003 24 October 2006 19 February 2008 17 March 2009 17 February 2010 30 October 2011 13 February 2013	11 December 2013 PREVIOUSLY DA001 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	That authority is delegated to the Chief Executive Officer for the acquisition of property by way of leases for the purpose of staff housing and employee accommodation up to the value outlined in the budget.
Legislative Power or duty delegated:	<p>(a) <i>Local Government Act 1995</i> Section 3.58 The local government in this section — acquire has a meaning that accords with the meaning of dispose ; dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;</p> <p>(b) Exempt land transactions prescribed (Act s. 3.59) it is the leasing of land to an employee of the local government for use as the employee's residence <i>Local Government (Functions and General) Regulation 1996</i> 30(2)(d) Section 3.58</p>
Legislative power to delegate	Section 5.42 and Section 5.44, <i>Local Government Act 1995</i>
Delegation to:	Chief Executive Officer
Delegation:	The authorisation is given for the acquisition of property by way of leases for the purpose of staff housing and employee accommodation up to the value outlined in the budget.
Conditions and Exceptions:	N/A
CEO delegates to:	Director Property & Development Services
Delegation delegated by the CEO	The delegated authority to sign all leases for staff housing and employee accommodation.
Reporting Requirements:	<ul style="list-style-type: none"> Details of outcomes must be recorded in Lease Register and recorded in Synergy under the appropriate File Number record to meet legislative requirements.
Details of Review:	<p>23 January 2013 8 May 2013 11 December 2013 PREVIOUSLY DA049 16 July 2014 15 July 2015 - Change in Legislative Powers to reflect the functions to be performed. 19 July 2016 18 July 2017 23 October 2018 22 October 2019</p>

LEASE AGREEMENTS INCLUDING USER AND LICENCE AGREEMENTS

Function to be performed:

This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].

That authority be delegated to the Chief Executive Officer to :

- establish, renew and vary existing Lease Agreements including User and License Agreements as the “Lessor”, for properties that are under the care, control and Management of the Shire of Ashburton;
- establish, renew and vary existing Lease Agreements including User and License Agreements and subsequent Sub-Lease Agreements (e.g. SES) as the “Lessee”, for properties owned or controlled by:
 - The Crown;
 - A third party (e.g. Rio Tinto).

Legislative Power or duty delegated:

Section 3.58 *Local Government Act 1995*, Disposing of Property
Residential Parks (Long-Stay Tenants) Regulations 2007

Legislative power to delegate

Section 5.44, *Local Government Act 1995*

Policy

REC05 Community Lease and Licence Agreements of the Shire Assets (Facilities, Buildings and Land)

Delegation to:

Chief Executive Officer

Delegation:

The delegation is given for the establishment, renewal and variation of User and License Agreements, Commercial Lease Agreements, Community Lease Agreements and Sub-Lease Agreements both as the Lessor (care, control and Management of property) and Lessee (Crown or third party ownership of property) limited to:

- Each agreement not exceeding a total value of \$150,000 per annum; and
- Multi-year contracts not exceeding a total value of \$1,000,000.

Conditions and Exceptions:

Complies with Council Policy REC05 Community Lease and Licence Agreements of the Shire Assets (Facilities, Buildings and Land)
Compliance with *Local Government Act 1995* s. 3.58(d),

CEO delegates to:

Director Property & Development Services

Delegation delegated by the CEO

That authority be delegated to the Director Property & Development Services to sign agreements and notices in accordance with the *Residential Parks (Long-Stay Tenants) Regulations 2007* for the Ocean View Caravan Park as required.

Reporting Requirements:

- **Details of outcomes must be recorded in the Lease Register and must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**
- **Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20.**

Details of Review:

10 December 2014
15 July 2015
19 July 2016
18 July 2017
23 October 2018
22 October 2019

PART 7

OTHER LEGISLATION

The Local Government may delegate, appoint and authorise Shire staff directly under the following Acts:

Building Act 2011

Bush Fires Act 1954

Cat Act 2011

Dog Act 1976

Food Act 2008

DA07-1

APPROVE OR REFUSE BUILDING PERMIT

Function to be performed:

*This text is provided as a reference only.
Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].*

A permit authority to which a certified application or an uncertified application is made must grant the building permit if it is satisfied that the application is in accordance with subsections 20(1)(a) to (s).

A permit authority to which an application is made must not grant the building permit unless it is satisfied as to each of the matters mentioned in subsection (1)(a) to (s).

A permit authority to which an application is made may refuse to grant the building permit applied for if it appears to the permit authority that there is an error in the information provided for the application or in a document that accompanied the application

A permit authority to which an application is made must not grant a building permit if to do so would be inconsistent with subsections (2) (a) and (b).

Legislative Power or duty delegated:

Building Act 2011:

s.18 Further Information

s.20 Grant of building permit

s.22 Further grounds for not granting an application

s.27(1) and (3) Impose Conditions on Permit

Building Regulations 2012:

r.23 Application to extend time during which permit has effect (s.32)

r.24 Extension of time during which permit has effect (s.32(3))

r.26 Approval of new responsible person (s.35(c))

Legislative power to delegate

Building Act 2011:

s.127(1) & (3) Delegation: special permit authorities and local government

Delegation to:

Chief Executive Officer

Delegation:

1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18 (1)].
2. Authority to grant or refuse to grant a building permit [s.20 (1) & (2) and s.22].
3. Authority to impose, vary or revoke conditions on a building permit [s.27 (1) and (3)].
4. Authority to determine an application to extend time during which a building permit has effect [r.23].
 - Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]
 - Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24 (2)].
5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].

Conditions and Exceptions:

In undertaking the functions of this delegation, Building Surveyors must:

1. Be engaged/employed by the Shire in accordance with section 5.36 of the *Local Government Act 1995*; and
2. With respect to uncertified applications, hold the appropriate qualification as set out under Regulation 6 of the *Local Government (Building Surveyors) Regulations 2008*.

CEO delegates to:

Director Property & Development Services
Building Surveyor & Compliance Officer

Reporting Requirements:

- **Details of the action must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**

Details of Review:

11 December 2013 PREVIOUSLY DA 39, 40 AND 41
16 July 2014
15 July 2015

19 July 2016
18 July 2017
23 October 2018
22 October 2019

Function to be performed:

*This text is provided as a reference only.
Delegates shall only act in full
understanding of the delegated statutory
power, inclusive of conditions [see below].*

The permit authority to which an application for a demolition permit is made must grant the demolition permit if it is satisfied that the permit complies with subsections (1)(a) to (o).

A permit authority to which an application for a demolition permit is made must not grant the demolition permit unless it is satisfied as to each of the matters mentioned in subsection (1)(a) to (o).

Legislative Power or duty
delegated:

Building Act 2011:
s.18 Further Information
s.21 Grant of demolition permit
s.22 Further grounds for not granting an application
s.27(1) and (3) Impose Conditions on Permit

Building Regulations 2012
r.23 Application to extend time during which permit has effect (s.32)
r.24 Extension of time during which permit has effect (s.32(3))
r.26 Approval of new responsible person (s.35(c))

Legislative power to delegate

Building Act 2011:
s.127(1) & (3) Delegation: special permit authorities and local government

Delegation to:

Chief Executive Officer

Delegation:

1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].
2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22].
3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].
4. Authority to determine an application to extend time during which a demolition permit has effect [r.23].
 - i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]
 - ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].
5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].

Conditions and Exceptions:

Delegation does not apply to places listed on the State's Register of Heritage Places or Council's Heritage Register, or to places classified by the National Trust.
In undertaking the functions of this delegation, Building Surveyors must be engaged/employed by the Shire in accordance with section 5.36 of the *Local Government Act 1995*.

CEO delegates to:

Director Property & Development Services
Building Surveyor & Compliance Officer

Delegation delegated by the CEO

Nil

Reporting Requirements:

- **Details must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**

Details of Review:

11 December 2013 PREVIOUSLY DA 39, 40 AND 41
16 July 2014
15 July 2015
19 July 2016

18 July 2017
23 October 2018
22 October 2019

GRANT OF OCCUPANCY PERMIT OR BUILDING APPROVAL
CERTIFICATE

Function to be performed:

*This text is provided as a reference only.
Delegates shall only act in full
understanding of the delegated statutory
power, inclusive of conditions [see below].*

A permit authority to which an application is made must grant or modify the occupancy permit or grant the building approval certificate applied for if it is satisfied that the application is in compliance with subsections 58(1)(a) to (l).

A permit authority to which an application is made must not grant or modify the occupancy permit or grant the building approval certificate applied for unless it is satisfied as to each of the matters mentioned in subsections (1)(a) to (l).

Legislative Power or duty
delegated:

Building Act 2011:
s.55 Further information
s.58 Grant of occupancy permit, building approval certificate
s.62(1) and (3) Conditions imposed by permit authority
s.65(4) Extension of period of duration

Building Regulations 2012
r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)

Legislative power to delegate

Building Act 2011:
s.127(1) & (3) Delegation: special permit authorities and local government

Delegation to:

Chief Executive Officer

Delegation:

1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].
2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].
3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].
4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].

Conditions and Exceptions:

In undertaking the functions of this delegation, Building Surveyors must be employed by the Shire in accordance with section 5.36 of the *Local Government Act 1995*.

CEO delegates to:

Director Property & Development Services
Building Surveyor & Compliance Officer

Delegation delegated by the CEO

Nil

Reporting Requirements:

- **Details of the action must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**

Details of Review:

11 December 2013 PREVIOUSLY DA 39, 40 AND 41
16 July 2014
15 July 2015

19 July 2016
18 July 2017
23 October 2018
22 October 2019

Function to be performed:
*This text is provided as a reference only.
Delegates shall only act in full
understanding of the delegated statutory
power, inclusive of conditions [see below].*

A permit authority may make an order (a building order) in respect of one or more of the following –

- (a) particular building work;
- (b) particular demolition work;
- (c) a particular building or incidental structure, whether completed before or after commencement day.

A permit authority may, but notice in writing, revoke a building order at any time and must serve each person to whom the order is directed with a copy of the notice.

Legislative Power or duty delegated:

Building Act 2011:
s.110(1) A permit authority may make a building order
s.111(1) Notice of proposed building order other than building order (emergency)
s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect
s.118(2) and (3) Permit authority may give effect to building order if non-compliance
s.133(1) A permit authority may commence a prosecution for an offence against this Act

Legislative power to delegate

Building Act 2011:
s.127(1) & (3) Delegation: special permit authorities and local government

Delegation to:

Chief Executive Officer

Delegation:

1. Authority to make Building Orders in relation to:
 - a. Building work
 - b. Demolition work
 - c. An existing building or incidental structure [s.110(1)].
2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].
3. Authority to revoke a building order [s.117].
4. If there is non-compliance with a building order, authority to cause an authorised person to:
 - a. take any action specified in the order ; or
 - b. commence or complete any work specified in the order; or
 - c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].
5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].
6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the *Building Act 2011*.

Conditions and Exceptions:

Building Surveyor & Compliance Officer may:

- Refer notices to the Shire's Lawyer where it is considered appropriate; and
- Determine that an order is to remain in effect in accordance with section 117(2) of the *Building Act 2011* where it is considered appropriate.

CEO delegates to:

Director Property & Development Services
Building Surveyor & Compliance Officer

Reporting Requirements:

- **Details of the action must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**

Details of Review:

11 December 2013 PREVIOUSLY DA 39, 40 AND 41
16 July 2014
15 July 2015
19 July 2016

18 July 2017
23 October 2018
22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions of the <i>Building Act 2011</i> and the <i>Building Regulations 2012</i>
Legislative Power or duty delegated:	<i>Building Act 2011:</i> s.96(3) authorised persons
Legislative power to delegate:	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Delegation to:	Chief Executive Officer
Delegation:	The CEO is delegated the power to appoint authorised persons for the purpose of enforcing section 96.3of the provisions of the Act 1. Authority to designate an employee as an authorised person [s.96 (3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Conditions and Exceptions:	The Delegation is subject to <i>section 100(2) of the Building Act 2011:</i> <i>"The authorised person is not entitled to enter a part of a place in use as a residence, except –</i> a) <i>with the consent of an adult occupier; or</i> b) <i>under the authority of an entry warrant; or</i> c) <i>to take action under section 118(2) in relation to a building order emergency); and</i> <i>Section 127 (3) of the Building Act 2011</i> <i>(3) A delegation of a local government's powers or duties may be only to a local government employee"</i> Governance to be advised of the appointment of all authorised persons.
CEO Appoints:	Director Property & Development Services Manager Community Safety All Rangers Building Surveyor & Compliance Officer
Appointment:	The CEO delegates to the above Officers the exercise of this delegated power. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements:	<ul style="list-style-type: none">• Details of the recovery and court action must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.•
Details of Review:	15 September 1988 16 July 2002 17 June 2003 24 October 2006 19 February 2008 17 March 2009 24 June 2009 17 February 2010 30 October 2011 11 December 2013 PREVIOUSLY DA022 28 February 2014 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	All powers, duties and functions of the local government under the Bush Fires Act 1954.
Legislative Power or duty delegated:	<i>Bush Fires Act 1954</i>
Legislative power to delegate	Section 48 – Delegation by local governments <i>Bush Fires Act 1954</i>
Delegation to:	Chief Executive Officer
Delegation:	No statutory power provided to sub-delegate s48(3)
Conditions and Exceptions:	Excludes powers and duties that: <ul style="list-style-type: none">• are subject to separate delegated authority within this Register as set out below Delegation 7.12 Appointment of Bush Fire Control Officers; Delegation 7.13 Variation of Prohibited Burning Times; and Delegation 7.14 Prosecutions;• are prescribed in the Act with the requirement for a resolution by the local government• are prescribed in the Act for performance by prescribed offices; or• are subject to separate delegate authority within this register.
CEO delegates to:	Nil
Delegation delegated by the CEO	N/A
Reporting Requirements:	<ul style="list-style-type: none">• Details of all notices issued must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.
Details of Review:	11 December 2013 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Appointing a bush fire officer to carry out the powers and functions in the <i>Bush Fires Act 1954</i>
Legislative Power or duty delegated:	To appoint such persons under section 38 of the Act to be bush fire control officers to undertake powers and duties under the <i>Bush Fires Act 1954</i>
Legislative power to delegate	Section 48 – Delegation by local governments <i>Bush Fires Act 1954</i>
Delegation to:	Chief Executive Officer
Delegation:	No statutory power provided to sub-delegate s48(3)
Conditions and Exceptions:	Excludes powers and duties that: <ul style="list-style-type: none">• are prescribed in the Act with the requirement for a resolution by the local government;• are prescribed in the Act for performance by prescribed offices; or• are subject to separate delegated authority within this register (DA07-13, DA07-14).
CEO delegates to:	Nil
Delegation delegated by the CEO	N/A
Reporting Requirements:	<ul style="list-style-type: none">• Details of all notices issued must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.•
Details of Review:	23 October 2018 22 October 2019

Function to be performed:

This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].

Determine to vary Prohibited Burning Times, in accordance with s17(7) and (8), regarding:

- shortening, extending, suspending or reimposing a period of prohibited burning times; or
- imposing a further period of prohibited burning times.

Legislative Power or duty delegated:

Bush Fires Act 1954:

s.17(7) Prohibited burning times may be declared by Minister

Bush Fire Regulations 1954:

r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.

r. 38A Use of engines, plant or machinery likely to cause a bush fire

r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times

r.39B Crop dusters etc., use of in restricted or prohibited burning times

Legislative power to delegate

Bush Fires Act 1954:

s.48 Delegation by local government

Delegation to:

Shire President and Deputy Chief Bush Fire Control Officer (DCBFCO) (jointly)

Delegation:

No statutory power provided to sub-delegate s48(3)

Conditions and Exceptions:

1. Power may only be exercised jointly by the DCBFCO *and* the Shire President.
2. The Minister may, by declaration published in the Gazette, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.
3. Where by declaration made under subsection (1) prohibited burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those prohibited burning times shall have effect in respect of that zone in each year until that declaration is revoked.
4. A copy of the Gazette containing a declaration published under subsection (1) shall be received in all courts as evidence of the matters set out in the declaration.
5. Where the Fire and Emergency Services (FES) Commissioner considers that burning should be carried out on any land, the FES Commissioner may suspend the operation of a declaration made under subsection (1), so far as the declaration extends to that land, for such period as the FES Commissioner thinks fit and specifies and subject to such conditions as may be prescribed or as the FES Commissioner thinks fit and specifies.

Reporting Requirements:

- **Details of all notices issued must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**

Details of Review:

15 September 1998
16 October 2001
17 June 2003
24 October 2006
20 March 2007
19 February 2008
17 March 2009
24 June 2009

17 February 2010
11 December 2013 PREVIOUSLY DA017
16 July 2014
15 July 2015
19 July 2016
18 July 2017
23 October 2018
22 October 2019

Function to be performed:

*This text is provided as a reference only.
Delegates shall only act in full
understanding of the delegated statutory
power, inclusive of conditions [see below].*

Issue Infringement Notices.

Consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district.

Note: s59A(3) and Bush Fires (Infringements) Regulations 1958, Reg.4(a) provide that only the President or the Chief Executive Officer may withdraw an infringement notice.

Legislative Power or
duty delegated:

Bush Fires Act 1954
s59(3) Prosecution of Offences
s59A(2) Alternative Procedure – Infringement Notices

Legislative power to delegate

Section 59(3) – Delegation by local governments *Bush Fires Act 1954*

Delegation to:

Director Property & Development Services
Manager Community Safety
All Fire Control Officers
All Rangers

Delegation:

No statutory power provided to sub-delegate s48(3)

Conditions and Exceptions:

Nil

Reporting Requirements:

- **Details of all notices issued must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**
-

Details of Review:

15 September 1998
16 October 2001
17 June 200
24 October 2006
20 March 2007
19 February 2008
17 March 2009
24 June 2009
17 February 2010

30 October 2011
11 December 2013 PREVIOUSLY DA016
16 July 2014
15 July 2015
19 July 2016
18 July 2017
23 October 2018
22 October 2019

DELEGATION TO CEO AND NOMINATED SHIRE OFFICERS AS
AUTHORISED OFFICERS UNDER THE FOOD ACT 2008

Function to be performed:
*This text is provided as a reference only.
Delegates shall only act in full
understanding of the delegated statutory
power, inclusive of conditions [see below].*

Authority to appoint authorised officers under the Food Act, Public Health Act and authority to appoint an Authorised Officer to be a Designated Officer for the purposes contained in S126 (6),(7) of the Food Act.

Legislative Power or
duty delegated:

Food Act 2008
s122 Appointment of Authorised Officers and s126 Infringement Notices

Legislative power to delegate

Food Act 2008:
s.118 Functions of enforcement agencies and delegation
(2)(b) Enforcement agency may delegate a function conferred on it
(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]
(4) Sub-delegation permissible only if expressly provided in regulations

Delegation to:

Chief Executive Officer

Delegation:

1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122 (2)].
2. Authority to appoint an Authorised Officer appointed under s.122 (2) of this Act or the s.24 (1) of the *Public Health Act 2016*, to be a Designated Officer for the purposes of issuing Infringement Notices under the *Food Act 2008* [s.126(13)].
3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].

CEO Authorises:

The Chief Executive Officer appoints Authorised Officers, namely:

- Director Property & Development Services
- Manager Development Services; and
- Environmental Health Officers;

as Authorised Officers for all food premise types and under the *Food Act 2008*

Conditions and Exceptions:

Powers under the Act limited to the following and the authorisation does not extend to the Financial Provisions of the Act:

The Director Property & Development Services and the Environmental Health Officers as the Designated Officer for the purposes of Section 126 of the *Food Act 2008*:

- 1) May, in a particular case, extend the period of 28 days within which the modified penalty may be paid, and the extension may be allowed whether or not the period of 28 days has elapsed;
- 2) May, whether or not the modified penalty has been paid, withdraw an infringement notice by sending the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn."

Manager Development Services and Environmental Health Officers:

- Section 38 Entry, inspection and seizure
- Section 126(2) Issuing of Infringement notices
- Section 62 Issuing of Improvement Notices

The power to prosecute any person is only exercised by agreement of the Director Property & Development Services

Reporting Requirements:

- **Details of all authorised officers appointed must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**

Details of Review:

30 October 2011
11 December 2013 PREVIOUSLY DA047
16 July 2014
15 July 2015
19 July 2016

18 July 2017
23 October 2018
22 October 2019

Function to be performed:

*This text is provided as a reference only.
Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].*

An enforcement agency may:

1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65 (1)].
2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].
3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection s.67 (4)].

Legislative Power or duty delegated:

Food Act 2008:
s.65(1) Prohibition orders
s.66 Certificate of clearance to be given in certain circumstances
s.67(4) Request for re-inspection

Legislative power to delegate

Section 118 of the *Food Act 2008*

Delegation to:

Chief Executive Officer
Director Property & Development Services
Manager Development Services
All Environmental Health Officers

Delegation:

Environmental Health Officers are delegated the power to issue prohibition orders in accordance with section 65 of the *Food Act 2008*;
Environmental Health Officers are delegated the power to initiate appropriate legal action in accordance with section 125 of the *Food Act 2008*.
Environmental Health Officers are delegated the power to clear and remove a prohibition order in accordance with section 66 of the Food Act 2008, and to provide written notification as required with respect to any decision made not to issue a certificate of clearance following an inspection under either Section 66 or 67

Conditions and Exceptions:

The power to prosecute any person is only exercised by agreement of Chief Executive Officer in conjunction with advice from the Shire's Lawyer.

Reporting Requirements:

- **Details of all prosecutions must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**

Details of Review:

11 December 2013 PREVIOUSLY DA047
16 July 2014
15 July 2015
19 July 2016
18 July 2017
23 October 2018
22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	All the powers and duties of the local government under the <i>Cat Act 2011, Cat Regulations 2012</i>
Legislative Power or duty delegated:	Section 48 of the <i>Cat Act 2011</i>
Legislative power to delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Delegation to:	Chief Executive Officer
Delegation:	All the powers and duties of the local government under the <i>Cat Act 2011, Cat Regulations 2012</i>
Conditions and Exceptions:	Nil
CEO delegates to:	Director Property & Development Services Manager Community Safety All Rangers All Environmental Health Officers Records Coordinator Customer Service Officers
Delegation delegated by the CEO	The CEO delegates to the above Officers the exercise of this delegated power. The exercise of the delegated power does not include the power of delegation.
Reporting Requirements:	<ul style="list-style-type: none">• Details of all decision made must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.
Details of Review:	11 December 2013 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	All the powers and duties of the local government under the <i>Dog Act 1976 and Dog Regulations 2013</i> .								
Legislative Power or duty delegated:	Section 3.2 of the Shire of Ashburton Dogs Local Law 2012								
Legislative power to delegate	Section 10AA, 10AB of the <i>Dog Act 1976</i> Section 3.2 of the Shire of Ashburton Dogs Local Law 2012								
Delegation to:	Chief Executive Officer and nominated authorised officers under this Act.								
Delegation:	All the powers and duties of the local government under the <i>Dog Act 1976 and Dog Regulations 2013</i> .								
Conditions and Exceptions:	<p>Withdrawal of an Infringement Notice can only to be approved by the Chief Executive Officer or Director Property & Development Services.</p> <p>The authorised officers (excepting the Customer Service Officers) are appointed to undertake the powers of an authorised person under the <i>Dog Act 1976 the Dog Regulations 1976 and the Dog (Restricted Breeds) Regulations No 2 2002</i>. The appointment includes the power of an authorised person to declare a dog to be a dangerous dog under section 33E of the Act.</p> <p>Customer Service Officers are authorised only to perform functions which are limited to the registration of animals within the Shire.</p>								
CEO delegates to:	<p>Director Property & Development Services Manager Community Safety All Rangers All Environmental Health Officers Records Coordinator Customer Service Officers</p>								
Delegation delegated by the CEO	The above are authorised for the purposes of performing particular functions under the <i>Dog Act 1976</i> .								
Reporting Requirements:	<ul style="list-style-type: none"> • Details of all decision made must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. 								
Details of Review:	<table border="0"> <tr> <td>11 December 2013</td> <td>18 July 2017</td> </tr> <tr> <td>16 July 2014</td> <td>23 October 2018</td> </tr> <tr> <td>15 July 2015</td> <td>22 October 2019</td> </tr> <tr> <td>19 July 2016</td> <td></td> </tr> </table>	11 December 2013	18 July 2017	16 July 2014	23 October 2018	15 July 2015	22 October 2019	19 July 2016	
11 December 2013	18 July 2017								
16 July 2014	23 October 2018								
15 July 2015	22 October 2019								
19 July 2016									

PART 8

SHIRE OF ASHBURTON LOCAL PLANNING SCHEME No.7

PLANNING AND DEVELOPMENT ACT 2005

PLANNING AND DEVELOPMENT (LOCAL PLANNING
SCHEMES) REGULATIONS 2015

PLANNING AND DEVELOPMENT REGULATIONS 2009

STRATA TITLES ACT 1985

PLANNING AND DEVELOPMENT (DEVELOPMENT
ASSESSMENT PANELS) REGULATIONS 2011

Function to be performed:

This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].

Assessing and determining applications for development approval;

All matters which arise out of the imposition of conditions on development approvals;

All matters delegated to the Shire under the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*, or functions that the Shire is authorised to exercise under that Act and all associated Regulations.

The preparation and presentation of a report to Council may be required as a prerequisite to:

- Council's support for a proposal to rezone or reclassify land in the District;
- Council's support for an application to subdivide or amalgamate lots;
- Council's support for an application for a Local Development Plan, Activity Centre Plan, or Structure plan; or
- Council's consideration of an application for Development Approval.

Legislative Power or duty delegated:

Shire of Ashburton Local Planning Scheme No 7 and the deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Sections 5.45 and 5.46 of the *Local Government Act 1995*.

Legislative power to delegate

Shire of Ashburton Local Planning Scheme

Delegation to:

Chief Executive Officer

Delegation:

A. ADVERTISING AND DETERMINING APPLICATIONS FOR DEVELOPMENT APPROVAL

Power/Duty

1. Notification and Advertising of Applications for Development Approval

Determine in accordance with the Shire of Ashburton Local Planning Scheme No 7 and *Planning and Development (Local Planning Schemes) Regulations 2015*, determine that a particular development application will be advertised and notify the applicant accordingly.

Determine those landowners and occupiers to whom notice of an application for Development Approval required to be advertised shall be provided pursuant to the Shire of Ashburton Local Planning Scheme No 7 and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Determine the requirement for consultation with other authorities for an application for Development Approval pursuant to the Shire of Ashburton Local Planning Scheme No 7 and *Planning and Development (Local Planning Schemes) Regulations 2015*.

2. Consideration of Applications for Development Approval

Determine applications for Development Approval made in accordance with the Shire of Ashburton Local Planning Scheme No 7, *Planning and Development (Local Planning Schemes) Regulations 2015* and/or Statement of Planning Policy No. 1 – Residential Design Codes, irrespective of whether objections have been received and impose conditions or grounds of refusal as required.

3. Determine requests for Amending or Revoking a Development Approval

Determine requests for Amending or Revoking a Development Approval made in accordance with the Shire of Ashburton Local Planning Scheme No 7 and *Planning and Development (Local Planning Schemes) Regulations 2015* where the original permit was issued under delegated authority.

4. Conditions

An officer to whom delegated authority is granted is not to exercise that authority in circumstances where the Chief Executive Officer has received a request from a Councillor that the matter be referred to Council for consideration or determination.

B. ADVERTISING DEVELOPMENT PLANS, ACTIVITY CENTRE PLAN/S, OR STRUCTURE PLAN/S

Power/Duty

1. Determine whether or not an application for a Development Plan/s, Activity Centre Plan/s, or Structure Plan/s for assessment and advertising complies with the Shire of Ashburton Local Planning Scheme No. 7 and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Consider the submitted Development Plan/s, Activity Centre Plan/s, or Structure Plan/s and notify the applicant if the Plan complies with the Shire of Ashburton Local Planning Scheme No. 7 and *Planning and Development (Local Planning Schemes) Regulations 2015* or if further information is required prior to the Plan being accepted for assessment and advertising.

2. Notification and Advertising of Applications for a Development Plan/s, Activity Centre Plan/s, Structure Plan/s

Determine the requirement for advertising for public comment for Development Plan/s, Activity centre plan/s, or Structure Plan/s pursuant to the Shire of Ashburton Local Planning Scheme No 7 and *Planning and Development (Local Planning Schemes) Regulations 2015* and readvertising of modified Plan/s where necessary

3. Consideration of Applications for Local Development Plan/s, Activity Centre Plan/s, Structure Plan/s

Prepare report to the WAPC advising of Council's support or otherwise, including recommendations of proposed modifications to Local Development Plan/s, Activity Centre Plan/s, or Structure plan/s where no objections have been received pursuant to the Shire of Ashburton Local Planning Scheme and *Planning and Development (Local Planning Schemes) Regulations 2015*.

4. Conditions

An officer to whom delegated authority is granted is not to exercise that authority in circumstances where the Chief Executive Officer has received a request from a Councillor that the matter be referred to Council for consideration or determination.

Prior to determining any application adoption for endorsement of a Local Development Plan, Activity Centre Plan or Structure Plan, the delegate shall ensure that a copy of the respective Plan has been provided to all Councillors and for Councillors to be given a period of not less than fourteen (14) days to request the delegate to refer the respective Plan to Council for determination.

C. ADVERTISING EXTENSION FOR PLANNING SCHEME AMENDMENTS, LOCAL DEVELOPMENT PLANS, ACTIVITY CENTRE PLAN/S, STRUCTURE PLAN/S

Power/Duty

To extend the advertising period for planning scheme amendments and Local Development Plans, Activity Centre Plans, or Structure Plans where considered necessary to provide for adequate consultation and/or accommodate specific community consultation exercises (e.g. special electors meetings, workshops etc.).

Conditions

An officer to whom delegated authority is granted is not to exercise that authority in circumstances where the Chief Executive Officer has received a request from a Councillor that the matter be referred to Council for consideration or determination.

D. SUBDIVISION AND DEVELOPMENT DESIGN

Power/Duty

To approve plans and impose Council's accepted Standards and Specifications on subdivisions and developments and other similar works done by the Shire.

Conditions

An officer to whom delegated authority is granted is not to exercise that authority in circumstances where the Chief Executive Officer has received a request from a Councillor that the matter be referred to Council for consideration or determination.

E. CONSIDERATION OF WAPC REFERRALS OF APPLICATIONS FOR SUBDIVISION APPROVAL

Power/Duty

Pursuant to the *Planning and Development Act 2005*, *Planning and Development Regulations 2009* and *Strata Titles Act 1985* provide comment to the Western Australian Planning Commission (WAPC) on matters associated with freehold and survey strata subdivision applications, proposed development plans (or similar) and licence or lease applications.

F. CLEARANCE OF LOCAL GOVERNMENT CONDITIONS ASSOCIATED WITH SUBDIVISION APPROVAL**Power/Duty**

Pursuant to the *Planning and Development Act 2005*, *Planning and Development Regulations 2009* and *Strata Titles Act 1985* where the WAPC has included conditions on a subdivision approval relevant to the Shire, determine the 'clearance' of conditions designated (LG) in a freehold or survey strata subdivision approval issued by the WAPC.

G. ISSUE OF CERTIFICATES (STRATA TITLES).**Power/Duty**

Pursuant to the provisions of Section 23 of the *Strata Titles Act 1985*, the Director of Property & Development Services and/or the Principal Town Planner is authorized to issue the appropriate certificates in respect to buildings as may be shown on a strata plan to be lodged for registration under the Act, where in the opinion of the Director of Property & Development Services and/or the Principal Town Planner:

The buildings shown on the strata plan have been confirmed, following physical inspection, as being compliant with all relevant a town planning, health and engineering requirements as provided for in the Shire of Ashburton Local Planning Scheme No 7 and Residential Design Codes and Shire Policies and Local Laws; and

The buildings are deemed to be of sufficient standard and suitable to be divided into lots pursuant to the *Strata Titles Act 1985*.

H. DIRECTIONS REGARDING UNAUTHORISED DEVELOPMENT**Power/Duty**

To give directions in relation to unauthorized development and to authorize any action available to the responsible authority under the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015* incidental to such written direction, including but not limited to issuing a notice to correct or amend the development or to commence legal action.

Conditions

An officer to whom delegated authority is granted is not to exercise that authority in circumstances where the Chief Executive Officer has received a request from a Councillor that the matter be referred to Council for consideration or determination.

I. RESPONSIBLE AUTHORITY REPORTS TO THE DEVELOPMENT ASSESSMENT PANEL**Power/Duty**

To submit Responsible Authority Reports to the Development Assessment Panel pursuant to Regulation 12 of the *Planning & Development (Development Assessment Panels) Regulations 2011*.

Conditions

The Chief Executive Officer is to advise Councillors of the lodgement of a Pilbara JDAP application in the 'Councillors Information Bulletin' and report to Council at the earliest opportunity, the outcome of the Pilbara JDAP decision.

Conditions and Exceptions:

Where advertising any matter as provided for under this Delegation, referral must be made to Councillors via EMACCESS and Councillors given not less than 5 working days to request the matter be referred to Council for decision.

Where the Shire receive an objection to any matter provided under this Delegation, the matter will be referred to Council for decision.

This Delegation does not preclude the Delegate or Sub-Delegate referring the categories of development or legal proceedings outlined above, to Council for determination, after having regard to the circumstances of a particular case.

CEO delegates to: Director Property & Development Services
Manager Development Services
Principal Town Planner
Town Planner

Delegation delegated by the CEO The Director Property & Development Services, the Manager Development Services and Principal Town Planner are delegated the power to take action for the administration and implementation of Shire of Ashburton Local Planning Scheme No.7 and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Reporting Requirements:

- **Details of all approvals given and actions taken must be recorded in Synergy under the appropriate File Number record to meet legislative requirements.**
- **Award letter or other approved recording method must be recorded in Synergy File GV01.19.20**

Details of Review:

24 October 2006	16 July 2014
19 February 2008	15 July 2015
17 March 2009	15 March 2016
24 June 2010	18 July 2017
17 February 2010	23 October 2018
30 October 2011	22 October 2019
11 December 2013	
11 December 2013 (REVISED DA28 and DA35)	

PART 9

COMMUNITY, LOCAL LAWS AND REGULATIONS

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government may, in writing, appoint persons or classes of persons to be authorised for the purpose of performing particular functions.
Legislative Power or duty delegated:	<i>Local Government Act 1995</i> S9.10 Appointment of authorised persons
Legislative power to delegate	Section 5.42 and Section 5.43, <i>Local Government Act 1995</i>
Policy:	N/A
Delegation to:	Chief Executive Officer
Delegation:	<i>Local Government Act 1995</i> S9.10 Appointment of authorised persons
Conditions and Exceptions:	The appointment of persons is to relate to those functions of an “authorised person” under the Shire of Ashburton Local Laws
CEO delegates to:	Nil
Delegation delegated by the CEO	N/A
Reporting Requirements:	Nil
Details of Review:	23 October 2018 22 October 2019

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	Authority to approve donations in accordance with the provision of Council's REC08 Community Donations, Sponsorships and Funding Policy and the Fees and Charges Schedule as advertised annually.
Legislative Power or duty delegated:	Section 3.1 <i>Local Government Act 1995</i>
Legislative power to delegate	Section 5.42 and Section 5.44, <i>Local Government Act 1995</i>
Policy:	REC08 Community Donations, Sponsorships and Funding Policy Fees and Charges Schedule as advertised annually.
Delegation to:	Chief Executive Officer
Delegation:	The CEO is delegated the power to approve donations, sponsorship and waive fees and charges, subject to REC08 Policy.
Conditions and Exceptions:	Subject to – <ul style="list-style-type: none"> ▫ conditions contained in Council's REC08 Community Donations, Sponsorships and Funding Policy and the Fees and Charges Schedule; ▫ funding being allocated in the Annual Budget.
CEO delegates to:	Nil
Delegation delegated by the CEO	N/A
Reporting Requirements:	<ul style="list-style-type: none"> • Details of all donations made on behalf of the Shire must be recorded in Synergy under the appropriate File Number record to meet legislative requirements. • Notification of the delegated decision must be made to Councillors via the next available information bulletin Delegation Form CEO 078 must be recorded in Synergy File GV01.19.20
Details of Review:	11 December 2013 16 July 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

REGULATIONS

DA09-8

LOCAL GOVERNMENT (PARKING FOR PEOPLE WITH DISABILITIES) REGULATIONS 2014

Function to be performed: <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions [see below].</i>	A local government may, in writing, appoint persons or classes of persons to be authorised for the purpose of performing particular functions. The regulations apply as if they were local laws.
Legislative Power or duty delegation:	Powers of the local government as prescribed in the <i>Local Government (Parking for People with Disabilities) Regulations 2014</i> .
Legislative power to delegate	Section 9.10 of the <i>Local Government Act 1995</i>
Delegation to:	Chief Executive Officer
Delegation:	The Chief Executive Officer is delegated the power to appoint persons or classes of persons to be authorised for the purpose of performing particular functions, subject to Section 9.10 of the <i>Local Government Act 1995</i> .
Conditions and Exceptions:	The appointment of persons is to relate to those functions of an authorised person as prescribed in Section 9.10 of the <i>Local Government Act 1995</i> .
CEO delegates:	Director Infrastructure Services Director Corporate Services Director Property & Development Services Manager Development Services Manager Community Safety All Rangers
Authorisation by the CEO:	The CEO authorises the above Officers the exercise of this authorisation power.
Reporting Requirements:	<ul style="list-style-type: none">• The authorisations are to be in writing and recorded in Synergy under the appropriate File Number record to meet legislative requirements (including the personnel file).• A copy of the written authorisation must be recorded in Synergy File GV01.19.20
Details of Review:	21 November 2014 15 July 2015 19 July 2016 18 July 2017 23 October 2018 22 October 2019

Function to be performed:

*This text is provided as a reference only.
Delegates shall only act in full
understanding of the delegated statutory
power, inclusive of conditions [see below].*

Authority to administer the Shire's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the Shire's Local Laws

Legislative Power or duty delegated:

Powers of the local government as prescribed in:

- Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Local Law 2013
- Shire of Ashburton Dogs Local Law 2013
- Shire of Ashburton Cemeteries Local Law 2013
- Shire of Ashburton Extractive Industries Local Law 2013
- Shire of Ashburton Health Local Law 2013
- Shire of Ashburton Local Government Property Local Law 2013
- Shire of Ashburton Standing Orders Local Law 2012
- Shire of Ashburton Parking and Parking Facilities Local Law
- Shire of Ashburton Fencing Local Law 2014

Legislative power to delegate

Section 5.42 of the *Local Government Act 1995*

Policy:

N/A

Delegation to:

Chief Executive Officer

Delegation:

The Chief Executive Officer is delegated the power to administer the Shire's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the local government under the Shire's Local Laws

Conditions and Exceptions:

Determinations and decisions under the Shire of Ashburton Local Laws having regard to the relevant Council policies in force at the time.

CEO delegates to:

N/A

Reporting Requirements:

Nil

Details of Review:

23 October 2018
22 October 2019

DOC Version Control Register

Register	Action	Date of Ordinary Meeting of Council
Delegation Register	Reviewed and updated. Nil removed. Nil additions	22 October 2019