



Shire of Chapman Valley

Delegations Register

Last Full Review - April 2019
(Minute Reference 04/19-9)

Introduction

Purpose of Delegated Authority

The aim of delegated authority is to assist with the efficiency of the local government by way of quicker decisions. This is consistent with the Shire of Chapman Valley's **Strategic Community Plan**. This delegated authority register will be reviewed on an annual basis in accordance with the Local Government Act 1995 requirements.

The Local Government Act 1995 provides the power to delegate certain functions to the Chief Executive Officer. Furthermore, the Act allows for the Chief Executive Officer to sub delegate to another employee (Section 5.44 (1)). This must be done in writing (Section 5.44 (2)). The Act allows for the Chief Executive Officer to place conditions on any sub-delegations, if desired (Section 5.44 (4)).

Other Acts administered by local government also provide the power to delegate or appoint and references within each delegation subject provide information on the respective head of power.

Review Requirements

In accordance with the requirements of Section 5.46(2) of the *Local Government Act 1995*, the Delegations Register must be reviewed at least once every financial year.

FULL REVIEW

Date	Council Resolution
19 May 2010	OCM 05/10-27
18 May 2011	OCM 05/11-11
28 June 2012	OCM 06/12-9
19 June 2013	OCM 06/13-18
21 May 2014	OCM 05/14-13
20 May 2015	OCM 05/15-7
18 May 2016	OCM 05/16-27
17 May 2017	OCM 05/18-13
16 May 2018	OCM 05/18-13
17 April 2019	OCM 04/19-9

(Note: Amendments to specific Delegations/Appointments/Sub-Delegations are noted at individual Delegation page)

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DELEGATIONS

APPOINTMENTS

&

SUB-DELEGATIONS

COUNCIL DELEGATIONS/APPOINTMENTS TO CHIEF EXECUTIVE OFFICER

APPOINTMENTS		
	- Bush Fire Administration Officer	
	- Equal Employment Opportunities Grievance Officer	
	- Authorised Person & Registration Officer (Dog Act 1976)	
	- Pension Rates Review Officer	
	- Litter Control Officer	
	- Administrator of all Council Local Laws	
	- Returning Officer (Council Elections)	
	- Principal Accounting Officer	
DELEGATIONS		
DEL NO.	AUTHORITY (Section 5.42)	CEO's SUB-DELEGATION TO STAFF
1001	Disputes, Arbitration & Industrial	
1002	Conferences, Seminars & Training Courses	
1003	Legal Advice	Deputy Chief Executive Officer (for planning issues)
1004	Liquor, Sale of from Council Property	Deputy Chief Executive Officer & Manager Finance & Corporate Services (in the absence of the CEO only)
1005	Street Appeals	Deputy Chief Executive Officer & Manager Finance & Corporate Services (in the absence of the CEO only)
1006	Enforcement and Legal Proceedings	
1007	Lease of Council Buildings	Deputy Chief Executive Officer & Manager Finance & Corporate Services (in the absence of the CEO only)
1008	Annual Leave Clearance	
1009	Policy on Legal Representation – Cost Indemnification	
1010	Common Seal	
1011	Impounding of Goods Including Abandoned Vehicles	
1012	Acting Chief Executive Officer	
1013	Authorisation of Officers	Various. Refer to detailed Sub-Delegations to specific Staff
1014	Transfer of Land Documentation	
1015	Execution of Contracts	
1016	Appointment of Public Interest Disclosure (PID) Officer	Executive Services Administrator
1017	Appointment of Equal Employment Opportunity (EEO) Implementation Officer	

DEL NO.	AUTHORITY (Section 5.42)	CEO's SUB-DELEGATION TO STAFF
1018	Notices Requiring Certain Things to be Done by Owner or Occupier of land and Additional Powers When Notice is Given	
1019	Conferences, Seminars, Meetings and Training Courses – Reimbursement of Councillor Expenses	
1020	Complaints Officer	
2001	Vehicles, Use of	
2002	Regulatory Signs	
2003	Road Closures, Temporary	Manager of Works & Services (in consultation with CEO, or the DCEO in the absence of the CEO)
2004	Disposal of Surplus Equipment, Materials, Tools, etc.	
2005	Licence to Deposit Materials on or Excavate Adjacent to a Street	
2006	Events on Roads	
2007	Exercising Powers of the Local Government	
2008	Private Works	Manager of Works & Services
2009	Damage to Roads, Kerbing, Footpaths etc	Manager of Works & Services
2010	Street Signs	Manager of Works & Services
2011	Gates & Pipes Across Thoroughfares	
2012	Heavy Haulage (RAV) Vehicles	Manager of Works & Services (in consultation with CEO)
3001	Payment of Accounts	Manager Finance & Corporate Services
3002	Rate Book	Manager Finance & Corporate Services
3003	Investment of Surplus Funds	Manager Finance & Corporate Services
3004	Council Purchasing Authority	Various Staff – Refer to Council's Purchasing Policy CP-024
3005	Donations & Grants	
3006	Master Lending Agreement	
3007	Interest & Legal Fees to be Written Off	
3008	Financial Assistance	
3009	Tenders for Providing Goods & Services	
3010	Acceptance of Tenders	
3011	Budget Expenditure	
4001	Firebreak Order, Variation to	Chief Bush Fire Control Officer & Senior Ranger (in consultation with CEO)

DEL NO.	AUTHORITY (Section 5.42)	CEO's SUB-DELEGATION TO STAFF
4002	Burning of Roadsides	Chief Bush Fire Control Officer (in consultation with CEO)
4003	Burning, Prohibited Times (Variations)	Chief Bush Fire Control Officer (in consultation with CEO)
4004	Removal of Hazards	Manager Works & Services (in CEOs absence) & Chief Bush Fire Control Officer (in consultation with CEO)
4005	Offences – Bush Fire Act & Regulations	Deputy Chief Executive Officer (in CEOs absence)
5001	Development Applications	Deputy Chief Executive Officer
5002	Subdivision Applications	Deputy Chief Executive Officer
5003	Town Planning Scheme Amendments	Deputy Chief Executive Officer
5004	Responding to Appeals and Requests for Reconsideration	Deputy Chief Executive Officer
5005	Road Names – Policy	Deputy Chief Executive Officer
6001	Building Act 2001	Building Surveyor
6001a	Building and Demolition Permits – Building Act 2011	Building Surveyor
6001b	Occupancy Permits and Building Approval Certificates – Building Act 2011	Building Surveyor
6001c	Building Orders – Building Act 2011	Building Surveyor
6001d	Building Information – Building Act 2011	Building Surveyor
6001e	Swimming Pool – Building Act 2011	Building Surveyor
6001f	Smoke Alarms – Building Act 2011	Building Surveyor
6001g	Transitional Provisions relating to Local Government – Building Act 2011	Building Surveyor
6002	Caravan Park & Camping Grounds	E.H.O, Building Surveyor/Projects Officer, Senior Ranger
6003	Treatment of Sewage and Disposal of Liquid Waste	E.H.O/Building Surveyor/Projects Officer
6004	Public Health Act 2016	E.H.O
7001	Enforcement of Dog Act and Local Laws	Senior Ranger
7002	Dog Registration	Senior Ranger
7003	Dog Act Infringement	Senior Ranger
7004	Cat Act 2011	Senior Ranger
8001	Landcare	

CEO'S DELEGATIONS/APPOINTMENTS - DEPUTY CHIEF EXECUTIVE OFFICER

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Shire of Chapman Valley Town Planning Schemes	
1013	Dog Act 1976 & Regulations	
1013	Authorised Person & Registration Officer (Dog Act 1976 for Licensing Purposes)	
1013	Litter Act 1979 & Regulations	
1013	Caravan Parks & Camping Grounds Act 1995 & Regulations	
1013	Cat Act 2011 & Regulations	
1003	Legal Advice	
1004	Liquor, Sale of from Council Property	In the absence of the CEO only
1005	Street Appeals	In the absence of the CEO only
1007	Leasing of Council Buildings	In the absence of the CEO only
1011	Impounding of Goods Including Abandoned Vehicles	
3001	Payment of Accounts	
4005	Offences – Bush Fire Act & Regulation	In the absence of the CEO only
3004	Council Purchasing Authority	
5001	Development Applications	
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5003	Town Planning Scheme Amendments	
5004	Responding to Appeals and Requests for Reconsideration	
5005	Road Names	

CEO'S DELEGATIONS/APPOINTMENTS - MANAGER FINANCE & CORPORATE SERVICES

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Authorised Person and Registration Officer (Dog Act 1976 and Cat Act 2011 for Licensing Purposes)	
1013	Cemeteries Act 1986 & Regulations	
-	Freedom of Information Co-ordinator	
1004	Liquor, Sales of from Council	In the absence of the CEO only
1005	Street Appeals	In the absence of the CEO only
1007	Leasing of Council Buildings	In the absence of the CEO only
3001	Payment of Accounts	
3002	Rate Book	
3003	Investment of Surplus Funds	
3004	Council Purchasing Authority	

CEO'S DELEGATIONS/APPOINTMENTS - MANAGER OF WORKS & SERVICES

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Litter Control Officer (Litter Act 1979)	
1013	Dog Control Officer (1976)	
1013	Cat Act 2011 & Regulations	
1013	Litter Act 1979 & Regulations	
2003	Road Closures, Temporary	In consultation with CEO, or the DCEO in the absence of the CEO.
2008	Private Works	
2009	Damage to Roads, Kerbing, Footpaths etc	
2010	Street Signs	
2012	Heavy Haulage (RAV) Vehicles	In consultation with CEO.
3004	Council Purchasing Authority	
4004	Removal of Hazards	

CEO'S DELEGATIONS/APPOINTMENTS - BUILDING SURVEYOR / PROJECTS OFFICER

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Building Act 2011 & Regulations	
1013	Caravan Parks & Camping Grounds Act 1995 & Regulations	
3004	Council Purchasing Authority	
6001	Building Act 2001	
6001a	Building and Demolition Permits – Building Act 2011	
6001b	Occupancy Permits and Building Approval Certificates – Building Act 2011	
6001c	Building Orders – Building Act 2011	
6001d	Building Information – Building Act 2011	
6001e	Swimming Pool – Building Act 2011	
6001f	Smoke Alarms – Building Act 2011	
6001g	Transitional Provisions relating to Local Government – Building Act 2011	
6002	Caravan Parks & Camping Grounds	
6003	Treatment of Sewerage and Disposal of Effluent and Liquid Waste	

CEO'S DELEGATIONS/APPOINTMENTS - ENVIRONMENTAL & HEALTH OFFICER

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Health (Miscellaneous Provisions) Act 1911	
1013	Food Act 2008	
6002	Caravan Park & Camping Grounds	
6003	Treatment of Sewage and Disposal of Liquid Waste	
6004	Demolition Licenses	

CEO'S DELEGATIONS/APPOINTMENTS - SENIOR RANGER

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Litter Control Officer (Litter Act 1979)	
1013	Dog Control Officer (1976)	
1013	Cat Act 2011 & Regulations	
1013	Control of Vehicles (Off Road Areas) Act 1978 & Regulations	
1013	Caravan Parks & Camping Grounds Act 1995 & Regulations	
1013	Fire Prevention Officer	
1013	Fire Training Officer	
-	RSPCA Welfare Officer	
3004	Council Purchasing Authority	
4001	Firebreak Order, Variation to	In consultation with the CEO & CBFCO
6001e	Swimming Pool Inspections	
6002	Caravan Parks & Camping Grounds	
7001	Enforcement of Dog Act & Local Laws	
7002	Dog Registration	
7003	Dog Act Infringements	
7004	Administration & Enforcement of Cat Act 2011 & associated subsidiary legislation	

CEO'S DELEGATIONS/APPOINTMENTS - EXECUTIVE SERVICES ADMINISTRATOR

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Authorised Person & Registration Officer (Dog Act 1976 and Cat Act 2011 for Licensing Purposes)	
1016	Public Interest Disclosure Officer	
3004	Council Purchasing Authority	

CEO'S DELEGATIONS/APPOINTMENTS - PLANT OPERATOR – CONSTRUCTION & MAINTENANCE

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
3004	Council Purchasing Authority	

CEO'S DELEGATIONS/APPOINTMENTS - SENIOR FINANCE OFFICER

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Authorised Person & Registration Officer (Dog Act 1976 and Cat Act 2011 for Licensing Purposes)	
3004	Council Purchasing Authority	

CEO'S DELEGATIONS/APPOINTMENTS - ADMINISTRATION STAFF

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
1013	Authorised Person & Registration Officer (Dog Act 1976 and Cat Act 2011 for Licensing Purposes)	

COUNCIL DELEGATIONS/APPOINTMENTS - BUSHFIRE CONTROL

DEL NO.	AUTHORITY (Section 5.42)	COMMENTS
	Chief Fire Control Officer (CBFCO)	A Vlahov
	Deputy Chief Bush Fire Control Officer	N Kupsch
	B.F.C.O. - Yuna	S Earl
	B.F.C.O. - Naraling	C Mincherton
	B.F.C.O. - Nabawa	N Kupsch
	B.F.C.O. - Howatharra	C Royce
	B.F.C.O. - Durawah/Valentine	D Burton
	B.F.C.O. - Yetna	J Stokes
	Training Officer - Town	E O'Donnell
	Fire Prevention	E O'Donnell
	Group Administration Officer	CEO
	Fire Weather Officer	A Vlahov
	Deputy Fire Weather Officer	N Kupsch
	Noxious Weed & Clover Permit Officer	A Vlahov
4001	Fire Breaks Order, Variation to	CBFCO in consultation with CEO
4002	Burning of Roadsides	CBFCO in consultation with CEO
4003	Burning, Prohibited & Restricted Times (Variations)	CBFCO in consultation with CEO
4004	Removal of Hazards	CBFCO in consultation with CEO

DELEGATIONS

COUNCIL

to

CHIEF EXECUTIVE

OFFICER

1000

ADMINISTRATION

DELEGATION NUMBER - 1001

LEGISLATIVE POWER - Local Government Act 1995
DELEGATION SUBJECT - Disputes, Arbitration and Industrial
DELEGATE - Chief Executive Officer
RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer is delegated authority to provide the Western Australian Local Government Association (WALGA) with consent to act on the Council's behalf in any matter regarding disputes with employees of Council.

DELEGATION NUMBER	-	1002
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATION SUBJECT	-	Conferences, Seminars & Training Courses
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

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

DELEGATION NUMBER - **1003**
LEGISLATIVE POWER - Local Government Act 1995
DELEGATION SUBJECT - Legal Advice
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE CP-004

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

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER - **1004**
LEGISLATIVE POWER - Liquor Control Act, 1988
DELEGATION SUBJECT - Liquor, Sale of from Council Property
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer is delegated authority to approve applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

The CEO is delegated authority to issue certificates of compliance under Sections 39 (certificate of local government as to whether premises comply with laws) and Section 40 (certificate of planning authority as to whether use of premises complies with planning laws) of the Liquor Control Act 1988.

DELEGATION NUMBER - **1005**
LEGISLATIVE POWER - Local Government Act 1995
DELEGATION SUBJECT - Street Appeals
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer is delegated authority to determine all applications for street appeals.

The Chief Executive Officer shall have regard to any Council Policy relating to street appeals.

DELEGATION NUMBER	-	1006
LEGISLATIVE POWER Regulations; Health Act	-	Planning & Development Act 2005; Building
DELEGATION SUBJECT	-	Enforcement and Legal Proceedings
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions on behalf of Council under the Local Government Act 1995 (Section 9.10) and Council's Local Laws.

Further, the Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions as specified by the Chief Executive Officer. The appointments being those referred to in Section 9.10 of the Local Government Act 1995.

All such appointments must be within budgetary constraints unless funding is otherwise authorised by Council.

DELEGATION NUMBER - **1007**
LEGISLATIVE POWER - Local Government Act 1995
DELEGATION SUBJECT - Lease of Council Buildings
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer is authorised to lease out Council Buildings (i.e., houses, halls, community centre, etc.) in accordance with Council determined rates and charges.

(Reviewed - Minute Reference 02/14-36)

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DELEGATION NUMBER - **1008**
LEGISLATIVE POWER - Local Government Act (1995)
DELEGATION SUBJECT - Annual Leave Clearance
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE CMP-042

The Chief Executive Officer is to be delegated authority to approve requests for deferment of Annual Leave.

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER	-	1009
LEGISLATIVE POWER	-	Local Government Act (1995)
DELEGATION SUBJECT	-	Policy on Legal Representation – Cost Indemnification
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		CP-004

Council has adopted a policy Legal Representation and Cost Indemnification.

The Chief Executive Officer is delegated authority in accordance with Clause 2(e) of the policy as follows: -

“Where there is a need for the provision of urgent legal services before an application can be considered by Council, the Chief Executive Officer may give an authorisation to the value of \$5,000”

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed - Minute Reference 06/02-6

DELEGATION NUMBER	-	1010
LEGISLATIVE POWER	-	Local Government Act (1995)
DELEGATION SUBJECT	-	Common Seal
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The CEO is delegated authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of contract documents including affixing of the Seal without further reference to Council, where:

- (a) Council has authorised entering into a formal contract; or
 - (b) A formal contract is authorised under a delegated authority from Council; or
 - (c) A formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operations of the Council.
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DELEGATION NUMBER - **1011**

LEGISLATIVE POWER - Local Government Act 1995 –
Division 3/Subdivision 4

DELEGATION SUBJECT - Impounding of Goods Including Abandoned
Vehicles

DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE CMP-027

The CEO is delegated authority to impound any goods, vehicles or other items in accordance with Sections 3.37 to 3.48 of the Local Government Act 1995.

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER	-	1012
LEGISLATIVE POWER	-	Local Government Act 1995 –
DELEGATION SUBJECT	-	Acting Chief Executive Officer
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The CEO is delegated authority to appoint an Executive Manager as Acting CEO when the CEO is on periods of annual leave or long service leave of duration no greater than 25 consecutive working days in length. Appointment of an Acting CEO for a period greater than 35 consecutive working days will require a Council decision.

Where the CEO is on sick leave for a period which in the opinion of the CEO requires appointment of an Acting CEO, the CEO is delegated authority to appoint an Executive Manager as Acting CEO for a period of up to 35 consecutive working days.

DELEGATION NUMBER	-	1013
LEGISLATIVE POWER	-	Various
DELEGATION SUBJECT	-	Authorisation of Officers
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The CEO is delegated authority to appoint authorised persons to carry out functions of authorised persons under the following Acts/Legislation:

- Local Government Act 1995 & Associated Regulations
- Local Government (Miscellaneous Provisions) Act 1960
- Dog Act 1976 & Regulations
- Control of Vehicles (Off Road Areas) Act 1978 & Regulations
- Litter Act 1979 & Regulations
- Bush Fires Act 1954 & Regulations
- Caravan Parks & Camping Grounds Act 1995 & Regulations
- Cemeteries Act 1986 & Regulations
- Local Government Local Laws
- Shire of Chapman Valley Town Planning Schemes
- Environmental Protection Act 1986 – Noise
- Cat Act 2011 & Regulations
- Building Act 2011 & Regulations
- Food Act 2008
- Public Health Act 2016
- Health (Miscellaneous Provisions) Act 1911

DELEGATION NUMBER - **1014**
LEGISLATIVE POWER - Land Administration Act
DELEGATION SUBJECT - Transfer of Land Documentation
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

Where a Council resolution has occurred for the purchase or sale of land, the CEO is authorised to endorse transfer of land documentation.

DELEGATION NUMBER	-	1015
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATION SUBJECT	-	Execution of Contracts
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The CEO is delegated authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of contract documents including affixing of the Seal without further reference to Council, where:

- (a) Council has authorised entering into a formal contract; or
 - (b) A formal contract is authorised under a delegated authority from Council; or
 - (c) A formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operations of the Shire.
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DELEGATION NUMBER	-	1016
LEGISLATIVE POWER	-	Public Interest Disclosure Act 2003
DELEGATION SUBJECT		Appointment of Public Interest Disclosure (PID) Officer
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

Under Section 23(1)(a) of the Public Interest Disclosure Act 2003, the CEO is authorised to appoint a Public Interest Disclosure Officer for receiving and responding to disclosures of public interest information.

DELEGATION NUMBER - **1017**
LEGISLATIVE POWER - Equal Opportunity Act 1984
DELEGATION SUBJECT Appointment of Equal Employment Opportunity
(EEO) Implementation Officer
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE CP-015

Under section 145(2)(h) of the Equal Opportunity Act 1984 the CEO is authorised to appoint an officer to have responsibility for implementing the provisions of the Equal Opportunity Act 1984 and Council's Equal Opportunity Employment Policy.

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER - 1018

LEGISLATIVE POWER Local Government Act 1995 (Sections 3.25, 3.26 and 3.27)

DELEGATION SUBJECT Notices Requiring Certain Things to be Done by Owner or Occupier of land and Additional Powers When Notice is Given

DELEGATE - CHIEF EXECUTIVE OFFICER

RELEVANT POLICY/PROCEDURE Nil

The CEO is delegated authority to exercise and discharge the duties of the local government under Sections 3.25, 3.26 and 3.27 of the Local Government Act 1995, specifically to give notice to a person who is the owner or occupier of land requiring them to take any action specified in Schedule 3.1 and/or Schedule 3.2 of the Local Government Act 1995

In the event that such notice isn't complied with the CEO is also delegated authority to:

- Take such legislative action as to achieve, as far as practicable, the purpose for which the notice is given; and
 - Recover the costs of any action taken in this regard as a debt from the party that failed to comply with the notice.
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DELEGATION NUMBER - 1019

LEGISLATIVE POWER Local Government Act 1995 (Sections 5.42 and 5.44)
Local Government (Administration) Regulations 1996 (Regulation 32)

DELEGATION SUBJECT Conferences, Seminars, Meetings and Training Courses – Reimbursement of Councillor Expenses

DELEGATE - CHIEF EXECUTIVE OFFICER

RELEVANT POLICY/PROCEDURE CMP-030; CMP-035

The CEO is delegated authority to reimburse all reasonable expenses to councillors incurred whilst attending authorised conferences, seminars, meetings and training courses.

Reimbursements to occur in accordance with Local Government Act 1995 (Sections 5.42 and 5.44), Local Government (Administration) Regulations 1996 (Regulation 32).

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER - 1020

LEGISLATIVE POWER Local Government Act 1995 (Section 5.120(1))
Code of Conduct – Complaints Officer

DELEGATION SUBJECT Complaints Officer

DELEGATE - CHIEF EXECUTIVE OFFICER

RELEVANT POLICY/PROCEDURE CP-003

The CEO is designated as the Council’s Complaints Officer for receiving, investigation and, if deemed valid, registering and reporting Elected Member breaches or Alleged breaches of the Council’s Code of Conduct or Rules of Conduct.

Refer to relevant Policy/Procedure when exercising this delegation.

2000 WORKS

DELEGATION NUMBER - **2001**
LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT - Vehicles, Use of
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE CMP-044

The Chief Executive Officer is delegated the authority to make all appropriate private use arrangements with all staff having use of a Council vehicle, bearing in mind Legislative requirement of Fringe Benefit etc.

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER - 2002

LEGISLATIVE POWER - Road Traffic Act, 1974

DELEGATION SUBJECT - Regulatory Signs, i.e. Stop, Give-Way, Speed, etc.

DELEGATE - CHIEF EXECUTIVE OFFICER

RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer is delegated authority to make applications to the Main Roads WA for the installation of regulatory signs and markings at such places as the Chief Executive Officer considers warranted.

DELEGATION NUMBER	-	2003
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATION SUBJECT	-	Road Closures, Temporary
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is delegated authority to temporarily close a thoroughfare or a portion of a street for a period not exceeding 28 days (without providing local public notice) of the opinion that by reason of heavy rain a street is likely to be damaged by the passage of traffic generally or traffic of any particular class.

The Chief Executive Officer is delegated authority to close a thoroughfare for a period in excess of 28 days by providing local public notice in accordance with Section 3.50 of the Local Government Act 1995.

DELEGATION NUMBER	-	2004
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Disposal of Surplus Equipment, Materials, Tools, etc
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		CMP-070

The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, or any other fair means, items of surplus equipment, materials, tools, etc which are no longer required, or are outmoded, or are no longer serviceable.

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER	-	2005
LEGISLATIVE POWER	-	Local Government Act 1995 & Activities in Thoroughfares and Public Places and Trading Local Law 2016
DELEGATION SUBJECT	-	Licence to Deposit Materials on or Excavate Adjacent to a Street
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is delegated the authority to issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Local Government Act 1995 & Activities in Thoroughfares and Public Places and Trading Local Law 2016.

The Chief Executive Officer should first obtain confirmation from the Environmental Health Officer/Building Surveyor and the Works Supervisor that the proposed activity will not create undue interference with the operation of the street, way or public place.

Licences are to be issued subject to the conditions detailed in Local Government Act 1995 & Activities in Thoroughfares and Public Places and Trading Local Law 2016 and such other conditions as considered relevant by the Chief Executive Officer.

DELEGATION NUMBER	-	2006
LEGISLATIVE POWER (Regulation 4)	-	Road Traffic (Events on Roads) Regulations 1991
DELEGATION SUBJECT	-	Events on Roads
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991.

The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.

DELEGATION NUMBER	-	2007
LEGISLATIVE POWER	-	Local Government Act, 1995
DELEGATION SUBJECT	-	Exercising Powers of the Local Government
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The CEO is expressly authorised to exercise powers of the Local Government under the provisions of the Local Government Act 1995 (and its associated Regulations), the Local Government (Miscellaneous Provisions) Act, all other Acts under which a local government may exercise its power, and all Shire of Chapman Valley Local Laws under which the local government is to or may exercise a power.

DELEGATION NUMBER - **2008**
LEGISLATIVE POWER - Local Government Act 1995
DELEGATION SUBJECT - Private Works
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE IMP-019

The Chief Executive Officer is authorised to approve all Private Works application in accordance with rates and charges set by Council and always bearing in mind Council Policy.

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER - 2009

LEGISLATIVE POWER - Local Government (Miscellaneous Provisions) Act 1960 Act 1995 & Activities in Thoroughfares and Public Places and Trading Local Law 2016

DELEGATION SUBJECT - Damage to Roads, Kerbing, Footpaths etc.

DELEGATE - CHIEF EXECUTIVE OFFICER

RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer is authorised to issue accounts for repairs to damage caused to roads, kerbing and footpaths.

Where payment of the accounts is not received, the Chief Executive Officer is authorised to take legal action to recover the cost. Council is to be advised of the proposed legal action prior

DELEGATION NUMBER - **2010**
LEGISLATIVE POWER - Local Government Act (1995)
DELEGATION SUBJECT - Street Signs
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer is authorised to proceed with the provision and erection of new street nameplates and the replacement of damaged nameplates as he considers necessary within the limits of the budget.

DELEGATION NUMBER	-	2011
LEGISLATIVE POWER	-	Local Government Act (1995) & Local Government (Uniform Local Provisions) Regulations 1996
DELEGATION SUBJECT	-	Gates and Pipes across Thoroughfares
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		IMP-011; IMP-012

The Chief Executive Officer is delegated authority to approve the installation of gates across, or pipes under, Council controlled thoroughfares with Council Policy, with a register of gates and pipes being kept in accordance with the requirements of the Local Government 1995

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER - **2012**
LEGISLATIVE POWER - Local Government Act (1995) Section 5.42)
DELEGATION SUBJECT - Heavy Haulage Routes
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE IMP-022

The Chief Executive Officer is delegated the authority to endorse the Heavy Haulage Vehicle Permits Applications in accordance with Management Procedure (IMP-022) for the determination of variations to the RAV Network within the Shire of Chapman Valley subject to this delegation being restricted to RAV7 level. Any applications beyond this RAV level are to be put to Council for consideration.

Refer to relevant Policy/Procedure when exercising this delegation

Reviewed - Minute Reference 03/19-11

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FINANCE

DELEGATION NUMBER	-	3001
LEGISLATIVE POWER	-	Local Government Act 1995 & Local Government (Financial Management) Regulation 1996 (Clause 12)
DELEGATION SUBJECT	-	Payment of Accounts
DELEGATE		CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer be delegated authority to make payments on behalf of Council from the Municipal Fund, Reserve or Trust Fund either with Cheques or Electronic Banking Facilities jointly with the Manager Finance & Corporate Services or the Deputy Chief Executive Officer for the payment of budgeted items of expenditure.

DELEGATION NUMBER	-	3002
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATION SUBJECT	-	Rates & Service/Rate Book
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is hereby delegated the performance of the following functions of the Council.

1. Section 6.39(1) -The discharge of the obligations specified in the Local Government Act 1995.
2. Section 6.41(1) - The service of Notices of Valuation and Rates referred to in the Local Government Act 1995 (as amended).
3. Section 6.50(2) -The time allowed for the payment of the rate before it becomes in arrears.
4. Section 6.40 -The powers conferred in the Local Government Act 1995.
5. Section 6.56 (1) - Implementation of Council's "Rate Recovery Policy" and/or the recovery of rates by complaint or action pursuant to the provisions of of the Local Government Act 1995.
6. Section 6.60(2) - Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with the Local Government Act 1995.
7. Sections 6.39(2) – Amending the rate record to ensure the information is current and correct including amending the rate record for the 5 years preceding the current financial year.
8. Section 6.40 – Amending the rate record as a result in a change in rateable value, rateability of or the rate imposed on land.
9. Section 6.49 – Entering into an agreement with a person for payment of rates and service charges.
10. Section 6.50(1) – Determining the time allowed for the payment of a rate before it is deemed to be in arrears.
11. Section 6.56 – Recovering unpaid rates in a court of competent jurisdiction.
12. Section 6.60(2) – Requiring a lessee to pay rent in satisfaction of rates or service charges that are due.

13. Section 6.76(4) – Granting an extension of time for a person seeking to make an objection to the rate record.
 14. Section 6.76(5) – Considering any objection to the rate record and either disallow it or allow it, wholly or in part.
 15. Section 6.76(6) – Serving written notice of any decision made under Section 6.76(5).
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DELEGATION NUMBER - 3003

LEGISLATIVE POWER Local Government Act 1995 (Section 6.14) and
Local Government (Financial Management)
Regulations 1996 (Regulation 19)

DELEGATION SUBJECT - Investment of Surplus Funds

DELEGATE - CHIEF EXECUTIVE OFFICER

RELEVANT POLICY/PROCEDURE CP-021

The Chief Executive Officer is delegated authority and power to invest money held in the Municipal (including funds held in Reserve Accounts) or Trust Funds, that is not required for the time being for any purpose, in accordance with Part III of the Trustees Act 1962, or in an investment approved by the Minister, subject to the following conditions-

1. The establishment of documented internal control procedures to be followed to ensure control over the investments;
2. Compliance with Regulation 19(2) of the Financial Management Regulations.

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER - 3004

LEGISLATIVE POWER - Local Government Act 1995

DELEGATION SUBJECT - Council Purchasing Authority

DELEGATE - CHIEF EXECUTIVE OFFICER

RELEVANT POLICY/PROCEDURE CP-024; CMP-021

The Chief Executive Officer is authorised to carry out “authorised purchasing” on behalf of Council and within budgetary constraints.

CEO’s SUB DELEGATIONS to STAFF

The following thresholds for delegated & sub-delegated authorised purchasing are:

	POSITION	LIMIT
EXECUTIVE		
1	CHIEF EXECUTIVE OFFICER	NO LIMIT
SENIOR STAFF		
2	DEPUTY CHIEF EXECUTIVE OFFICER	\$50,000
3	MANAGER WORKS & SERVICES	\$50,000
4	MANAGER FINANCE & CORPORATE SERVICES	\$50,000
5	BUILDING SURVEYOR / PROJECT OFFICER	\$15,000
AUTHORISED OFFICERS – NON-SENIOR		
6	SENIOR RANGER	\$2,500
7	SENIOR FINANCE OFFICER	\$2,500
8	EXECUTIVE SERVICES ADMINISTRATOR	\$2,500
9	PLANT OPERATOR (CONSTRUCTION & MAINTENANCE)	\$2,500

(Note: all figures mentioned are to be considered as GST Exclusive)

Refer to relevant Policy/Procedure when exercising this delegation.

*Reviewed 18 November 2015
Minute Reference 11/15-15*

*Reviewed 15 August 2018
Minute Reference: 08/18-5*

DELEGATION NUMBER - **3005**
LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT - Donations & Grants
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE CMP-065

The Chief Executive Officer be delegated authority to authorise donations within budget limitations, up to a maximum of \$200 cash or in-kind per application.

This delegation is to be in accordance with Council's policy in regard to "Local Nature".

All other donation requests in excess of this amount and the miscellaneous budget allocation are to be brought back to Council for consideration in accordance with policy.

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER - **3006**
LEGISLATIVE POWER - Local Government Act 1995
DELEGATION SUBJECT - Master Lending Agreement
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

That the Chief Executive Officer, Agent or any one of the Senior Employees of the Shire of Chapman Valley authorised by the Chief Executive Officer from time to time is authorised to sign schedule documents under the Master Lending Agreement and or to give instructions there under on behalf of the Shire of Chapman Valley.

Reviewed Minute Reference 05/14-6

DELEGATION NUMBER - **3007**
LEGISLATIVE POWER - Local Government Act 1995
DELEGATION SUBJECT - Rates Interest & Legal Fees to be Written Off
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer be authorised to write off interest or legal fees owing on unpaid rates for values up to and including one hundred dollars (\$100.00)

Reviewed Minute Reference 06/15-18

DELEGATION NUMBER	-	3008
LEGISLATIVE POWER	-	Local Government Act 1995 & Local Government (Functions & General) Regulation, 1996
DELEGATION SUBJECT	-	Financial Assistance (Write Off Debts)
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		CMP-064

The exercise of powers and the discharge of duties under section 6.12 of the Local Government Act 1995 to waive or grant concessions (excluding rate concessions) and to write off debts not exceeding \$1000. In cases where the request for Fee Waivers exceed \$1,000 a report needs to be submitted to an Ordinary Council Meeting for Council's consideration and approval.

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed Minute Reference 06/15-18

DELEGATION NUMBER	-	3009
LEGISLATIVE POWER	-	Local Government Act 1995 & Local Government (Functions & General) Regulation, 1996
DELEGATION SUBJECT	-	Tenders for Providing Goods & Services
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

In respect to Part 4 of the Local Government (Functions and General) Regulations 1996, the CEO is delegated authority to perform the following:

1. Publicly invite tenders for the supply of goods and services expected to be worth more than \$150,000. (*Reference: Regulations 11(1), 12 and 13*).
2. Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.
3. Give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted. (*Reference: Regulation 19*).
4. Council delegate authority to the Chief Executive Officer, in accordance with Section 5.43(b) of the Local Government Act, 1995, to accept a preferential list of compliant suppliers for road building materials (e.g. gravel pushing, bitumen and aggregate) from tenders received, under the condition the actual expenditures to be incurred by Council does not exceed the contract & materials amounts authorised in the adopted Budget for the road works program.

All other decision to select a successful tender is still one for Council to determine unless otherwise resolved by Council.

NB: The decision to select a successful tender is still one for Council to determine unless otherwise resolved by Council.

Amended – Minute Reference 05/19-9

DELEGATION NUMBER	-	3010
LEGISLATIVE POWER	-	Local Government Act 1995 & Local Government (Functions & General) Regulation, 1996
DELEGATION SUBJECT	-	Acceptance of Tenders
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

Unless otherwise specified, the CEO is delegated authority to accept a tender when the consideration involved does not exceed \$150,000 provided that appropriate provision is made in Council's Budget.

DELEGATION NUMBER	-	3011
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATION SUBJECT	-	Budget Expenditure
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

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

1. Provide for appropriate internal control over all expenditure.
 2. Ensure all statutory requirements are met.
 3. Ensure all Council policies are observed.
 4. Ensure adequate budgetary provisions relate.
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FIRE CONTROL

DELEGATION NUMBER	-	4001
LEGISLATIVE POWER	-	Bush Fires Act, 1954
DELEGATION SUBJECT	-	Firebreak Order, Variation to
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

NOTE: The Chief Executive Officer in exercising this delegation is to liaise with the Chief Bush Fire Control Officer on each specific variation request.

That pursuant to the provisions of Council's Firebreak Order, the Chief Executive Officer be delegated authority to:

1. approve or refuse applications to provide firebreaks in alternative positions
 2. to approve or refuse applications to take alternative action to abate fire hazards.
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DELEGATION NUMBER - **4002**
LEGISLATIVE POWER - Bush Fires Act
DELEGATION SUBJECT - Burning of Roadsides
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

That the Chief Executive Officer be delegated authority to approve applications submitted by the relevant Fire Control Officer to burn a road verge vested in the care, control and management of the Shire of Chapman Valley.

DELEGATION NUMBER - **4003**
LEGISLATIVE POWER - Bush Fires Act
DELEGATION SUBJECT Burning, Prohibited & Restricted Times
(Variations)
DELEGATES - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

That pursuant to Section 17 (10) of the Bush Fires Act, the Chief Executive Officer be delegated (in consultation with the Chief Bush Fire Control Officer) the powers and duties under Section 17 (7) and 17 (8) of the Bush Fires Act in respect to varying the prohibited and restricted burning times.

DELEGATION NUMBER	-	4004
LEGISLATIVE POWER	-	Bush Fires Act 1954
DELEGATION SUBJECT	-	Removal of Hazards
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is delegated authority to issue individual orders under the Bush Fires Act Section 33 for the removal of hazards wherever a recommendation is made to him/her by the Fire Control Officer and in his/her discretion he/she considers it necessary, instruct Bush Fire Brigades to do the work necessary, or employ Council staff to do the work if necessary, or employ contractors to do the work if necessary, at the cost of the owners/occupiers.

DELEGATION NUMBER	-	4005
LEGISLATIVE POWER	-	Bush Fires Act 1954
DELEGATION SUBJECT	-	Offences – Bush Fire Act & Regulations
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

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

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PLANNING

DELEGATION NUMBER	-	5001
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42) and Planning and Development Act 2005
DELEGATION SUBJECT	-	Development Applications
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

1.1 Pursuant to Section 5.42 of the Local Government Act 1995 (as amended), delegation of authority to approve or refuse applications for planning consent, with or without conditions, is extended to the Chief Executive Officer, subject to compliance with the Shire of Chapman Valley Local Planning Scheme No. 2, the Residential Design Codes of Western Australia, Local Planning Policies and the additional conditions set out below.

1.1.1 Applications for the following types of land-use or development (as defined by Schedule 1 of the Scheme) cannot be determined under delegated authority and all such applications shall be referred to Council for consideration;

- a) Abattoir
- b) Animal Establishment
- c) Animal Husbandry - Intensive.
- d) Caravan Park.
- e) Fast Food Outlet
- f) Hospital.
- g) Hotel.
- h) Industry - Extractive
- i) Industry – Hazardous.
- j) Industry – Noxious.
- k) Lodging House/Guest House
- l) Night Club
- m) Park Home Park.
- n) Reception Centre.
- o) Restaurant.
- p) Service Station
- q) Short Stay Accommodation
- r) Tavern.
- s) Temporary Workforce Accommodation
- t) Wind, Solar or Tidal Energy Facility

1.1.2 Applications for planning approval that must be assessed under the provisions of Clause 4.4.2 of the Scheme shall be referred to Council for consideration.

1.1.3 The provisions of 1.1.1, and 1.1.2 above shall not apply to renewals of planning approval, minor works, extensions and/or expansions associated with existing lawful land-uses, wherein the application may be approved, with or without conditions, under delegated authority.

1.1.4 All uses listed as 'P' or D in the Zoning Table may be approved under delegated authority, with or without conditions, unless, in the opinion of the delegated officer,

approval of the application would detrimentally impact upon the amenity and proper planning of the locality, wherein the application shall be referred to Council for consideration.

1.1.5 Where an application has been advertised pursuant to section 9.4 of the Scheme and:

- a) No written, author-identified submissions were received, then the delegated officer may assess the application on its merits and approve the application, with or without conditions, under delegated authority.
- b) Written, author-identified submissions objecting to and/or raising concerns about the proposal were received, but, in the opinion of the delegated officer, the points raised in the submission are of a non-substantive nature and/or can be satisfactorily addressed via condition/s, then the delegated officer shall liaise with the applicant and the person/s who lodged the submission prior to determining the application. If either party requires, the application shall be referred to Council for consideration.
- c) Written, author-identified submissions objecting to and/or raising concerns about the proposal were received, and, in the opinion of the delegated officer, the points raised in the submission are of a substantive nature and/or cannot be satisfactorily addressed via condition/s, then the application shall be referred to Council for consideration.

1.1.6 Where an application has been refused or a conditional approval issued under delegated authority, and the applicant feels aggrieved by the decision, the applicant may require that the application be referred to Council for reconsideration. In such cases the applicant shall provide a written statement outlining the basis of their request for consideration. Unless otherwise agreed to by the delegated officer, such written statement shall be provided a minimum of 10 working days prior to the meeting at which the applicant wishes the application to be reconsidered.

1.1.7 MANAGER OF WORKS & SERVICES

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

1.2 A summary of planning approvals for the preceding calendar month shall be provided in the Information Report presented to Council each month.. For each application determined during the preceding calendar month/s, the summary shall identify; the application number, the name/s of the applicant/s and owners, the particulars of the affected property, the dates of application and determination, whether the application was approved or refused and whether the decision was made under a sub-delegation.

1.3 These delegations shall be reviewed on an annual basis.

DELEGATION NUMBER	-	5002
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42) and Planning and Development Act 2005
DELEGATION SUBJECT	-	Subdivision Applications
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

1.1 Pursuant to Section 5.42 of the Local Government Act 1995 (as amended), delegation of authority to advise the Western Australian Planning Commission with regards to applications referred to the Shire, is extended to the Chief Executive Officer subject to consistency with the Shire of Chapman Valley Local Planning Scheme No. 2, the Residential Design Codes of Western Australia, the Shire of Chapman Valley Local Planning Strategy, Local Planning Policies and any other strategies or policies adopted by Council in respect of the affected land and only in the circumstances set out below. All other applications referred by the Western Australian Planning Commission shall be referred to Council for consideration.

1.1.1 Applications proposing the amalgamation of existing lots without any other changes to the boundaries of any of the lots affected by the application.

1.1.2 Applications affecting 'Residential' zoned land.

1.1.3 Applications for boundary adjustments on other than 'Residential' zoned land where the total number of lots within the area affected by the application will not increase, the size of the smallest lot within the application area will not decrease by greater than 10%, there will be no increase in the number of lots below 100 hectares in size and the proposal represents a rationalisation of boundaries to ensure greater consistency with physical and/or cadastral boundaries.

1.1.4 Applications consistent with an endorsed Subdivision Guide Plan or Structure Plan.

1.1.5 Applications involving the creation of lots for the purposes of public or servicing authorities, where the application does not involve the creation of any new roads.

1.1.6 Amended plans for applications that have been considered by Council within the last two years and the amendments are of a minor nature.

1.1.7 Applications previously determined by Council where the Western Australian Planning Commission period of approval has expired (or will imminently expire) and a new application has been required to be lodged.

1.2 Pursuant to Section 5.42 of the Local Government Act 1995 (as amended), delegation of authority to advise the Western Australian Planning Commission with regards to the clearance of conditions determined by the Commission and for which the Local Government is nominated as a clearance agency, is extended to the Chief Executive Officer subject to consistency with the Shire of Chapman Valley Local

Planning Scheme No. 2, the Residential Design Codes of Western Australia, the Shire of Chapman Valley Local Planning Strategy, Local Planning Policies and any other strategies or policies adopted by Council in respect of the affected land and the additional conditions set out below.

- 1.2.1** Where the Western Australian Planning Commission has not been advised in respect of any particular application pursuant to the delegations outlined in Clause 1.1 above, Council may, when giving consideration to the application identify any of the recommended conditions as being conditions that need to be referred to Council for consideration prior to clearing.
 - 1.2.2** Where clearance of conditions is to be determined pursuant to this clause and the applicant feels aggrieved by any decision of the delegated officer, the applicant may require that the matter be referred to Council for reconsideration. In such cases the applicant shall provide a written statement outlining the basis of their request for reconsideration. Unless otherwise agreed to by the delegated officer, such written statement shall be provided a minimum of 10 working days prior to the meeting at which the applicant wishes the matter to be reconsidered.
 - 1.3** Notwithstanding the above, any matter may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.
 - 1.4** A summary of decisions made pursuant to Clauses 1.1 & 1.2 shall be provided in the Information Report presented to Council. For each decision made during the preceding calendar month/s, the summary shall identify; the WAPC reference number, the name/s of the proponents and owners, the particulars of the affected property, a short description of the proposal, the date of determination, whether the decision was made pursuant to Clause 1.1 or 1.2 and if the decision was made under a sub-delegation.
 - 1.5** These delegations shall be reviewed on an annual basis..
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DELEGATION NUMBER	-	5003
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42) and Planning & Development Act 2005
DELEGATION SUBJECT	-	Local Planning Scheme Amendments
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

- 1.1 Pursuant to Section 5.42 of the Local Government Act 1995 (as amended), delegation of authority is extended to the Chief Executive Officer to determine that Council proceed with Local Planning Scheme amendment proposals without modification after advertising where no written, author-identified objections have been received during the advertising period; and in such cases to organise for the due execution of the amending documents (signatures of Shire President and Chief Executive Officer, affixing of common seal) and their forwarding to the Department of Planning seeking the endorsement of the Western Australian Planning Commission and Hon. Minister for Planning's endorsement for final approval and gazettal of the amendment.
- 1.2 Pursuant to Section 5.42 of the Local Government Act 1995 (as amended), delegation of authority is extended to the Chief Executive Officer to determine Council's advice to both applicants and the Western Australian Planning Commission where the Commission gives formal advice that it does not fully support Council's recommendation on a Local Planning Scheme amendment proposal after advertising and the Commission's advice differs from Council's recommendation in a technical, non-substantive manner only.
- 1.3 Notwithstanding the above, any matter may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.
- 1.4 A summary of decisions made pursuant to Clauses 1.1 & 1.2 shall be provided in the Information Report presented to Council. For each decision made during the preceding calendar month/s, the summary shall identify; the amendment number, the name/s of the proponents and owners, the particulars of the affected property, a short description of the amendment proposal, a schedule of submissions, the date of determination, whether the decision was made pursuant to Clause 1.1 or 1.2 and if the decision was made under a sub-delegation.
- 1.5 These delegations shall be reviewed on an annual basis.

DELEGATION NUMBER	-	5004
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42) and Town Planning & Development Act 1928
DELEGATION SUBJECT	-	Responding to Appeals and Requests for reconsideration.
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is delegated authority to respond to:

- Any appeal to the State Administrative Tribunal against a discretionary decision of Council; and
- Any appeal or Request for Reconsideration against a decision of the Western Australian Planning Commission.

On Council's behalf and in accordance with Council's decision on the matter to which the appeal or request for reconsideration relates.

Such delegated authority shall not extend to making deputations to a Court of Law or the State Administrative Tribunal (or similar), unless specifically approved by the Chief Executive Officer.

DELEGATION NUMBER - **5005**
LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT - Road Names
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

The Chief Executive Officer is delegated authority to implement road names pursuant to Policy 15.210 'Road Names'.

6000

HEALTH/BUILDING

DELEGATION NUMBER	-	6001
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Building Act 2011
REFERENCE:		Sections 96, 99 Building Act 2011
POWER OF DELEGATION		Section 127 Building Act 2011
DELEGATE	-	Chief Executive Officer
RELEVANT POLICY/PROCEDURE		Nil

Power/Duty

The Chief Executive Officer is delegated the authority to designate persons employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of the Building Act 2011 and Building Regulations 2012.

Conditions

- (a) Appointments are to be in writing and an appropriate identity card in accordance with Section 92 of the Building Act 2011 is to be issued.
- (b) Consideration will be given to the qualifications or experience of a person prior to appointment.

Authorised Persons

The persons in the positions identified are authorised persons for the purposes of the Building Act 2011 and associated subsidiary legislation generally, and in relation to buildings and incidental structures located or proposed to be located in the district of Shire of Chapman Valley.

Building Surveyor / Project Officer

Notwithstanding that a person or position is not named above does not limit delegates ability to appoint other persons as Authorised Persons, subject to the conditions specified.

Power, Duty, Conditions and Limitations

The duties, powers, limitations or conditions placed on Authorised Person are specified in Delegations 6001a to 6001g inclusive.

Record Keeping

Records of appointments are to be recorded as required by the Act or Regulations or as determined by the Chief Executive Officer from time to time.

Compliance Links

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia

Review

Appointments are to be reviewed annually by the Chief Executive Officer.

DELEGATION NUMBER	-	6001a
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT		Building and Demolition Permits - Building Act 2011
REFERENCE:		Sections 18, 20, 21, 27 Building Act 2011 Regulations 23, 24, 26 Building Regulations 2012
POWER OF DELEGATION	-	Section 127 Building Act 2011
DELEGATE	-	Authorised Persons – Reference Delegation 6001
RELEVANT POLICY/PROCEDURE		CMP-004

Power/Duty

The authorised persons (as detailed) functions and duties under the Building Act 2011 and Building Regulations 2012, are – Building Surveyor / Projects Officer

1. Refer an uncertified application to a building surveyor [in circumstances set out in .17(1)].
2. Require the applicant to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.18(1)].
3. Refuse to consider an application [s.18(2)].
4. Grant a building permit [ss.20 and 23].
5. Refuse to grant a building permit [ss.20 and 23, including in the circumstances in ss.22(1) and (2)].
6. Grant a demolition permit [ss.21 and 23].
7. Refuse to grant a demolition permit [ss.20 and 23, including in the circumstances in ss.22(1) and (2)].
8. Refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in ss.23(1) and (2) [ss.23 (4)].
9. Record the grounds on which a decision to refuse to grant a building permit or demolition permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].
10. Impose conditions on the grant of a permit in addition to any provided for in the Regulations, including specifying the way in which an outward facing side of a particular close wall must be finished [ss.27(1) and 88(3)].

11. Add, vary or revoke conditions imposed on a permit before the building work or demolition work is completed [ss.27(3)].
12. Refuse to accept an application to extend the time during which a permit has effect made after the expiry day for the permit [r.23(3)].
13. Extend the time during which a permit has effect and impose conditions on the extended permits [s.32, rr.24(1) and (2)].
14. Refuse to extend the time during which a permit has effect [r.24(1)].

Building Surveyor / Projects Officer

1. Refund the fee that accompanied an application to the applicant if no decision is made within the time mentioned in ss.23(1) and (2) [ss.23 (4)].
2. Record the grounds on which a decision to refuse to grant a building permit or demolition permit is based on and the reasons for the decision and give to the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person's right of review [s.24].
3. Approve a new person to be named as the builder on the building permit and amend the details set out in the permit accordingly [r.26(3) and (4)].
4. Approve a new person to be named as the demolition contractor on the demolition permit and amend the details set out in the permit accordingly [r.26 (3) and (4)].
5. Grant a building permit [ss.20 and 23].
6. Grant a demolition permit [ss.21 and 23].

Conditions

Nil

Record Keeping

Records of the delegations enacted are to be recorded as required by the Act or Regulation or as determined by the Chief Executive Officer from time to time.

Compliance Links

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed 19.06.2013

DELEGATION NUMBER	-	6001b
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT		<i>Occupancy Permits and Building Approval Certificates – Building Act 2011</i>
REFERENCE:		<i>Sections 55, 58, 62, 65 Building Act 2011 Regulation 40 Building Regulations 2012</i>
POWER OF DELEGATION		Section 127 Building Act 2011
DELEGATE	-	Authorised Persons – Reference Delegation 6001
RELEVANT POLICY/PROCEDURE		CMP-003

Power/Duty

The authorised persons (as detailed) functions and duties under the Building Act 2011 and Building Regulations 2012, are –Building Surveyor / Project Surveyor

1. Require the applicant of an occupancy permit or building approval certificate to provide any document or information that it requires to determine the application and to verify the information by statutory declaration [s.55(1)].
2. Refuse to consider an application [s.55(2)].
3. Grant or modify the occupancy permit or grant the building approval certificate [22.58(1) and 59].
4. Refuse to grant or modify the occupancy permit or grant the building approval certificate [including in the circumstances set out in ss.58 (2) and (3)].
5. Record the grounds on which a decision to refuse to grant or modify an occupancy permit or grant a building approval certificate is based, and the reasons for the decision and give the person to whom the decision relates written notice of the decision together with those grounds and reasons and the person’s right to review [s.60].
6. Impose conditions on the occupancy permit or modification or building approval certificate in addition to any provided for in the Regulations [s.62.(1)]
7. Add, vary or revoke conditions while the occupancy permit or building approval certificate has effect [s.62(3)].
8. Give written notice of the addition, variation or revocation of a condition and ensure that the notice informs the person of the person’s right of review [s.62 (4) and (5)].
9. Extend the period in which the occupancy permit or modification or the building approval certificate has effect [s.65 (4)].

10. Refuse to extend the time during which an occupancy permit or a building approval certificate has effect or extend the permit or certificate for shorter period than requested by the applicant and, if so, record the grounds on which a decision is based and the reasons for the decision, and give written notice of the decision together with those grounds and reasons, and the person's right of review [s.65, r.40 (5)].

11. Refuse to accept an application to extend the time during which an occupancy permit or a building approval certificate has effect [r.40 (2)].

Conditions

Nil

Record Keeping

Records of the delegations enacted are to be recorded as required by the Actor Regulation or as determined by the Chief Executive Officer from time to time.

Compliance Links

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed 19.06.2013

DELEGATION NUMBER	-	6001c
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT		Building Orders – <i>Building Act 2011</i>
REFERENCE:		<i>Sections 110, 117, 118 Building Act 2011</i>
POWER OF DELEGATION		Section 127 Building Act 2011
DELEGATE	-	Authorised Persons – Reference Delegation 6001
RELEVANT POLICY/PROCEDURE		CMP-003; CMP-004

Power/Duty

The authorised persons (as detailed) functions and duties under the Building Act 2011 and Building Regulations 2012, are – Building Surveyor/Projects Officer

1. Make an order in respect of one or more of the following –
 - (a) particular building work;
 - (b) particular demolition work;
 - (c) a particular building or incidental structure, whether completed before or after commencement day [s.110(1)].
2. Specify the way in which an outward facing side of a particular close wall must be finished [s.88(3)].
3. Before making a building order, give each person to whom the order is proposed to be directed written notice of the terms of the proposed order and reasons for it and advise each person of time in which they may make submissions and consider each submission received [s.111(1)].
4. Serve a copy of the order on each person to whom the order is directed in accordance with s.76 if the Interpretation Act 1994 [s.114(1)].
5. Revoke a building order at any time [s.1147(1)].
6. Decide on whether the building order has been fully complied with and either revoke the building order or inform each person to whom the order is directed that the building order remains in effect, within 28 days of receiving a notification under s.112(3)(c) [s.117(2)].
7. Cause an authorised person to –
 - (a) take any action specified in the order; or
 - (b) to 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 in the circumstances to cause the action to cease [s.118(2)].

8. Recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) [s.118(3)].

Conditions

Nil

Record Keeping

Records of the delegations enacted are to be recorded as required by the Act or Regulation or as determined by the Chief Executive Officer from time to time.

Compliance Links

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed 19.06.2013

DELEGATION NUMBER	-	6001d
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT		Building Information – Building Act 2011
REFERENCE:		Section 131 Building Act 2011 Regulation 14 Building Regulations 2012
POWER OF DELEGATION		Section 127 Building Act 2011
DELEGATE	-	Authorised Persons – Reference Delegation 6001
RELEVANT POLICY/PROCEDURE		CMP-003; CMP-004

Power/Duty

The authorised persons (as detailed) functions and duties under the Building Act 2011 and Building Regulations 2012, are – Building Surveyor/Projects Officer

1. Keep a register of all building permits, demolition permits, occupancy permits and building approval certificates granted by it, and all building orders made by it, in an approved manner and form [s.128(1), (2)].
2. Amend the register to reflect the variation or revocation of a condition of, or any other change reflecting to that effect of, a building permit, a demolition permit, an occupancy permit, a building approval certificate of a building order resulting from a decision of the permit authority or information given to the permit authority [s.128(3)].
3. Make the register available for inspection by members of the public during normal office hours [s.128(3)].
4. On application by any person and on payment of the prescribed fee, if any, provide to the person a copy of a building permit, a demolition permit, an occupancy permit, a building approval certificate or a building order that is kept in the register [s.129(2)].
5. Keep in the manner and for the prescribed period such of the prescribed documents that comprise, accompany, are provided for in, are issued as a result of, or otherwise relate to the building or incidental structure that is the subject of –
 - a. an application for a building permit or demolition permit; or
 - b. an application of a kind mentioned in Part 4 Division 2; or
 - c. an inspection of a prescribed kind [d.130].
6. Allow an interested person to inspect the building record and provide to the interested person a copy of the building record [s.131(2)].

Building Surveyor/Projects Officer

7. Give the Building Commissioner prescribed information for inclusion in the annual report submitted under the Financial Management Act 2006 Part 5 by the accountable authority [s.132(1)] and provide a record or information requested by the Building Commissioner [s.132(3), r.14]

Conditions

Nil

Record Keeping

Records of the delegations enacted are to be recorded as required by the Act or Regulation or as determined by the Chief Executive Officer from time to time.

Compliance Links

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed 19.06.2013

DELEGATION NUMBER	-	6001e
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT		Swimming Pools – Building Act 2011
REFERENCE:		Section 131 Building Act 2011 Regulation 14 Building Regulations 2012
POWER OF DELEGATION		Section 127 Building Act 2011
DELEGATE	-	Authorised Persons – Reference Delegation 6001
RELEVANT POLICY/PROCEDURE		CMP-003; CMP-004

Power/Duty

The authorised persons (as detailed) functions and duties under the Building Act 2011 and Building Regulations 2012, are –

Building Surveyor/Projects Officer and Senior Ranger

1. Approve alternative requirements to r.50(4)(b) if satisfied that the alternative requirements will restrict access by yond children to the swimming pool as effectively as if there were compliance with Australian Standards AS 1926.1 [r.51(2)].
2. Approve a door for the purposes of r.50(4)(c)(ii) if the door is in accordance with the requirements of Australian Standard AS 1926.1 and the conditions in r.51(3) are satisfied [r.51(3)].
3. Arrange for an authorised person to inspect the enclosures of private swimming pools in the district at intervals of no more than 4 years for the purpose of monitoring whether the provisions in rr.50 and 52 the Regulations are complied with [rr.50, 52 and 53(1)].

Building Surveyor/Projects Officer and Senior Ranger or other Authorised Person appointed under Section 5.36 of the Local Government Act 1995.

1. Conduct inspection of the enclosures of private swimming pools in the district at intervals of no more than 4 years for the purpose of monitoring whether the provisions in rr.50 and 52 the Regulations are complied with [rr.50, 52 and 53(1)].

Conditions

Nil

Record Keeping

Records of the delegations enacted are to be recorded as required by the Act or Regulation or as determined by the Chief Executive Officer from time to time.

Compliance Links

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed 19.06.2013

DELEGATION NUMBER	-	6001f
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT		Smoke Alarms – <i>Building Act 2011</i>
REFERENCE:		<i>Regulation 60 Building Regulations 2012</i>
POWER OF DELEGATION		Section 127 Building Act 2011
DELEGATE	-	Authorised Persons – Reference Delegation 6001
RELEVANT POLICY/PROCEDURE		CMP-003; CMP-004

Power/Duty

The authorised persons (as detailed) functions and duties under the Building Act 2011 and Building Regulations 2012, are – Building Surveyor/Projects Officer

1. Approve of the use, in a dwelling or in part of the dwelling, of a battery powered smoke alarm and to give approval in relation to an alarm that was installed before the approval is to be given [r.60(1) and (2)].

Conditions

Nil

Record Keeping

Records of the delegations enacted are to be recorded as required by the Act or Regulation or as determined by the Chief Executive Officer from time to time.

Compliance Links

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed 19.06.2013

DELEGATION NUMBER	-	6001g
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT		Transitional Provisions Relating to Local Government – <i>Building Act 2011</i>
REFERENCE:		<i>Regulation 64, 65, 66 and 67 Building Regulations 2012</i>
POWER OF DELEGATION		Section 127 Building Act 2011
DELEGATE	-	Authorised Persons – Reference Delegation 6001
RELEVANT POLICY/PROCEDURE		CMP-003; CMP-004

Power/Duty

The authorised persons (as detailed) functions and duties under the Building Act 2011 and Building Regulations 2012, are – Building Surveyor/Projects Officer

1. Grant a licence for the deposition of materials on streets, subject to such conditions as reasonably required [r.64(3)].
2. Charge a licence fee [r.64(4)].
3. Require the applicant of a licence to deposit a sum sufficient to cover the cost of repairing damage caused by the licensee to the street, footpath or kerb [r.64(5)].
4. Undertake repair work and deduct the cost from the deposit if the repair work or, if the deposit is insufficient to meet the cost, apply the deposit in part payment of the cost, and recover the balance in a court of competent jurisdiction [r.64(6)].
5. Fill in an excavation on land abutting or adjoining a street, way or other public place unless the excavation is securely fenced off [r.65(e)].
6. Pull down hoarding, fence, scaffold or enclosure erected otherwise than as permitted by licence [r.65(f)].
7. Remove materials comprising a hoarding, fence, scaffold or enclosure or any stone, bricks, mortar, lime, or other building materials contained within the enclosure or deposited in or on the street, way or other public place other than as permitted by a licence and deposit the materials in such place as the local government thinks fit [r.65(g)].
8. Serve a written notice on a person to pay the expenses incurred under r.65(e)-(g) and recover the expenses in a court of competent jurisdiction [r.65(h)].
9. Cause repairs, and reinstatements to be done to a footpath, roadway, kerb, water-table or drain damaged under r.66(1) [r.66(2)(a)].

10. Serve a written notice on a person to pay the local government the expenses incurred under r.66(2)(a) and recover the expenses costs and charges in a court of competent jurisdiction [r.66(2)(b)].
11. Serve a written notice requiring a person to cover a footpath to prevent inconvenience to the public or danger from falling materials during periods set out in r.67[r.67(1)].

Conditions

Nil

Record Keeping

Records of the delegations enacted are to be recorded as required by the Act or Regulation or as determined by the Chief Executive Officer from time to time.

Compliance Links

- Building Act 2011
- Building Regulations 2012
- Building Code of Australia

Refer to relevant Policy/Procedure when exercising this delegation.

Reviewed 19.06.2013

DELEGATION NUMBER - **6002**
LEGISLATIVE POWER - Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT - Caravan Park and Camping Grounds
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE CMP-019

The Chief Executive Officer is authorised to carry out the provisions of the Caravan Park and Camping Grounds Act and associated Regulations.

SUB DELEGATION (Section 5.44):

- ENVIRONMENTAL HEALTH OFFICER
- BUILDING SURVEYOR
-
- SENIOR RANGER

Refer to relevant Policy/Procedure when exercising this delegation.

DELEGATION NUMBER	-	6003
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATION SUBJECT	-	Treatment of Sewage and Disposal of Effluent and Liquid Waste.
DELEGATE	-	Chief Executive Officer
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is authorised to carry out the provisions of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations 1974.

SUB DELEGATION (Section 5.44):

- ENVIRONMENTAL HEALTH OFFICER
 - BUILDING SURVEYOR / PROJECT OFFICER
-

DELEGATION NUMBER - **6004**
LEGISLATIVE POWER - Public Health Act 2016
DELEGATION SUBJECT - Public Health Act 2016
DELEGATE - CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE Nil

Council pursuant to Section 21(1)(b)(i) Part 2 of the Public Health Act 2016 resolves to delegate all the powers and duties conferred or imposed on the Shire of Chapman Valley by the Public Health Act 2016 to the Chief Executive Officer.

SUB DELEGATION (Section 5.44)

ENVIRONMENTAL HEALTH OFFICER

Reviewed Minute Reference: 12/16-17

7000

ANIMAL CONTROL

DELEGATION NUMBER	-	7001
LEGISLATIVE POWER	-	Local Government Act (1995) and Dog Act (1976)
DELEGATION SUBJECT	-	Enforcement of Dog Act and Local Laws
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

Enforcement of the provisions of the Dog Act and Local-Laws is to be under the control of the Chief Executive Officer.

Court proceedings will be instituted administratively, with the provision that legal advice be obtained if necessary.

The Chief Executive Officer to make such arrangements as is considered necessary for staff, temporary, part-time or otherwise, to effectively administer the Dog Act, within the limitations of the Budget.

DELEGATION NUMBER	-	7002
LEGISLATIVE POWER	-	Local Government Act (1995) and Dog Act (1976)
DELEGATION SUBJECT	-	Dog Registration
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

A person who keeps any dog which is not registered pursuant to the provision of the Dog Act or does not renew the registration on or before October 30 in each year, shall be considered to have committed an offence against the Act and the Chief Executive Officer is hereby authorised to initiate prosecution action against the owner of such dog for breach of provisions of the Dog Act without further reference to the Council.

DELEGATION NUMBER	-	7003
LEGISLATIVE POWER	-	Local Government Act (1995) and Dog Act (1976)
DELEGATION SUBJECT	-	Dog Act Infringement
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

The Chief Executive Officer is authorised to instruct Council's solicitors to commence proceedings against a person who is reported to have –

- (a) Unlawfully rescued or released, or attempted to rescue or release, cattle or dogs lawfully impounded or seized for the purpose of being impounded;
- (b) Damaged a Municipal Pound, or
- (c) Committed Pound breach by reason of which cattle or dogs may escape from a Municipal Pound.

NOTE: In all cases that the Chief Executive Officer instructs Council's solicitors to commence proceedings, he shall report particulars to the next succeeding Council meeting.

DELEGATION NUMBER	-	7004
LEGISLATIVE POWER	-	Local Government Act (1995) and Cat Act (2011)
DELEGATION SUBJECT		Administration and enforcement of Cat Act 2011 and associated subsidiary legislation
ACT REFERENCE		Section 44 -Cat Act 2011
DELEGATE	-	Chief Executive Officer
RELEVANT POLICY/PROCEDURE		Nil

Power/Duty

To appoint employees to be authorised persons and to generally administer, enforce and determine applications, permits, registrations, serve cat control or other notices, infringements, issue certificates, warrants or commence a prosecution in a Court under the Cat Act 2011 and associated subsidiary legislation in the district.

Conditions

1. The appointment of authorised persons shall be in writing and a certificate of appointment is to be issued. Appointments may be general or for the purposes of performing particular functions under the Act.

Statutory Framework

Council is exercising its power of delegation under Section 44 of the Cat Act 2011.

Exceptions

This delegation does not include the provisions contained in section 79 of the Cat Act 2011.

References

Cat Act 2011 – Section 44

Reviewed 19.06.2013

8000

LANDCARE

DELEGATION NUMBER	-	8001
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATION SUBJECT	-	Landcare
DELEGATE	-	CHIEF EXECUTIVE OFFICER
RELEVANT POLICY/PROCEDURE		Nil

To apply for grant funding from third party sources to finance appropriate projects within the Shire of Chapman Valley:

- a) Delegate authority to the Chief Executive Officer to endorse grant applications/projects if funding resources are available within the Council's adopted budget;
- b) If funding resources are not available within the adopted Council Budget for specific grant applications/projects, present the application to Council for endorsement, if possible, prior to the closure dates for the grant funding programs. Otherwise retrospective Council endorsement to commit funding resources will be required.

All applications submitted, which require Council endorsement for additional funding resources, will be subject Council endorsement (i.e. the Committee does not have delegated authority to commit Council funding resources)."

- c) Provide advice and assistance to the Chief Executive Officer and Shire staff in the managing of the Landcare Grant funds.
 - d) Provide recommendations to Council on any Landcare Contracts and Consultancy agreements.
 - e) Provide a Draft Annual Budget for Landcare to Council for consideration as part of the Annual Budget process.
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Reviewed Minute Reference 02/14-18