



Shire of Ashburton
 Administration Centre
 246 Poinciana Street
 PO Box 567, Tom Price, WA, 6751
 T (08) 9188 4444
 F (08) 9189 2252

ashburton.wa.gov.au

ABN 45 503 070 070

Shire of Ashburton DELEGATION REGISTER

Current as at 8 September 2020

Table of Contents

1	LOCAL GOVERNMENT ACT 1995 DELEGATIONS	11
1.1	Council to CEO	11
1.1.1	Appoint Authorised Persons.....	11
1.1.2	Performing Functions Outside the District	13
1.1.3	Compensation for Damage Incurred when Performing Executive Functions ..	14
1.1.4	Powers of Entry	15
1.1.5	Declare Vehicle is Abandoned Vehicle Wreck.....	17
1.1.6	Confiscated or Uncollected Goods.....	18
1.1.7	Disposal of Sick or Injured Animals.....	19
1.1.8	Close Thoroughfares to Vehicles	20
1.1.9	Control Reserves and Certain Unvested Facilities	22
1.1.10	Obstruction of Footpaths and Thoroughfares	23
1.1.11	Gates Across Public Thoroughfares.....	25
1.1.12	Public Thoroughfare – Dangerous Excavations	27
1.1.13	Crossing – Construction, Repair and Removal.....	29
1.1.14	Private Works on, over or under Public Places	31
1.1.15	Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	33
1.1.16	Expressions of Interest for Goods and Services.....	34
1.1.17	Tenders for Goods and Services.....	35
1.1.18	Panels of Pre-Qualified Suppliers for Goods and Services.....	38
1.1.19	Application of Regional Price Preference Policy.....	40



1.1.20	Disposing of Property.....	41
1.1.21	Payments from the Municipal or Trust Funds.....	43
1.1.22	Defer, Grant Discounts, Waive or Write Off Debts	45
1.1.23	Agreement as to Payment of Rates and Service Charges.....	47
1.1.24	Rate Record Amendment.....	48
1.1.25	Power to Invest and Manage Investments	49
1.1.26	Determine Due Date for Rates or Service Charges.....	51
1.1.27	Recovery of Rates or Service Charges	52
1.1.28	Recovery of Rates Debts – Require Lessee to Pay Rent	53
1.1.29	Recovery of Rates Debts - Actions to Take Possession of the Land	54
1.1.30	Rate Record – Objections.....	56
1.1.31	Wittenoom Claims - Legal.....	57
1.1.32	Appointment of an Acting CEO	58
1.1.33	Authority to Approve Donations	59
1.2	CEO to Employees.....	60
1.2.1	Determine if an Emergency for Emergency Powers of Entry	60
1.2.2	Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare.....	61
1.2.3	Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares.....	63
1.2.4	Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places.....	65
1.2.5	Electoral Enrolment Eligibility Claims and Electoral Roll	66
1.2.6	Destruction of Electoral Papers.....	68
1.2.7	Information to be Available to the Public	69
1.2.8	Financial Management Systems and Procedures	71
1.2.9	Audit – CEO Review of Systems and Procedures.....	73
1.2.10	Infringement Notices	74
1.3	Local Law Delegations to the CEO	76
1.3.1	Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law	76
1.3.2	Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law	81
2	BUILDING ACT 2011 DELEGATIONS.....	83
2.1	Council to CEO	83
2.1.1	Grant a Building Permit.....	83
2.1.2	Demolition Permits.....	85



2.1.3	Occupancy Permits or Building Approval Certificates.....	87
2.1.4	Designate Employees as Authorised Persons.....	89
2.1.5	Building Orders	90
2.1.6	Inspection and Copies of Building Records.....	92
2.1.7	Referrals and Issuing Certificates	93
2.1.8	Private Pool Barrier – Alternative and Performance Solutions.....	94
2.1.9	Smoke Alarms – Alternative Solutions	95
2.1.10	Appointment of approved officers and authorised officers	96
3	BUSH FIRES ACT 1954 DELEGATIONS	97
3.1	Council to CEO, Mayor and Bush Fire Control Officer.....	97
3.1.1	Make Request to FES Commissioner – Control of Fire	97
3.1.2	Prohibited Burning Times - Vary	98
3.1.3	Prohibited Burning Times – Control Activities.....	99
3.1.4	Restricted Burning Times – Vary and Control Activities	101
3.1.5	Control of Operations Likely to Create Bush Fire Danger.....	103
3.1.6	Burning Garden Refuse / Open Air Fires.....	104
3.1.7	Firebreaks.....	106
3.1.8	Appoint Bush Fire Control Officer/s and Fire Weather Officer	107
3.1.9	Control and Extinguishment of Bush Fires	108
3.1.10	Recovery of Expenses Incurred through Contraventions of this Act	109
3.1.11	Prosecution of Offences.....	110
4	CAT ACT 2011 DELEGATIONS	111
4.1	Council to CEO	111
4.1.1	Cat Registrations	111
4.1.2	Cat Control Notices.....	113
4.1.3	Approval to Breed Cats.....	114
4.1.4	Appoint Authorised Persons.....	115
4.1.5	Recovery of Costs – Destruction of Cats.....	116
4.1.6	Applications to Keep Additional Cats	117
4.1.7	Reduce or Waiver Registration Fee	118
4.2	Cat Act Delegations - CEO to Employees	119
4.2.1	Infringement Notices – Extensions and Withdrawals.....	119
5	DOG ACT 1974 DELEGATIONS	120
5.1	Dog Act Delegations Council to CEO	120



5.1.1	Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons	120
5.1.2	Refuse or Cancel Registration	121
5.1.3	Kennel Establishments	123
5.1.4	Appoint Authorised Persons.....	124
5.1.5	Recovery of Moneys Due Under this Act.....	125
5.1.6	Dispose of or Sell Dogs Liable to be Destroyed	126
5.1.7	Declare Dangerous Dog	127
5.1.8	Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke.....	128
5.1.9	Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	130
5.1.10	Determine Recoverable Expenses for Dangerous Dog Declaration	131
6	FOOD ACT 2008 DELEGATIONS	132
6.1	Council to CEO	132
6.1.1	Determine Compensation	132
6.1.2	Prohibition Orders.....	133
6.1.3	Food Business Registrations	134
6.1.4	Appoint Authorised Officers and Designated Officers.....	135
6.1.5	Debt Recovery and Prosecutions.....	137
6.1.6	Abattoir Inspections and Fees.....	138
6.1.7	Food Businesses List – Public Access	139
7	GRAFFITI VANDALISM ACT 2016 DELEGATIONS	140
7.1	Council to CEO	140
7.1.1	Give Notice Requiring Obliteration of Graffiti.....	140
7.1.2	Notices – Deal with Objections and Give Effect to Notices.....	141
7.1.3	Obliterate Graffiti on Private Property	142
7.1.4	Powers of Entry	143
8	PUBLIC HEALTH ACT 2016 DELEGATIONS	144
8.1	Council to CEO	144
8.1.1	Appoint Authorised Officer or Approved Officer (Asbestos Regs).....	144
8.1.2	Enforcement Agency Reports to the Chief Health Officer.....	145
8.1.3	Designate Authorised Officers	146
8.1.4	Determine Compensation for Seized Items	148
8.1.5	Commence Proceedings.....	149
9	PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS	150



9.1	Council to CEO	150
9.1.1	Illegal Development	150
9.1.2	Subdivision	152
9.1.3	Authorised Person – Infringement Notices	153
9.1.4	Enforcement Powers.....	154
9.1.5	Reports to the Development Assessment Panel	155
9.2	Local Planning Scheme – Council to CEO.....	156
9.2.1	Development Applications.....	156
9.2.2	Structure Plans and Local Development Plans	158
9.2.3	Authorised Person – Entry and Inspection Powers	160
10	LAND ADMINISTRATION ACT 1997.....	161
10.1	Council to CEO	161
10.1.1	Public Lands – Making Submissions on Behalf of Council	161
11	STATUTORY AUTHORISATIONS AND DELEGATIONS TO LOCAL GOVERNMENT FROM STATE GOVERNMENT ENTITIES.....	163
11.1	Environmental Protection Act 1986.....	163
11.1.1	Noise Control – Environmental Protection Notices [Reg.65(1)]	163
11.1.2	Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events	164
11.1.3	Noise Management Plans – Construction Sites	165
11.2	Planning and Development Act 2005	166
11.2.1	Instrument of Authorisation - Sign Development Applications for Crown Land as Owner	166
11.2.2	WA Planning Commission – Section 25 of the Strata Titles Act 1985	169
11.3	Main Roads Act 1930.....	170
11.3.1	Traffic Management - Events on Roads	170
11.3.2	Traffic Management – Road Works.....	172
11.4	Road Traffic (Vehicles) Act 2012	174
11.4.1	Approval for Certain Local Government Vehicles as Special Use Vehicles ..	174
12	SHIRE OF ASHBURTON LOCAL LAWS.....	175
12.1	Parking and Parking Facilities Local Law 2013	175
12.1.1	Restricted Parking Areas	175
12.1.2	Vehicle on Thoroughfare to Be Moved	176
12.1.3	Driving or Parking on Reserves	177
12.1.4	Suspension of Parking Limitations for Urgent, Essential or Official Duties ...	178



12.1.5	Infringements for Prescribed Offences as Per Schedule 2	179
12.2	Local Government Property Local Law 2013.....	180
12.2.1	Determinations.....	180
12.2.2	Activities Requiring a Permit	181
12.2.3	Use of Local Government Property	182
12.2.4	Authorised Officers	183
12.3	Activities on Thoroughfares Local Law 2013	184
12.3.1	Thoroughfares – General.....	184
12.3.2	Trading in Thoroughfares and Public Places.....	185
12.3.3	Prescribed Offences – Schedule 1	186
12.4	Cemeteries Local Law 2013	187
12.4.1	General Powers	187
12.4.2	Authorised Officers	188
12.4.3	Prescribed Offences	189
12.5	Dogs Local Law 2012	190
12.5.1	General Powers	190
12.5.2	Authorised Officers	191
12.6	Health Local Law 2013	192
12.6.1	Various Powers.....	192



1. Introduction

This document is a register of the delegations, authorisations and appointments of the Shire of Ashburton.

Some legislation confers powers on local governments to allow Council to delegate power to a committee of the local government, the local governments CEO or in limited circumstances other persons or employees.

The purpose of delegating a power is to allow matters that are routine, may have a time constraint or can change rapidly to be dealt with efficiently.

The extent of delegation, conditions that may be applied, records that must be kept and the review and amendment processes depend on the various heads of power in the Acts themselves.

Western Australian legislation may be accessed online at the State Law Publisher's website at <https://www.legislation.wa.gov.au/>

This register includes:

- Delegations from Council to the CEO;
- Sub delegations from CEO to other employees;
- Appointments of authorised persons; and
- Appointments of other employees.

1.1 The difference between a delegation, 'acting through' another person and an 'authorised person'

A Delegation

Simply put, a delegation is the process prescribed in legislation for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the delegate).

Some legislation confers a power directly on a person. A person appointed to a statutory office does not need any further delegation or authorisation in order to fulfil those assigned powers and duties. For example:

- The *Local Government Act 1995* lists statutory offices including Mayor, CEO and Returning Officer;
- The *Public Health Act 2016* assigns duties to Environmental Health Officers;
- The *Building Act 2011* assigns duties to Building Surveyors; and
- The *Local Government Act 1995*, *Cat Act 2011* and *Graffiti Vandalism Act 2016* also allow a local government CEO to delegate any powers or duties assigned to their office.

Acting through another person

Employees do not always need delegations or sub delegations to carry out their tasks and functions on behalf of the local government. Basically a function may be undertaken through the "acting through" concept where a person has no discretion in carrying out that function – the outcome will not be substantially different regardless of the circumstances or who exercised the power.

Section 5.16(4) of the *Local Government Act 1995* provides that:

- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*



Similarly, s5.45(2) Act provides that:

Nothing in this Division (Division 4 - Local Government Employees) is to be read as preventing – a local government from performing any of its functions by acting through a person other than the Chief Executive Officer; or b) a Chief Executive Officer 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 a decision making function in his or her own right. For example, an employee may pay an account or issue an approval if directed to do so by another employee who has the authority to make such a decision and chooses to “act through” another employee.

Authorised persons

Authorised persons (and who under some Acts do not necessarily have to be employees of the local government but often are) are given powers to do certain things under an Act, Regulation or local law; usually to issue an infringement, make inquiries, enter on to property, issue a notice or to enforce a provision.

Note that a council can delegate authority to its CEO to appoint authorised persons under the *Local Government Act 1995* and other legislation; in some Acts an employee or other person holding an office are directly authorised under that Act itself. Provisions vary by Act.

An authorised person, once appointed, is responsible for fulfilling the powers and duties assigned under law to an authorised person, which may be specified or limited in an Act or Regulation, or the certificate of authorisation. An authorised person cannot delegate their powers and duties to another person.

Who may appoint authorised persons depends on the enabling legislation. Section 9.10 of the *Local Government Act 1995* provides that:

- (1) *The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.*
- (2) *The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.*

Authorised persons may or may not have delegated authority to undertake certain actions – the delegation of authority is a separate matter, although they are included in this register for ease of reference and review.

1.2 The Interpretation Act 1984 – principles of delegation

Section 59 of the *Interpretation Act 1984* prescribes the framework for how delegated authority must be structured in Western Australian law.

In summary:

1. The written law (head of power) must include an express power to delegate, which specifically enables a person (the delegator) to make a delegation;
2. In that same written law, there must be an express power or duty conferred or imposed on the delegator and it must be capable of being delegated. This means that:
 - a. The power or duty proposed for delegation must be written in the same law as the express power to delegate; and
 - b. That written law must not prohibit the power or duty from being delegated or contain limitations or conditions, which the proposed delegation exceeds.
3. The power to delegate cannot be delegated;
4. Delegations must be in writing (the instrument of delegation); and
5. Delegations must be advised to the delegate in writing.



Note that nothing prevents the delegating body or person from taking back a delegation or sub delegation, or actually making the relevant decision on a particular issue. Similarly, a delegator does not have to exercise the delegation and may refer the decision back to the delegator. Similarly, section 59(2) provides that:

The delegation of a power shall be deemed to include the delegation of any duty incidental thereto or connected therewith and the delegation of a duty shall be deemed to include the delegation of any power incidental thereto or connected therewith.

Delegation by office or by name

Section 53 of the *Interpretation Act 1984* provides that a delegation can be to the holder of an office (whether acting or permanent) or by naming an individual:

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) perform any function; or*
- (b) be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or*
- (c) be or do any other thing,*

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

Delegations made by the Shire are to the holder of an office.

1.3 How this document is structured

Matters that apply generally to delegations and authorisations are set out in this introduction. As there can be differences in legislation, delegations that may be made under various Acts are set out by Act, rather than by employee or organisational structure.

While generally prohibited, some legislation does allow sub-delegation (mainly the Local Government Act) from Council to the CEO, and from the CEO to other employees. Delegations from the CEO to other employees and appointments of authorised persons are listed in other documents.

Each section of this document is structured as follows:

- Guidance notes, including any particular requirements of the enabling legislation of unusual features;
- Delegations from Council to a committee (if allowed by the enabling legislation and if the City has any committees established to deal with the power to be exercised);
- Delegations from the CEO to an employee (or other person if allowed by the enabling legislation); and
- A list of persons authorised to perform certain functions under the enabling legislation.

Recordkeeping

It is a statutory requirement to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall, as a minimum, record:

1. Date the decision was exercised;
2. Name of the Officer/Committee exercising the decision;
3. Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in Policies, Management Procedures or the Delegation Register;



4. Notation of the people or class of people directly affected by the decision (other than Council or Committee members or employees of the Shire).
5. Wherever possible the requirements of point 4 above shall be incorporated into administrative documents such as memos, file notes, cheque vouchers, etc.



1 Local Government Act 1995 Delegations

1.1 Council to CEO

1.1.1 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. [s.3.24 and s.9.10]. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004. 3. Authority to appoint authorised person for the purposes of section 15 the Graffiti Vandalism Act 2016, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power.
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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



Compliance Links:	Local Government Act 1995 Building Regulations 2012 Criminal Procedure Act 2004. Graffiti Vandalism Act 2016,
Record Keeping:	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.</p>

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.2 Performing Functions Outside the District

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Council Conditions on this Delegation:	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Coordinator Ranger Services Ranger Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.3 Compensation for Damage Incurred when Performing Executive Functions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Council Conditions on this Delegation:	a. Delegation is limited to settlements which do not exceed a material value of \$20,000.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Council Conditions on this Delegation:	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services Ranger Environmental Health Officer Manager Town Planning Strategic Planning Officer Statutory Planning Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	<i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated



	Authority Register and records kept in accordance with Council's Recordkeeping Plan.
--	--

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.5 Declare Vehicle is Abandoned Vehicle Wreck

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Council Conditions on this Delegation:	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services Ranger Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA01-6 Declaring an Impounded Vehicle to be an abandoned Wreck (OCM 22.10.2019 - 660/2019).
---	--



1.1.6 Confiscated or Uncollected Goods

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Director Infrastructure Services Chief Operating Officer - Airport & Tourism Manager Building & Health Services Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	<i>Local Government Act 1995</i> : Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA01-7 Sale/Disposal of Vehicles, Animals, Goods Confiscated or Otherwise (OCM 22.10.2019 - 660/2019).
---	---



1.1.7 Disposal of Sick or Injured Animals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Council Conditions on this Delegation:	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995
Record Keeping	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.8 Close Thoroughfares to Vehicles

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only). c. The permanent closure of thoroughfares to be referred to Council for determination in accordance with the <i>Land Administration Act 1997</i>.
Express Power to Sub-Delegate:	Local Government Act 1995 s.5.44 CEO may delegate some powers and duties to other employees Land Administration Act 1997 s. 58 Closing Roads



Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Director Development Services Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 Policy ENG06 – Road Closure
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA01-8 Closing Certain Thoroughfares to Vehicles (OCM 22.10.2019 - 660/2019).
---	--



1.1.9 Control Reserves and Certain Unvested Facilities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to control and manage an unvested facility in the local government district. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Ashburton that the Shire of Ashburton is permitted to do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)]. 3. Unvested Facilities means 'a thoroughfare, bridge, jetty, drain or watercourse belonging to the Crown, the responsibility for controlling or managing which is not vested in any person other than under this section'
Council Conditions on this Delegation:	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services Director Development Services Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 Parks and Reserves Act 1895
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.10 Obstruction of Footpaths and Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.



	<ul style="list-style-type: none"> ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services Director Development Services Manager Town Planning Manager Roads & Operations Manager Building & Health Services Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.11 Gates Across Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the Shire of Ashburton's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.



Compliance Links:	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA05-1 Private Works On, Over or Under Public Places (OCM 22.10.2019 - 660/2019).
---	--



1.1.12 Public Thoroughfare – Dangerous Excavations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees



Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA05-1 Private Works On, Over or Under Public Places (OCM 22.10.2019 - 660/2019).
---	--



1.1.13 Crossing – Construction, Repair and Removal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Council Conditions on this Delegation:	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996 .
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i>
-------------------	---

**Record Keeping:**

Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA05-1 Private Works On, Over or Under Public Places (OCM 22.10.2019 - 660/2019).
---	--



1.1.14 Private Works on, over or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.



Compliance Links:	<p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Record Keeping:	<p>Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.</p>

Version Control:

1	Replaces DA05-1 Private Works On, Over or Under Public Places (OCM 22.10.2019 - 660/2019).
---	--



1.1.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services Director Development Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.16 Expressions of Interest for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. 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 [F&G r.23].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. b. The delegate has the authority to deal with such matters relevant to this delegation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Services Director Corporate Services Director Development Services Director Community Services Director Projects & Procurement
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. Sub-delegations apply to Function 1. 2. All above delegations must be in accordance with FIN12 Purchasing Policy. 3. The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy FIN12 Purchasing Policy
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan. Details of the expression of interest sought must be recorded in the Tender Register as required by Regulation 17, <i>Local Government (Functions & General) Regulations, 1996</i> .

Version Control:

1	Replaces DA06-4 Expressions of Interest for Goods and Services (OCM 22.10.2019 - 660/2019).
2	OCM 8.9.2020 - 139/2020



1.1.17 Tenders for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to invite tenders although not required to do so [F&G r.13]. 4. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$2M total contact amount, detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 5. Authority to decline any tender [F&G r.18(5)]. 6. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)] 7. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)]. 8. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$2M or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)].



	<p>9. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)].</p> <p>10. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)].</p> <p>11. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].</p> <p>12. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].</p> <p>13. Authority to accept, or reject tenders, only within the \$2M total contract amount, detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)].</p> <p>14. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].</p> <p>15. Authority to:</p> <ul style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10% or \$2M in total. ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].
Council Conditions on this Delegation:	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The reasons why market research has not met the requirements of the specification; and iii. Rationale for why the supply is unique and cannot be sourced through other suppliers; <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and



	<ul style="list-style-type: none"> The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. <p>c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$2M or less and the expense is included in the adopted Annual Budget.</p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Director Corporate Services Director Development Services Director Community Services Director Projects & Procurement
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> Sub-delegations apply to functions 8, 9, 10, 11, 12, 13, 14 and 15. Directors can only approve variations in accordance with procurement authorisation limits ie up to \$249,999 in total. Directors may approve a sole supplier for a contract up to \$249,999. Directors have the authority to accept, or reject tenders up to \$249,999. The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy FIN12 Purchasing Policy
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA06-1 Determining that Tenders do not have to be invited for the Supply of goods and Services, DA06-2 Tenders Evaluation Criteria, DA06-3 Minor Variation for Goods and Services, DA06-6 Award Tenders (OCM 22.10.2019 - 660/2019).
2	OCM 8.9.2020 - 139/2020



1.1.18 Panels of Pre-Qualified Suppliers for Goods and Services

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration



	under the resulting contract is \$2M or less and the expense is included in the adopted Annual Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Director Corporate Services Director Development Services Director Community Services Director Projects & Procurement
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. Directors can only approve pre qualified panels in accordance with procurement authorisation limits ie up to \$249,999 in total. 2. Directors may approve a sole supplier for a contract up to \$249,999. 3. The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Policy FIN12 Purchasing Policy Council Policy FIN25 Pre-Qualified Supplier Panels
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
2	OCM 8.9.2020 - 139/2020



1.1.19 Application of Regional Price Preference Policy



1.1.20 Disposing of Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$75,000 or less. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ○ Reserve price has been set by independent valuation. ○ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and



	<ul style="list-style-type: none"> ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>d. Where the market value of the property (other than land) is determined as being less than \$20,000 (F&G r.30(3)) disposal may be undertaken:</p> <ul style="list-style-type: none"> • In accordance with the conditions of FIN23; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.
Express Power to Sub-Delegate:	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services Manager Finance Services Director Infrastructure Services Fleet Manager
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 – s.3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58 Council Policy FIN23 Disposal of Property other than Land
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA01-7 Sale/Disposal of Vehicles, Animals, Goods Confiscated or Otherwise (OCM 22.10.2019 - 660/2019).
---	---



1.1.21 Payments from the Municipal or Trust Funds

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Council Conditions on this Delegation:	Authority to make payments is subject to annual budget limitations.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Director Corporate Services Director Development Services Director Community Services Director Projects & Procurement
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the Director or Acting Director Corporate Services. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. 4. Elected Members must be informed of approved payments in accordance with Financial Management Regulation 13(1) 5. The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 - refer specifically r.13(1) Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996
-------------------	--



	Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards Department of Local Government, Sport and Cultural Industries: Accounting Manual
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA03-1 Payments from Municipal Fund and Trust Fund (OCM 22.10.2019 - 660/2019).
---	--



1.1.22 Defer, Grant Discounts, Waive or Write Off Debts

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Waive a debt which is owed to the Shire of Ashburton [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Ashburton [s.6.12(1)(b)]. 3. Write off Shire of Ashburton an amount of money which is owed to the Shire of Ashburton [s.6.12(1)(c)]
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Write-off a rates or service charge debt up to \$3,000 per debtor in accordance with FIN 24 Financial Hardship Policy [s.6.12(1)(c) &(2)]. b. A debt (that is not a rates or service charge) may only be waived or deferred in accordance with policy FIN 13 Debtors Management – General. c. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor; or where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Ashburton. <ol style="list-style-type: none"> i. Limited to individual debts valued at no more than \$10,000 or cumulative debts of a debtor valued at no more than \$10,000. Write off of debts greater than these values must be referred for Council decision. d. Enter into a payment arrangement for sundry debts (not rates and services charges) subject to conditions of policy FIN 13 Debtors Management – General. e. Enter into a payment arrangement for rates or service charges subject to conditions of policy FIN15 Rates Debt Recovery.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services Manager Finance Finance Officer – Rates
CEO Conditions on this Sub-Delegation:	1. Finance Officer - Rates may only waive fees and charges related to their operational responsibilities and where such waiver is a



<p><i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>correction on behalf of the Shire of Ashburton limited to a value less than \$50 per customer within a financial year.</p> <p>2. Manager Finance & Administration may:</p> <ul style="list-style-type: none"> i. waive rates and fees and charges where such waiver is a correction on behalf of the Shire of Ashburton limited to a value less than \$1,000 per customer within a financial year ii. waive or suspend interest up to \$1,000 when a debtor enters into and complies with a payment arrangement for a period no longer than 12 months. <p>3. Director Corporate Services and Manager Finance & Administration may waive fees and charges to assist a not for profit community group or charitable entity that is fulfilling a service, social or cultural outcome within the Shire of Ashburton up to \$5,000.</p> <p>4. Director Corporate Services may only write off debts limited to a value of less than \$10,000 per debtor within a financial year.</p> <p>5. Director Corporate Services may write off a debt where all necessary measures have been taken to locate / contact the debtor; or where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Ashburton. Limited to individual or cumulative debts valued below \$10,000 per debtor.</p> <p>6. The exercise of the delegated power does not include the power of delegation.</p>
--	---

<p>Compliance Links:</p>	<p>Collection of Rates Debts – refer Delegations: 1.2.23 Agreement as to Payment of Rates and Service Charges Recovery of Rates or Service Charges 1.2.28 Recovery of Rates Debts – Require Lessee to Pay Rent 1.2.29 Recovery of Rates Debts – Actions to Take Possession of the Land</p> <p>FIN15 Rates Debt Recovery FIN 13 Debtors Management – General FIN 24 Financial Hardship</p>
<p>Record Keeping:</p>	<p>Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.</p>

Version Control:

1	Replaces DA03-2 Write Off Monies Owing and DA03-10 Concession for Minor Charges (OCM 22.10.2019 - 660/2019).
---	--



1.1.23 Agreement as to Payment of Rates and Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy FIN 24 Financial Hardship. b. Agreements must be in writing and, subject to the Council Policy FIN 24 Financial Hardship, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services Manager Finance & Administration Finance Officer - Rates
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Council Policy FIN 24 Financial Hardship
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.24 Rate Record Amendment

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Council Conditions on this Delegation:	a. Delegates must comply with the requirements of s.6.40 of the Act.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.25 Power to Invest and Manage Investments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy FIN07 Investments. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services Manager Finance & Administration
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two Delegates. 2. The exercise of the delegated power does not include the power of delegation.



Compliance Links:	Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy FIN07 Investments
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.26 Determine Due Date for Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Ashburton [s.6.50].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.27 Recovery of Rates or Service Charges

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Council Conditions on this Delegation:	Decisions under this delegation must comply with Council Policy FIN 24 Financial Hardship
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services Manager Finance & Administration
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 Council Policy FIN 24 Financial Hardship
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Ashburton [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Council Conditions on this Delegation:	Decisions under this delegation must comply with Council Policy FIN 24 Financial Hardship.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60. Council Policy FIN 24 Financial Hardship
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or ii. cause the land to be transferred to the Shire of Ashburton [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policy FIN 24 Financial Hardship. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees



Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	<p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Council Policy FIN 24 Financial Hardship</p>
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.30 Rate Record – Objections

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Council Conditions on this Delegation:	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services Manager Finance & Administration
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.1.31 Wittenoom Claims - Legal

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> 9.29. Representing local government in court
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to provide instructions to Shire Solicitors in relation to Wittenoom based asbestos claims against the Shire of Ashburton and to settle those claims.
Council Conditions on this Delegation:	Limit of Shire of Ashburton's portion of claim able to be settled to be either: a. Maximum of \$125,000; or b. A portion not greater than 12.5% of the claim
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA04-1 Wittenoom Claims - Legal (OCM 22.10.2019 - 660/2019).
---	---



1.1.32 Appointment of an Acting CEO

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> Power to appoint an Acting Chief Executive Officer under s5.36(1)(a).
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Power to appoint an Acting Chief Executive Officer
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. The Employee being designated a "Senior Employee", as prescribed by the Local Government Act and in accordance with ELM24 appointment of an Acting Chief Executive b. Appointments being no longer than 10 working days c. Council Members to be advised of Acting Chief Executive Officer d. 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
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-1 Appointment of Acting Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	--



1.1.33 Authority to Approve Donations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To approve donations, sponsorship and waive fees and charges, subject to the conditions set out in policy REC08 Community Donations, Sponsorships and Funding Policy Fees and Charges Schedule.
Council Conditions on this Delegation:	Funding is allocated and available in the Annual Budget.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Community Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	REC08 Community Donations, Sponsorships and Funding Policy Fees and Charges Schedule
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-2 Authority to approve donations in accordance with the provision of Council's REC08 Community Donations, Sponsorships and Funding Policy Fees and Charges Schedule (OCM 22.10.2019 - 660/2019).
---	--



1.2 CEO to Employees

1.2.1 Determine if an Emergency for Emergency Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
Delegate/s:	Director Corporate Services Director Infrastructure Services Director Development Services Director Community Services Directory Projects & Procurement
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
CEO Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.2.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Delegate/s:	Director Infrastructure Director Development Services Manager Town Planning Manager Roads & Operations
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10: 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
CEO Conditions on this Delegation:	a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i> .
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995 This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
--------------------------	--



Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.
-----------------	---

Version Control:

1	Replaces DA05-1 Private Works on, Over or Under Public Places (OCM 22.10.2019 - 660/2019).
---	--



1.2.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Delegate/s:	Director Infrastructure Manager Roads
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12: <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995 This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
-------------------	---



Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.
-----------------	---

Version Control:

1	Replaces DA05-1 Private Works on, Over or Under Public Places (OCM 22.10.2019 - 660/2019).
---	--



1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Delegate/s:	Director Infrastructure Manager Roads
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
CEO Conditions on this Delegation:	The exercise of the delegated power does not include the power of delegation.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA05-1 Private Works on, Over or Under Public Places (OCM 22.10.2019 - 660/2019).
---	--



1.2.5 Electoral Enrolment Eligibility Claims and Electoral Roll

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Delegate/s:	Director Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].



	10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
CEO Conditions on this Delegation:	<ul style="list-style-type: none"> a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7). b. The exercise of the delegated power does not include the power of delegation.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995 <i>Local Government (Elections) Regulations 1995:</i> Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.2.6 Destruction of Electoral Papers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
Delegate/s:	Director Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
CEO Conditions on this Delegation:	The exercise of the delegated power does not include the power of delegation.
Express Power to Sub-Delegate:	

Compliance Links:	Local Government Act 1995 Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.2.7 Information to be Available to the Public

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Delegate/s:	Director Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
CEO Conditions on this Delegation:	The exercise of the delegated power does not include the power of delegation.
Express Power to Sub-Delegate:	Nil.

Compliance Links:

[Local Government Act 1995](#)

**Record Keeping:**

Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.2.8 Financial Management Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
Delegate/s:	Director Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> i. Collection of money owed to the Shire of Ashburton; ii. Safe custody and security of money collected or held by the Shire of Ashburton; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority 1.2.21; vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17] c. The exercise of the delegated power does not include the power of delegation.
Express Power to Sub-Delegate:	Nil.



Compliance Links:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Local Government (Audit) Regulations 1996 Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.2.9 Audit – CEO Review of Systems and Procedures

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
Delegate/s:	Director Corporate Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Ashburton's systems and procedures in relation to <ol style="list-style-type: none"> i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995 Local Government (Audit) Regulations 1996
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.2.10 Infringement Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Express Power or Duty Delegated:	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
Delegate/s:	Director Development Services Manager Building & Health Services Manager Town Planning
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
CEO Conditions on this Delegation:	<ol style="list-style-type: none"> a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation. b. Delegation for Dog Act, Cat Act, Public Health Act, Building Act Bushfires Act, Food Act, Graffiti Vandalism Act, Planning and Development Act, Local Laws - Parking and Parking Facilities, Local Government Property, Cemeteries, Dogs, Health Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> (i) Coordinator Ranger Services (ii) Ranger (iii) Environmental Health Officer (iv) Building Surveyor & Compliance Officer (v) Strategic Planner (vi) Statutory Planner



	<p>c. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an “Approved Officer” in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices::</p> <ul style="list-style-type: none"> (i) Coordinator Ranger Services (ii) Ranger (iii) Environmental Health Officer (iv) Building Surveyor & Compliance Officer (v) Strategic Planner (vi) Statutory Planner <p>NOTE: <i>Delegates must also be appointed as an “Approved Officer” – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</i></p> <p>d. The exercise of the delegated power does not include the power of delegation.</p>
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



1.3 Local Law Delegations to the CEO

1.3.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.2.5(2) Removal of redundant crossing cl.2.6 Interpretation – “acceptable material” cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.7 Designation of special environmental areas cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	General Activity Control 1. Authority, limit to permits subject of this delegation, to: a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; e. determine the form of the permit [cl.7.2(2)]. 2. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a



	<p>Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Temporary vehicle crossing [cl.2.4(1)] b. Any activity described as requiring a permit under cl.2.2(1); <ul style="list-style-type: none"> i. dig or otherwise create a trench through or under a kerb or footpath; ii. throw, place or deposit anything on a verge; iii. cause any obstruction to a vehicle or person using a thoroughfare; iv. cause any obstruction to a water channel; v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare; vi. damage a thoroughfare; vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13; viii. fell any tree onto a thoroughfare; ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare; x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare; xi. use or do anything so as to create a nuisance; xii. place or cause to be placed in on a thoroughfare a bulk rubbish container; xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare; c. Drive or take a vehicle on a closed thoroughfare [cl.2.19]; d. Erect or place an advertising or directional sign [cl.3.2] e. Use of portable signs [cl.3.4]; f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)]; h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11]. i. Burn, subject to the <i>Bush Fires Act 1954</i>, slash or apply herbicides to part of a thoroughfare to reduce
--	---



	<p>fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15]</p> <p>b. Construct firebreaks on a thoroughfare [cl.5.17]</p> <p>3. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>4. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p>Use of Public Places</p> <p>5. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p>Crossings</p> <p>6. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p>Thoroughfares and Verges</p> <p>7. Authority to determine and maintain the list of “acceptable materials” which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>8. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p> <p>9. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].</p> <p>10. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <p>a. Alter the direction of a sprinkler or other watering equipment [cl.9.1];</p> <p>b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2];</p> <p>11. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <p>Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3];</p> <p>Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</p>
--	---



	<p>12. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p> <p>Flora and Fauna within Thoroughfares</p> <p>13. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>14. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7].</p> <p>15. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Collecting native flora and / or native flora seeds [cl.5.20]; b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9]. <p>16. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Infrastructure Manager Roads & Operations Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995 A register of all special environmental areas must be maintained under cl.5.8 of the <i>Activities in Thoroughfares and Public Places and Trading Local Law</i> . Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17
--------------------------	---



	<p>of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer CEO Delegations 1.3.3 and 1.3.4.</p> <p>Crossing permits are approved under Regulations 12 and 13 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.</p>
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer, DA-05-1 Private Works On, On, Over or Under Public Places (OCM 22.10.2019 - 660/2019).
---	--



1.3.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.6.6 Conditions of Permit (Stallholders and Traders) cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Permits General</p> <ol style="list-style-type: none"> Authority, limited to the permit types listed below, to: <ol style="list-style-type: none"> determine the form of a permit application [cl.7.1(1)(a)]; require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; determine the form of the permit [cl.7.2(2)]. <p>Stallholder, Trading and Performing</p> <ol style="list-style-type: none"> Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to: <ol style="list-style-type: none"> Stallholder [cl.6.2]; Trader [cl.6.3]; Perform in a public place [cl.6.10]. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5] Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)].



	Outdoor Eating Facilities 5. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16]. 6. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5] 7. Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer Coordinator Ranger Services Ranger Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Act 1995
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA02-4 Delegation of Powers and Duties of the Local Government Act to the Chief Executive Officer (OCM 22.10.2019 - 660/2019).
---	---



2 Building Act 2011 Delegations

2.1 Council to CEO

2.1.1 Grant a Building Permit

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



Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012.</p> <p>b. The exercise of the delegated power does not include the power of delegation.</p>

Compliance Links:	<p>Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i> <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i></p>
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-01 Approve or Refuse a Building Permit (OCM 22.10.2019 - 660/2019).
---	---



2.1.2 Demolition Permits

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer
---	--



CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012. b. The exercise of the delegated power does not include the power of delegation.
Compliance Links:	Building Act 2011 s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit <i>Building Services (Complaint Resolution and Administration) Act 2011</i> — Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-02 Approve or Refuse Demolition Permit (OCM 22.10.2019 - 660/2019).
---	---



2.1.3 Occupancy Permits or Building Approval Certificates

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with r.5 of the Building Regulations 2012. b. The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Building Act 2011 s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT
-------------------	---



	<i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-03 Grant of Occupancy Permit or Building Approval Certificate (OCM 22.10.2019 - 660/2019).
---	--



2.1.4 Designate Employees as Authorised Persons

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

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

Compliance Links:	<i>Building Act 2011:</i> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Record Keeping:	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record. Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-10 Appointment of Authorised Persons Building Act 2011 (OCM 22.10.2019 - 660/2019).
---	---



2.1.5 Building Orders

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



Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	<u>Building Act 2011:</u> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-5 Issue and Revocation of Building Orders (OCM 22.10.2019 - 660/2019).
---	--



2.1.6 Inspection and Copies of Building Records

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ul style="list-style-type: none"> a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Building Regulation 5. b. The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Building Act 2011 - s.146 Confidentiality
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



2.1.7 Referrals and Issuing Certificates

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> a. Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with Building Regulation 5. b. The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Building Act 2011
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



2.1.8 Private Pool Barrier – Alternative and Performance Solutions

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Building Act 2011
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



2.1.9 Smoke Alarms – Alternative Solutions

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Building Surveyor and Compliance Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Building Act 2011
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



2.1.10 Appointment of approved officers and authorised officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express Power or Duty Delegated:	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).</p> <p><i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</p> <p><i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

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

Compliance Links:	Building Act 2011 <i>Building Regulations 2012: r 70(3) each authorised officer must be issued a certificate of appointment.</i>
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



3 Bush Fires Act 1954 Delegations

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Delegate:	Chief Executive Officer Director Development Services Manager Building & Health Services Coordinator Ranger Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to request on behalf of the Shire of Ashburton that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	ENG08 Bush Fire Policy
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-11 Powers and Duties – Bushfires Act 1954 (OCM 22.10.2019 - 660/2019).
---	--



3.1.2 Prohibited Burning Times - Vary

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. 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
Delegate:	Shire President and Chief Bush Fire Control Officer (jointly)
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Council Conditions on this Delegation:	Decisions under s.17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> ENG08 Bush Fire Policy
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-13 Prohibited Burning Times (OCM 22.10.2019 - 660/2019).
---	--



3.1.3 Prohibited Burning Times – Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. 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
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire of Ashburton or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].



Council Conditions on this Delegation:	Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954: ENG08 Bush Fire Policy</i>
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-13 Prohibited Burning Times (OCM 22.10.2019 - 660/2019).
---	--



3.1.4 Restricted Burning Times – Vary and Control Activities

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<p><i>Bush Fires Act 1954:</i></p> <p>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].



	<p>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>9. Authority to recover the cost of measures taken by the Shire of Ashburton or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> ENG08 Bush Fire Policy
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-13 Prohibited Burning Times (OCM 22.10.2019 - 660/2019).
---	--



3.1.5 Control of Operations Likely to Create Bush Fire Danger

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a person operating a bee smoker device during a prescribed period [r.39CA(5)]. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. a person using explosives [r.39D(2)]. a person using fireworks [r.39E(3)] Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i>
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> ENG08 Bush Fire Policy
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-11 Powers and Duties – Bush Fires Act 1954 (OCM 22.10.2019 - 660/2019).
---	---



3.1.6 Burning Garden Refuse / Open Air Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in



	open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954: ENG08 Bush Fire Policy</i>
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-11 Powers and Duties – Bush Fires Act 1954 (OCM 22.10.2019 - 660/2019).
---	---



3.1.7 Firebreaks

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Ashburton: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> ENG08 Bush Fire Policy
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-11 Powers and Duties – Bushfires Act 1954 (OCM 22.10.2019 - 660/2019).
---	--



3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Ashburton [s.38(5A)]. 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	ENG08 Bush Fire Policy
Record Keeping:	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.</p>

Version Control:

1	Replaces 07-11 Powers and Duties – Bush Fires Act 1954 (OCM 22.10.2019 - 660/2019).
---	---



3.1.9 Control and Extinguishment of Bush Fires

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

Compliance Links:	ENG08 Bush Fire Policy
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-11 Powers and Duties – Bushfires Act 1954 (OCM 22.10.2019 - 660/2019).
---	--



3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Ashburton or those on behalf of the Shire of Ashburton to do [s.58].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> ENG08 Bush Fire Policy
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces 07-11 Powers and Duties – Bush Fires Act 1954 (OCM 22.10.2019 - 660/2019).
---	---



3.1.11 Prosecution of Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express Power or Duty Delegated:	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Delegate:	Chief Executive Officer Bush Fire Control Officer Director Development Services Manager Building & Health Services Coordinator Rangers Ranger
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

Compliance Links:	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy ENG08 Bush Fire Policy
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-14 Prosecutions (OCM 22.10.2019 - 660/2019).
---	--



4 Cat Act 2011 Delegations

4.1 Council to CEO

4.1.1 Cat Registrations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Ashburton's District [Regs. Sch. 3 cl.1(4)].
Council Conditions on this Delegation:	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Coordinator Ranger Services Ranger Environmental Health Officer
CEO Conditions on this Sub-Delegation:	a. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Ashburton's District [Regs. Sch. 3 cl.1(4)] is not delegated.



Conditions on the original delegation also apply to the sub-delegations.	b. The exercise of the delegated power does not include the power of delegation.
--	--

Compliance Links:	Cat Act 2011 Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



4.1.2 Cat Control Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Ashburton's District [s.26].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services Ranger Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Cat Act 2011 Cat Regulations 2012 r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



4.1.3 Approval to Breed Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Council Conditions on this Delegation:	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Cat Act 2011 Cat Regulations 2012 r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



4.1.4 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s. 48 Authorised persons
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

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

Compliance Links:	Cat Act 2011 Cat Regulations 2012
Record Keeping:	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file. A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record. Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-19 Appointment of Authorised Officers Cat Act 2011 (OCM 22.10.2019 - 660/2019).
---	---



4.1.5 Recovery of Costs – Destruction of Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

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

Compliance Links:	Cat Act 2011 Cat Regulations 2012
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



4.1.6 Applications to Keep Additional Cats

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 2. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Council Conditions on this Delegation:	Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

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

Compliance Links:	Cat Act 2011 Cat Regulations 2012
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



4.1.7 Reduce or Waiver Registration Fee

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express Power or Duty Delegated:	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Council Conditions on this Delegation:	This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
Express Power to Sub-Delegate:	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

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

Compliance Links:	Cat Act 2011 Cat Regulations 2012
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



4.2 Cat Act Delegations - CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

Delegator: <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Express Power or Duty Delegated:	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
Delegate/s:	Director Development Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to 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 [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil.

Compliance Links:	Cat Act 2011 Cat Regulations 2012 r.28 Withdrawal of infringement notice (s.65(1))
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



5 Dog Act 1974 Delegations

5.1 Dog Act Delegations Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$500 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Council Conditions on this Delegation:	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

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

Compliance Links:	Dog Act 1976 Shire of Ashburton Dogs Local Law 2012 Council Policy FIN 24 Financial Hardship
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-20 (OCM 22.10.2019 - 660/2019).
---	---



5.1.2 Refuse or Cancel Registration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Ashburton's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]



Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Ranger Coordinator
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Dog Act 1976 s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Shire of Ashburton Dogs Local Law 2012 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



5.1.3 Kennel Establishments

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Council Conditions on this Delegation:	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Dog Act 1976 Shire of Ashburton Dogs Local Law 2012 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



5.1.4 Appoint Authorised Persons

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.11(1) Staff and Services s.29(1) Power to seize dogs (appoint authorised persons for purposes under this Act)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3]. 2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1) and s.29(1)].
Council Conditions on this Delegation:	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

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

Compliance Links:	Dog Act 1976 Shire of Ashburton Dogs Local Law 2012
Record Keeping:	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.</p>

Version Control:

1	Replaces DA07-20 Appointment of Authorised Persons – Dog Act 1976 (OCM 22.10.2019 - 660/2019).
---	--



5.1.5 Recovery of Moneys Due Under this Act

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Council Conditions on this Delegation:	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

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

Compliance Links:	Dog Act 1976 Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government Dog Regulations 2013 r.31 Local government expenses as to dangerous dogs (declared) Shire of Ashburton Dogs Local Law 2012 Council Policy FIN 24 Financial Hardship
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



5.1.6 Dispose of or Sell Dogs Liable to be Destroyed

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Council Conditions on this Delegation:	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Dog Act 1976 Shire of Ashburton Dogs Local Law 2012
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



5.1.7 Declare Dangerous Dog

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Council Conditions on this Delegation:	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Dog Act 1976 Shire of Ashburton Dogs Local Law 2012 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



5.1.8 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Council Conditions on this Delegation:	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Dog Act 1976 Shire of Ashburton Dogs Local Law 2012 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
--------------------------	--



Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.
-----------------	--

Version Control:	
1	



5.1.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

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

Compliance Links:	Dog Act 1976 Shire of Ashburton Dogs Local Law 2012 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



5.1.10 Determine Recoverable Expenses for Dangerous Dog Declaration

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express Power or Duty Delegated:	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Council Conditions on this Delegation:	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Express Power to Sub-Delegate:	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Shire of Ashburton Dogs Local Law 2012 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



6 Food Act 2008 Delegations

6.1 Council to CEO

6.1.1 Determine Compensation

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Council Conditions on this Delegation:	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1,000. Compensation requests above this value are to be reported to Council.
Express Power to Sub-Delegate:	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Food Regulations 2009 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



6.1.2 Prohibition Orders

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

Compliance Links:	Food Act 2008 Food Regulations 2009 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA07-16 Prohibition Orders (OCM 22.10.2019 - 660/2019).
---	--



6.1.3 Food Business Registrations

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

Compliance Links:	Food Act 2008 Food Regulations 2009 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



6.1.4 Appoint Authorised Officers and Designated Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ol style="list-style-type: none"> a. Appointment of Authorised Officers as Meat Inspectors b. Appointment of Authorised Officers c. Appointment of Authorised Officers – Designated Officers only d. Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express Power to Sub-Delegate:	Nil – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Food Regulations 2009 s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed
Record Keeping:	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.



	<p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.</p>
--	---

Version Control:

1	Replaces DA07-15 Delegation to CEO and Nominated Shire Officers as Authorised Officers under the Food Act 2008 (OCM 22.10.2019 - 660/2019).
---	---



6.1.5 Debt Recovery and Prosecutions

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Delegate:	Chief Executive Officer Director Development Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	Nil – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Food Regulations 2009
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



6.1.6 Abattoir Inspections and Fees

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Regulations 2009:</i> r.43 Local government may require security r.45 Withdrawal of inspection services
Delegate:	Chief Executive Officer Director Development Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the Shire of Ashburton [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Council Conditions on this Delegation:	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	Nil – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Food Regulations 2009
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



6.1.7 Food Businesses List – Public Access

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express Power or Duty Delegated:	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food
Delegate:	Chief Executive Officer Director Development Services
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Council Conditions on this Delegation:	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express Power to Sub-Delegate:	Nil – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Food Act 2008 Food Regulations 2009
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



7 Graffiti Vandalism Act 2016 Delegations

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Graffiti Vandalism Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



7.1.2 Notices – Deal with Objections and Give Effect to Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Graffiti Vandalism Act 2016 Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



7.1.3 Obliterate Graffiti on Private Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Council Conditions on this Delegation:	Subject to exercising Powers of Entry
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Graffiti Vandalism Act 2016
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



7.1.4 Powers of Entry

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express Power or Duty Delegated:	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Graffiti Vandalism Act 2016
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register' and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



8 Public Health Act 2016 Delegations

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express Power or Duty Delegated:	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
Council Conditions on this Delegation:	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express Power to Sub-Delegate:	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

Compliance Links:	Criminal Procedure Act 2004 – Part 2
Record Keeping:	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.</p>

Version Control:

1	
---	--



8.1.2 Enforcement Agency Reports to the Chief Health Officer

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

Compliance Links:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



8.1.3 Designate Authorised Officers

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

Compliance Links:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority
-------------------	---



	<p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p>
Record Keeping:	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.</p>

Version Control:

1	
---	--



8.1.4 Determine Compensation for Seized Items

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.264 Compensation
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Council Conditions on this Delegation:	a. Compensation is limited to a maximum value of \$1,000 with any proposal for compensation above this value to be referred for Council's determination.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



8.1.5 Commence Proceedings

Delegator: <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express Power or Duty Delegated:	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

Compliance Links:	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies.
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



9 Planning and Development Act 2005 Delegations

9.1 Council to CEO

9.1.1 Illegal Development

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

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Town Planning Strategic Planning Officer Statutory Planning Officer
---	--



CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.
Compliance Links:	Part 13 of the Planning and Development Act 2005
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.
Version Control:	
1	Replaces DA08-1 Town Planning Functions (OCM 22.10.2019 - 660/2019).



9.1.2 Subdivision

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> Section 142 To make recommendations and objections with respect to a subdivision plan
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Provide correspondence regarding the powers and functions described below in the <i>Planning and Development Act 2005</i> 2. To make recommendations and objections with respect to a subdivision plan [s.142].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Town Planning Strategic Planning Officer Statutory Planning Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Part 13 of the Planning and Development Act 2005
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA08-1 Town Planning Functions (OCM 22.10.2019 - 660/2019).
---	--



9.1.3 Authorised Person – Infringement Notices

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005</i> s.228 Giving of infringement notice s.230 Extending time to pay modified penalty s.231 Withdrawal of infringement notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The powers and functions relating to enforcement, and infringement notices for prescribed planning offences in Part 13, Division 3 of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015 respectively: <ol style="list-style-type: none"> 1. To give an infringement notice for a prescribed planning offence [s.228(1)]. 2. To extend time to pay the modified penalty [s.230]. 3. To withdraw an infringement notice [s.231].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Town Planning Strategic Planner Statutory Planner
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	Planning and Development Act 2005
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



9.1.4 Enforcement Powers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development Act 2005:</i> s.216 Breach of Act etc. or development approval, injunctions as to s.218 Planning scheme or condition on development, contravening etc. <i>s20(1) Criminal Procedure Act 2004</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The enforcement powers and functions described below in the <i>Planning and Development Act 2005</i> : 1. Apply for an injunction [s.216(1)]. 2. Commence a prosecution [s.218].
Council Conditions on this Delegation:	Nil
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Town Planning
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Planning and Development Act 2005 Criminal Procedure Act 2004
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA08-1 Town Planning Functions (OCM 22.10.2019 - 660/2019).
---	--



9.1.5 Reports to the Development Assessment Panel

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Planning and Development (Development Assessment) Panels Regulation 2011</i> r.12 Responsible authority must report to DAP
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Provide the presiding member of a DAP a report on the development application [r.12].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Town Planning Strategic Planning Officer Statutory Planning Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Planning and Development (Development Assessment) Panels Regulation 2011
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



9.2 Local Planning Scheme – Council to CEO

9.2.1 Development Applications

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Under Part 9 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations:</i> r.68 Determination of applications r.77 Amending or cancelling development approval
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Determination of an application for development approval under clause 68 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations; and subsection 31(2) of the State Administrative Tribunal Act 2004. 2. Advertising of applications and proposals under Clause 5.7 of the Shire of Ashburton Local Planning Scheme No. 7; Clauses 64 and subclauses 66(1) and 77(3) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. 3. Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. 4. Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 for minor amendments and temporary works or use, under Clause 77 and subclauses 61(1)(f) and 61(2)(d) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. <p>The Chief Executive Officer is delegated the power to:</p> <ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications for development approval made under the Shire of Ashburton Local Planning Scheme No. 7; • Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under section 31 of the State Administrative Tribunal Act 2004; • Determine the requirement for and extent of advertising of applications and proposals made under the Shire of Ashburton Local Planning Scheme No. 7;



	<ul style="list-style-type: none"> • Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the Shire of Ashburton Local Planning Scheme No. 7 and whether an application should be accepted or rejected; • Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval; • Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced; • Exercise discretion, determine and apply conditions to all applications made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to amend or cancel a development approval made by a Development Assessment Panel; and • Waive or vary a requirement in Part 8 or Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 in respect of an application where that application is considered to relate to a minor amendment to the development approval.
Council Conditions on this Delegation:	<p>The delegated power under 1 and 2 (regulations 68 and 77) is conditional upon each of the following:</p> <ol style="list-style-type: none"> a. The application for development approval receiving more than five (5) objections during the community consultation period; b. Is not a development application for a transient workers accommodation within 20km of the town site boundary that proposes 16 or more beds; and c. Has a development value of less than \$5,000,000
Express Power to Sub-Delegate:	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Town Planning Strategic Planning Officer Statutory Planning Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Planning and Development (Local Planning Schemes) Regulations
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA08-1 Town Planning Functions (OCM 22.10.2019 - 660/2019).
---	--



9.2.2 Structure Plans and Local Development Plans

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Under Parts 4, 5 and 6 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations:</i> r.17 Action by local government on receipt of application r.18 Advertising structure plan r.19 Consideration of submission r.20 Local government report to Commission r.29 Amendment of structure plan r.48 Preparation of local development plan r.50 Advertising of local development plan r.51 Consideration of submission r.52 Decision of local government r.53 Local development plan may provide for later approval of details of development r.59 Amendment of local development plan
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. To determine if a proposed structure plan complies with regulation 16(1) or if further information is required [r.17(1)]. 2. To determine whether to advertise a proposed structure plan and seek comment from any public authority or utility provider [r.18(1)]. 3. To consider any submissions made in respect of a proposed structure plan [r.19(1)]. 4. To prepare a report on the proposed structure plan and provide it to the Commission [r.20(1)]. 5. To determine if amendment to a Structure Plan requires advertising [r.29(3)]. 6. To determine if a proposed local development plan complies or if further information is required, and give the applicant an estimate of the fee for dealing with the application under regulation [r.49(1)]. 7. To determine whether to advertise a proposed local development plan and seek comment from any public authority or utility service provider [r.50(1)]. 8. To consider any submission made in respect of a proposed local development plan [r.51]. 9. To determine a local development plan for approval, approval subject to modification or refusal [r.52(1)]. 10. To approve a local development plan that provides for further details [r.53]. 11. To amend a local development plan [r.59(1)].



	12. To determine whether to advertise an amendment of a local development plan [r.59(4)].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Town Planning Strategic Planning Officer Statutory Planning Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil.

Compliance Links:	Planning and Development (Local Planning Schemes) Regulations
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA08-1 Town Planning Functions (OCM 22.10.2019 - 660/2019).
---	--



9.2.3 Authorised Person – Entry and Inspection Powers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Under Part 10 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations:</i> r.79 Entry and Inspection powers
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. To carry out the entry and inspection powers [r.79].
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

Compliance Links:	<i>Planning and Development (Local Planning Schemes) Regulations</i>
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



10 Land Administration Act 1997

10.1 Council to CEO

10.1.1 Public Lands – Making Submissions on Behalf of Council

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Land Administration Act 1997</i> <i>Transfer of Land Act 1893</i>
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Land Administration Act 1997: S 28 Request dedication of roads through survey plans for Crown land subdivision S 41 Request reserve of Crown land for one or more purposes in the public interest S 46, 47 & 48 Request reserve be placed under care, control and management of the Shire S 50 Request revocation of existing Management Order over a reserve S 51 Request cancellation or change of purpose, or amend the boundaries of a reserve S 52 & 86 Request acquisition as Crown land: <ul style="list-style-type: none"> Any alienated land designated for a public purpose on plan of survey Any private road Any alienated land in an abolished town site S 91 Request grant of licence for any purpose S144–150 Request: grant, amendment, cancellation of an easement for any purpose specified S 267 Request action against a person or persons who commit an offence on Crown land without permission or reasonable excuse



	Transfer of Land Act 1893: S 70A Request the Registrar to lodge, modify or remove a notification on a proprietors or prospective proprietors land by means of the certificate of title
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: Appointed by CEO	Director Development Services Manager Town Planning Director Corporate Services Manager Land and Asset Compliance
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Minor road dedications, where road dedication is consistent with Council adopted plan, policy or adopted Council position or where no objections are received. <ul style="list-style-type: none"> • Minor reserve creation, where reserve creation is consistent with Council adopted plan, policy or adopted Council position or where no objections are received. • Where placing care, control and management of reserve under local government is consistent with Council adopted plan, policy or adopted Council position or where no objections are received. • Where revocation of reserve is consistent with Council adopted plan, policy or adopted Council position or where no objections are received. • Minor change to purpose or amendment to boundaries of a reserve or where a change to the purpose or boundaries of a reserve has no substantial consequence. • Where a request for the acquisition of land is consistent with Council adopted plan, policy or adopted Council position or where no objections are received. • Where no objections are received to creation of an easement.

Compliance Links:	Land Administration Act 1997 Transfer of Land Act 1893
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	
---	--



11 Statutory Authorisations and Delegations to Local Government from State Government Entities

11.1 Environmental Protection Act 1986

11.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 47. 19-Mar-2004
Page: 919 [Pdf](#) - 476kb

EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licensed under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

Persons to whom delegation made—

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.



11.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 232. 20-Dec-2013
Page: 6282 Pdf - 3Mb

EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) bellringing or amplified calls to worship--the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
- (c) community activities--noise control notices in respect of community noise under regulation 16;
- (d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;
- (e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;
- (f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
- (g) sporting, cultural and entertainment events--approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation--

- (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.



11.1.3 Noise Management Plans – Construction Sites

Published by:
Environment

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

No. 71. 16-May-2014
Page: 1548 [Pdf](#) - [2Mb](#)

EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.



11.2 Planning and Development Act 2005

11.2.1 Instrument of Authorisation - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS



SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,

in respect of development applications being made under or referred to in:

- (i) section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- (ii) section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- (iii) section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- (iv) section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- (v) section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);
- (vi) section 163 of the *Planning and Development Act 2005* in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the *Heritage of Western Australia Act 1990*, or of which such a place forms part;
- (vii) section 171A of the *Planning and Development Act 2005* in respect of a prescribed development application (as that term is defined in that section of that Act).

Column 2

City of Albany
City of Armadale
Shire of Ashburton
Shire of Augusta-Margaret River
Town of Bassendean
City of Bayswater
City of Belmont
Shire of Beverley
Shire of Boddington
Shire of Boyup Brook
Shire of Bridgetown-Greenbushes
Shire of Brookton
Shire of Broome
Shire of Broomehill-Tambellup
Shire of Bruce Rock
City of Bunbury
Shire of Busselton
Town of Cambridge
City of Canning
Shire of Capel
Shire of Carnamah
Shire of Carnarvon
Shire of Chapman Valley
Shire of Chittering
Shire of Christmas Island
Town of Claremont
City of Cockburn
Shire of Cocos (Keeling) Islands
Shire of Collie
Shire of Coolgardie
Shire of Coorow
Shire of Corrigin
Town of Cottesloe
Shire of Cranbrook
Shire of Cuballing
Shire of Cue
Shire of Cunderdin
Shire of Dalwallinu
Shire of Dandaragan
Shire of Dardanup
Shire of Denmark
Shire of Derby/West Kimberley
Shire of Donnybrook-Balingup
Shire of Dowerin
Shire of Dumbleyung
Shire of Dundas
Town of East Fremantle
Shire of East Pilbara
Shire of Esperance
Shire of Exmouth
City of Fremantle
City of Greater Geraldton

Shire of Gingin
Shire of Gnowangerup
Shire of Goomalling
City of Gosnells
Shire of Halls Creek
Shire of Harvey
Shire of Irwin
Shire of Jerramungup
City of Joondalup
Shire of Kalamunda
City of Kalgoorlie-Boulder
Shire of Katanning
Shire of Kellerberrin
Shire of Kent
Shire of Kojonup
Shire of Kondinin
Shire of Koorda
Shire of Kulin
City of Kwinana
Shire of Lake Grace
Shire of Laverton
Shire of Leonora
City of Mandurah
Shire of Manjimup
Shire of Meekatharra
City of Melville
Shire of Menzies
Shire of Merredin
Shire of Mingenew
Shire of Moora
Shire of Morawa
Town of Mosman Park
Shire of Mount Magnet
Shire of Mt Marshall
Shire of Mukinbudin
Shire of Mundaring
Shire of Murchison
Shire of Murray

Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:
Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme).
The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.



Shire of Nannup
Shire of Narembean
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjaraku
Shire of Northam
Shire of Northampton
Shire of Nungarin
Shire of Peppermint Grove
Shire of Perenjori
City of Perth
Shire of Pingelly
Shire of Plantagenet
Town of Port Hedland
Shire of Quairading
Shire of Ravensthorpe
City of Rockingham
Shire of Roebourne
Shire of Sandstone
Shire of Serpentine Jarrahdale
Shire of Shark Bay
City of South Perth
City of Stirling
City of Subiaco
City of Swan

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickkepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yalgarn
Shire of York

HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016



11.2.2 WA Planning Commission – Section 25 of the Strata Titles Act 1985

Published by:
Planning and Infrastructure

GOVERNMENT GAZETTE Western
Australia
[Previous](#) [Close](#) [Next](#)

No. 98. 09-Jun-2009
Page: 1936 Pdf - 429kb

PI409

PLANNING AND DEVELOPMENT ACT 2005 Instrument of Delegation Del 2009/03 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of the *Strata Titles Act 1985*

Preamble

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

Resolution under section 16 of the Act (delegation)

On 26 May 2009, pursuant to section 16 of the Act, the WAPC RESOLVED—

A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.

TONY EVANS, Western Australian Planning Commission.

SCHEDULE 1

1. Applications made under section 25 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 25 of the *Strata Titles Act 1985* for a plan of subdivision, re-subdivision or consolidation, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
 - (i) a type of development; and/or
 - (ii) land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.



11.3 Main Roads Act 1930

11.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION

 RELATING TO
 TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (*Insert name of Local Government*) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.



Dated:

**THE COMMON SEAL OF THE
COMMISSIONER OF MAIN ROADS**

WAS AFFIXED BY

COMMISSIONER OF MAIN ROADS

FOR THE TIME BEING IN THE
PRESENCE OF:

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

.....(*Insert name of Local Government*)..... agrees to unconditionally observe,
perform and be bound by the above conditions.

THE COMMON SEAL of

[Insert name of Local Government]

Was hereunto affixed pursuant to a
resolution of the Council in the
presence of:

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)



11.3.2 Traffic Management – Road Works

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises
("Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Works on Roads Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner's delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.



Dated:

THE COMMON SEAL OF THE)
 COMMISSIONER OF MAIN ROADS)
 WAS AFFIXED BY)
)
)
 COMMISSIONER OF MAIN ROADS)
 FOR THE TIME BEING IN THE PRESENCE OF:)

 Signature of Witness

 Name of Witness

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to observe, perform and be
 bound by the above conditions.

THE COMMON SEAL OF THE)
)
 WAS AFFIXED PURSUANT TO A RESOLUTION)
 OF THE COUNCIL IN THE PRESENCE OF)

 Chief Executive Officer

 Witness



11.4 Road Traffic (Vehicles) Act 2012

11.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



Government of Western Australia
Department of Transport
Driver and Vehicle Services

ROAD TRAFFIC (VEHICLES) ACT 2012

Road Traffic (Vehicles) Regulations 2014

RTVR-2017-202046

APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (c) a local law;
- (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "*special use vehicle*" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

CONDITIONS

1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.
2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction.
3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position.
4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.
5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.
6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.
7. Any vehicle fitted with flashing lights for the purposes of this approval must:



12 Shire of Ashburton Local Laws

12.1 Parking and Parking Facilities Local Law 2013

12.1.1 Restricted Parking Areas

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO s.9.10 (1) Appointment of authorised persons
Express Power or Duty Delegated:	Clause 3.1 Restrictions on parking in particular areas
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Restrictions on parking in particular areas pursuant to the Parking and Parking Facilities Local Law 2013: A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only".
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Parking and Parking Facilities Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.1.2 Vehicle on Thoroughfare to Be Moved

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 3.6 Authorised person may order vehicle on thoroughfare to be moved
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authorised person may order vehicle on thoroughfare to be removed pursuant to the Parking and Parking Facilities Local Law 2013: 1. The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it 2. If the driver of a vehicle fails to comply with a direction given under subclause (1), an authorised person may impound the vehicle and may recover the costs of the removal of the vehicle from the driver of the vehicle.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Parking and Parking Facilities Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.1.3 Driving or Parking on Reserves

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 3.11 Parking on Reserves
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Driving or parking on reserves pursuant to the Parking and Parking Facilities Local Law 2013: No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Parking and Parking Facilities Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.1.4 Suspension of Parking Limitations for Urgent, Essential or Official Duties

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 3.12 – Suspension of parking limitations for urgent, essential or official duties
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Suspension of parking limitations for urgent, essential or official duties pursuant to the Parking and Parking Facilities Local Law 2013.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Parking and Parking Facilities Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.1.5 Infringements for Prescribed Offences as Per Schedule 2

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	Schedule 2 – An authorised person may issue an infringement for any prescribed offences as per Schedule 2
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	An authorised person may issue an infringement for any prescribed offences as per Schedule 2 of the Parking and Parking Facilities Local Law 2013.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Parking and Parking Facilities Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.2 Local Government Property Local Law 2013

12.2.1 Determinations

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 <i>Delegation of some powers or duties to the CEO</i> s.5.43 <i>Limitations on delegations to the CEO</i> s.9.10 (1) <i>Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 2.1 – Local Government may make determinations in accordance with clause 2.2 Clause 2.3 – Discretion to erect sign Clause 2.6 – Amendment or revocation of a determination
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	An authorised person may issue an infringement for any prescribed offences as per Schedule 2 of the Local Government Property Local Law 2013.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Property Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.2.2 Activities Requiring a Permit

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	cl.3.13 Activities requiring a Permit cl.3.14 Permit required to camp outside a facility cl.3.15 Permit required for possession and consumption of liquor
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> 1. Local government may exempt a person from compliance to requiring a licence and may exempt specified local government property or a class of local government property from the application of that person. 2. Authority to impound any tent, camp, hut, similar structure erected on local government property without a licence. 3. Authority to attach a notice to a vehicle, advising the owner that the vehicle will be released upon payment and if impounding costs are not paid within 24 hours, the vehicle may be removed to the local government pound. 4. Authority to prohibit a person on local government property from consuming any liquor or have in his or her possession or under his or her control any liquor, without a licence.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Property Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.2.3 Use of Local Government Property

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 <i>Delegation of some powers or duties to the CEO</i> s.5.43 <i>Limitations on delegations to the CEO</i> s.9.10 (1) <i>Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 4.8 Signs Clause 9.4 Liability for damage to local government property
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Use of Local Government property under the Local Government Property Local Law 2013: 1. Erect a sign specifying condition of use. 2. Give notice for liability of damage to government property.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Property Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.2.4 Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO s.9.10 (1) Appointment of authorised persons
Express Power or Duty Delegated:	Clause 9.2 – Persons may be directed to leave local government property Clause 5.1 – When entry must be refused Division 5 Aerodrome (Airport)
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Use of local government property under the Local Government Property Local Law 2013: <ol style="list-style-type: none">1. Direct a person to leave local government property where they have contravened written law.2. Refuse entry to local government property.3. Refuse entry to the airport.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Director Community Services Director Projects & Procurement Director Corporate Services Coordinator Ranger Service Ranger Chief Control Officer – Airport and Tourism Airport Reporting Officer Pool Manager Facilities Officer Facilities Manager
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Property Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.3 Activities on Thoroughfares Local Law 2013

12.3.1 Thoroughfares – General

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO s.9.10 (1) Appointment of authorised persons
Express Power or Duty Delegated:	Clause 2.11 Notice to owner or occupier Clause 9.1 Notice to redirect or repair sprinkler Clause 9.2 Hazardous plants Clause 9.3 Notice to repair damage to thoroughfare Clause 9.4 Notice to remove thing unlawfully placed on thoroughfare
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Activities in thoroughfares under the Public Places and Local Government Property Local Law 2016 1. Given Notice to owner or occupier 2. Notice to redirect or repair sprinkler. 3. Notice to remove or cut hazardous plants. 4. Notice to repair damage to thoroughfare. 5. Notice to remove thing unlawfully placed on thoroughfare.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service Ranger Environmental Health Officer Director Infrastructure Services Manager Roads & Operations Manager Parks & Gardens
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Activities on Thoroughfares Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.3.2 Trading in Thoroughfares and Public Places

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 7.1 Application for a permit Clause 7.2 Decision on application for permit Clause 7.3 Conditions which may be imposed on a permit Clause 7.4 Imposing Conditions under a policy Clause 7.5 Compliance with and variation of conditions Clause 7.6 Duration of permit Clause 7.7 Renewal of permit Clause 7.8 Transfer of permit Clause 7.9 Production of permit Clause 7.10 Cancellation of Permit
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Grant a Permit for Commercial Activity under the Public Places and Local Government Property Local Law 2013: <ol style="list-style-type: none"> 1. Grant a permit to a person authorising the person to provide a specified type of commercial activity at one or more specified public places. 2. Grant a permit subject to any condition that the local government considers appropriate. 3. Renew a permit and/or establish restrictions on renewal of a permit. 5. Transfer a permit. 6. Cancel a permit. 7. Require a permit to be produced. 9. Amend a permit.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Property Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.3.3 Prescribed Offences – Schedule 1

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	10.4 Prescribed offences
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Infringements for prescribed offences as per schedule 7 – Prescribed Offences
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Service Ranger Environmental Health Officer Director Infrastructure Services Manager Roads & Operations Manager Parks & Gardens
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Local Government Property Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.4 Cemeteries Local Law 2013

12.4.1 General Powers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO s.9.10 (1) Appointment of authorised persons
Express Power or Duty Delegated:	Clause 2.1 Powers and Functions of CEO
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Various Local Government Powers under the Cemeteries Local Law 2013: PART 3 - Applications for funerals PART 4 – Funeral Directors PART 5 – Funerals PART 6 – Burials PART 7 – Memorials and other work PART 8 – General PART 9 – Offences and Modified Penalties
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services Manager Finance & Administration Director Infrastructure Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Cemeteries Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.4.2 Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 5.5 – Offenders may be ordered to leave Clause 6.1 – Depth of grave Clause 7.4 – Operation of work Clause 7.7 – Unfinished work Clause 7.10 – Supervision Clause 8.8 – Removal from the cemetery
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Powers of an authorised officer under the Cemeteries Local Law 2013. 1. Offenders may be ordered to leave. 2. Depth of grave. 3. Operation of work. 4. Unfinished work. 5. Supervision. 6. Removal from the cemetery.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Corporate Services Manager Finance & Administration Director Infrastructure Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Cemeteries Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.4.3 Prescribed Offences

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	Schedule 2 – Infringement notice Schedule 3 – Infringement withdrawal notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Infringements for prescribed offences as per schedule 1 and withdrawal of infringement notice as per Schedule 3 of the Cemeteries Local Law 2013: 1. Prescribed offences 2. Withdrawal of infringement notice.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Building & Health Services Coordinator Ranger Services Ranger Director Infrastructure Manager Roads & Operations
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Cemeteries Local Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.5 Dogs Local Law 2012

12.5.1 General Powers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 <i>Delegation of some powers or duties to the CEO</i> s.5.43 <i>Limitations on delegations to the CEO</i> s.9.10 (1) <i>Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 7.0 – 7.9 - Application for Kennel Establishment Licence Clause 10.1 – Fouling of Streets and Public Places and Reserves Clause 14.5 – Issue an acknowledgement or withdraw a notice
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Various Local Government Powers under the Dogs Local Law 2013: 1. Application for Kennel Establishment Licence. 2. Fouling of Streets and Public Places and Reserves. 3. Issue an acknowledgement or withdraw a notice.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Health & Building Services Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Dogs Local Law 2012
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.5.2 Authorised Officers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> <i>s.5.42 Delegation of some powers or duties to the CEO</i> <i>s.5.43 Limitations on delegations to the CEO</i> <i>s.9.10 (1) Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 4.5 – Seizing a dog Clause 4.6 - Notifying the owner of a seized dog Clause 4.8 - Accepting proof of ownership Clause 8.1.14 – Request upkeep of kennels and yards Clause 14.2 – Notice of offence committed Second Schedule – Modified penalties
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Powers of an authorised officer under the Shire of Ashburton Local Law: 1. Seizing a dog. 2. Notifying the owner of a seized dog. 3. Accepting proof of ownership. 4. Request upkeep of kennels and yards. 5. Notice of offence committed. 6. Modified penalties.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> <i>s.5.44 CEO may delegate some powers and duties to other employees</i>

Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Health & Building Services Coordinator Ranger Services Ranger
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Dogs Local Law 2012
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---



12.6 Health Local Law 2013

12.6.1 Various Powers

Delegator: <i>Power / Duty assigned in legislation to:</i>	Local Government
Express Power to Delegate: <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 <i>Delegation of some powers or duties to the CEO</i> s.5.43 <i>Limitations on delegations to the CEO</i> s.9.10 (1) <i>Appointment of authorised persons</i>
Express Power or Duty Delegated:	Clause 3.13 – Licensing of morgues Clause 4.3(2)(b) – Disposal of liquid waste Clause 6.5 - Local Government may execute work and recover costs under Division 1 – flies (Pest Control) Clause 6.8 - Local Government may execute work and recover costs under Division 2 – Mosquitoes (Pest Control) Clause 7.1(1) – Notice to clean, disinfect or disinfest Clause 7.3(2) – Notice to destroy or amend an insanitary house Clause 7.4 – Persons in contact with an infectious disease sufferer Clause 7.8 - Local Government may execute work and recover costs under Division 1 – General provisions (Infectious diseases) Clause 8.4 – Lodging house application Clause 8.5 – Renewal of registration – lodging house Clause 8.7(1) and (4) – Revocation of registration and notice thereof Clause 8.18 – Approval of mechanical ventilation in lieu of fixed ventilation Clause 8.24 – Keeper report Clause 9.5 – Certificate of registration Clause 9.7 – Alterations to premises Clause 10.1 – Infringement's for offences and penalties
Delegate:	Chief Executive Officer
Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Various Local Government Powers under the Shire of Ashburton Health Local Law 2013: 1. Licensing of morgues. 2. Disposal of liquid waste. 3. Local Government may execute work and recover costs under Division 1 – flies (Pest Control). 4. Local Government may execute work and recover costs under Division 2 – Mosquitoes (Pest Control). 5. Notice to clean, disinfect or disinfest. 6. Notice to destroy or amend an insanitary house. 7. Persons in contact with an infectious disease sufferer. 8. Local Government may execute work and recover costs under Division 1 – General provisions (Infectious diseases). 9. Lodging house application. 10. Renewal of registration – lodging house. 11. Revocation of registration and notice thereof. 12. Approval of mechanical ventilation in lieu of fixed ventilation 13. Keeper report. 14. Certificate of registration. 15. Alterations to premises. 16. Infringement's for offences and penalties.
Council Conditions on this Delegation:	Nil.
Express Power to Sub-Delegate:	<i>Local Government Act 1995:</i> s.5.44 <i>CEO may delegate some powers and duties to other employees</i>



Sub-Delegate/s: <i>Appointed by CEO</i>	Director Development Services Manager Health & Building Services Environmental Health Officer
CEO Conditions on this Sub-Delegation: <i>Conditions on the original delegation also apply to the sub-delegations.</i>	The exercise of the delegated power does not include the power of delegation.

Compliance Links:	Health Law 2013
Record Keeping:	Each exercise of this delegation must be recorded in the 'Delegated Authority Register and records kept in accordance with Council's Recordkeeping Plan.

Version Control:

1	Replaces DA09-9 Shire of Ashburton Local Laws - Administration (OCM 22.10.2019 - 660/2019).
---	---