



DELEGATIONS REGISTER

~~(Adopted 23 October 2018)~~

(Draft 13 August 2020)

Contents

Preface	1
Local Government Act 1995 – Delegation Provisions.....	2
DELEGATION NUMBER A-1	4
DELEGATION SUBJECT Disputes, Arbitration and Industrial.....	4
DELEGATION NUMBER A-2.....	5
DELEGATION SUBJECT Legal Advice.....	5
DELEGATION NUMBER A-3.....	6
DELEGATION SUBJECT Appointment of Staff	6
DELEGATION NUMBER A-4.....	7
DELEGATION SUBJECT Authorisation to Appoint Acting Chief Executive Officer	7
DELEGATION NUMBER A-5.....	8
DELEGATION SUBJECT Enforcement and Legal Proceedings.....	8
DELEGATION NUMBER A-6.....	9
DELEGATION SUBJECT Signing Documents	9
DELEGATION NUMBER A-7.....	10
DELEGATION SUBJECT Impounding Goods	10
DELEGATION NUMBER B-1	11
DELEGATION SUBJECT Building Permits	11
DELEGATION NUMBER B-2.....	12
DELEGATION SUBJECT Building Orders.....	12
DELEGATION NUMBER B-3.....	13
DELEGATION SUBJECT Extension of Period of Duration of Occupancy Permit or Building Approval Certificate	13
DELEGATION NUMBER B-4.....	14
DELEGATION SUBJECT Grant of Occupancy Permit, Building Approval Certificate	14
DELEGATION NUMBER B-5.....	15
DELEGATION SUBJECT Residing in Existing Dwelling.....	15
DELEGATION NUMBER BF-1	16
DELEGATION SUBJECT Burning, Prohibited and Restricted Times (Variations)	16
DELEGATION NUMBER BF-2.....	17
DELEGATION SUBJECT Transfer of Control of Bushfires to Department of Fire and Emergency Services (DFES).....	17
DELEGATION NUMBER BF-3.....	18
DELEGATION SUBJECT Exemptions for Bush Fires Act.....	18
DELEGATION NUMBER F-1.....	19
DELEGATION SUBJECT Payment Creditors and Financial Transfers	19
DELEGATION NUMBER F-2	20
DELEGATION SUBJECT Rate Book	20

DELEGATION NUMBER	F-3	21
DELEGATION SUBJECT	Insurance – Public Liability Claims.....	21
DELEGATION NUMBER	F-4	22
DELEGATION SUBJECT	Disposal of Surplus Equipment, Materials, Tools	22
DELEGATION NUMBER	F-5	23
DELEGATION SUBJECT	Recovery of Fees & Charges.....	23
DELEGATION NUMBER	F-6	24
DELEGATION SUBJECT	Issuing Purchase Orders.....	24
DELEGATION NUMBER	F-7	25
DELEGATION SUBJECT	Authorisation to Call Tenders.....	25
DELEGATION NUMBER	F-8	26
DELEGATION SUBJECT	Disposal of Impounded and Abandoned Vehicles	26
DELEGATION NUMBER	F-9	27
DELEGATION SUBJECT	Waiver and Write-offs	27
DELEGATION NUMBER	F-10	28
DELEGATION SUBJECT	Investment of Surplus Funds	28
DELEGATION NUMBER	F-11.....	29
DELEGATION SUBJECT	Donations.....	29
DELEGATION NUMBER	H-1.....	30
DELEGATION SUBJECT	Notices and Directions	30
DELEGATION NUMBER	H-2	31
DELEGATION SUBJECT	Approval of Apparatus for the Treatment of Sewage and Disposal of Effluent and Liquid Waste.....	31
DELEGATION NUMBER	H-3	32
DELEGATION SUBJECT	Health (Miscellaneous Provisions) Act 1911 Section 26	32
DELEGATION NUMBER	H-4	33
DELEGATION SUBJECT	Health (Miscellaneous Provisions) Act 1911 Section 26.....	33
DELEGATION NUMBER	L-1.....	34
DELEGATION SUBJECT	Certain Provisions About Land	34
DELEGATION NUMBER	L-2	35
DELEGATION SUBJECT	Clearing Permits.....	35
DELEGATION NUMBER	L-3	36
DELEGATION SUBJECT	Clearing Permits.....	36
DELEGATION NUMBER	L-4	37
DELEGATION SUBJECT	Power to Enter.....	37
DELEGATION NUMBER	L-5	38
DELEGATION SUBJECT	Camping on Land	38
DELEGATION NUMBER	P-1	39
DELEGATION SUBJECT	Town Planning Matters	39

DELEGATION NUMBER	R-1	43
DELEGATION SUBJECT	Liquor, Sale on Council Property	43
DELEGATION NUMBER	R-2.....	44
DELEGATION SUBJECT	Permission to Conduct Activities on Council Property	44
DELEGATION NUMBER	T-1	45
DELEGATION SUBJECT	Street Appeals.....	45
DELEGATION NUMBER	T-2.....	46
DELEGATION SUBJECT	Town Planning Temporary Street Closure.....	46
DELEGATION NUMBER	T-3.....	47
DELEGATION SUBJECT	Events on Roads.....	47
DELEGATION NUMBER	T-4.....	48
DELEGATION SUBJECT	Access for Restricted Access Vehicles.....	48
DELEGATION NUMBER	T-5.....	49
DELEGATION SUBJECT	Closing certain thoroughfares to vehicles	49
DELEGATION NUMBER	RA-1.....	51
DELEGATION SUBJECT	Cat Act – Powers and Duties.....	51

Preface

The Meaning of Delegation

Macquarie defines the word 'delegate' as to meaning, 'to commit powers or functions to others.' Before a person can commit a power or duty to another, the person proposing the delegation:

- must possess that power or duty; and
- must possess the power to delegate that specific power or duty.

Council cannot delegate any of the powers or duties under the Local Government Act 1995 to:

- an individual council member;
- any officer other than the Chief Executive Officer;
- committees mentioned under s.5.17(2); or
- any other person.

Notwithstanding the above, this Register also contains a number of other delegations that derive from other Acts or Council's Town Planning Schemes.

Preparation of the Register

This revised Register has been prepared following an extensive review of delegations made in previous years and also includes some new additions.

Amendments to Delegations

The register will be subject to ongoing review with amendments and additions to keep in vogue with current requirements. This includes the review of delegations by the delegator at least every financial year (s5.46(2)). When these changes occur, Councillors and Staff will be provided with amended copies of relevant delegations and requested to keep their register updated.

Graham Stanley

Acting Chief Executive Officer

Local Government Act 1995 – Delegation Provisions

Delegation to Committees

5.16

- (1) Absolute majority required to delegate. Cannot delegate power of delegation.
- (2) To be in writing and may be general or conditional.
- (3) Can be for a period of time or indefinite.
- (4) Doesn't prevent Council acting through another.

5.17 Limits of delegations to committees.

5.18 Register of Delegations to be kept and reviewed annually.

Delegation to CEO

5.42

- (1) Absolute majority required to delegate.
- (2) To be in writing and may be general or conditional.

5.43 Limits on delegations to CEO.

5.44 CEO may delegate to others, but not the power of delegation.

5.45

- (1)
 - (a) Can be for a period of time or indefinite.
 - (b) Absolute majority required to amend or revoke.
- (2) Doesn't prevent Council or CEO acting through another.

5.46

- (1)&(2) Register of Delegations to be kept and reviewed at least every financial year.
- (3) A person to whom a power of duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Records to be kept by Delegates

Admin Reg 19

'Where a power or duty has been delegated under the Act to the CEO or to any other local government employee the person to whom the power or duty has been delegated is to keep a written record of –

- (a) how the person exercised the power or discharged the duty;
- (b) when the person exercised the power or discharged the duty; and
- (c) 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.'

Update Information

The compilation of this register is a result of the major review of policies and delegations undertaken since 2006. The approach taken with the register because of the major review, is that all delegations will now be deemed to be of 2006 origin even though many hail from 1999. Each delegation, subsequent new delegations and reviews will have a legend as to when it was adopted and/or reviewed, reaffirmed or amended.

This record will also list the dates and minute number of any amendment to the Delegation.

DOCUMENT CONTROL SUMMARY			
Reviewed by	Outcome	Council Minutes	Dates
Council	Review of authority delegated by Council	178/00	21 June 2000
Council	Review of authority delegated by Council	199/03	17 September 2003
Council	Review of authority delegated by Council	103/05	21 June 2005
Council	Review of authority delegated by Council	133/06	2 May 2006
Council	Review of authority delegated by Council	73/07	20 March 2007
Council	Review of authority delegated by Council	73/08	18 March 2009
Council	Review of authority delegated by Council	87/10	18 May 2010
Council	Review of authority delegated by Council	135/11	19 July 2011
Council	Review of authority delegated by Council	90/12	19 June 2012
Council	Review of authority delegated by Council	117/13	25 June 2013
Council	Review of authority delegated by Council	82/14	17 June 2014
Council	Review of authority delegated by Council	73/15	16 June 2015
Council	Review of authority delegated by Council	76/16	20 September 2016
Council	Review of authority delegated by Council	104/18	23 October 2018

ADMINISTRATIVE DELEGATIONS

DELEGATION NUMBER A-1

DELEGATION SUBJECT Disputes, Arbitration and Industrial

LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to provide Shire’s Industrial Relations Service supplier with consent to act on the Shire’s behalf in any matter regarding disputes with employees of the Shire of Boddington.

GUIDELINES Nil

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	7//16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23/10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

BUILDING DELEGATIONS

DELEGATION NUMBER	A-2
DELEGATION SUBJECT	Legal Advice
LEGISLATIVE POWER	LGA 1995 Section 5.42
DELEGATE	Chief Executive Officer
<p>The Chief Executive Officer is delegated authority to obtain from an appropriate solicitor, such legal advice, assistance and opinions as the Chief Executive Officer deems necessary in the exercise of the management of the Shire of Boddington.</p>	
GUIDELINES	This delegation is subject to sufficient provision having been made in the Shire's budget for any expenses to be incurred.
ON DELEGATION	Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	117/13	25.06.2013
Reaffirmed	133/06	02.05.2006	Reaffirmed	82/14	17.06.2014
Reaffirmed	73/07	20.03.2007	Reaffirmed	73/15	16.06.2015
Reaffirmed	73/08	18.03.2008	Reaffirmed	75/16	20.09.2016
Reaffirmed	117/09	30.06.2009	Reaffirmed	104/18	23.10.2018
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

BUILDING DELEGATIONS

DELEGATION NUMBER A-3

LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Appointment of Staff

DELEGATE Chief Executive Officer

The appointment and termination of **the following** Shire Employees can only be confirmed by:

<u>Position</u>	<u>Office</u>
Chief Executive Officer	Council
Director Corporate and Community Services	Chief Executive Officer on recommendation to Council

GUIDELINES All appointments and resignations will be advised to Council at the first opportunity.

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Amended	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			
Reaffirmed	73/15	16.06.2015			
Amended	75/16	20.09.2016			

BUILDING DELEGATIONS

Reaffirmed	104/18	23.10.2018			
------------	--------	------------	--	--	--

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

DELEGATION NUMBER A-4

LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Authorisation to Appoint Acting Chief Executive Officer

DELEGATE Chief Executive Officer

That the Chief Executive Officer be authorised to appoint any of the Senior Executive Managers to be Acting Chief Executive Officer during the absence of the Chief Executive Officer as and when required subject to the Council being provided with prior notice when possible, or as soon as practicable.

GUIDELINES In the event that the Chief Executive Officer cannot delegate the appointment of the Acting Chief Executive Officer position, Council will authorise the appointment.

The appointment by the Chief Executive Officer or Council is to be in writing.

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	75/16	20.09.2016			
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

BUILDING DELEGATIONS

DELEGATION NUMBER A-5

LEGISLATIVE POWER LGA 1995 Section 5.42 and Section 9.10

DELEGATION SUBJECT **Enforcement and Legal Proceedings**

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to:

1. Appoint persons to initiate prosecutions on behalf of Council under the:
 - Building Regulations Act and Building 2012 ~~(1989)~~;
 - Bush Fires Act 1954;
 - Caravan Parks and Camping Grounds Act (1995);
 - Council's Local Laws;
 - Dog Act 1976;
 - Cat Act 2011;
 - Health Act (1911) and regulations promulgated thereunder Public Health Act 2016 and Health (Miscellaneous Provisions) Act 1911;
 - ~~Food Standards Code; Act 2008~~
 - Local Government Act 1995; and
 - Local Government (Miscellaneous Provisions) Act 1960;

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

GUIDELINES Nil
 ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75.16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			

BUILDING DELEGATIONS

Reaffirmed	82/14	17.06.2014			
------------	-------	------------	--	--	--

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

DELEGATION NUMBER A-6

LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Signing Documents

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to:

1. Execute a document on behalf of the Shire where there is a requirement for the document to be executed as a deed, pursuant to s9.49A (5) of the Act.
2. Affix the Council’s Common Seal to documents, pursuant to s9.49A(2) of the Act; and
3. Sign documents on behalf of the local government for all matters arising under delegated authority given by the Council under s5.42 and s9.49A(4) of the Act and generally as is necessary or appropriate in reasonably carrying out his or her function under the Act or under any written law.

GUIDELINES In accordance with Section 5.43(ha) of the Act the Chief Executive Officer, or Acting Chief Executive Officer, appointed in writing, is NOT authorised to on-delegate this function.

ON DELEGATION Nil.

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	75/16	20.09.2016			
Reaffirmed	104/18	23/10/2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

BUILDING DELEGATIONS

DELEGATION NUMBER A-7

LEGISLATIVE POWER LGA 1995 Section 5.42, Section 3.39 -3.48

DELEGATION SUBJECT **Impounding Goods**

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers contained in Section 3.39 to 3.48 inclusive of the Local Government Act 1995.

GUIDELINES Nil

ON DELEGATION Director Corporate and Community Services, Principal Environmental Health Officer/Building Surveyor, Works Manager and Ranger

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	75/16	20.09.2016			
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

BUILDING DELEGATIONS

DELEGATION NUMBER B-1

LEGISLATIVE POWER Building Act 2011 Sections 20, 22, 127

DELEGATION SUBJECT **Building Permits**

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to approve or refuse plans and specifications submitted under Section 20 of the Building Act.

GUIDELINES Nil

ON DELEGATION Principal Environmental Health Officer/Building
Surveyor.

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	117/13	25.06.2013
Reaffirmed	133/06	02.05.2006	Reaffirmed	82/14	17.06.2014
Reaffirmed	73/07	20.03.2007	Reaffirmed	73/15	16.06.2015
Reaffirmed	73/08	18.03.2008	Reaffirmed	75/16	20.09.2016
Reaffirmed	117/09	30.06.2009	Reaffirmed	104/18	23.10.2018
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

BUILDING DELEGATIONS

DELEGATION NUMBER B-3

LEGISLATIVE POWER Building Act 2011 Sections 65, 127

DELEGATION SUBJECT Extension of Period of Duration of
Occupancy Permit or Building Approval
Certificate

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to approve or refuse to approve applications submitted under Section 65 of the Building Act.

GUIDELINES Nil

ON DELEGATION Principal Environmental Health Officer/Building
Surveyor.

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			
Reaffirmed	73/15	16.06.2015			
Reaffirmed	75/15	20.06.2016			
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

BUILDING DELEGATIONS

DELEGATION NUMBER

B-4

LEGISLATIVE POWER

Building Act 2011 Sections 58, 127

DELEGATION SUBJECT

Grant of Occupancy Permit, Building Approval Certificate

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority to approve or refuse plans and specifications submitted under Section 58 of the Building Act 2011.

GUIDELINES

Nil

ON DELEGATION

Principal Environmental Health Officer/Building Surveyor.

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			
Reaffirmed	73/15	16.06.2015			
Reaffirmed	75/15	20.06.2016			
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

BUILDING DELEGATIONS

DELEGATION NUMBER B-5

LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Residing in Existing Dwelling

DELEGATE Chief Executive Officer

That the Chief Executive Officer is delegated power to approve the construction of a new dwelling on the same lot as an existing dwelling while the applicant resides in the existing dwelling subject to:

1. the existing dwelling being completely demolished within three months upon completion of the new dwelling; and
2. the applicants signing a statutory declaration to this effect which is to be lodged with the Shire when applying for a building permit.

GUIDELINES Nil

ON DELEGATION Principal Environmental Health Officer/Building Surveyor

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	75/16	20.09.2016
Reaffirmed	133/06	02.05.2006	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/07	20.03.2007			
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Amended	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			
Reaffirmed	73/15	16.06.2015			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER BF-1

LEGISLATIVE POWER Bush Fires Act 1954 Sections 17, ~~and 18~~ **and 48**

DELEGATION SUBJECT **Burning, Prohibited and Restricted Times (Variations)**

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to vary the prohibited and restricted burning periods as permitted by the Bush Fires Act 1954.

GUIDELINES The approval of the Shire of Boddington's Chief Bush Fire Control Officer should be obtained prior to the exercising of any aspect of this delegation.

ON DELEGATION Nil

Note: The Bush Fires Act does not permit this delegation to be delegated to anyone other than the Chief Executive Officer or on-delegated by the Chief Executive Officer.

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	75/16	20.09.2016
Reaffirmed	133/06	02.05.2006	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/07	20.03.2007			
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Amended	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			
Reaffirmed	73/15	16.06.2015			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER BF-2

LEGISLATIVE POWER Bush Fires Act 1954 Sections 13(4) and 48

DELEGATION SUBJECT Transfer of Control of Bushfires to Department of Fire and Emergency Services (DFES)

DELEGATE Chief Executive Officer

Under provisions of the Bush Fires Act (1954) Council delegates the Chief Executive Officer, where Shire volunteer bush fire brigades believe they cannot effectively or safely manage a bush fire incident to transfer control of that incident to DFES. The Shire will support DFES's management of any incident with:

- at least one and preferably more, senior Shire bushfire control officers will be a member of the Incident Management Team to provide local knowledge and facilitate effective liaison with local firefighting resources.
- Shire bush firefighting resources, including appliances and volunteers, remain at the incident and assist in suppression activities as determined by the Incident Controller.

GUIDELINES Nil

ON DELEGATION Nil

Note: The Bush Fires Act does not permit this delegation to be delegated to anyone other than the Chief Executive Officer or on-delegated by the Chief Executive Officer.

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Amended	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	1.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

Delegation Register (draft) 13 August 2020 t:\documents,forms,proformas\delegations\delegations register updated 13 august 2020.docx

FINANCIAL DELEGATIONS

DELEGATION NUMBER

BF-3

LEGISLATIVE POWER

Bush Fires Act 1954 Sections 45A and 48

DELEGATION SUBJECT

Exemptions for Bush Fires Act

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority for providing Local Government approval or refusal to exemptions sought through Department of Fire and Emergency Services (DFES) by local residents, businesses and property owners under the Bush Fires Act 1954.

This delegation of this authority also includes:

1. Requesting to DFES that additional conditions be included in any exemption being sought from DFES; or
2. Requesting to DFES that proposed conditions be excluded from any exemption being sought from DFES;

prior to the exercising of this delegated authority.

Despite other indications in this delegation, where the proposed exemption is considered by the Chief Executive Officer to be of a contentious nature, a decision on a proposed exemption is to be determined by the Council.

GUIDELINES

The approval of the Shire of Boddington Chief Bush Fire Control Officer should be obtained prior to exercising of any aspect of this delegation. The local volunteer bush fire brigade, relevant to the locality where the exemption being sought is to provide comment on any exemption prior to the exercising of this delegation.

ON DELEGATION

Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Amended	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER

F-1

LEGISLATIVE POWER

LGA 1995 Section 6.10; Financial Management Regulation 12 and 13

DELEGATION SUBJECT

Payment Creditors and Financial Transfers

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority to make payments from all of the Shire's Bank accounts.

GUIDELINES

Each payment is to be authorised by two members of staff including:

- one or both of the Chief Executive Officer, Director Corporate and Community Services, Manager Financial Services or/and
- Principal Environmental Health Officer/Building Surveyor

Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a) the payees' names;
- b) the amount of the payment;
- c) the date of the payment; and
- d) sufficient information to identify the transaction.

ON DELEGATION

Director Corporate and Community Services, Manager Finance, Principal Environmental Health Officer/Building Surveyor.

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Amended	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER F-2
LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Rate Book

DELEGATE Chief Executive Officer

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

- ~~1. Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40.~~
- ~~2. The service of Notice of Valuation and Rates referred to in Section 6.41 of the Local Government Act 1995.~~
- ~~3. Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995.~~
 1. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book 6.76(4) of the Local Government Act 1995.
 2. The recovery of rates and service charges **by complainant or action** pursuant to the provisions of Sections ~~6.54~~ 6.56(1) ~~to 6.62~~ of the Local Government Act 1995.
 3. Entering into a written agreement in accordance with 6.49 of the Local Government Act 1995 for the payment of rates and service charges.
 4. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with section 6.60(2) of the Local Government Act 1995.
- ~~5. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled in accordance with 6.64(3) of the Local Government Act 1995.~~
- ~~6. Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6).~~
- ~~7. Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to the State Administrative (Section 6.79).~~

GUIDELINES Nil

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23/10/2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Amended	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER F-3

LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Insurance – Public Liability Claims

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to consider claims against the Shire for property damage that does not exceed the insurance policy excess levels, and to accept or deny liability on behalf of the Shire.

GUIDELINES In cases where liability is accepted, payment may only be made up to the value of Council’s relevant insurance excess amount and then only upon receipt of a release form.

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008	Reaffirmed		
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Adopted	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER F-4
LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Disposal of Surplus Equipment, Materials, Tools

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to sell by holding of a surplus goods sale at Depot or any other fair means, items of surplus equipment, materials, tools which are no longer required, are outmoded, or are no longer serviceable. This delegation applies only to items with an estimated value less than \$2,000.

GUIDELINES Nil

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999			
Reaffirmed	133/06	02.05.2006			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER F-7

LEGISLATIVE POWER LGA 1995 Section 5.42, 3.57(1), Local Government (Functions and General) Regulations reg.14

DELEGATION SUBJECT Authorisation to Call Tenders

DELEGATE Chief Executive Officer

The Chief Executive Officer is authorised to call tenders on the Shire's behalf for all budgeted expenditure. The Chief Executive Officer is authorised to exercise all of the powers and duties of the local government in respect to the powers contained in Regulation 14 of the Local Government (Functions and General) Regulations.

GUIDELINES Nil

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			
Reaffirmed	73/15	16.06.2015			
Reaffirmed	75/16	20.09.2016			
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER

F-8

LEGISLATIVE POWER

LGA 1995 Section 5.42 and 3.47

DELEGATION SUBJECT

Disposal of Impounded and Abandoned Vehicles

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority to sell impounded or abandoned vehicles with an estimated value less than \$20,000.

GUIDELINES

The sale of the vehicles impounded or abandoned will be conducted in the following manner.

Estimated Market Value	Method of Advertising	Action
\$1 - \$500	Notices seeking offers for purchases shall be displayed on the Shire of Boddington's notice boards and on the website	Any vehicle not purchased will be disposed of at the Boddington Refuse Tip
\$501 - \$5,000	Notice seeking offers for purchases shall be advertised with local public notice and displayed on the Shire of Boddington's notice boards and on the website	Any vehicle not purchased will be disposed of at the Boddington Refuse Tip
\$5,001 +	Items shall be tendered as per the requirements of S3.58 of the Local Government Act 1995	Any vehicle not purchased will be disposed of at the Boddington Refuse Tip

All tenders/offers received shall be opened in accordance with approved tender opening procedures.

The Acceptance of Tenders/Offers by the Chief Executive Officer will be according to:

1. The highest tender/offer shall be accepted for any item.
2. Where two or more tenders/offer shall be determined by a lottery.
3. If for any reason it is deemed necessary to vary from (a) or (b), then the matter must be referred to Council for its consideration.

ON DELEGATION

Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	75/16	23.10.2018
Reaffirmed	73/08	18.03.2008			
Amended	117/09	30.06.2009			
Amended	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER F-9
LEGISLATIVE POWER LGA 1995 Section 5.42, 6.12

DELEGATION SUBJECT Waiver and Write-offs

DELEGATE Chief Executive Officer

The Chief Executive Officer is authorised to exercise all of the powers and duties of the local government in respect to the powers contained in Section 6.12 of the Local Government Act 1995.

GUIDELINES Not exceed the value of \$20 in any one instance.

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	75/16	20.09.2016			
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER **F-10**
LEGISLATIVE POWER LGA 1995 Section 5.42, 6.14

DELEGATION SUBJECT **Investment of Surplus Funds**

DELEGATE Chief Executive Officer

The Chief Executive Officer is authorised to exercise all of the powers and duties of the local government in respect to the powers contained in Section 6.14 of the Local Government Act 1995.

GUIDELINES Investments must be made in accordance with Council's Investment Policy **9.5 – Investment of Surplus Funds**.

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	75/16	20.09.2016			
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

FINANCIAL DELEGATIONS

DELEGATION NUMBER **F-11**
LEGISLATIVE POWER Local Government Act Section 5.42

DELEGATION SUBJECT **Donations**

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to make donations on behalf of Council to not-for-profit organisations from the Boddington Community which hire Council facilities.

Despite other indications in this delegation, where the proposed donation is considered by the Chief Executive Officer to be of a contentious nature, a decision on a proposed donation is to be determined by the Council.

GUIDELINES Nil

RESTRICTIONS This delegation only applies where a Boddington not-for-profit hires a council facility and pays the hire fee.

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

HEALTH DELEGATIONS

DELEGATION NUMBER H-1
LEGISLATIVE POWER ~~Health Act 1911~~ Public Health Act 2016 Section 21(1)

DELEGATION SUBJECT Notices and Directions

DELEGATE Chief Executive Officer

Chief Executive Officer is delegated authority to issue notices, serve direction and take actions on behalf of the Shire, which is authorised by the ~~Public Health Act 1911~~ Public Health Act 2016 or its subordinate legislation, and is conditional upon such action being reported to Council at its next held full meeting.

GUIDELINES Nil

ON DELEGATION Principal Environmental Health Officer/ Building Surveyor

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

HEALTH DELEGATIONS

DELEGATION NUMBER

H-2

LEGISLATIVE POWER

Health Act **Miscellaneous Provision** 1911 Section 107(2)(a)

DELEGATION SUBJECT

Approval of Apparatus for the Treatment of Sewage and Disposal of Effluent and Liquid Waste

DELEGATE

Chief Executive Officer

That the ~~Chief Executive Officer~~ Principal Environmental Health Officer is delegated authority to approve septic tanks and other apparatus for the treatment of sewage and disposal of effluent and liquid waste.

GUIDELINES

Nil

ON DELEGATION

Nil. ~~Permissible however not yet delegated~~

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	103/05	21.06.2005	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	73/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

HEALTH DELEGATIONS

DELEGATION NUMBER

H-3

LEGISLATIVE POWER

Powers and Duties of the Act

DELEGATION SUBJECT

Health (Miscellaneous Provisions) Act 1911
Section 26

DELEGATE

~~Chief Executive Officer~~ **Principal Environmental Health Officer**

That the Chief Executive Officer **Principal Environmental Health Officer** is delegated authority to exercise the powers and duties of the Health (Miscellaneous Provisions) Act 2016

GUIDELINES

Nil

ON DELEGATION

~~Nil. Permissible however not yet delegated.~~

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

HEALTH DELEGATIONS

DELEGATION NUMBER

H-4

LEGISLATIVE POWER

Powers and Duties of the Act

DELEGATION SUBJECT

Health (Miscellaneous Provisions) Act 1911
Section 26

DELEGATE

~~Chief Executive Officer~~ Principal Environmental Health Officer

That the ~~Chief Executive Officer~~ Principal Environmental Health Officer is delegated authority to exercise the powers and duties of the Health Act ~~2016~~ 1911

GUIDELINES

Nil

ON DELEGATION

Nil. ~~Permissible however not yet delegated.~~

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

LAND DELEGATIONS

DELEGATION NUMBER	L-1
LEGISLATIVE POWER	LGA 1995 Sections 3.24 -3.27
DELEGATION SUBJECT	Certain Provisions About Land
DELEGATE	Chief Executive Officer
<p>The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers contained in Section 3.24 to 3.27 inclusive of the Local Government Act 1995.</p>	
GUIDELINES	Nil
ON DELEGATION	Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	74/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Amended	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

LAND DELEGATIONS

DELEGATION NUMBER L-2
LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Clearing Permits

DELEGATE Chief Executive Officer

That the Chief Executive Officer be delegated authority to grant approval for Applications for a Clearing Permit by local mining companies, other than reserves over which Council has a Management Order, providing the area for clearance is five hectares or less.

GUIDELINES Nil

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	25/05	15.02.2005	Reaffirmed	82/14	17.06.2014
Reaffirmed	133/06	02.05.2006	Reaffirmed	73/15	16.06.2015
Reaffirmed	73/07	20.03.2007	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/08	18.03.2008	Reaffirmed	104/18	23.10.2018
Reaffirmed	117/09	30.06.2009	Reaffirmed	104/18	23.10.2018
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

LAND DELEGATIONS

DELEGATION NUMBER L-3
LEGISLATIVE POWER LGA 1995 Section 3.24

DELEGATION SUBJECT Clearing Permits

DELEGATE Chief Executive Officer

That the Chief Executive Officer be delegated authority to grant approval for Applications for a Clearing Permit by local landowners seeking to construct a fence between the Shire’s reserves and their property.

GUIDELINES Such approval will only be permitted to the extent permitted by Land Clearing Regulations.

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Adopted	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Amended	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

LAND DELEGATIONS

DELEGATION NUMBER L-4
LEGISLATIVE POWER LGA 1995 Sections 3.28 - 3.36

DELEGATION SUBJECT Power to Enter

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995.

GUIDELINES Nil

ON DELEGATION Principal Environmental Health Officer/Building Surveyor and Ranger

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Adopted	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

LAND DELEGATIONS

DELEGATION NUMBER

L-5

LEGISLATIVE POWER

Caravan Parks and Camping Grounds Regulations, Regulation 11

DELEGATION SUBJECT

Camping on Land

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority to approve camping on land for as per requirements of Regulation 11 of the Caravan Parks and Camping Grounds Regulations 1997, in accordance with Council Policy **2.7 – Shared/Caravan Accommodation**.

GUIDELINES

Nil

DELEGATE

Chief Executive Officer

ON DELEGATION

Principal Environmental Health Officer/Building Surveyor

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

PLANNING DELEGATIONS

DELEGATION NUMBER P-1
LEGISLATIVE POWER LGA 1995 Section 5.42 and Planning and Development Act 2005 Section 72

DELEGATION SUBJECT Town Planning Matters

DELEGATE Chief Executive Officer

The Chief Executive Officer is delegated authority for:

1. Requirements for Public Notice

- 1.1 Making a determination on the form or forms of public notice to be given of a proposed development, scheme amendment, road closure or other proposal where the local Planning Scheme or other legislation requires that such public notice be given and give such notice.
- 1.2 Making a determination to require that public notice of a development to be given in accordance with Local Planning Scheme where such notice is considered to be in the public interest.

2. Approval of Permitted "P", Discretionary "AA" and Incidental "IP" Uses

Making a determination on al "P","AA" and "IP" uses where a proposed development is generally in accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and is consistent with guiding precedent approvals.

3. Residential Design Code Matters

Making a determination on any matter required to be determined under the Residential Design Codes including where an exercise of discretion is required, provided that appropriate notice of the proposed development is given to adjoining properties where it is required or is considered to have the potential to adversely affect the amenity of an adjoining property.

4. Planning Approval where Public Notice has been given

Making a determination of "SA" uses in accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and established precedent on any Planning Application that has been the subject of Public Notice. This includes determining applications involving:

- (A) The variation of Scheme provisions, Local Planning Policy or provisions of the Residential Design Codes; or
- (B) The exercise of discretion under the Scheme, Local Planning Policy or the Residential Design Codes.

The above is provided the application has not been the subject of objection or if the matter has become contentious in any way.

5. Minor Modification of Planning Determinations

Making modifications to planning approvals where:

- (A) The modification conforms to the relevant Local Planning Scheme objectives and Local Planning Policies;
- (B) The modification does not have a detrimental effect on the amenity of the locality; and
- (C) The extension to a development approval is to a maximum of 2 years

NOTES:

- Where consent of abutting landowners was required for the original application, then the modification should also be referred to abutting landowners for comment where the modification requires a substantial variation from the original application.
- Where the original application was required to be the subject of public notice under the relevant Local Planning Scheme or the Residential Design Codes, the (if the modification is considered substantial) the modification will need a new public notice readvertised in accordance with the Local Planning Scheme or the Residential Design Codes,

6. Signs

Approval of applications where consistent with Local Planning Policy No. 14 Signs and Advertisements.

7. Dealing with Subdivisions

Making recommendations to the Western Australian Planning Commission in respect of applications or other matters relating to Subdivision, Boundary Adjustment, Amalgamation and Strata Titling where such matters are in accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and established precedent, including minor variation to approved subdivisions and clearance of conditions provided appropriate Consultation with other Shire administration officer's is carried out.

8. Dealing with Scheme Amendments

- 8.1 Requiring modifications to Local Planning Scheme Amendment documents to ensure that all documents are maintained at a consistent high quality and the information contained within the document addresses all issues considered relevant and will enable the public and referral agencies to fully understand the Amendment.
- 8.2 Accepting modifications to Local Planning Scheme Amendment documents required by the Western Australian Planning Commission or the Minister for Planning at any stage throughout the Scheme Amendment process.
- 8.3 Respond in writing to scheme amendment request. Based on Council resolution, the CEO to set out that support for scheme amendment request should cover multiple lots or a precinct compared to an individual lot, unless the site subject to the scheme amendment request is a considerable area or the applicant provides suitable justification for the proposal to the satisfaction of the Council.

9. Legal Proceedings

- 9.1 Taking all necessary action against owners or occupiers of properties to cease illegal uses, comply with the Local Planning Scheme and/or comply with conditions of Development Approval, including instituting prosecution proceedings under the Planning and Development Act, in the Court in its summary jurisdiction.
- 9.2 Represent Council, or appoint appropriate representatives, where necessary at prosecutions, rights of review and enquiries pertaining to the enforcement of the provisions of the Planning and Development Act and the implementation of Council's Local Planning Scheme.

10. Miscellaneous Matters

- 10.1 Electing to return or defer consideration of incomplete and unsatisfactory applications for planning consent.
- 10.2 Granting variations to relevant Local Planning Policies and provisions of the Residential Design Codes on Building Permit applications (where the application is exempt from the requirement to gain planning approval under the residential Design Codes and/or the Local Planning Scheme).
- 10.3 Approve the use of street names where an approved street names list exists.
- 10.4 Provision of written and verbal responses to rights of review, mediated settlements resulting from rights of review and Western Australian Planning Commission requests for reconsideration.
- 10.5 Prepare submissions and correspondence to government agencies and other organisations where consistent with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and guiding precedent approvals.
- 10.6 Respond to referrals and correspondence from State Government agencies, servicing agencies and other organisations on matters including planning, land management, natural resource management and servicing where consistent with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and Council adopted documents.

11. Right to have matter heard by Council

Where an applicant disputes or has issue with a planning determination made in accordance with this delegation, it will be a matter of right for the applicant to request that the matter be reconsidered by Council, provided the exercise of such right does limit any other right of appeal that exist in Law.

12. Matters that may be of significant financial interest to Council

Despite other indications in this delegation, it is required that any planning matter that may have significant impact on Council infrastructure is to be determined by the Council.

GUIDELINES

Nil

ON DELEGATION

Principal Environmental Health Officer/
Building Surveyor for Residential Design Code
Matters

PLANNING DELEGATIONS

DELEGATION NUMBER
Document Control

P-1 - Town Planning Matters

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Amended	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

RECREATION DELEGATIONS

DELEGATION NUMBER	R-1
LEGISLATIVE POWER	Liquor Control Act 1988 Section 59(1)
DELEGATION SUBJECT	Liquor, Sale on Council Property
DELEGATE	Chief Executive Officer
The Chief Executive Officer is delegated authority to approve applications;	
1. For the sale of liquor from property under the care, control and management of the Shire; and	
2. To consume liquor on property under the care, control and management of the Shire	
GUIDELINES	Nil
ON DELEGATION	Director Corporate and Community Services

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Amended	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

RECREATION DELEGATIONS

DELEGATION NUMBER

R-2

LEGISLATIVE POWER

Shire of Boddington – Property Local Law 3.3

DELEGATION SUBJECT

Permission to Conduct Activities on Council Property

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority to grant permission to conduct activities on Shire property.

GUIDELINES

Applications must be in writing addressed to the Chief Executive Officer at least seven (7) days prior to the proposed function, event etc and comply with all statutory and other requirements. Applications that require Council approval should be submitted prior to the Council meeting preceding the activity.

The application should detail all relevant information as to date, place, time, responsible organisation/person, control measures, public liability insurance cover, etc.

ON DELEGATION

Director Corporate and Community Services

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10/2018
Amended	73/08	18.03.2008			
Amended	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

RECREATION DELEGATIONS

DELEGATION NUMBER T-1
LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Street Appeals

DELEGATE Chief Executive Officer

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

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

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Amended	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

RECREATION DELEGATIONS

DELEGATION NUMBER

T-2

LEGISLATIVE POWER

LGA 1995 Section 5.42 and Planning and Development Act 2005 Section 72

DELEGATION SUBJECT

Town Planning Temporary Street Closure

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority (**Section 3.18**) (~~Executive Function S3.18~~) to temporarily close a street or a portion of a street to traffic generally or traffic of any particular class for a period not exceeding 28 days if the Chief Executive Officer is of the opinion that conditions require such.

GUIDELINES

Nil

ON DELEGATION

Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Amended	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Reaffirmed	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

RECREATION DELEGATIONS

DELEGATION NUMBER T-3
LEGISLATIVE POWER LGA 1995 Section 5.42

DELEGATION SUBJECT Events on Roads

DELEGATE Chief Executive Officer

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

GUIDELINES The Chief Executive Officer shall have regard to Section 3.50 of the LGA 1995

ON DELEGATION Nil

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted		1999	Reaffirmed	73/15	16.06.2015
Reaffirmed	133/06	02.05.2006	Reaffirmed	75/16	20.09.2016
Reaffirmed	73/07	20.03.2007	Reaffirmed	104/18	23.10.2018
Amended	73/08	18.03.2008			
Reaffirmed	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			
Reaffirmed	135/11	19.07.2011			
Reaffirmed	90/12	19.06.2012			
Reaffirmed	117/13	25.06.2013			
Reaffirmed	82/14	17.06.2014			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

RECREATION DELEGATIONS

DELEGATION NUMBER

T-4

LEGISLATIVE POWER

LGA 1995 Section 5.42

DELEGATION SUBJECT

Access for Restricted Access Vehicles

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority to provide Shire approval for access of Restricted Access Vehicles to roads within the Shire of Boddington.

GUIDELINES

Council Policy 10.5 – Permits for Restricted

Access

ON DELEGATION

Manager Works and Services

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	117/09	30.06.2009			
Reaffirmed	87/10	18.05.2010			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

RECREATION DELEGATIONS

DELEGATION NUMBER

T-5

LEGISLATIVE POWER

LGA 1995 Section 3.50 -3.52

DELEGATION SUBJECT

Closing certain thoroughfares to vehicles

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers contained in Section 3.50 to 3.52 inclusive of the Local Government Act 1995.

GUIDELINES

Nil

ON DELEGATION

Director Corporate and Community Services, Principal Environmental Health Officer/ Building Surveyor, Manager Works and Services.

Document Control

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date
Adopted	75/16	20.09.2016			
Reaffirmed	104/18	23.10.2018			

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review

RANGER DELEGATIONS

DELEGATION NUMBER

RA-1

LEGISLATIVE POWER

Cat Act 2011 Section 44(1)

DELEGATION SUBJECT

Cat Act – Powers and Duties

DELEGATE

Chief Executive Officer

The Chief Executive Officer is delegated authority to exercise the powers and conferred by Section 44(1) of the Cat Act 2011.

GUIDELINES

A power or duty under Section 63, 64 and 65 concerning infringements cannot be delegated.

ON DELEGATION

Ranger

Document Control – to be adopted August 20 2020

Delegation to CEO					
Action	Minute	Date	Action	Minute	Date

Action – For example: Adopted, Reaffirm, Amend, Revoke, Review