



Shire of  
Peppermint Grove

# **DELEGATIONS REGISTER**

## **June 2019**

Last Review: May 2017

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## INTRODUCTION

The purpose of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to customer service. The Register of Delegation of Authority details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council.

Section 5.42 of the Local Government Act 1995 provides for delegation:

- (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
  - (a) this Act other than those referred to in section 5.43; or*
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

All delegations made by the Council must be by absolute majority decision.

The Act specifies in Section 5.43 when a local government cannot delegate:

- A local government cannot delegate to a CEO any of the following powers or duties —*
  - (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
  - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
  - (c) appointing an auditor;*
  - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
  - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
  - (f) borrowing money on behalf of the local government;*
  - (g) hearing or determining an objection of a kind referred to in section 9.5;*
  - (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
  - (h) any power or duty that requires the approval of the Minister or the Governor;*
  - (i) such other powers or duties as may be prescribed.*

The Act allows for the CEO to delegate any of his/her powers to another employee, which must be done in writing. The Act also allows for the CEO to place conditions on any delegations if he/she desires.


The Register of Delegation of Authority, being this manual, relevant to the CEO is required to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The aim of this delegated authority manual is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

## PART ONE – FUNCTION OF LOCAL GOVERNMENT

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.1	Local Government Act 1995 s. 5.36 (1)	Chief Executive Officer	Appointment of Acting Chief Executive Officer
			<b>Sub-Delegate</b> Nil	

### 1.1 Appointment of Acting Chief Executive Officer

#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 5.36 (1) of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint an Acting Chief Executive Officer during periods of the Chief Executive Officer's absence.

#### Conditions

1. The Chief Executive Officer will be delegated power to appoint an Acting Chief Executive Officer for periods of up to four (4) weeks.
2. The Chief Executive Officer will notify the Shire President of all appointments under this delegation.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

#### Verification

Adopted 18 June 2001  
Amended N/A  
Last Reviewed – May 2017

#### Review Requirements


In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Next Review**

June 2020

**Sub-Delegation**

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.2	Local Government (Financial Management) Regulations, Regulation 12	Chief Executive Officer	Payments from the Municipal Fund, and Trust Fund.
			<b>Sub-Delegate</b> Manager, Corporate Services	

## 1.2 Payments from the Municipal Fund, and Trust Fund.

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government in accordance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996* in relation to Section 6.10 of the *Local Government Act 1995*. This enables the Chief Executive Officer to make payments from the Shire's Municipal Fund, and Trust Fund.

### Conditions

1. A list of all payments made from the Municipal Fund, and Trust Fund will be provided to Council on a monthly basis.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Verification

Adopted 18 June 2001

Amended N/A


Last Reviewed May 2017

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Next Review

June 2020

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.3	Local Government Act 1995, s. 9.10	Chief Executive Officer	Appointment of Authorised Persons – Miscellaneous Provisions About Enforcement.
			<b>Sub-Delegate</b>	
			Nil	

### 1.3 Appointment of Authorised Persons – Miscellaneous Provisions About Enforcement.

#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 9.10 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to perform particular functions related to Miscellaneous Provisions About Enforcement (s. 9.11 – 9.23)

#### Conditions

1. The Chief Executive Officer will 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 or is about to be affected by any exercise of authority by the authorised person.
2. The Chief Executive Officer will maintain a register of all authorised persons.
3. An authorised person will not be authorised in relation to s.9.17, s. 9.19 and s. 9.20.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

#### Verification

Adopted 18 June 2001  
Amended N/A  
Last Reviewed May 2017



### **Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### **Next Review**

June 2020

### **Sub-Delegation**

Nil


### **Related Documents**

Dogs Local Law  
Dog Act 1976  
Parking and Facilities Local Law

#### ***Subdivision 1 — Miscellaneous provisions about enforcement***

##### **9.10. Appointment of authorised persons**

- (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.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.4	Local Government Act 1995, s. 3.47	Chief Executive Officer	Disposal of Confiscated or Uncollected Goods
			Sub-Delegate	
			Nil	

## 1.4 Disposal of Confiscated or Uncollected Goods

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.47 of the *Local Government Act 1995* to enable the Chief Executive Officer to dispose of confiscated or uncollected goods.

### Conditions

1. Disposal will be subject to goods, including vehicles, not being reported stolen.
2. A Register of all disposed goods to be maintained, including value of disposed goods.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Verification

Adopted 18 June 2001

Amended N/A

Last Reviewed May 2017

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Next Review

June 2020

**Sub-Delegation**


Dinghies

**Related Documents**

**3.47. *Disposing of confiscated or uncollected goods***

- (1) The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.
- (2) The local government may sell or otherwise dispose of any vehicle that has not been collected within —
  - (a) 2 months of a notice having been given under section 3.40(3); or
  - (b) 7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.
- (2a) The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of —
  - (a) a notice having been given under section 3.42(1)(b) or 3.44; or
  - (b) being impounded if the local government has been unable, after making reasonable efforts to do so, to give that notice to the alleged offender.
- (2b) The period after which goods may be sold or otherwise disposed of under subsection (2a) is —
  - (a) for perishable goods — 3 days;
  - (b) for animals — 7 days;
  - (ca) for prescribed non-perishable goods — one month;
  - (c) for other non-perishable goods — 2 months.
- (3) Section 3.58 applies to the sale of goods under this section as if they were property referred to in that section.
- (4) Money received by a local government from the sale of goods under subsection (2a) is to be credited to its trust fund except to the extent required to meet the costs and expenses incurred by the local government in removing, impounding and selling the goods.
- (5) Money received by a local government from the sale of a vehicle under subsection (2) is to be credited to its trust fund except to the extent required to meet the costs referred to in section 3.46 and the expenses incurred by the local government in selling the vehicle.
- (6) Unless this section requires it to be credited to its trust fund, money received by a local government from the sale under this section of any goods is to be credited to its municipal fund.

*[Section 3.47 amended by No. 64 of 1998 s. 11; No. 49 of 2004 s. 25(4); No. 17 of 2009 s. 9.]*

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.5	Local Government Act 1995, s. 3.24	Chief Executive Officer	Appointment of Authorised Persons – Certain Provisions Relating to Land
			<b>Sub-Delegate</b> Nil	

## 1.5 Appointment of Authorised Persons – Certain Provisions Relating to Land

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.24 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to undertake activities relating to Certain Provisions Relating to Land, s. 3.25 – 3.27.

### Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Verification

Adopted 18 June 2001  
Amended N/A  
Last Reviewed May 2017

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Next Review**

June 2020

**Sub-Delegation**

Nil


**Related Documents**

File on Authorised officers

*Subdivision 2 — Certain provisions about land*

3.24. Authorising persons under this Subdivision

The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.6	Local Government Act 1995, s. 3.39	Chief Executive Officer	Appointment of Authorised Persons - Power to Remove or Impound Goods
			Sub-Delegate	
			Nil	

## 1.6 Appointment of Authorised Persons - Power to Remove or Impound Goods

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.39 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to remove or impound goods as defined in s. 3.38.

### Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Verification

Adopted 18 June 2001  
Amended N/A  
Last Reviewed May 2017

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Next Review

June 2020

**Sub-Delegation**

Nil

**Related Documents**

Dinghies


Authorised Officers

Disposal uncollected goods etc

**3.39. *Power to remove and impound***

- (1) An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.
- (2) A person may use reasonable force to exercise the power given by subsection (1).



	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.7	Local Government Act 1995, s. 3.31 (2)	Chief Executive Officer	Authorised Persons - Power to Enter Property
			<b>Sub-Delegate</b> Nil	

## 1.7 Authorised Persons - Power to Enter Property

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.31 (2) of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to enter property as detailed in subdivision 3 – Powers of Entry.

### Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Verification

Adopted 18 June 2001

Amended N/A

Last Reviewed

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Next Review

June 2020

## Sub-Delegation

Nil

## Related Documents

Authorised Officers

### *26. Powers of local government*


Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

*[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]*

### *3.31. General procedure for entering property*

- (1) Except in an emergency or if the entry is authorised by the warrant of a justice, entry by or on behalf of a local government on to any land, premises or thing is not lawful unless —
  - (a) the consent of the owner or occupier has been obtained; or
  - (b) notice has been given under section 3.32.
- (2) If notice has been given under section 3.32, a person authorised by the local government to do so may lawfully enter the land, premises or thing without the consent of the owner or occupier unless the owner or occupier or a person authorised by the owner or occupier objects to the entry.
- (3) The powers conferred on a local government under this section may be exercised instead of the powers conferred under the *Public Works Act 1902* and are not subject to any qualification or restriction by any provision of that Act.

 SHIRE OF PEPPERMINT GROVE	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.8	Health Act 1911, s. 26	Manager Development Services	Appointment of Authorised Persons – Health Act 2016
			Sub-Delegate Nil	

## 1.8 Appointment of Authorised Persons – Health Act 2016

### Delegator

Council

### Power/Duty

To exercise authority to the CEO to appoint or designate authorised officers under the provisions of Section 2 of the Public Health Act 2016

### Conditions

Nil

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the Local Government Act 1995.

### Verification

Adopted 18 June 2001 Amended N/A  
Last Reviewed May 2017

### Review Requirements

In accordance with the requirements of Section 5.46 of the Local Government Act 1995, at least once every financial year.

### Next Review

June 2020

### Sub-Delegation

Nil

## Related Documents


Public Health Act 2016

### *26. Powers of local government*

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

*[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]*

 <p>SHIRE OF PEPPERMINT GROVE</p>	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.9	Local Government Act 1995, s. 3.18	Chief Executive Officer	Enforcement of Local Laws
			Sub-Delegate	
			Nil	

## 1.9 Enforcement of Local Laws

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.18 of the *Local Government Act 1995* to enforce the provisions of local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

### Conditions

Nil

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Verification

Adopted 26 July 2011

Amended N/A

Last Reviewed May 2017

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Next Review

June 2020

## Related Documents

Local Law Related to Fencing

Emission and Reflection of Light Local Law

Parking and Parking Facilities Local Law

Local Government Property Local Law


Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

Dog Act 1976

Authorised Officer File

### **3.18. *Performing executive functions***

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.
- (3) A local government is to satisfy itself that services and facilities that it provides —
  - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
  - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
  - (c) are managed efficiently and effectively.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.10	Local Government Act 1995, s. 2.5 (2)	Chief Executive Officer	Authorising the Affixing of the Common Seal to Documents
			Sub-Delegate	
			Nil	

## 1.10 Authorising the Affixing of the Common Seal to Documents

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 2.5 (2) of the *Local Government Act 1995* to enable the Chief Executive Officer to affix the Common Seal to certain documents.

### Conditions

The Chief Executive Officer will authorise the affixing of the Common Seal to a document that needs the Shire's Common Seal to be legally effective and that is in one or more of the following categories:

1. Documents required satisfying conditions of sub-division and/or development approval.
2. Documents required to affect the transfer of land as part of a settlement transaction (sale and purchase).
3. Documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire.
4. Documents required to affect the grant of leasehold interests in land either by the Shire to a third party, or by a third party to the Shire.
5. Documents required to affect the grant of a licence either by the Shire to a third party, or by a third party to the Shire.
6. Documents required to affect the subdivision of land, including the strata titling of land.
7. Documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office).
8. Documents that are necessary or appropriate to enable the Chief Executive Officer to carry out her functions under any written law.
9. The affixing of the Common Seal must be consistent with a Council policy or decision.

10. While the Chief Executive Officer can authorise the affixing of the Common Seal to a document as classified, it is also necessary for the document to be signed by both the Shire President and the Chief Executive Officer.

**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

**Verification**

adopted 26 July 2011

Amended N/A

Last reviewed May 2017

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Next Review**

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**Sub-Delegation**

Nil

**Related Documents**

Seal Register



**2.5. Local governments created as bodies corporate**

- (1) When an area of the State becomes a district, a local government is established for the district.
- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.
- (4) The corporate name of the local government is the combination of the district's designation and name.

Example: City of *(name of district)*


- (5) If the district's name incorporates its designation, the designation is not repeated in the corporate name of the local government.

Example:

district's name : Albany (Town)

corporate name : Town of Albany

- (6) Proceedings may be taken by or against the local government in its corporate name.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.11	Food Act 2008	Chief Executive Officer	<b>Appointment Authorised Officer</b>
			<b>Sub-Delegate</b> Manager, Development Services	

## 1.11 Appointment Authorised Officer

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the Food Act 2008.

### Conditions

In accordance with Section 118 (3) without limiting the Interpretation Act 1984 s.59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to:

- (a) Any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function;
- (b) Any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Verification

Adopted 26 July 2011

Amended N/A

Last Reviewed May 2017

## Review Requirements

In accordance with the requirements of Section 5.46 of the *Local Government Act 1995*, at least once every financial year.

## Next Review

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## Related Documents

Building Act 2011

Building Regulations 2012

Building Code of Australia and related Australian Standards

Authorised Officer file

### ***Building Regulations 2012***

#### ***54. Transitional provisions — persons authorised to carry out inspections of private swimming pools***

(1) In this regulation — **repeal day** means the day on which section 153 comes into operation 2; **repealed provisions** means the Local Government (Miscellaneous Provisions) Act 1960 as in force immediately before **repeal day**.

(2) For the purposes of section 93(2)(d) a person who was an authorised person for the purposes of section 245A of the repealed provisions immediately before repeal day is to be taken to be an authorised person in relation to the inspection of a barrier to a private swimming pool for the period commencing on repeal day and ending on the day that is 5 years after that day.

## Related Documents

Food Regulations 2009

Authorised Officer File

### *Section 118 Food Act 2008*

(3) Without limiting the Interpretation Act 1984 section 59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to —


- (a) any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function; and
- (b) any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.

## Division 2 — Functions of enforcement agencies

### 118. Functions of enforcement agencies and delegation

- (1) An enforcement agency has the functions in relation to the administration of this Act that are conferred or imposed on the agency by or under this Act or are delegated to the agency under this Act.
- (2) A function conferred or imposed on an enforcement agency may be delegated —
  - (a) if the enforcement agency is the CEO — in accordance with section 117; or
  - (b) if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations — subject to subsections (3) and (4), in accordance with the regulations.
- (3) Without limiting the *Interpretation Act 1984* section 59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to —
  - (a) any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function; and
  - (b) any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.
- (4) If —
  - (a) regulations referred to in subsection (2)(b) expressly authorise a delegated function of an enforcement agency to be further delegated; and
  - (b) the delegated function is further delegated to a person or body in accordance with those regulations,  
subsection (3) applies to the performance by the person or body of that function as if the function were performed and delegated as described in that subsection.

## PART TWO – FINANCIAL MANAGEMENT

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.1	Local Government Act 1995, s. 6.14	Chief Executive Officer	INVESTMENT OF SURPLUS FUNDS
			<b>Sub-Delegate</b> Manager, Corporate Services	

### 2.1 INVESTMENT OF SURPLUS FUNDS

#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 6.14 of the *Local Government Act 1996* to enable to Chief Executive Officer to invest surplus funds.

#### Conditions

1. Funds to be invested in accordance with Policy F2 – Investment of Surplus Funds.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

#### Verification


Adopted 18 June 2001 (adopted)  
26 July 2011

#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

#### Next Review

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	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.2	Section 6.49 of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer	AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES
			<b>Sub-Delegate</b> Nil	

## 2.2 (NEW) AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

### Delegator

Council

### Power/Duty

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person for payment of rates and service charges.

### Conditions

Subject to the arrangements agreed to being on the basis that the total debt outstanding will be extinguished by the next following 30 June.

### Statutory Framework

The Chief Executive Officer is delegated the power to make an agreement with a person for payment of rates and service charges, subject to section 6.49 *Local Government Act 1995*.

### Verification

Adopted June 2019

### Review Requirements


In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Next Review**

June 2020

**Sub-Delegation**

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.3	Section 6.12 (1)(c) of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer	AUTHORITY TO WRITE OFF MONIES (NOT RATES OR SERVICE CHARGES)
			Sub-Delegate Nil	

## 2.3 (NEW) AUTHORITY TO WRITE OFF MONIES (NOT RATES OR SERVICE CHARGES)

### Delegator

Council

### Power/Duty

Authority to write off money including fines and penalties that is owed to the local government

### Conditions

1. The Chief Executive Officer is authorised to exercise this delegation subject to the maximum amount of any write off being \$500.
2. This delegation includes the write off of fines and penalties that have been imposed by the court that are considered unrecoverable.
3. The Chief Executive Officer shall report to Council at least six monthly on the exercise of this delegation

### Statutory Framework

The Chief Executive Officer is delegated the power to write off any amount of money owed to the Shire, other than an amount of money owing in respect of rates and service charges.

### Verification

Adopted June 2019

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act*




1995, at least once every financial year.

**Next Review**

June 2020

**Sub-Delegation**

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.4	Section 6.12 (1)(c) and (2) of <i>Local Government Act/</i> Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b> Nil	AUTHORITY TO WRITE OFF RATES OR SERVICE CHARGES

## 2.4 (NEW) AUTHORITY TO WRITE OFF RATES OR SERVICE CHARGES

### Delegator

Council

### Power/Duty

Authority to write off rates or service charges owed to the local government.

### Conditions

1. The Chief Executive Officer is authorised to exercise this delegation subject to the maximum amount of any write off being \$200.
2. The Chief Executive Officer shall report to Council at least six monthly on the exercise of this delegation

### Statutory Framework

The Chief Executive Officer is delegated the power to write off rates or service charges owed to the Shire.

### Verification

Adopted June 2019

### Review Requirements


In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Next Review**

June 2020

**Sub-Delegation**

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.5	Section 6.56 of <i>Local Government Act 1995</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b> Nil	RATES OR SERVICE CHARGES RECOVERABLE IN COURT

## 2.5 (NEW) RATES OR SERVICE CHARGES RECOVERABLE IN COURT

### Delegator

Council

### Power/Duty

If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the cost of proceedings, if any, for that recovery in a court of competent jurisdiction. Rates or service charges due by the same person to the local government may be included in one writ, summons or other process.

### Conditions

Nil

### Statutory Framework

Power to recover a rate or service charge, as well as the cost of proceedings, if any, for that recovery in a court of competent jurisdiction. Power to include in one writ the rates or service charges due by the same person to the local government.

### Verification

Adopted June 2019

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act*


1995, at least once every financial year.

**Next Review**

June 2020

**Sub-Delegation**

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.6	Section 3.18 of <i>Local Government Act 1995</i> Regulation 21A of the Local Government <i>(Functions and General) Regulations 1996/</i> Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer	AUTHORITY TO EXTEND/VARY WORKS AND SERVICE CONTRACTS
			Sub-Delegate Nil	

## 2.6 (NEW) AUTHORITY TO EXTEND/VARY WORKS AND SERVICE CONTRACTS

### Delegator

Council

### Power/Duty

Authority to approve any contract variations including extensions on tenders approved by the Council, within the original terms and conditions approved by the Council.

### Conditions

The Chief Executive Officer:

1. Is authorised to approve a variation including extension to a contract, subject to satisfactory performance of the contractor, the contract specifying the provisions of an option to extend the term, the variation is necessary in order for the goods or services to be supplied and where the contract scope is not changed.
2. Is authorised to approve a variation to a contract subject to a maximum variation of 20% of the contract price or \$50,000 whichever is the lesser amount.
3. The contract variation must be within the budget provision for this project/job
4. Shall report to Council at least six monthly on the exercise of this delegation

**Statutory Framework**

The Chief Executive Officer is delegated the power to approve a variation including extension to contract.

**Verification**

Adopted          June 2019

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.


**Next Review**

June 2020

**Sub-Delegation**

Nil

## PART THREE – PLANNING AND BUILDING

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.1	Building Act 2011 – Section 20 & 22 Division 2 of Part 2 Divisions 1 & 2 of Part 4 Division 5 of Part 8	Chief Executive Officer	BUILDING ACT 2011 – BUILDING
			<b>Sub-Delegate</b> Manager Development Services	PERMITS, DEMOLITION PERMITS, OCCUPANCY PERMITS, BUILDING APPROVAL CERTIFICATES AND BUILDING ORDERS

### 3.1 (NEW) BUILDING ACT 2011 – BUILDING PERMITS, DEMOLITION PERMITS, OCCUPANCY PERMITS, BUILDING APPROVAL CERTIFICATES AND BUILDING ORDERS

#### Delegator

Council pursuant to Section 127 (1) of the *Building Act 2011*.

#### Power/Duty

Approve or refuse building permit applications, demolition permit applications, occupancy permit (including extension of permit), building approval certificate (including extension of certificate), building approval certificates (strata) and issue and revocation of building orders.

#### Conditions

Nil

#### Statutory Framework

The Chief Executive Officer is delegated the power to sign/issue or refuse building permit applications, demolition permit applications, occupancy permit (including extension of permit), building approval certificate (including extension of certificate), issue and revocation of building orders.

#### Verification

Adopted June 2019



**Review Requirements**


In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Next Review**

June 2020

**Sub-Delegation**

Nil

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.2	Building Act 2011 – Section 127	Chief Executive Officer	BUILDING LICENCE APPROVALS VARIATION
			<b>Sub-Delegate</b> Manager Development Services	

## 3.2 BUILDING LICENCE APPROVALS VARIATION

### Delegator

Council

### Power/Duty

To exercise the powers and duties of the local government under Section 127 of the *Building Act 2011* and to administer sections 20, 21, 22, 58, 65, 110 and 117 of the Building Act 2011 to enable the Manager Development Services to approve Building Licences.

### Conditions

1. The Chief Executive Officer be authorised to approve building plans that have minor variations to the plans approved by Council during the Development Application process. Minor variations are those which do not increase the impact on streetscape overlooking or overshadowing of neighbouring properties.
2. The chief Executive Officer to provide elected members with a monthly list of all approved Building Licences, including any minor variations via the monthly Matters for Information report in the OCM Agenda.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the Local Government Act 1995

### Verification

Last Review	16 July 2011
Next review	June 2020

## Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

## Next Review

June 2020

## Sub-Delegation

Nil

## Related Documents

Shire of Peppermint Grove Town Planning Scheme No.3  
Residential Design Codes  
Building Act 2011  
Building Regulations 2012  
Building Code of Australia  
Refer to Register Building Licenses Register

### ***Building Act 2011***

#### ***Plans of Buildings to be approved by local government***

127. Delegation: special permit authorities and local government

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision on this Act.
- (2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority or to an employee of one of the legal entities that comprise the special permit authority.
- (3) A delegation of a local government's powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36.
- (4) The delegation must be in writing executed by or on behalf of the special permit authority or by the local government.
- (5) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (7) Nothing in this section limits the ability of the permit authority to perform a function through an officer or agent.

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.3	Sec. 70 of <i>Building Regulations 2012</i> Sec 133 of <i>Building Act 2011</i>	Chief Executive Officer	ENFORCEMENT AND LEGAL PROCEEDINGS (SWIMMING POOLS)
			Sub-Delegate Manager Development Services	

### 3.3 ENFORCEMENT AND LEGAL PROCEEDINGS (SWIMMING POOLS)

#### Delegator

Council

#### Power/Duty

Implement enforcement and legal proceeding matters under the *Building Act 2011*, Part 8; and *Building Regulations 2012* Part 10.

#### Conditions

The Chief Executive Officer is delegated the following authority:  
To enforce the requirements of the *Building Regulations 2012* to require property owners to ensure that all private swimming and spa pools have a compliant barrier installed that restricts access by young children to the pool and its immediate surrounds.

#### Statutory Framework

Delegated authority to enforce the requirements of the *Building Regulations 2012* (Reg 50) to require property owner the to require property owners to ensure that all private swimming and spa pools have a compliant barrier installed that restricts access by young children to the pool and it's immediate surrounds.

#### Verification

Adopted June 2019

**Review Requirements**


In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Next Review**

June 2020

**Sub-Delegation**

Manager Development Services

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.4	<i>Planning and Development Act 2005 – Part 13</i>  <i>Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2, Part 10, Clause 82</i>	Chief Executive Officer <b>Sub-Delegate</b> Manager Development Services	PLANNING AND DEVELOPMENT APPLICATION

### 3.4 (NEW) PLANNING AND DEVELOPMENT APPLICATION

#### Delegator

Council

#### Power/Duty

Applications for development approval under the Shire of Peppermint Grove's Local Planning Scheme No4 and the *Planning and Development Act 2005*.

#### Conditions

1. Any application is to be referred to Council for determination if one or more elected member request such referral by written request to the Chief Executive Officer;
2. Any application for planning approval shall be referred to Council for determination, where requested by the applicant in writing;
3. The Chief Executive Officer is to report to the Council, on a monthly basis where the exercise of powers and functions related to this delegation has been undertaken.
4. The Chief Executive Officer is to only sub-delegate to the Manager Development Services.

#### Statutory Framework

The Chief Executive Officer

#### Verification

Adopted June 2019

## **Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

## **Next Review**

June 2020

## **Sub-Delegation**

Manager Development Services

## **Related Documents**

See Decision Pathway - Flow Chart

All Council Planning Policies

- 1) Approve development applications for a “Single House”, “Ancillary dwelling” “Grouped dwellings” or any associated, ancillary or incidental development (outbuildings, garages/ carports, pergolas/ gazebos and the like, roofing materials, front boundary fences, retaining walls and swimming pools) that:
  - a) Satisfy the provisions of Local Planning Scheme 4, Council policies, where the assessment is deemed to comply with the Town’s Local Planning Policies and the Residential Design Codes; or
  - b) Meet deemed to comply with all but with the exception of one design parameter (be it height, plot ratio, setback or other site design requirement) and after the proposal has been referred for invited comment
  - c) where no valid objections have been received from the affected landowners, and / or
- 2) Approve applications for non-residential development where the development is considered minor, meets all LPS 4 requirements and has no impact upon adjoining landowners other than what is allowed within the Scheme.
- 3) Approve applications that seek to reapprove expired development applications where no changes are made to the original approval and Scheme/Policy has not changed.
- 4) Clear all conditions on planning approvals, except those requiring specific referral back to Council for clearance approval.
- 5) To waive or reduce development application fees in cases where the fee is not warranted due to limited additional work requirement.

- 6) Approve applications for home business where no valid objections have been received from affected adjoining landowners.
- 7) Approve planning applications for the demolition of buildings for places not listed in the heritage list adopted under clause 8 of the deemed provision.
- 8) Approve retrospective applications in accordance with clause 65 of the deemed provisions.