



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam
2023/24

Delegated Authority Register

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EXPLANATION NOTES

General

Section 5.42 of the Local Government Act 1995 allows a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act.

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of their powers to another employee, this must be done in writing. The Act allows the Chief Executive Officer to place conditions on any delegations if desired. The powers cannot, however, be further sub delegated.

The purpose of this document is to detail which authorities have been delegated by Council to the Chief Executive Officer. The document also indicates delegations which the Chief Executive Officer intends to delegate to other staff, however this is for information/indication purposes only and may change from time to time at the discretion of the Chief Executive Officer. The register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council.

Transfer of Authority Due to Absence

Where an Officer not named has been appointed by Council or by an Officer authorised to make the appointment to act in a position to which the named Officer is appointed, the authority shall transfer to the Officer acting as appointed, for the duration of Council authorisation.

Where a named Officer holding a delegation, is temporarily absent and no Officer has been appointed to act in the position, the authority will transfer to the relevant Executive Manager for the period of absence.

Register of, and Records Relevant to, Delegations - Section 5.46

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is 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.

SECTION A

DELEGATIONS FROM COUNCIL TO CHIEF EXECUTIVE OFFICER (OTHER OFFICERS, WHERE APPROPRIATE)

Administration

DELEGATION NUMBER	-	A01
LEGISLATIVE POWER	-	Local Government Act 1995, s9.49A (2) & (3), s9.49A (4)
DELEGATION SUBJECT	-	Affixing of Common Seal & Signing Documents
DELEGATE	-	Chief Executive Officer
SUB DELEGATE	-	Section 2 only - Sign documents on behalf of the local government: Executive Manager Community Services Executive Manager Corporate Services Executive Manager Development Services Executive Manager Engineering Services

Section 1

The Chief Executive Officer is delegated authority to;

- Affix the common seal of the Shire of Northam to any document which has been authorised by Council either specifically or generally.
- Sign documents on behalf of the local government.

Section 2

Executive Managers are delegated authority to:

- Sign documents on behalf of the local government.

Exclusions

Affix the common seal of the Shire of Northam to any document.

Procedure for Execution by Authorised Officers

Executive Managers may only execute documents relevant to matters within the scope of the activity of their Directorate. Documents relevant to the activities of multiple Directorates may only be executed by the Chief Executive Officer.

The documents identified for the purpose of this authorisation are listed as follows:

- a) State or Commonwealth Government Funding Agreements

- b) Memorandum of Understanding
- c) Contracts and legal instruments, including contract variations, related to:
 - o Procurement Contracts
 - o Service Agreements (incoming or outgoing services)

Limitations

The specific authorities established are limited by the following conditions:

- a) The signing of any contract must be supported by a formal resolution of Council or the works subject of the contract being incorporated into the current Annual Budget and being less than \$150,000; or
- b) The signing of any contract must be supported by a specific action in the current Corporate Business Plan.

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DELEGATION NUMBER	- A02
LEGISLATIVE POWER	- <i>Local Government Act 1995, s3.39, s3.40A, s3.42, s3.44, s3.46, 3.48</i>
DELEGATION SUBJECT	- Power to Remove & Impound Goods
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to:

1. Authorise an employee in accordance with s3.39 and 3.40A to remove and impound any goods that are involved in a contravention that can lead to impounding.
2. Take appropriate action in respect to impounded non-perishable goods in accordance with s3.42.
3. Give notice in accordance with s3.44 to collect goods.
4. Refuse to allow goods to be collected until all costs have been paid in accordance with s3.46.
5. Take action to recover expenses in accordance with s3.48.

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DELEGATION NUMBER	-	A03
LEGISLATIVE POWER	-	Local Government Act 1995, s3.47.
DELEGATION SUBJECT	-	Disposing of Confiscated or Uncollected Goods
DELEGATE	-	Chief Executive Officer
SUB DELEGATE	-	Nil.

The Chief Executive Officer is delegated authority to dispose of, in accordance with s3.47, any vehicles or goods that have been impounded/seized/confiscated under the provisions of s3.39 and 3.40A (Delegation A02) or any goods that have been ordered to be confiscated under section 3.43 of the Act.

In disposing of said goods by way of auction or after calling public tenders in accordance with Part 4 of the Local Government (Functions and General) Regulations, the Chief Executive Officer is authorised pursuant to s5.43 (b) to accept any auction outcomes and tender up to the value of \$20,000. Pre-auction estimates and tenders for amounts considered to exceed \$20,000 shall be referred to the Council for consideration prior to sale.

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DELEGATION NUMBER	- A04
LEGISLATIVE POWER	- Local Government Act 1995, s3.27, Schedule 3.1 & 3.2
DELEGATION SUBJECT	- Authority to undertake work on land not controlled by Council
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil.

In accordance with Section 3.27 of the Local Government Act 1995, the Chief Executive Officer is delegated authority to perform the general function of the local government and do any of the things prescribed in Schedule 3.2 of the Local Government Act 1995 even though the land on which it is done is not local government property and the local government does not have consent to do it.

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DELEGATION NUMBER	- A05
LEGISLATIVE POWER	- Shire of Northam Local Laws
DELEGATION SUBJECT	- Shire of Northam Local Laws Administration
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Executive Manager Engineering Services Manager Planning and Environment Environmental Health Officer Manager Building and Health Compliance Officer Senior Ranger Ranger

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

Conditions:

- Determinations and decisions under the Shire of Northam's Local Laws having regard to the relevant Council policies in force at the time.
- The administration of the Extractive Industries Local Law 2016, including any enforcement action and collection of the annual licence fee be delegated to the CEO, but that the exercise of the following powers be reserved to the Council:
 - Issue or refusal of a licence under clause 3.1(2)
 - Determination of a licence period under clause 3.1(3)(a)
 - Transfer, cancel or refusal to renew a licence under clauses 4.1(2), 4.2 and 4.3(4) determination of any security under clause 5.1(1).

Exclusions – Renewal of a licence where it is proposed to vary the conditions of the licence; or where the licensee has not complied with the conditions of the licence.

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DELEGATION NUMBER	- A06
LEGISLATIVE POWER	<ul style="list-style-type: none"> - <i>Building Act 2011, s96(3)</i> <i>Building Regulations 2012, r.70</i> <i>Food Act 2008, s.118 (2)(b), (3), (4), s.122(1) and s.126 (6), (7), (13)</i> <i>Health (Asbestos) Regulations 1992, r15D(5)</i> <i>Public Health Act 2016, S.21 and S.24 (1), (3)</i> <i>Local Government Act 1995, s.324, s.9.10</i> <i>Planning and Development Act 2005, s.234</i>
DELEGATION SUBJECT	- Appointment of Authorised Persons, Authorised Officers, Approved Officers, Designated Persons, Designated Officers
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil

COUNCIL TO CEO

The Chief Executive Officer is delegated authority to designate and employ an employee of the Shire of Northam as an authorised person or authorised officer:

Building Act 2011, s96(3)

The Chief Executive Officer is delegated authority to designate an employee of the local government as an authorised person for the purposes of the Building Act 2011 in relation to buildings and incidental structures located, or proposed to be located, in the district of the Shire of Northam.

NOTE: An authorised person for the purposes of sections 96(3)) is not an approved officer or authorised officer for the purposes of Building Reg. 70.

Building Regulations 2012, r.70

The Chief Executive Officer is delegated authority to:

1. Appoint an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A).

NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers" (Chief Executive Officer ONLY).

2. Authority to appoint an authorised officer for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(2).

NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).

A person who is appointed as an approved officer is not eligible to be appointed as an authorised officer. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.

Food Act 2008, s.118 (2)(b), (3), (4), s.122(1) and s.126 (6), (7), (13)

The Chief Executive Officer is delegated authority to:

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

Health (Asbestos) Regulations 1992, r.15D(5)

The Chief Executive Officer is delegated authority to appoint persons or classes of persons to be Authorised Officers or approved officers for the purposes of the *Criminal Procedure Act 2004 Part 2*.

Public Health Act 2016, S.21 and S.24 (1), (3)

The Chief Executive Officer is delegated authority designate a person or class of persons as authorised officers for the purposes of:

1. The Public Health Act 2016 or other specified Act
2. Specified provisions of the Public Health Act 2016 or other specified Act
3. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.

Including:

- a) an environmental health officer or environmental health officers as a class; OR
- b) a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR
- c) a mixture of the two. [s.24(1) and (3)].

CEO TO EMPLOYEES

Local Government Act 1995, s.3.24, s.9.10

1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:
 - (a) *Local Government Act 1995* and its subsidiary legislation, including *Local Government Act Regulations*, the *Local Government (Miscellaneous Provisions) Act 1960* and Local Laws made under the *Local Government Act*..
 - (b) *Caravan Parks and Camping Grounds Act 1995*;
 - (c) *Cat Act 2011*;
 - (d) *Cemeteries Act 1986*;
 - (e) *Control of Vehicles (Off-road Areas) Act 1978*;
 - (f) *Dog Act 1976*;
 - (g) *Graffiti Vandalism Act 2016* – refer s.15; and
 - (e) any other legislation prescribed for the purposes of s.9.10 of the *Local Government Act 1995*.
2. Authority to appoint authorised persons for the purposes of section 9.16 of the *Local Government Act 1995*, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the *Building Regulations 2012* and section 6(b) of the *Criminal Procedure Act 2004*.

Planning and Development Act 2005, s.234

1. Appoint persons or classes of persons to be designated persons for the purposes of section 228, 229, 230 or 231 or for the purposes of 2 or more of those sections.

Note: A person who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections.

Building

DELEGATION NUMBER	- B01
LEGISLATIVE POWER	- <i>Building Act 2011:</i> <i>s.18 Further Information</i> <i>s.20 Grant of building permit</i> <i>s.22 Further grounds for not granting an application</i> <i>s.27(1) and (3) Impose Conditions on Permit</i> <i>Building Regulations 2012:</i> <i>r.23 Application to extend time during which permit has effect (s.32)</i> <i>r.24 Extension of time during which permit has effect (s.32(3))</i> <i>r.26 Approval of new responsible person (s.35(c))</i>
DELEGATION SUBJECT	- Buildings – Grant or Refusal of Building Permits
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Building and Health

The Chief Executive Officers of the Shire of Northam is delegated authority to:

1. Require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].
2. Grant or refuse to grant a building permit[s.20(1) & (2) and s.22].
3. Impose, vary or revoke conditions on a building permit [s.27(1) and(3)].
4. Determine an application to extend time during which a building permit has effect [r.23].
 - i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; and

- ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].
- 5. Approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].

Conditions:

An officer to whom this authority is delegated cannot, in accordance with the provisions of the Building Act 2011, approve plans in which he/she has an interest.

An Officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

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DELEGATION NUMBER	- B02
LEGISLATIVE POWER	- <i>Building Act 2011, s21, s127</i>
DELEGATION SUBJECT	- Buildings – Grant or Refusal of Demolition Permits
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Building and Health

The Chief Executive Officer of the Shire of Northam is delegated authority to:

1. Require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].
2. Grant or refuse to grant a demolition permit on the bases that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22].3.
3. Impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].

Conditions:

An officer to whom this authority is delegated cannot, in accordance with the provisions of the Building Act 2011, approve plans in which he/she has an interest.

An Officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

Any buildings or structure on the Shire of Northam Municipal Inventory or Heritage List are to be referred to Council for decision.

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DELEGATION NUMBER	- B03
LEGISLATIVE POWER	- <i>Building Act 2011, s22, s127</i>
DELEGATION SUBJECT	- Buildings – Further Grounds for Not Granting an Application
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Building and Health

The Chief Executive Officer of the Shire of Northam is delegated authority to refuse building or demolition permits due to errors in information or documentation submitted, subject to the provisions of s22 *Building Act 2011*.

Conditions:

An officer to whom this authority is delegated cannot, in accordance with the provisions of the Building Act 2011, approve plans in which he/she has an interest.

An Officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

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DELEGATION NUMBER	- B04
LEGISLATIVE POWER	- <i>Building Act 2011, s58, s127</i>
DELEGATION SUBJECT	- Buildings – Grant of Occupancy Permit, Building Approval Certificate
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Building and Health

The Chief Executive Officer of the Shire of Northam is delegated authority to grant, modify or refuse Occupancy Permits or Building Approval Certificates, subject to the provisions of s58 *Building Act 2011*.

Special Conditions or Guidelines

An officer to whom this authority is delegated cannot, in accordance with the provisions of the Building Act 2011, approve plans in which he/she has an interest.

An Officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

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DELEGATION NUMBER	- B05
LEGISLATIVE POWER	- <i>Building Act 2011, s110, s114, s127</i>
DELEGATION SUBJECT	- Buildings – Building Orders
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services

The Chief Executive Officer is delegated authority to issue, serve and revoke Building Orders in relation to:

- Stop work, demolish/remove a building, alter a building or evacuate a building, where there is a contravention of a provision of the Building Act;
- Take specific action to prevent contravention of the Act;
- Finish an outward facing side of a wall;
- Buildings which are considered as being unsafe or not fit for human habitation.

Subject to the provisions of *Building Act 2011*.

Special Conditions or Guidelines

An Officer to whom this authority is delegated cannot, in accordance with the provisions of the Building Act 2011, approve plans in which he/she has an interest.

An Officer must have the prescribed qualifications to be delegated authority to approve or refuse plans of buildings or unauthorised building works.

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DELEGATION NUMBER	- B06
LEGISLATIVE POWER	- Building Act 2011, s133, s127
DELEGATION SUBJECT	- Buildings – Prosecutions
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil.

The Chief Executive Officer is delegated authority to commence prosecution for an offence against this Act, subject to the provisions of *Building Act 2011*.

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DELEGATION NUMBER	- B07
LEGISLATIVE POWER	- <i>Building Act 2011, s127</i> <i>Building Regulations 2012, r53</i> <i>Local Government Act 1995, s5.42 & s9.10</i>
DELEGATION SUBJECT	- Recover the Charge Imposed for Private Swimming Pool Inspections
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Corporate Services

The Chief Executive Officer is delegated authority to recover the amount of a charge imposed for the inspection of a private swimming pool in a court of competent jurisdiction, subject to Reg 53 of the Building Regulations 2012.

**REFER TO SEPARATE USAGE REGISTER KEPT BY EXECUTIVE MANAGER
CORPORATE SERVICES**

DELEGATION NUMBER	- B08
LEGISLATIVE POWER	- <i>Local Government (Uniform Local Provisions) Regulations 1996 r. 5, 6</i>
DELEGATION SUBJECT	- Obstruction of Footpaths and Thoroughfares
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Executive Manager Engineering Services Manager Building and Health

The Chief Executive Officer is delegated authority to:

1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, require the person to cover the footpath during the period specified in the notice so as to:
 - (a) Prevent damage to the footpath; or
 - (b) Prevent inconvenience to the public or danger from falling materials [ULP R.5(2)].
2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare [ULP r.6(2) and (4)].
3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].
4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].
5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].

Conditions:

- a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
- b. Permission may only be granted where, the proponent has:
 - i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the

proposed obstruction.

- ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.
- iii. Provided evidence of sufficient Public Liability Insurance.
- iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

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DELEGATION NUMBER	- B09
LEGISLATIVE POWER	- <i>Building Act 2011, s65</i>
DELEGATION SUBJECT	- Buildings - Extending the period of duration an Occupancy permit or a Building Approval Certificate
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Building and Health

The Chief Executive Officer is Delegated Authority to extend the period of duration of an Occupancy permit or a Building Approval Certificate, subject to the provisions of s65 *Building Act 2011*.

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DELEGATION NUMBER	- B10
LEGISLATIVE POWER	- <i>Building Act 2011, s117</i>
DELEGATION SUBJECT	- Buildings – Revoke Building Orders
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Building and Health

The Chief Executive Officer is Delegated Authority to Revoke Building Orders, subject to the provisions of s117 Building Act 2011.

Engineering

DELEGATION NUMBER	- E01
LEGISLATIVE POWER	- <i>Local Government Act 1995:</i> <i>s3.50 Closing certain thoroughfares to vehicles</i> <i>s3.50A Partial closure of thoroughfare for repairs or maintenance</i> <i>s.3.51 Affected owners to be notified of certain proposals</i> <i>Local Government (Functions and General) Regulations – Part 2 – Thoroughfares</i> <i>Road Traffic Act 1974, s92 & s81D</i>
DELEGATION SUBJECT	- Temporary Closure of Thoroughfares to Vehicles
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services Executive Manager Development Services

The Chief Executive Officer is delegated authority:

1. To close any thoroughfare, wholly or partially, for a period not exceeding 4 weeks after giving local public notice of the intention to do so [s.3.50(1)];
2. To close a thoroughfare managed by the Shire (wholly or partially) to vehicles for a period of more than 4 weeks, but not exceeding 3 months, after giving local public notice of the intention to do so and allowing submissions to be made and considered [s3.50(1a), (2) and (4); and
3. To partially and temporarily close a thoroughfare, without giving local public notice, if the closure is for the purpose of carrying out repairs or maintenance and is unlikely to have a significant adverse effect on users of the thoroughfare [s.3.50A].
4. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s3.51].

Conditions:

a) If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].

(Note: Not for the permanent closure of a road/road reserve: refer Land Administration Act).

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DELEGATION NUMBER	- E02
LEGISLATIVE POWER	- <i>Local Government Act 1995, s3.50 & s3.50A</i> <i>Road Traffic (Events on Roads) Regulations 1991</i> <i>Local Law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places</i>
DELEGATION SUBJECT	- Events on Roads
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services Executive Manager Development Services

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

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DELEGATION NUMBER	- E03
LEGISLATIVE POWER	- <i>Local Government Act 1995, Sch 9.1, cl 5(1)</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)</i>
DELEGATION SUBJECT	- Gates across Public Thoroughfare
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying. This authority relates to all of the provisions of Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996.

Conditions:

- a) Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
- b) Each approval provided must be recorded in the Shire of Northam's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.

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DELEGATION NUMBER	- E04
LEGISLATIVE POWER	- <i>Local Government Act 1995, Schedule 9.1, Clause 7</i> <i>Local Government (Uniform Local Provisions) Regulations 1996 Regs 12 to 16 (Inclusive)</i>
DELEGATION SUBJECT	- Crossovers
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant subject to Council's Crossover Policy.

The Chief Executive Officer is delegated authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land in accordance with the provisions of Schedule 9.1 Clause 7 of the Act.

This delegated authority relates to all of the provisions of Local Government (Uniform Local Provisions) Regulations 1996; Regulation numbers 12 to 16 inclusive.

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DELEGATION NUMBER	- E05
LEGISLATIVE POWER	- Local Government Act 1995, s3.51
DELEGATION SUBJECT	- Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to give the required notices as specified in s3.51(3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

Further, the Chief Executive Officer is delegated authority to consider submissions received and proceed with the proposal if no objection is received.

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DELEGATION NUMBER	- E06
LEGISLATIVE POWER	- <i>Local Government Act 1995, s3.52</i>
DELEGATION SUBJECT	- Public Thoroughfares – Public Access & Plans – s3.52 (within designated Town sites)
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to ensure that public thoroughfares are kept open for public use except if they are closed or have restricted use subject to:

1. In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided. (Reference s3.52 (3)).
2. Keeping plans of the levels and alignments of public thoroughfares that are under Council's control or management and make those plans available for public inspection. (Reference s3.52 (4)).

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DELEGATION NUMBER	- E07
LEGISLATIVE POWER	- <i>Local Government (Uniform Local Provisions) Regulations 1996: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6</i>
DELEGATION SUBJECT	- Public Thoroughfare – Dangerous Excavations
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services

The Chief Executive Officer is delegated:

1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].
2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].
3. Authority to impose conditions on granting permission [ULP r.11(6)].
4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].

Finance

DELEGATION NUMBER	- F01
LEGISLATIVE POWER	- <i>Local Government Act 1995, s6.10</i> <i>Local Government (Financial Management) Regulations 1996</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
DELEGATION SUBJECT	- Creditors, Payment of
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Corporate Services Executive Manager Development Services Executive Manager Community Services Executive Manager Engineering Services Senior Accountant

The Chief Executive Officer is delegated authority to make payments from the Municipal fund or the Trust fund in accordance with the provisions of Local Government (Financial Management) Reg 12

REFER TO SEPARATE USAGE REGISTER KEPT BY EXECUTIVE MANAGER CORPORATE SERVICES.

DELEGATION NUMBER	- F02
LEGISLATIVE POWER	- <i>Local Government Act 1995, s3.58</i> <i>Local Government (Functions General) Regulations, Reg. 30</i>
DELEGATION SUBJECT	- Disposal of Council Property (Public Auction, Public Tender or Private Treaty)
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Corporate Services Executive Manager Development Services Executive Manager Community Services Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to dispose of property:

1. To the highest bidder, at public auction [s.3.58(2)(a)];
2. To the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]; and
3. By private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].

Where the disposal value is:

- Up to \$10,000;
- Between \$10,000 and \$100,000 for the purpose of disposal (including trading plant and equipment) authorised in the Annual Budget.

Subject to the disposal complying with the following requirements:

- If the disposal is for land with a budget value of greater than \$10,000 the disposal must be within 10% of a written valuation.

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DELEGATION NUMBER	- F03
LEGISLATIVE POWER	- Local Government Act 1995 Recovery of Rates and Charges, s6.55 & s6.56
DELEGATION SUBJECT	- Recovery of Unpaid Debtors
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Corporate Services

The Chief Executive Officer is delegated authority to recover outstanding rates and service charges and take the legal action necessary for recovery in accordance with the provisions of Part 6, Division 6, subdivisions 5 and 6 of the Local Government Act 1995.

REFER TO SEPARATE USAGE REGISTER KEPT BY EXECUTIVE MANAGER OF CORPORATE SERVICES.

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DELEGATION NUMBER	- F04
LEGISLATIVE POWER	- <i>Local Government Act 1995:</i> <i>Inviting of Tenders s3.57</i> <i>Local Government (Functions and General) Regulations 1996:</i> <i>r.11 When tenders have to be publicly invited</i> <i>r.13 Requirements when local government invites tenders though not required to do so</i> <i>r.14 Publicly inviting tenders, requirements for</i> <i>r.18 Rejecting and accepting tenders</i> <i>r.20 Variation of requirements before entry into contract</i> <i>r.21A Varying a contract for the supply of goods or services</i>
DELEGATION SUBJECT	- Inviting Tenders
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Section 1 and 2: Executive Manager Corporate Services Executive Manager Development Services Executive Manager Community Services Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to;

1. Invite tenders before for the local government to enter a contract of a prescribed kind under which another person is to supply goods or services [F&G r.11(1) and r.13].
2. Determine an appropriate selection criterion based on one or more of the following criteria [F&G r.14(2a)];

- a. Price
 - b. Ongoing Operational costs
 - c. Quality
 - d. Timeliness of deliver
 - e. Fit purpose
 - f. Community benefit
 - g. Application of regional price preference in accordance with Council policy
 - h. Relevant experience
 - i. Reliability
3. Vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
 4. Make minor variations to a contract that has been entered into with a successful tenderer within the following parameters [F&G r.20(1) and (3)];
 - a. Cost to Council not to exceed available budget allocations.
 5. Exercise an extension option to a contract that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A].
 6. Evaluate tenders, by written evaluation to determine which is the most advantageous and make a determination to accept or reject tenders up to \$250,000 [F&G r.18(2) and (4)].
 7. Make determinations on purchases under \$250,000 for the supply of the goods or services obtained through the Council Purchasing Service of WALGA.
 8. Decline to accept any tender [F&G r.18(5)].

Conditions:

Prior to exercising this delegation, delegates must have regard to and ensure compliance with Council's Procurement Policy and process.

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DELEGATION NUMBER	- F05
LEGISLATIVE POWER	- <i>Local Government Act 1995:</i> <i>s.6.12 Power to defer, grant discounts, waive or write off debts</i>
DELEGATION SUBJECT	- Write Off / Waive Fees or Debts
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil.

The Chief Executive Officer is delegated authority to make a determination to waive or grant concessions in relation to any amount of money or write off any amount of money that is owed to the local government [subject to section 6.12(2) and in accordance with policy C 3.4 Write Off / Waive Fees or Debts] – up to a maximum of \$5,000.

DELEGATION NUMBER	- F06
LEGISLATIVE POWER	- Section 3.58 Local Government Act 1995
DELEGATION SUBJECT	- Disposing of Property by Lease or Licence
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil.

The Chief Executive Officer is delegated authority for the disposal of property by lease or licence in accordance with section 3.58 of the Local Government Act 1995 and policy A8.4 Management of Council Property Leases.

NOTE: Section 3.58(1) defines:

'dispose' as includes to sell, lease, or otherwise dispose of, whether absolutely or not; and

'property' as includes the whole or any part of the interest of a local government in property, but does not include money.

The Chief Executive Officer and Shire President are authorised to execute leases and licences on behalf of the Shire of Northam subject to:

Subject to the disposal;

1. complying with the requirements of:
 - i. Section 3.58 of the Local Government Act 1995;
 - ii. The exclusions set out in Regulation 30 of the Local Government (Functions and General) Regulations 1996;
 - iii. Council Policies or Management Procedures;

The grant of a lease or licence in relation to:

1. freehold land owned by the Shire; or
2. crown land managed/leased by the Shire.

is further subject to:

1. Disposal by Lease
 - a) The disposal of property by lease being subject to:
 - i. The lease being in accordance with the Shire's Leasing Policy (as then applicable);
 - ii. The term of the lease being no greater than twelve (12) years for Northam Airport Hangar Sites and five (5) years for all other property;
 - iii. The rental fee payable being no greater than \$20,000 (plus GST) per annum during the initial year of the lease term; and
 - iv. The area leased being no greater than 1000m².

- c) The Chief Executive Officer is delegated authority to approve all future leases for Kuringal Village.
- 2. Disposal by Licence
 - a) The disposal of property by licence being subject to:
 - i. The licence being in accordance with the Shire's Leasing Policy (as then applicable);
 - ii. The granting of a licence being permitted under the Shire's management order or lease;
 - iii. The term of the licence being no greater than five (5) years;
 - iv. The fee payable being no greater than \$20,000 (plus GST) per annum during the initial year of the licence term; and
 - v. The area licenced being no greater than 1000m².
- 3. Variation, extension, assignment, sub-letting of existing lease or licence:
 - a) The variation being minor in nature and be in accordance with the Shire's Leasing Policy (as then applicable). Elected Members to be notified one month prior to the exercise of this delegation for any proposal to vary the terms of a lease. This will provide Elected Members with the opportunity to request further information or request for the item to be tabled at Council.
 - b) The extension being in accordance with the option provisions of the original lease.
 - c) Lease variation, extension, assignment or sub-letting must be for the same or similar purpose as the existing lease.
 - d) Compliance with Section 3.58 of the Local Government Act 1995, including advertising and seeking submissions if required.
 - e) In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration.

Health

DELEGATION NUMBER	- H01
LEGISLATIVE POWER OR DUTY DELEGATED	- All powers exercisable by the Local Government under the Public Health Act 2016, the Health (Miscellaneous Provisions) Act 1911 and Regulations made there under; and the Shire's Health Local Laws.
LEGISLATIVE POWER TO DELEGATE	Public Health Act 2016 s21(1)(b) Enforcement agency may delegate Health (Miscellaneous Provisions) Act 1911 s26 Powers of Local Government
DELEGATION SUBJECT	- Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 – Power or duty of the local government (enforcement agency) under any provision of these Acts
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Environmental Health Officer Manager Building and Health

The Chief Executive Officer is delegated authority to exercise and discharge all or any of the powers and functions of the local government (enforcement agency) as prescribed in the Public Health Act 2016 and associated Regulation.



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DELEGATION NUMBER	- H02
LEGISLATIVE POWER OR DUTY DELEGATED	- Food Act 2008: s65(1) Prohibition orders s66 Certificate of clearance to be given in certain circumstances s67(4) Request for re-inspection s110 Registration of food businesses s112 Variation of conditions or cancellation of registration of food businesses s125 Institution of proceedings
LEGISLATIVE POWER TO DELEGATE	Food Act 2008 s118(2)(b) Local Government (Enforcement Agency)
DELEGATION SUBJECT	- Food Act 2008 – Functions of enforcement agency
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Environmental Health Officer Manager Building and Health

The Chief Executive Officer is delegated authority to perform the functions of an enforcement agency :

1. Serve a Prohibition Order on the proprietor of a food business in accordance with s65 of the Food Act 2008.
2. Give a Certificate of Clearance, where inspection demonstrates compliance with a Prohibition Order and any Improvement Notices in accordance with s66 of the Food Act 2008.
3. Give written notice to the proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection in accordance with s67 of the Food Act 2008.
4. Grant, apply conditions, refuse, vary or cancel registration of a food business in accordance with s110 and s112 of the Food Act 2008.

Planning

DELEGATION NUMBER	- P01
LEGISLATIVE POWER	- <i>Local Government Act 1995</i> <i>Planning and Development Act 2005,</i> <i>gazetted Local Planning Schemes, the</i> <i>Local Government (Miscellaneous</i> <i>Provisions) Act 1960</i>
DELEGATION SUBJECT	- Instruct Legal Action
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services

The Chief Executive Officer is delegated authority to instruct Council's Solicitors to take legal action in respect of any breach, contravention or offence under the Planning and Development Act 2005, gazetted Local Planning Schemes, the Local Government (Miscellaneous Provisions) Act 1960 and all subsidiary legislation made under those acts including signing and executing documents on behalf of the Shire.

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DELEGATION NUMBER	- P02
LEGISLATIVE POWER	- <i>Planning and Development (Local Planning Schemes) Regulations 2015, section 64(1)(c) & (2)</i> Local Planning Scheme No. 6
DELEGATION SUBJECT	- Development Applications – Waiver of Requirement for Advertising
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated authority to waive a requirement for an application to be advertised if it does not comply with the requirements of Local Planning Scheme No. 6 if satisfied that the departure from the Scheme is of a minor nature and there is no likely impact.

DELEGATION NUMBER	- P03
LEGISLATIVE POWER	- Local Planning Scheme No 6
DELEGATION SUBJECT	- Planning Determinations
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

General Delegation

The Chief Executive Officer, Pursuant to Clause 82, Part 10 of Schedule 2 of the Deemed Provisions for Local Planning Schemes, is delegated authority to approve or refuse applications for development approval, including amendments, made under Shire of Northam Local Planning Scheme No. 6 (the Scheme), with or without conditions subject to consistency with the Scheme, including giving due regard to relevant Local Planning Policies, and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.

Where applications for development approval have been advertised for consultation purposes, in accordance with the provisions of Clause 64 of the Deemed Provisions for Local Planning Schemes and/or Part 4 of the R-Codes, if:

Conditions

- a. No submissions were received, or only supportive submissions that do not request any change to the development were received; or
- b. Submissions that raise concerns with the proposed development were received and those concerns are, in the opinion of the delegated officer, clearly not material planning considerations;
- c. Submissions that raise concerns with the proposed development were received, and those concerns are material planning considerations, but;
 - i. Through liaison with the party or parties that lodged the submissions and/or amendments to the application and/or the application of conditions, the matters raised in the submissions can be resolved to the satisfaction of the delegated officer and the applicant, and/or the party or parties that lodged the submissions (the delegated officer must also ensure that the interests of fourth parties are protected and undertake further consultation if considered necessary), and

Exclusions

General Exclusions

1. Applications for development approval for development exceeding \$4M in value and/or a net increase of in excess of 10 dwellings and/or uses listed as 'P', 'D' or 'A' or 'I' within the Scheme at variance with Scheme requirements and standards.

Specific Exclusions and Exceptions for Minor Works etc.

2. Subject to 8 below, with respect to applications for development approval for development other than advertising signage, domestic outbuildings, fencing and residential additions/alterations, any delegated decision must be consistent with, rather than giving due regard to, relevant Local Planning Policies.
3. Subject to 8 below, applications for development approval for development of land within a Local Reserve may only be approved under delegated authority where it is consistent with the purpose of the Reserve.
4. Subject to 8 below, applications for development approval for the types of land-use or development listed below may only be refused under delegated authority:
 - i) Animal Establishment in other than the 'Rural' or 'Rural Smallholding' Zone;
 - ii) Equestrian Activity in other than the 'Rural' or 'Rural Smallholding' Zone;
 - iii) Hotel (except for alterations and additions on existing licensed premises);
 - iv) Industry – Extractive (except for minor modifications to existing approvals);
 - v) Industry – Mining in other than the 'Rural' Zone;
 - vi) Liquor Store (small and large) (except for minor modifications to existing approvals);
 - vii) Motel in other than the 'Commercial' or 'Tourist' Zone (except for minor modifications to existing premises);
 - viii) Night Club;
 - ix) Restricted Premises;
 - x) Tavern (except for minor modifications to existing premises);
 - xi) Major new Telecommunications Infrastructure.
5. Subject to 8 below, unless specifically provided for in a Local Planning Policy or Policies, applications for development approval that must be assessed under the provisions of Clauses 3.4.2 or 3.4.3 of the Scheme (uses not listed in the Zoning Table) may only be refused under delegated authority..
6. Subject to 8 below, applications for development approval that must be assessed under the provisions of Part 3, Clauses 3.8 up to and including 3.12 of the Scheme (the 'non-conforming uses' provisions) may only be refused under delegated authority, except for minor modifications or extensions. (Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration).
7. Subject to 8 below, unless specifically provided for in a Local Planning Policy or Policies, applications for development approval that are assessed under the provisions of Clause 4.13.7 of the Scheme (the 'Cash Payment in Lieu of the Provision of Car Parking' provisions) may only be refused under delegated authority. (Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration).

8. Subject to 9 below, the provisions of 1 - 7 above do not apply to applications for an extension of time to commence a development approval, alterations and/or expansions where the amendments do not substantially change the approved development, and which are associated with existing, lawful land-uses, wherein the application may be refused or approved, with or without conditions, under delegated authority.
9. Where an extension of time to commence a development approval is granted pursuant to 8 above, the term of any renewal shall not exceed 24 months, however, an unlimited number of renewals may be granted under delegated authority.

An officer to who this authority is delegated cannot approve plans in which he/she may have a conflict of interest.

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DELEGATION NUMBER	- P04
LEGISLATIVE POWER	- Strata Titles Act 1985, s23
DELEGATION SUBJECT	- Strata Titles – Certificate of Local Government
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

Under s23(4) of the Strata Titles Act 1985 the Chief Executive Officer is delegated to issue certificates relating to Strata Title developments confirming various obligations have been met under s23 of the Strata Titles Act 1985, excluding modifications to existing buildings (s23(3) and s24).

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DELEGATION NUMBER	- P05
LEGISLATIVE POWER	- Strata Titles Act 1985, s25, s26
DELEGATION SUBJECT	- Consent to the Lease of Common Property
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated to give consent to the mortgage and/or lease of common property on Strata Plans where the provisions of the Act are met and in accordance with Council Policy.

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DELEGATION NUMBER	- P06
LEGISLATIVE POWER	- Local Planning Schemes No 6
DELEGATION SUBJECT	- Advertising Signs
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated authority to approve signs that require such approval and where appropriate the licensing of signs that comply with the Local Planning Schemes, any Council Policy which may exist from time to time and Local Laws of the Council.

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DELEGATION NUMBER	- P07
LEGISLATIVE POWER	- Local Government Act 1995, s5.42(1)(b) Planning and Development Act 2005 section 214(2), (3) or (5) Local Planning Scheme No 6 Local Planning Policy
DELEGATION SUBJECT	- Illegal Development, Giving Written Direction
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated authority to exercise the power under s5.42(1) of the Local Government Act 1995, to give an owner or developer a direction requiring them to comply under Section 214 of the Planning & Development Act, with the Local Planning Scheme, Policy or Planning requirement. The Chief Executive Officer should inform the owner if the developer is not the owner.

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DELEGATION NUMBER	- P08
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.42</i>
DELEGATION SUBJECT	- Recommendations to the WAPC Regarding Applications for Subdivision/Amalgamation or Strata Title
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated authority to make recommendations to the WAPC with regards to applications referred to Council pursuant to Part 10 (Subdivision and development control) of the Planning and Development Act 2005, subject to consistency with the Scheme, relevant Local Planning Policies, and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.

Exclusions/Conditions

Applications that, were they approved by the WAPC, might result in a net increase of more than 10 lots, a recommendation to the WAPC may only be made under delegated authority if-

- a) The application is consistent with a strategy, local structure plan, local development plan or other plan endorsed by Council, or which forms part of the Scheme and/or a Local Planning Policy; and/or
- b) The application is for amended plans for an application that has been considered by Council within the last two years and the amendments are, in the opinion of the delegated officer, of a minor nature.

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DELEGATION NUMBER	- P09
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.42</i> <i>Deemed Provisions for Local Planning Schemes (Cl. 82)</i>
DELEGATION SUBJECT	- Clearance of Conditions of Development Approval, or Conditions of Subdivision/Amalgamation or Strata Title Approval
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated authority to advise the Western Australian Planning Commission with regards to clearance of conditions of development approval, clearance of conditions set pursuant to Part 10 (Subdivision and development control) of the Planning and Development Act 2005 and for which Council is nominated as a clearance agency, subject to consistency with the Scheme, Local Planning Policies, and the exclusions/conditions set out below.

Exclusions/Conditions

Nil.

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DELEGATION NUMBER	- P10
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.42</i>
DELEGATION SUBJECT	- Advice to the Department for Lands Regarding Matters Associated with the <i>Land Administration Act 1997</i>
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated authority to advise the Department of Lands with respect to proposed changes of tenure, changed/new management orders, and/or granting or renewing of leases and/or licences relating to Crown Land.

Exclusions/Conditions

Nil.

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DELEGATION NUMBER	- P11
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.42</i>
DELEGATION SUBJECT	- Advising other Regulatory Authorities
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated authority to advise other regulatory authorities (other than the Western Australian Planning Commission with respect to applications for subdivision) with respect to matters where planning-related advice is required subject to consistency with existing planning or other local government approvals, as appropriate, and the Scheme, relevant Local Planning Policies and/or WAPC/State Planning Policies, and the exclusions/conditions set out below.

Exclusions/Conditions

Nil.

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DELEGATION NUMBER	- P12
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.42</i>
DELEGATION SUBJECT	- Appeals, Requests for Reconsideration
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment

The Chief Executive Officer is delegated authority to respond to appeals made to the State Administrative Tribunal (including appointment of Counsel), or requests for reconsideration lodged with the WAPC, subject to consistency with any resolution of Council relating to the matter subject of an appeal or request for reconsideration, the Scheme, Local Planning Policies (in the event of any inconsistency between the Scheme, Local Planning Policies and any resolution of Council relating to the matter subject of an appeal or request for reconsideration, then the resolution of Council shall prevail), and the exclusions/conditions set out below.

Exclusions/Conditions

Nil.

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DELEGATION NUMBER	-	P13
LEGISLATIVE POWER	-	<i>Planning and Development Regulations 2009, clause 52.</i> Local Planning Scheme No. 6
DELEGATION SUBJECT	-	Development Applications – Waiver of Application Fees
DELEGATE	-	Chief Executive Officer
SUB DELEGATE	-	Executive Manager Development Services Manager Planning Environment

The Chief Executive Officer, pursuant to clause 52 of the *Planning and Development Regulations 2009*, is delegated authority to waive or refund, defer in whole or part, payment of a fee for a planning service.

Where fees for a planning service, have been deferred, the fees will be payable on practical completion of the approved development or as stipulated in the conditions of approval.

The following guidelines are applicable –

- Applications submitted by Not for Profit, Charitable or Sporting Organisations – no fees
- Applications for new home based businesses – 50% fee reduction-payable upon commencement of development
- Application for change of use within existing commercial zoned premises- 50% fee reduction – payable on practical completion (development physically completed) of the development
- All other applications – payable on practical completion (development physically completed)

Properties

DELEGATION NUMBER	- PR01
LEGISLATIVE POWER	- <i>Local Government Act 1995, s3.24</i>
DELEGATION SUBJECT	- Notice Requiring Certain Things to be done by the Owner or Occupier of Land
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to exercise the power under s3.25 (1) of the Local Government Act 1995, to give an owner or occupier a notice requiring them to do something to the land if it is specified in Schedule 3.1 of the Act. The Chief Executive Officer must inform the owner if the occupier is not the owner.

2023 /24 Delegated Authority Register

DELEGATION NUMBER	- PR02
LEGISLATIVE POWER	- <i>Liquor Licensing Act 1988</i>
DELEGATION SUBJECT	- Authority to Issue s39 & s40 Certificates Liquor Licensing Act 1988
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning and Environment Manager Building & Health

The Chief Executive Officer is delegated authority to issue s39 and s40 Certificates under the Liquor Licensing Act 1988.

Ranger

DELEGATION NUMBER	- R01
LEGISLATIVE POWER	- <i>Shire of Northam Keeping and Control of Cats Local Law 2008, Shire of Northam Dogs Local Law 2008</i>
DELEGATION SUBJECT	- Approval to keep more than the prescribed number of cats and dogs permitted by relevant local laws
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services

The Chief Executive Officer is delegated authority under the provisions of the relevant local law to approve more than the prescribed number of dogs or cats provided the application has been advertised in accordance with Council Policy and that no adverse comments have been received.

2023 /24 Delegated Authority Register

DELEGATION NUMBER	- R02
LEGISLATIVE POWER	- <i>Local Government Act 1995: Section 3.47A(1) s.3.47A Sick or injured animals, disposal of</i>
DELEGATION SUBJECT	- Disposal of Sick or Injured Impounded Animals
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services

The Chief Executive Officer is delegated authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [S.3.47A(1)].

Conditions:

1. Delegation only to be used where reasonable efforts to identify and contact the owner have failed.

2023 /24 Delegated Authority Register

DELEGATION NUMBER	- R03
LEGISLATIVE POWER	- <i>Local Government Act 1995: s.3.40A(4) Abandoned vehicle wreck may be taken</i>
DELEGATION SUBJECT	- Declare Vehicle is Abandoned Vehicle Wreck
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Senior Ranger Ranger

The Chief Executive Officer is delegated authority to declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].

Conditions:

Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority A03 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.

Other

DELEGATION NUMBER	- 001
LEGISLATIVE POWER	- <i>Bush Fires Act 1954,s33 & s48</i>
DELEGATION SUBJECT	- Firebreak Order - Variation
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil.

The Chief Executive Officer, in accordance with s48(1) of the *Bush Fires Act 1954*, is delegated authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on land in consultation with the Chief Bush Fire Control Officer.

s48 (3) of the Bush Fires Act 1954 precludes sub delegation from the CEO to others.

2023 /24 Delegated Authority Register

DELEGATION NUMBER	-	O02	
LEGISLATIVE POWER	-	Bush Fires Act 1954, s17(10) & s18	
DELEGATION SUBJECT	-	Burning, Prohibited (Variations)	
DELEGATE	-	Shire President Chief Bush Fire Control Officer	} Jointly
SUB DELEGATE	-	Nil.	

That pursuant to s17(10), the Shire President and the Chief Bush Fire Control Officer be delegated **jointly** the Council's powers and duties under the Bush Fires Act 1954, to vary the prohibited burning times and restricted burning times s17(7), and give notice of such s17(8), provided that the Officer in Charge of the Department of Water and Environmental Regulation is consulted with before the authority under this delegation is exercised in accordance with the provisions of s18 of the Bush Fires Act 1954.

2023 /24 Delegated Authority Register

DELEGATION NUMBER	- O03
LEGISLATIVE POWER	- <i>Bush Fires Act 1954, s59(3), s59A</i>
DELEGATION SUBJECT	- Offences - Bush Fires Act
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Community Emergency Services Manager Senior Ranger Ranger

In accordance with s59 (3) of the *Bush Fires Act 1954*, the Chief Executive Officer is delegated authority generally to consider allegations of offences alleged to have been committed against the Bush Fires Act within the district and 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 of infringement notices by authorised Fire Control Officers in accordance with the provisions of s59A of the Act.

2023 /24 Delegated Authority Register

DELEGATION NUMBER	- O04
LEGISLATIVE POWER	- <i>Local Government Act 1995, s9.10</i>
DELEGATION SUBJECT	- Issuing of Licences, Approvals & Permits – Local Laws
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Corporate Services Executive Manager Development Services Executive Manager Community Services Executive Manager Engineering Services

The Chief Executive Officer is delegated authority to determine applications for the issue and or renewal of licenses and permits that are provided for in Council local laws.

DELEGATION NUMBER	- O05
LEGISLATIVE POWER	- <i>Bush Fires Act 1954, s.38 Local government may appoint bush fire control officer</i> <i>Bush Fires Act 1954, s.48 Delegation by local governments</i>
DELEGATION SUBJECT	- Appointment of Bush Fire Control Officers
DELEGATE	- Chief Executive Officer

The Chief Executive Officer is delegated authority to appoint Bush Fire Control Officers.

Conditions:

1. This delegation is restricted to the appointment of Shire of Northam employees as Bush Fire Control Officers.
2. A notice of an appointment must be published at least once in a newspaper circulating in the Shire of Northam in accordance with section 38 (2A) of the *Bush Fires Act 1954*.

Consideration is to be given with respect to whether the appointment is for the purposes of fulfilling the administrative functions of a Bush Fire Control Officer. Employees which are appointed as Bush Fire Control Officers other than for the purposes of issuing permits or enforcement action, must have completed the required training as adopted by Council.

SECTION B

DELEGATIONS FROM COUNCIL TO COMMITTEES

2023 /24 Delegated Authority Register

DELEGATION NUMBER	- C01
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.16</i>
DELEGATION SUBJECT	- Receive, Assess and Determine Grant Applications for the Community Grant Scheme
DELEGATE	- Community Grants Assessment Committee

The Community Grants Assessment Committee has been delegated authority to undertake the following:

- a. Receive and assess grant applications; and
- b. Make a final determination on all grant applications received.

2023 /24 Delegated Authority Register

DELEGATION NUMBER	- C02
LEGISLATIVE POWER	- <i>Local Government Act 1995:</i> <i>s.7.12A(2) Duties of Local Government with respect to audits</i>
DELEGATION SUBJECT	- Authority to meet with the Shire's Auditor
DELEGATE	- Audit and Risk Management Committee

The Audit and Risk Management Committee is delegated authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].

This delegation is not to be used where a Management Letter or Audit Report raises significant issues. In that instance the Local Government's meeting with the Auditor must be directed to the Council.

SECTION C

DELEGATIONS FROM CHIEF EXECUTIVE OFFICER TO OTHER EMPLOYEES

The following Delegations have been made by the Chief Executive Officer to:

EXECUTIVE MANAGER CORPORATE SERVICES

- A01** Affixing of Common Seal & Signing Documents, Section 2 only – Sign documents on behalf of the local government
- B07** Recover charges imposed for Private Swimming Pool inspections
- F01** Creditors, Payment of
- F02** Disposal of Council Property (Public Auction, Public Tender or Private Treaty)
- F03** Recovery of unpaid Debtors
- F04** Inviting Tenders, section 1 & 2
- O04** Issuing of Licences, Approvals & Permits – Local Laws

EXECUTIVE MANAGER DEVELOPMENT SERVICES

- A01** Affixing of Common Seal & Signing Documents, Section 2 only – Sign documents on behalf of the local government
- A02** Power to Remove and Impound Goods
- A04** Approval of Camping Other than at a Caravan Park or Camping Ground
- A05** Shire of Northam Local Laws Administration
- B01** Buildings – Grant or Refusal of Building Permits
- B02** Buildings – Grant or Refusal of Demolition Permits
- B03** Buildings – Further Grounds for Not Granting an Application
- B04** Buildings – Grant of Occupancy Permit, Building Approval Certificate
- B05** Buildings – Building Orders
- B08** Issue Permit to Deposit Material on or Excavate on or Adjacent Street
- B09** Buildings – Extending the period of duration of an Occupancy permit or a Building Approval Certificate
- B10** Buildings – Revoke Building Orders
- B11** Authorised and Approved Officers – Building Act Infringement Notices
- E01** Temporary Closure of Thoroughfares to Vehicles
- E02** Events on Roads

F01	Creditors, Payment of
F02	Disposal of Council Property (Public Auction, Public Tender or Private Treaty)
F04	Inviting Tenders, section 1 & 2
H01	Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 – Power or duty of the local government (enforcement agency) under any provision of these Acts
H02	Food Act 2008 – Functions of enforcement agency
P01	Instruct Legal Action
P02	Development Applications – Waiver of Requirement for Advertising
P03	Planning Determinations
P04	Strata Titles – Certificates of Local Government
P05	Consent to the lease of Common Property
P06	Advertising Signs
P07	Illegal Development, Giving Written Direction
P08	Recommendations to the WAPC Regarding Applications for Subdivision/Amalgamation or Strata Title
P09	Clearance of Conditions of Development Approval, or Conditions of Subdivision/Amalgamation or Strata Title Approval
P10	Advice to the Department for Lands Regarding Matters Associated with the Land Administration Act 1997
P11	Advising other Regulatory Authorities
P12	Appeals, Requests for Reconsideration
P13	Development Applications – Waiver of Application Fees
PR01	Notice Requiring Certain Things to be Done by the Owner or Occupier of Land
PR02	Authority to Issue Section 39 & 40 Certificates Liquor Licensing Act 1988
R01	Approval to keep more than the prescribed number of cats and dogs permitted by relevant local laws
R02	Disposal of Sick or Injured Impounded Animals
R03	Declare Vehicle is Abandoned Wreck
O03	Offences – Bush Fires Act
O04	Issuing of Licences, Approvals & Permits – Local Laws

EXECUTIVE MANAGER ENGINEERING SERVICES

- A01** Affixing of Common Seal & Signing Documents, Section 2 only
– Sign documents on behalf of the local government
- A02** Power to Remove and Impound Goods
- A05** Shire of Northam Local Laws Administration
- B08** Issue Permit to Deposit Material on or Excavate on or
- E01** Temporary Closure of Thoroughfares to Vehicles
- E02** Events on Roads
- E03** Gates Across Public Thoroughfare
- E04** Crossovers
- E05** Public Thoroughfares – Fixing or Altering Levels, or Alignments,
or Drainage onto Adjoining Land
- E06** Public Thoroughfares – Public Access & Plans s3.52 (within
designated Townsites)
- E07** Public Thoroughfare – Dangerous Excavations
- F01** Creditors, Payment of
- F02** Disposal of Council Property (Public Auction, Public Tender or
Private Treaty)
- F04** Inviting Tenders, section 1 & 2
- PR01** Notice Requiring Certain Things to be Done by the Owner or
Occupier of Land
- O04** Issuing of Licences, Approvals & Permits – Local Laws

EXECUTIVE MANAGER COMMUNITY SERVICES

- A01** Affixing of Common Seal & Signing Documents, Section 2 only
- Sign documents on behalf of the local government
- F01** Creditors, Payment of
- F02** Disposal of Council Property (Public Auction, Public Tender or
Private Treaty)
- F04** Inviting Tenders, section 1 & 2
- O04** Issuing of Licences, Approvals & Permits – Local Laws

MANAGER PLANNING AND ENVIRONMENT

- A05** Shire of Northam Local Laws Administration
- P02** Development Applications - Waiver of Requirement for

	Advertising
P03	Planning Determinations
P04	Strata Titles – Certificates of Local Government
P05	Consent to the lease of Common Property
P06	Advertising Signs
P07	Illegal Development, Giving Written Direction
P08	Recommendations to the WAPC Regarding Applications for Subdivision/Amalgamation or Strata Title
P09	Clearance of Conditions of Development Approval, or Conditions of Subdivision/Amalgamation or Strata Title Approval
P10	Advice to the Department for Lands Regarding Matters Associated with the Land Administration Act 1997
P11	Advising other Regulatory Authorities
P12	Appeals, Requests for Reconsideration
P13	Development Applications – Waiver of Application Fees
PR02	Authority to Issue Section 39 & 40 Certificates Liquor Licensing Act 1988

ENVIRONMENTAL HEALTH OFFICER

A05	Shire of Northam Local Laws Administration
H01	Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 – Power or duty of the local government (enforcement agency) under any provision of these Acts
H02	Food Act 2008 – Functions of enforcement agency

MANAGER OF BUILDING AND HEALTH

A05	Shire of Northam Local Laws Administration
B01	Buildings – Grant or Refusal of Building Permits
B02	Buildings – Grant or Refusal of Demolition Permits
B03	Buildings – Further Grounds for Not Granting an Application
B04	Buildings - Grant of Occupancy Permit, Building Approval Certificate
B08	Issue Permit to Deposit Material on or Excavate on or Adjacent Street
B09	Buildings – Extending the period of duration of an

- Occupancy permit or a Building Approval Certificate
- B10** Buildings – Revoke Building Orders
- B11** Authorised and Approved Officers - Building Act Infringement Notices
- H01** Public Health Act 2016 and the Health (Miscellaneous Provisions) Act 1911 – Power or duty of the local government (enforcement agency) under any provision of these Acts
- H02** Food Act 2008 – Functions of enforcement agency
- PR02** Authority to Issue Section 39 & 40 Certificates Liquor Licensing Act 1988

COMPLIANCE OFFICER

- A05** Shire of Northam Local Laws Administration
- B11** Authorised and Approved Officers - Building Act Infringement Notices

SENIOR RANGER

- A05** Shire of Northam Local Laws Administration
- R03** Declare Vehicle is Abandoned Vehicle Wreck
- O03** Offences - Bush Fires Act

RANGER

- A05** Shire of Northam Local Laws Administration
- R03** Declare Vehicle is Abandoned Vehicle Wreck
- O03** Offences - Bush Fires Act

COMMUNITY EMERGENCY SERVICES MANAGER

- O03** Offences - Bush Fires Act

SENIOR ACCOUNTANT

- F01** Creditors, Payment of

SHIRE PRESIDENT
CHIEF BUSH FIRE CONTROL OFFICER } **Jointly**



O02 Burning, Prohibited (Variations)