



Shire of Northam
Heritage, Commerce and Lifestyle

SHIRE OF NORTHAM 2016/17

DELEGATED AUTHORITY REGISTER

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EXPLANATION NOTES

General

Section 5.42 of the Local Government Act 1995 allows for 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 for 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.

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), s9.49A (4)
DELEGATION SUBJECT	-	Common Seal
DELEGATE	-	Chief Executive Officer
SUB DELEGATE	-	Nil.

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.

DELEGATION NUMBER	- A02
LEGISLATIVE POWER	- Local Government Act 1995, s3.39, s3.40A, s3.42,s3.44, s3.46, 3.48
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.

DELEGATION NUMBER	- A03
LEGISLATIVE POWER	- Local Government Act 1995, s3.47 & s3.58
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 s3.58, any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of s3.47.

In disposing 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 tender up to the value of \$20,000. Tenders for amounts exceeding \$20,000 shall be referred to the Council for consideration.

DELEGATION NUMBER	- A04
LEGISLATIVE POWER	- Caravan Parks And Camping Grounds Regulations 1997, (Reg 11)
DELEGATION SUBJECT	- Approval of Camping Other than at a Caravan Park or Camping Ground
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services

The Chief Executive Officer is delegated authority to provide a written approval for a person to camp on land in accordance with regulation 11 (1) (a) for longer than 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, however not exceeding longer than 3 months in any period of 12 months

DELEGATION NUMBER	- A05
LEGISLATIVE POWER	- Local Government Act 1995, s5.42 & s9.10
DELEGATION SUBJECT	- Authorised Officers – Appointment
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil.

The Chief Executive Officer is delegated authority to appoint “authorised persons” and “Designated Officers” to perform functions under the Local Government Act, Regulations and Local Laws and other regulations and acts including but not limited to the following:

Local Government Act 1995;
Local Government (Miscellaneous Provisions) Act 1960;
Dog Act 1976 and Regulations there under;
Cat Act 2011 and Regulations there under;
Control of Vehicles (Off Road Areas) Act 1978 and Regulations there under;
Litter Act 1979 and Regulations there under;
Planning & Development Act 2005.
Building Act 2011
Food Act 2008

The following is a list of Authorised Officers:

Planning & Development Act 2005:

Chief Executive Officer, Executive Manager Development Services; Manager Planning Services; Planning Officer/s

Litter Officers:

Chief Executive Officer; Executive Manager Corporate Services; Executive Manager Community Services; Executive Manager Development Services; Executive Manager Engineering Services; Environmental Health Officer/s; Ranger/s

Dog Act Officers:

Chief Executive Officer; Executive Manager Corporate Services; Executive Manager Engineering Services; Executive Manager Development Services; Executive Manager Community Services; Environmental Health Officer/s, Ranger/s, Building Surveyor/s

Cat Act Officers:

Chief Executive Officer; Executive Manager Development Services; Ranger/s

Swimming Pool Inspections:

Chief Executive Officer, Executive Manager Development Services; Building Surveyor/s; Ranger/s.

Building Act 2011

Chief Executive Officer, Executive Manager Development Services, Senior Building Surveyor, Building and Project Supervisor

Food Act 2008

Chief Executive Officer, Executive Manager Development Services, Environmental Health Officers

BUILDING

DELEGATION NUMBER	- B01
LEGISLATIVE POWER	- Building Act 2011, s20
DELEGATION SUBJECT	- Buildings – Grant or Refusal of Building Permits
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Senior Building Surveyor Building and Project Supervisor

The Chief Executive Officers of the Shire of Northam is delegated authority to grant or refuse building permits, subject to the provisions of s20 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.

DELEGATION NUMBER	- B02
LEGISLATIVE POWER	- Building Act 2011, s21
DELEGATION SUBJECT	- Buildings – Grant or Refusal of Demolition Permits
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Senior Building Surveyor Building and Project Supervisor

The Chief Executive Officer of the Shire of Northam is delegated authority to grant or refuse demolition permits, subject to the provisions of s21 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.

Any buildings or structure on the Shire of Northam Municipal Inventory being referred to Council for decision.

DELEGATION NUMBER	- B03
LEGISLATIVE POWER	- Building Act 2011, s22
DELEGATION SUBJECT	- Buildings – Further Grounds for Not Granting an Application
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Senior Building Surveyor Building and Project Supervisor

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.

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.

DELEGATION NUMBER	- B04
LEGISLATIVE POWER	- Building Act 2011, s58
DELEGATION SUBJECT	- Buildings – Grant of Occupancy Permit, Building Approval Certificate
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Senior Building Surveyor Building and Project Supervisor

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.

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.

DELEGATION NUMBER	- B05
LEGISLATIVE POWER	- Building Act 2011, s110
DELEGATION SUBJECT	- Buildings – Building Orders
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services

- The Chief Executive Officer is delegated authority to issue 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.

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.

DELEGATION NUMBER	- B06
LEGISLATIVE POWER	- Building Act 2011, s133
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.

DELEGATION NUMBER	- B07
LEGISLATIVE POWER	- Building Act 2011 Building Regulations 2012, r53 Local Government Act 1995, s5.42 & s9.10
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.

DELEGATION NUMBER	- B08
LEGISLATIVE POWER	Local Government (Uniform Local Provisions) Regulations 1996 r. 5, 6
DELEGATION SUBJECT	Issue Permit to Deposit Material on or Excavate on or Adjacent Street
DELEGATE	Chief Executive Officer
SUB DELEGATE	Executive Manager Development Services Executive Manager Engineering Services Senior Building Surveyor Building and Project Supervisor

The Chief Executive Officer is delegated authority to;

1. Serve written notice 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.
2. Grant permission for a person to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare and impose such conditions as the CEO thinks fit on granting permission

DELEGATION NUMBER	- B09
LEGISLATIVE POWER	- Building Act 2011, s65
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 Senior Building Surveyor Building and Project Supervisor

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.

DELEGATION NUMBER	- B10
LEGISLATIVE POWER	- Building Act 2011, s117
DELEGATION SUBJECT	- Buildings – Revoke Building Orders
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Senior Building Surveyor Building and Project Supervisor

The Chief Executive Officer is Delegated Authority to Revoke Building Orders, subject to the provisions of s65 Building Act 2011.

ENGINEERING

DELEGATION NUMBER	- E01
LEGISLATIVE POWER	- Local Government Act 1995, s3.50 & s3.50A Local Government (Functions and General) Regulations – Part 2 – Thoroughfares Road Traffic Act 1974, s92 & s81D
DELEGATION SUBJECT	- Temporary Closure of Thoroughfares to Vehicles
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services Executive Manage Development Services

The Chief Executive Officer is delegated authority to close any thoroughfare, wholly or partially, for a period of up to 4 weeks and give the necessary notices and take all appropriate actions to temporarily close any thoroughfare under its management for any period exceeding 4 weeks but not exceeding 3 months. The Chief Executive Officer, in exercising this delegated authority, shall observe the requirements of s3.50 and s3.50A of the Local Government Act.

Any proposal to close a thoroughfare for any period exceeding 3 months shall be referred to Council for determination.

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

DELEGATION NUMBER	- E02
LEGISLATIVE POWER	- Local Government Act 1995, s3.50 & s3.50A Road Traffic (Events on Roads) Regulations 1991 Local Law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places
DELEGATION SUBJECT	- Events on Roads
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Engineering Services Executive Manage 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. The Chief Executive Officer shall have regard to s3.50 & s3.50A of the Local Government Act 1995 and Council's Local Law.

DELEGATION NUMBER	- E03
LEGISLATIVE POWER	- Local Government Act 1995, Sch 9.1, cl 5(1) Local Government (Uniform Local Provisions) Regulations 1996 Reg 9
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.

DELEGATION NUMBER	- E04
LEGISLATIVE POWER	- Local Government Act 1995, Schedule 9.1, Clause 7 Local Government (Uniform Local Provisions) Regulations 1996 Regs 12 to 16 (Inclusive)
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 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.

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.

DELEGATION NUMBER	- E06
LEGISLATIVE POWER	- Local Government Act 1995, s3.52
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)*).

FINANCE

DELEGATION NUMBER	- F01
LEGISLATIVE POWER	- Local Government Act 1995, s6.10 Local Government (Financial Management) Regulations 1996, Reg 12
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

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

DELEGATION NUMBER	- F02
LEGISLATIVE POWER	- Local Government Act 1995, s3.58 Local Government (Functions General) Regulations, Reg. 30
DELEGATION SUBJECT	- Disposal of Council Property
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil.

The Chief Executive Officer is delegated authority to dispose of property to the highest bidder, at public auction, public tender or by private treaty subject to the following limits:

- Land - to a value of \$5,000 in accordance with Local Government (Functions General) Regulations – Reg 30(2)(a) & (c);
- Other – to a value of \$20,000 in accordance with Local Government (Functions General) Regulations – Reg 30(3).

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.

DELEGATION NUMBER	- F04
LEGISLATIVE POWER	- Local Government Act 1995 Inviting of Tenders s3.57 Local Government (functions and general) Regulations cl. 14, 18, 20
DELEGATION SUBJECT	- Inviting Tenders
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Nil.

The Chief Executive Officer is delegated authority to;

1. Invite tenders before for the local government to enter into a contract of a prescribed kind under which another person is to supply goods or services.
2. Determine an appropriate selection criteria based on one or more of the following criteria;
 - 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. Make minor variations to awarded tenders within the following parameters;
 - a. Cost to Council not to exceed available budget allocations
4. Make a determination to accept or reject tenders up to \$150,000
5. Make determinations on purchases under **\$250,000** for the supply of the goods or services obtained through the Council Purchasing Service of WALGA

DELEGATION NUMBER	- F05
LEGISLATIVE POWER	- Local Government Act 1995 Local Government (functions and general) Regulations cl. 14, 18, 20
DELEGATION SUBJECT	- Write Off / Waive Small 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)] – up to a maximum of \$500.00

HEALTH

DELEGATION NUMBER	- H01
LEGISLATIVE POWER	- Health Act 1911 Health Local Laws 2008
DELEGATION SUBJECT	- Health Act & Health Local Law 2008 – (Deputy) – (Including Itinerant Food Vendors, Stallholders, Traders and Street Entertainers)
DELEGATE	- Chief Executive Officer
SUB DELEGATE	Executive Manager Development Services Environmental Health Officer/s

The Chief Executive Officer is delegated authority to act as Council’s “Deputy” pursuant to the Health Act and to exercise and discharge the following powers and functions, including:

1. Issue such Health Act and Health Local Law notices and orders as appropriate;
2. Determine applications for licenses and permits under the Health Act and Health Local Laws in accordance with relevant provisions.
3. Authorise Environmental Health Officers with the power to enter premises under s349 of the Health Act, to administer the provisions of the Fly Eradication Regulations and the Health Poultry Manure Regulations 2001 provided that the power to serve notice is exercised by the Executive Manager Development Services.

PLANNING

DELEGATION NUMBER	- P01
LEGISLATIVE POWER	- Local Government Act 1995 Planning and Development Act 2005, gazetted Local Planning Schemes, the Local Government (Miscellaneous Provisions) Act 1960
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.

DELEGATION NUMBER	- P02
LEGISLATIVE POWER	- Local Planning Scheme No. 6
DELEGATION SUBJECT	- Development Applications - Advertising
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning Services

The Chief Executive Officer is delegated authority to advertise development applications for public comment where the Chief Executive Officer considers such applications should have public comment prior to consideration by Council, and to make available from Council's file's, information regarding the development application so the public are in a position to make a proper assessment, in accordance with Council policy which may exist from time to time.

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 Services

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 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.

Exclusions/Conditions

General Exclusions

1. Applications for development approval for development exceeding \$3M in value and/or a net increase of in excess of 10 dwellings and/or uses listed as 'P', 'D' or 'A' within the Scheme at variance with Scheme requirements and standards.

Specific Exclusions and Exceptions for Minor Works etc.

1. Subject to 7 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.
2. Subject to 7 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.
3. Subject to 7 below, applications for development approval for the types of land-use or development listed below may only be refused under delegated authority:
 - a) Animal Establishment in other than the 'Rural' Zone;
 - b) Equestrian Activity in other than the Rural Zone;
 - c) Hotel;
 - d) Industry - Extractive;

- e) Industry – Mining in other than the ‘Rural’ Zone;
 - f) Liquor Store (small and large);
 - g) Motel in other than the ‘Commercial’ Zone;
 - h) Night Club;
 - i) Restricted Premises;
 - j) Tavern;
 - k) Telecommunications Infrastructure; and/or
 - l) Any other development associated with racing, gaming or the sale of liquor, other than where development is of a temporary nature (no more than 48 hours duration).
4. Subject to 7 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. *(Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration prior to the undertaking of consultation, if consultation is considered necessary)*
 5. Subject to 7 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. *(Note: Should the delegated officer feel that the application may warrant approval, the application shall be reported to Council for consideration)*
 6. Subject to 7 below, unless specifically provided for in a Local Planning Policy or Policies, applications for development approval that must be 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)*
 7. Subject to 8 below, the provisions of 1 - 6 above do not apply to applications for renewals of development approval, alterations and/or expansions affecting a maximum area of 10% of the existing development, or 200m² (in terms of floorspace or land area in use, as appropriate), whichever is the lesser, and which are associated with existing, lawful land-uses, wherein the application may be refused or approved, with or without conditions, under delegated authority.
 8. Where a renewal of development approval is issued pursuant to 7 above, the term of any renewal shall not exceed 12 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 have an interest.

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 Services

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).**

DELEGATION NUMBER	-	P05
LEGISLATIVE POWER	-	Strata Titles Act 1985, s19(10)
DELEGATION SUBJECT	-	Consent to the Lease of Common Property
DELEGATE	-	Chief Executive Officer
SUB DELEGATE	-	Executive Manager Development Services Manager Planning Services

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.

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 Services

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.

DELEGATION NUMBER	- P07
LEGISLATIVE POWER	- Local Government Act 1995, s5.42 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 Services

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.

DELEGATION NUMBER	- P08
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.42</i> <i>Local Planning Scheme No 6</i>
DELEGATION SUBJECT	- Amended Plans
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning Services

The Chief Executive Officer is delegated authority to amended plans relating to applications determined by Council, where-

- a) The amended plan, if submitted as a new application, could have been determined under delegated authority; and/or
- b) The amended plans do not differ from the determined plans in any respect which generates a need to undertake consultation pursuant to Clause 64 of the Deemed Provisions for Local Planning Schemes and/or Part 4 (Neighbour Consultation) of the R-Codes; and/or
- c) The amended plans do not differ from the determined plans in respect of the number of residential units or an increase in floorspace of more than 10% or 200m² (in terms of floorspace or land area in use, as appropriate) whichever is the lesser.

DELEGATION NUMBER	- P09
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.42</i> <i>Local Planning Scheme No 6</i>
DELEGATION SUBJECT	- Conditions Related to Consultation
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning Services

The Chief Executive Officer is delegated authority to determine applications for development approval that 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-

- 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, the applicant, and 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
 - ii) Prior to approval of the application, the applicant and/or party or parties who lodged the submissions have provided written (including via fax or email) confirmation of their acceptance of the terms of the proposed delegated decision.

(Note: Should (a), (b) or (c) above not apply, or the delegated officer feel that the application should be refused, the application shall be reported to Council for consideration)

DELEGATION NUMBER	- P10
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 Services

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.

DELEGATION NUMBER	- P11
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 Services

The Chief Executive Officer is delegated authority to, advise regarding clearance of conditions of development approval, and to advise the Western Australian Planning Commission with regards to the 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.

DELEGATION NUMBER	- P12
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 Services

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.

DELEGATION NUMBER	- P13
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 Services

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.

DELEGATION NUMBER	- P14
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 Services

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.

DELEGATION NUMBER	- P15
LEGISLATIVE POWER	- <i>Local Government Act 1995, s5.42</i>
DELEGATION SUBJECT	- Road Names
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services Manager Planning Services

The Chief Executive Officer is delegated authority to advise the Geographic Names Committee with respect to the application of names to new or extended roads within the Shire of Northam.

Exclusions/Conditions

1. With respect to new roads, the delegated officer may only advise the Geographic Names Committee to apply names previously endorsed by Council for inclusion on the Shire's Reserved List of Road Names.
2. With respect to new roads, within areas affected by Native Title, the delegated officer may only advise the Geographic Names Committee to apply aboriginal names previously endorsed by Council for inclusion on the Shire's Reserved List of Road Names.
3. A register of names endorsed by Council for inclusion on the Shire's Reserved List of Road Names shall be maintained.

PROPERTIES

DELEGATION NUMBER	- PR01
LEGISLATIVE POWER	- Local Government Act 1995, s3.24
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.

DELEGATION NUMBER	- PR02
LEGISLATIVE POWER	- Liquor Licensing Act 1988
DELEGATION SUBJECT	- Authority to Issue s39 & s40 Certificates Liquor Licensing Act 1988
DELEGATE	- Chief Executive Officer
SUB DELEGATE	- Executive Manager Development Services

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

OTHER

DELEGATION NUMBER	-	O01
LEGISLATIVE POWER	-	Bush Fires Act 1954 – s33 – Firebreaks s48 - Delegations
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 ,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

DELEGATION NUMBER	-	O02	
LEGISLATIVE POWER	-	Bush Fires Act 1954	
		Delegated Authority, s17(10)	
		Declaration of Restricted Burning Times, s18	
DELEGATION SUBJECT	-	Burning, Prohibited (Variations)	
DELEGATE	-	Shire President	} Jointly
		Chief Bush Fire Control Officer	
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 Environment and Conservation (DEC) is consulted with before the authority under this delegation is exercised in accordance with the provisions of s18 of the Bush Fires Act 1954.

DELEGATION NUMBER	-	O03
LEGISLATIVE POWER	-	Bush Fires Act 1954, s59(3)
DELEGATION SUBJECT	-	Offences - Bush Fires Act
DELEGATE	-	Chief Executive Officer
SUB DELEGATE	-	Executive Manager Development Services

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.

DELEGATION NUMBER	- O04
LEGISLATIVE POWER	- Local Government Act 1995, s9.10
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	- Local Government Act 1995, Schedule 9.1
DELEGATION SUBJECT	- Authority to Approve Requests for Short Term Parking
DELEGATE	- Chief Executive Officer

The Chief Executive Officer is delegated authority to approve requests for short term parking bays on town Streets within the Shire.

B

Delegations from Council to Committees

There are NO delegated responsibilities from Council to any of its Committees.

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:

- B07** Recover charges imposed for Private Swimming Pool inspections
- F01** Creditors, Payment of
- F03** Recovery of unpaid Debtors
- O04** Issuing of Licences, Approvals & Permits – Local Laws

EXECUTIVE MANAGER DEVELOPMENT SERVICES

- A02** Power to Remove and Impound Goods
- A04** Approval of Camping Other than at a Caravan Park or Camping Ground
- 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
- E01** Temporary Closure of Thoroughfares to Vehicles
- E02** Events on Roads
- F01** Creditors, Payment of
- H01** Health Act & Health Local Law 2008 – (Deputy) – (Including Itinerant Food Vendors, Stallholders, Traders and Street Entertainers)
- P01** Instruct Legal Action
- P02** Development Applications - 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** Amended Plans
- P09** Conditions Related to Consultation
- P10** Recommendations to the WAPC Regarding Applications for Subdivision/Amalgamation or Strata Title
- P11** Clearance of Conditions of Development Approval, or Conditions of

- P12** Subdivision/Amalgamation or Strata Title Approval
- P12** Advice to the Department for Lands Regarding Matters Associated with the Land Administration Act 1997
- P13** Advising other Regulatory Authorities
- P14** Appeals, Requests for Reconsideration
- P15** Road Names
- 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
- O03** Offences – Bush Fires Act
- O04** Issuing of Licences, Approvals & Permits – Local Laws

EXECUTIVE MANAGER ENGINEERING SERVICES

- A02** Power to Remove and Impound Goods
- B08** Issue Permit to Deposit Material on or Excavate on or Adjacent Street
- 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)
- F01** Creditors, Payment of
- 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

- F01** Creditors, Payment of
- O04** Issuing of Licences, Approvals & Permits – Local Laws

MANAGER PLANNING SERVICES

- P02** Development Applications - 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** Amended Plans
- P09** Conditions Related to Consultation
- P10** Recommendations to the WAPC Regarding Applications for Subdivision/Amalgamation or Strata Title
- P11** Clearance of Conditions of Development Approval, or Conditions of Subdivision/Amalgamation or Strata Title Approval
- P12** Advice to the Department for Lands Regarding Matters Associated with the Land Administration Act 1997
- P13** Advising other Regulatory Authorities
- P14** Appeals, Requests for Reconsideration
- P15** Road Names

ENVIRONMENTAL HEALTH OFFICER/S

- H01** Health Act & Health Local Law 2008 – (Deputy) – (Including Itinerant Food Vendors, Stallholders, Traders and Street Entertainers)

SENIOR BUILDING SURVEYOR

- 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

BUILDING AND PROJECT SUPERVISOR

- 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

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

O02 Burning, Prohibited (Variations)