



# Register of Delegations

WESTERN AUSTRALIA

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*Presented to Council 21 November 2023*

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# Legislation

The *Local Government Act 1995* gives local governments the power of delegation.

## Delegation of some powers and duties to certain 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 on delegations to committees.
- 5.18 Register of Delegations to be kept and reviewed annually.

## Delegation of some powers and duties 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 annually.  
(3) A person to whom a power or 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.

## 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 had 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;  
(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”.

# Delegations

## Finance

### F01 Payment of Accounts

**Function to be performed:** To make payments from the Municipal Fund Bank Accounts for payment of creditors and payroll.

**Delegated to:** Chief Executive Officer

**On delegated to:** Deputy Chief Executive Officer

**Conditions:** Compliance with Regulations 12, 13 and 13A of the *Local Government (Financial Management) Regulations 1996*.

The authority extends to payments for items previously authorised by the council by inclusion in the budget.

The Chief Executive Officer is to ensure the relevant debt was incurred by a person who is properly authorised to do so and that the goods and services to which each account relates were provided in a satisfactory standard as the case requires.

Each payment from the Municipal Fund Bank Accounts and is to be noted on a list compiled each month showing:

- 1) The payee's name; and
- 2) The amount of the payment; and
- 3) The date of the payment; and
- 4) Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

The vouchers, supporting invoices and other relevant documents be made available for inspection by Councillors at any time following the date of payment and at the next ordinary meeting of Council.

**Record of Use:** Records to be kept under the provision of **General Disposal Authority for Local Government Records** Legislation.

**Reference:** S5.42/5.44, S6.10 – *Local Government Act 1995*  
*Local Government (Financial Management) Regulations 1996*

**Council Policy:** Not Applicable

**Date Adopted:** 20th May, 1997

**Date Reviewed:** 16th May, 2023

**Date Reviewed & Amended:** 15th February, 2011  
21 November 2023

## F02 Investments

<b><i>Function to be performed:</i></b>	<ol style="list-style-type: none"><li>1) To invest money held in the Municipal or Trust Funds that is not required for the time being for any purpose in accordance with Part III of the <i>Trustees Act 1962</i> or in an investment approved by the Minister.</li><li>2) To establish and document internal control procedures to be followed to ensure control over the investments.</li></ol>
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	Deputy Chief Executive Officer
<b><i>Conditions:</i></b>	<ol style="list-style-type: none"><li>1) The establishing of documental internal control procedures to be followed to ensure control over the investments.</li><li>2) Compliance with Regulation 19(2) <i>Local Government (Financial Management) Regulations 1996</i></li><li>3) Council Policy (where applicable)</li><li>4) Investments in Managed Funds require the approval of Council.</li></ol>
<b><i>Record of Use:</i></b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	S5.42/S5.44, S6.14 <i>Local Government Act 1995</i> (As Amended)
<b><i>Council Policy:</i></b>	A.2.1 – Investments
<b><i>Date Adopted:</i></b>	15th February, 2011
<b><i>Date Reviewed:</i></b>	16th May, 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	21 November 2023

## F03 Hire Fees & Charges – Recreation Centre

<b>Function to be performed:</b>	To adjust/vary recreation centre, halls, and oval hire fees and charges as determined in the budget.
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	N/A
<b>Conditions:</b>	<p>Subject to Regulations 5, 8 and 10 of the <i>Local Government (Financial Management) Regulations 1996</i> and;</p> <ul style="list-style-type: none"><li>• where it is considered that there is the need due to extenuating circumstances, unusual kind of use;</li><li>• the cost of normal hire per participant being prohibitive in relation to the financial resources of the hirer/s;</li><li>• one-off usage discounts being supported in favour of regular use discounts;</li><li>• the participation of children/juniors in the program;</li><li>• the benefits to the Shire, its staff and the community in general;</li><li>• the costs to the Shire, including any forfeited opportunity costs; and</li><li>• any other circumstances that warrant consideration to a discount or waiving of fees.</li></ul>
<b>Record of Use:</b>	Copy of receipts to be archived and kept in accordance with records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b>Reference:</b>	S5.42, S6.2, S6.10, S6.12 <i>Local Government Act 1995</i>
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	15th February, 2011
<b>Date Reviewed:</b>	16th May, 2023
<b>Date Reviewed &amp; Amended:</b>	21 November 2023

<b><i>Function to be performed:</i></b>	<ol style="list-style-type: none"> <li>1) Where appropriate or necessary, to amend the rate record of the local government for the 5 years preceding the current financial year as contemplated by section 6.39 (2)(b).</li> <li>2) To enter into agreements in accordance with Section 6.49 of the <i>Local Government Act 1995</i> for the payment of rates and service charges.</li> <li>3) To determine the dates that a rate or service charge becomes due and payable in accordance with Section 6.50 of the <i>Local Government Act 1995</i>, such that the due payment of a rate or service charge, or the first instalment thereof as the case may be, shall become due and payable 35 days after the date noted on the rate notice as the date the rate notice was issued;</li> <li>4) To take any or all of the actions pursuant to the provisions of the Act as reasonable and proper, to recover rates and service charges due to the local government; Pursuant to section 6.64 (3) of the Act, to lodge caveats on land where the rates or service charges are in arrears, and it is considered that the interests of the Council should be protected;</li> <li>5) and to subsequently withdraw such caveats once arrears of rates have been settled.</li> <li>6) To exercise discretion in regard to granting an extension of time for the service of objections to the rate record in accordance with Section 6.76(4) of the Local Government Act 1995;</li> <li>7) To 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 on accordance with Section 6.76(6)</li> <li>8) To discharge the obligations specified in section 6.39(1) of the <i>Local Government Act 1995</i> (as amended).</li> <li>9) The service of notices of valuation and rates referred to in section 6.41(1) of the <i>Local Government Act 1995</i>.</li> <li>10) The powers conferred on Section 6.40 of the <i>Local Government Act 1995</i>.</li> <li>11) The recovery of rates by complaint or action pursuant to the provisions of 6.56(1) of the <i>Local Government Act 1995</i>.</li> <li>12) Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with 6.60(2) of the <i>Local Government Act 1995</i>.</li> </ol>
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Nil
<b><i>Record of Use:</i></b>	List of rate arrears submitted to Council when requested.
<b><i>Reference:</i></b>	<i>Local Government Act 1995</i>
<b><i>Council Policy:</i></b>	A.2.4. Rates Recovery



***Date Adopted:*** 20th May, 1997  
***Date Reviewed:*** 16th May, 2023  
***Date Reviewed & Amended:*** 15th February, 2011  
21 November 2023

## F05 Rating Exemptions

<b><i>Function to be performed:</i></b>	To consider and determine applications for rates exemption in accordance with Section 6.26 of the <i>Local Government Act 1995</i> .
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	To consider and determine applications for rating exemption status for a property. Written evidence and documentation to be provided by the applicant for proof of eligibility for exemption in accordance with legislation and policy.
<b><i>Record of Use:</i></b>	Information on File and advice provided to Council. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Local Government Act 1995</i> Section 6.26
<b><i>Council Policy:</i></b>	A.2.4
<b><i>Date Adopted:</i></b>	21 November 2023
<b><i>Date Reviewed:</i></b>	N/A
<b><i>Date Reviewed &amp; Amended:</i></b>	N/A

## F06 Surplus Equipment, Materials and Tools

<b><i>Function to be performed:</i></b>	To sell surplus equipment, materials, tools, etc with an estimated value of less than \$2,000 which are no longer required, or are out moded, or are no longer serviceable.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	By calling for expressions of interest, holding of a surplus goods sale at Council's depot, or any other fair means. Where it has not been possible to dispose of surplus equipment, materials, tools, and such like as outlined above, dispose of such things by other nominated means, including scrapping, after a listing of such items and the proposed disposal method has been provided to Council.
<b><i>Record of Use:</i></b>	Information on File and advice provided to Council. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Local Government Act 1995</i> Sect 3.58 & 5.42 and <i>Local Government (Financial Management) Regulations 1996</i> , Regulation 5(2)(a) <i>Local Government (Functions and General) Regulations 1996</i> - Regulation 30
<b><i>Council Policy:</i></b>	Nil
<b><i>Date Adopted:</i></b>	20th May, 1997
<b><i>Date Reviewed:</i></b>	16th May, 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011 21 November 2023

## F07 Purchase Order Authorisation

<b>Function to be performed:</b>	<ol style="list-style-type: none"><li>1) To sign Purchase Orders for items contained within the current budget.</li><li>2) This delegation includes authorisation to accept a tender for purchase up to an amount of \$250,000 (<i>Local Government Act 1995</i> section 5.43 (b)).</li></ol>
<b>Delegated to:</b>	Chief Executive Officer
<b>On delegated to:</b>	Deputy Chief Executive Officer Manager of Works and Services
<b>Conditions:</b>	Officers must adhere to requirements of purchasing policy Purchases up to: <ul style="list-style-type: none"><li>• \$4,999 can be arranged by delegated officers:</li><li>• \$5,000-\$49,999 must receive two written quotes. Delegated officers to approve:</li><li>• \$50,000-\$249,999 must receive three written quotes with CEO delegated to approve; and</li><li>• \$250,000 and above tenders are to be called in line with tender regulations with full Council to approve. Where a regulatory tender exemption is utilised by the Shire for purchases above \$250,000, full Council to approve. Any delegated officer can sign purchase orders once approved by Council.</li></ul>
<b>Record of Use:</b>	Duplicate of purchase order to be handed to Accounts Officer. Triplicate stored in original purchase order book. Completed order books to be returned to Administration Officer for archiving. Register to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b>Reference:</b>	S5.42 & 3.57 <i>Local Government Act 1995</i> .
<b>Council Policy:</b>	A.2.7. Purchasing Policy
<b>Date Adopted:</b>	20th February, 2007
<b>Date Reviewed:</b>	16th May, 2023
<b>Date Reviewed &amp; Amended:</b>	15th February 2011, 17th February 2015, 16th February 2016, 21st February 2017, 18th February, 2020 & 21st December, 2021, 21 November 2023

## Administration

### A01 Impounding Goods – Authorised Employee

<b><i>Function to be performed:</i></b>	To authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding;
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to the express provisions contained in the <i>Local Government Act 1995</i> and <i>Local Government (Functions and General) Regulations 1996</i> , Pt 6.
<b><i>Record of Use:</i></b>	Report to Council.
<b><i>Reference:</i></b>	<i>Local Government Act, 1995</i> – s.3.39 and s.5.42
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	15th February, 2011
<b><i>Date Reviewed:</i></b>	16th May, 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	21 November 2023

## A02 Contract Variations

<b><i>Function to be performed:</i></b>	To approve minor variations to contracts which have been entered into by the Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	N/A
<b><i>Record of Use:</i></b>	Contract Register
<b><i>Reference:</i></b>	<i>Local Government Act, 1995 and Local Government (Functions and General) Regulations 1996</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	20th May, 1997
<b><i>Date Reviewed:</i></b>	16th May, 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	21 November 2023

## A03 Legal Advice – Representation

<b><i>Function to be performed:</i></b>	To determine applications for funding assistance for legal representation for Council Members and employees.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	The authority to approve applications for legal advice and representation for Council Members and employees for costs associated with legal proceedings because of their official duties. This is subject to existing budgetary provisions for that purpose, and up to a value of \$10,000.
<b><i>Record of Use:</i></b>	Information on File and advice provided to Council. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	<i>Local Government Act, 1995.</i>
<b><i>Council Policy:</i></b>	A.1.2. Legal Representation
<b><i>Date Adopted:</i></b>	20th May, 1997
<b><i>Date Reviewed:</i></b>	16th May, 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	21 November 2023

## A04 Enforcements and Legal Proceedings

<b><i>Function to be performed:</i></b>	<ol style="list-style-type: none"><li>1) To appoint persons or classes of person to be authorised for the purposes of performing particular functions in regard to the enforcement of local laws.</li><li>2) To issue to each person authorised to enforce local laws a certificate stating that the person is so authorised and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.</li><li>3) To appoint persons to initiate prosecutions on behalf of Council under the <i>Local Government Act 1995</i> and Council's Local Laws.</li></ol>
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to compliance with the following: <ul style="list-style-type: none"><li>• <i>Local Government Act 1995</i></li><li>• <i>Dog Act 1976</i></li><li>• <i>Bush Fire Act 1954</i></li><li>• <i>Health Act (Miscellaneous Provisions) 1911</i></li><li>• <i>Local Government (Miscellaneous Provisions) Act 1960</i></li><li>• Local Laws, Parking and Dogs</li><li>• Council Policy</li></ul>
<b><i>Record of Use:</i></b>	Retention of File copy of relevant correspondence
<b><i>Reference:</i></b>	S5.42/S5.44, S9.10, S9.19, S9.20 and S9.23 Local Government Act, 1995 (As Amended) Section 44.9 Local Government (Miscellaneous Provisions) Act 1960.
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	15th February, 2011
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	N/A



*Function to be performed:*

- 1) To make determinations about the following matters contemplated by the Local Government (Functions and General) Regulations 1996 in relation to the supply of goods and services by tender, unless Council has already done so in any instance:
  - a) to determine whether or not tenders should be publicly invited having regard to the circumstances contemplated by a clause 11 subclause (2) paragraphs (ba) (iii) (II) and (f) of the regulations;
  - b) before publicly inviting tenders, to determine appropriate criteria for deciding which tender should be accepted as contemplated by clause 14 subclause (2a) of the regulations;
  - c) to ensure that there is an adequate specification upon which to invite tenders for goods or services and to decide upon the extent of detailed information to be made available to interested tenderers to satisfy clause 14 subclauses 3 (b) and (4) (a) of regulations, and to vary that information where required whilst having regard to the provisions of subclause (5);
  - d) to make a determination as to whether or not the local government will submit a tender, and advise other interested tenders accordingly as required by clause 14 subclause (4) (d) of the regulations;
  - e) to assess tenders by written evaluation against the assessment criteria as provided for by clause 18 (4) of the regulations;
  - f) where the circumstances contemplated by clause 18 (6) and (7) of the regulations prevail and the tender has been awarded by the CEO pursuant to Part (B)(a) of this delegation, to deal with the matter according to that clause and applicable subclause;
  - g) where the circumstances contemplated by clause 20 (1) of the regulations prevail, upon becoming aware of the need for any minor variation/s, to deal with the matter according to that clause/subclause, including being satisfied that the extent of the variation constitute a minor variation under clause 20 (3);
  - h) where the circumstances contemplated by clause 20 (2) of the regulations prevail and the tender has been awarded by the CEO pursuant to Part (B) (a) of this delegation, to deal with the matter according to that clause/subclause;
  - i) to make determination about seeking expressions of interest in lieu of public tenders as contemplated by clause 21 (1) of the regulations; and
  - j) evaluating expressions of interest as to determining which would be capable of satisfactorily supplying the goods or services.
- 2) Unless otherwise specified by the Council for a particular case, where the consideration involved does not exceed \$30,000 and is acceptable or advantageous to the local government.

- a) to accept a tender provided that the appropriate provision has been made in Council's Budget; and
- b) to decline to accept a tender where none is deemed acceptable or advantageous to the Local Government.

<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	<ol style="list-style-type: none"><li>1) Provision must be included in budget for CEO to call tenders without referring to Council.</li><li>2) On receipt of the tenders, the CEO shall report on tenders received to the next Council meeting</li></ol>
<b><i>Record of Use:</i></b>	Report to Council and file of correspondence and actions. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Local Government (Functions and General) Regulations 1996, and Local Government Act 1995</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	20th May, 1997
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011

## A06 Trade/Vendor Licences

<b><i>Function to be performed:</i></b>	To negotiate with traders/vendors to operate within the townsite, and if trader/vendor is unable to obtain suitable premises from which to operate within the central business area, the Chief Executive Officer is delegated authority to approve a suitable location within the townsite boundary provided no nuisance is created by the nature of that business.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	<ol style="list-style-type: none"><li>1) The nature of the business and the type of goods sold</li><li>2) The effect the business has on local traders.</li><li>3) The duration of the stay</li><li>4) No nuisance is created by the nature of the business</li></ol>
<b><i>Record of Use:</i></b>	Record to be kept on appropriate file.
<b><i>Reference:</i></b>	<i>Local Government Miscellaneous Provisions Act 1996</i> <i>Public Places and Local Government Property Local Law 2022</i>
<b><i>Council Policy:</i></b>	T.6.5. Vendor / Trading Licence
<b><i>Date Adopted:</i></b>	20th October, 1998
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011

## A07 Appointment of Complaints Officer(S)

<b><i>Function to be performed:</i></b>	To authorise one or more persons to the role of Complaints Officer for the purposes of Division 3, Section 11(3) of the Code of Conduct for Council Members, Committee Members, and Candidates.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to the express provisions contained in the <i>Local Government Act 1995</i> and <i>Local Government (Model Code of Conduct) Regulations 2021</i> .
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provision of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	<i>Local Government Act 1995</i> – S5.42 & S5.104
<b><i>Council Policy:</i></b>	A.1.5. External Complaints Management
<b><i>Date Adopted:</i></b>	16th February, 2021
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	N/A

## A08 Appointment of Caretaker – Ageing in Place Village

<b><i>Function to be performed:</i></b>	To approve for the appointment on a caretaker for the Ageing in Place Village, as required.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to the express provisions contained in the Local Government Act 1995, and other applicable legislation.
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provision of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	Local Government Act, 1995
<b><i>Council Policy:</i></b>	C.4.2 Ageing in Place Village
<b><i>Date Adopted:</i></b>	21 November 2023
<b><i>Date Reviewed:</i></b>	N/A
<b><i>Date Reviewed &amp; Amended:</i></b>	N/A

## Engineering

### E01 Temporary Rural Road Closures

<b><i>Function to be performed:</i></b>	To temporarily close a street or a portion of a street for a period not exceeding 30 days to vehicles in cases of emergency, in connection with Council works, by reason of heavy rain, a street likely to be damaged by the passage of traffic of any particular class.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	Manager of Works and Services
<b><i>Conditions:</i></b>	Compliance with <i>the Local Government Act 1995, Local Government (Functions and General) Regulations 1996</i> , and other applicable legislation.
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of General Disposal Authority for Local Government Records Legislation.
<b><i>Reference:</i></b>	<i>Local Government Act 1995 – S3.50, S3.50A, S3.51, S3.52, S5.42, S3.50, S3.51, Executive Function S3.18.</i> <i>Local Government (Functions and General) Regulations 1996.</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	20th May, 1997
<b><i>Date Reviewed:</i></b>	16th May, 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011 21 November 2023

## E02 Road Trains and Extra Mass Permits

<i><b>Function to be performed:</b></i>	To determine any application for the use of such roads granting approval with or without conditions and, subject to assessment and approval of the use of the road/s by Main Roads WA.
<i><b>Delegated to:</b></i>	Chief Executive Officer
<i><b>On delegated to:</b></i>	N/A
<i><b>Conditions:</b></i>	Have regard for any policy of the Council in relation to the use of local roads by restricted access vehicles
<i><b>Record of Use:</b></i>	Correspondence on File. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation
<i><b>Reference:</b></i>	Road Traffic Vehicle Standard Regulations
<i><b>Council Policy:</b></i>	N/A
<i><b>Date Adopted:</b></i>	20th May, 1997
<i><b>Date Reviewed:</b></i>	21 November 2023
<i><b>Date Reviewed &amp; Amended:</b></i>	15th February, 2011

## E03 Traffic Control Signals and Road Regulatory Devices

<b><i>Function to be performed:</i></b>	<ol style="list-style-type: none"><li>1) To make application to Main Roads WA for approvals to install stop and give-way signs at such places as considered warranted other than in accordance with any urban or rural traffic management plan adopted by Council.</li><li>2) Arrange installation of “school bus stop” signs and other appropriate traffic warning, advisory or directional signs at such places on local roads as considered necessary.</li><li>3) Proceed with the provision and erection of new street name plates and the replacement of damaged name plates.</li></ol>
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Due regard to limit of funds within budget
<b><i>Record of Use:</i></b>	Correspondence on File. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Road Traffic Code 2000</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	20th May, 1997
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011



## H01 Environmental Health

<b><i>Function to be performed:</i></b>	In accordance with the provisions of Section 26 of the <i>Health Services Act 2016</i> the Chief Executive Officer is appointed and authorised to exercise and discharge the following powers and functions: <ol style="list-style-type: none"><li>1) Issue such Health Services Act notices and orders as appropriate;</li><li>2) Determine applications for license under the Health Services Act.</li></ol>
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	To any person appointed by the local authority to the position of Authorised Officer.
<b><i>Conditions:</i></b>	Subject to the provisions of the Health Services Act, Local Laws and Council Policies. The applicant being advised of objections and/or appeal rights. A detailed report to the monthly Council meeting
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Health Services Act 2016</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	15th February, 2011
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	21 <sup>st</sup> February, 2017

## H02 Local Government Septic Tank Approvals

<b>Function to be performed:</b>	<p>Pursuant to the provisions of Section 26 of the <i>Health Services Act 2016</i>, the Authorised Officer is hereby appointed and authorized to exercise and discharge powers and functions conferred on local government for the purpose of Regulation 4 of the Health (Treatment of Sewerage and Disposal Effluent and Liquid Waste) Regulations 1974:</p> <ol style="list-style-type: none"><li>1) For the purpose of section 107(2)(a) of the Act, an apparatus is to be approved a local government if it is intended to serve:<ol style="list-style-type: none"><li>a) A single dwelling</li><li>b) Any other building that produces not more than 540 litres of sewerage per day;</li></ol></li><li>2) A person may apply for approval by:<ol style="list-style-type: none"><li>a) Completing an application in a form approved by the Executive Director, Public Health</li><li>b) Forwarding application to the Shire of Leonora together with any documents required under Regulation 5 and the fee specified in Item 1, of Schedule 1;</li></ol></li><li>3) The Shire of Leonora upon application will as soon as practicable after receiving the application:<ol style="list-style-type: none"><li>a) Grant approval, or</li><li>b) Refuse to grant approval;</li></ol></li><li>4) Where the Shire refuses to grant approval it shall provide to the applicant written notice:<ol style="list-style-type: none"><li>a) Advising the person of the refusal; and</li><li>b) Setting out the reasons for the refusal.</li></ol></li></ol>
<b>Delegated to:</b>	To any person appointed by the local authority to the position of Authorised Officer.
<b>On delegated to:</b>	Nil.
<b>Conditions:</b>	<p>Subject to the provisions of the Health Services Act, Local Laws and Council Policies.</p> <p>The applicant being advised of objections and/or appeal rights.</p>
<b>Record of Use:</b>	<p>Retention of file copy of relevant correspondence.</p> <p>Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.</p>
<b>Reference:</b>	<i>Health Services Act 2016, Health (Treatment of Sewage and Disposal Effluent and Liquid Waste) Regulations 1974</i>
<b>Council Policy:</b>	N/A
<b>Date Adopted:</b>	19th August, 1997
<b>Date Reviewed:</b>	21 November 2023
<b>Date Reviewed &amp; Amended:</b>	21 <sup>st</sup> February, 2017

### H03 Dealing with Nuisances

<b><i>Function to be performed:</i></b>	In accordance with the provisions of Section 184 of the <i>Health (Miscellaneous Provisions) Act 1911</i> the Chief Executive Officer is authorised to deal with nuisances.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	To any person appointed by the local authority to the position of Authorised Officer.
<b><i>Conditions:</i></b>	Subject to the provisions of the <i>Health (Miscellaneous Provisions) Act</i> , Local Laws and Council Policies. The applicant being advised of objections and/or appeal rights.
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Health (Miscellaneous Provisions) Act 1911</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	19th May, 1998
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011 & 21 <sup>st</sup> February, 2017

## H04 Camping other than at a Park or a Camping Ground

<b><i>Function to be performed:</i></b>	To grant approval to an applicant wishing to camp on land or a period of up to three (3) months in any twelve month period.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to the approval being in accordance with the provisions of Regulation 11(2)(a) of the <i>Caravan Parks and Camping Grounds Regulations 1997</i> .
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Caravan Parks and Camping Grounds Regulations 1997</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	19th May, 1998
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011

## H05 Food Act 2008 – Enforcement Action (Section 122)

<b><i>Function to be performed:</i></b>	In accordance with the provisions of Section 122 of the <i>Food Act 2008</i> , the Chief Executive Officer is appointed and authorized to exercise and carry out enforcement action for the purposes of this act.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	To any person appointed by the local authority to the position of Authorised Officer
<b><i>Conditions:</i></b>	Subject to the provisions of the <i>Food Act 2008</i> and Council Policies, the businesses being advised of appeal rights and a detailed report to the monthly Council Meeting.
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of <b>General Disposal Authority for Local Government Records Legislation</b> .
<b><i>Reference:</i></b>	<i>Food Act 2008</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	17th June, 2014
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	21 <sup>st</sup> February, 2017

## H06 Appointment of Authorised Officers – Public Health Act 2016

<b><i>Function to be performed:</i></b>	In accordance with section 17 of the <i>Public Health Act 2016</i> , the Chief Executive Officer is authorised to appoint Authorised Officers to carry out functions under the <i>Public Health Act 2016</i> .
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to Section 18 of the <i>Public Health Act 2016</i> .
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Public Health Act 2016</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	20th December, 2016
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	N/A

## H07 Authorised Officers for Certificates of Authority

<b><i>Function to be performed:</i></b>	In accordance with the provisions of Section 24 and Section 30 of the <i>Public Health Act 2016</i> , the Chief Executive Officer is authorised to designate a person or class of persons as an Authorised Officer and issue Certificates of Authority.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to provisions of Section 24, 30 and 312 of the <i>Public Health Act 2016</i> .
<b><i>Record of Use:</i></b>	Retention of file copy of relevant correspondence. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Public Health Act 2016</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	20th December, 2016
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	N/A

## Building

### B01 Dwellings Unfit for Habitation

<b><i>Function to be performed:</i></b>	To declare that a house, or any part thereof is unfit for human habitation in accordance with the provisions of Section 135 of the <i>Health (Miscellaneous Provisions) Act 1911</i>
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	To the person occupying the office of Environmental Health Officer/Building Surveyor
<b><i>Conditions:</i></b>	Subject to the provisions of Section 135 of the <i>Health (Miscellaneous Provisions) Act 1911</i>
<b><i>Record of Use:</i></b>	Certificates issued and correspondence issued. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	Section 135 of the Health (Miscellaneous Provisions) Act 1911 (as amended).
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	19th May, 1998
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011 & 18th February, 2014



## B02 Dwellings to be Repaired

<b><i>Function to be performed:</i></b>	Require owner of a house declared unfit for habitation or in a poor state of repair, to make repairs and render clean such a house.
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	To the person occupying the office of Environmental Health Officer/Building Surveyor.
<b><i>Conditions:</i></b>	The order is accordance with the provisions of Section 139 of the <i>Health (Miscellaneous Provisions) Act 1911</i>
<b><i>Record of Use:</i></b>	Notices and correspondence issued. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	Section 139 of the <i>Health (Miscellaneous Provisions) Act 1911</i>
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	19th May, 1998
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011 & 18th February, 2014

## B03 Park Homes

<b><i>Function to be performed:</i></b>	To grant approval to any person wishing to bring a Park Home on to a Caravan Park.
<b><i>Delegated to:</i></b>	Chief Executive Officer
<b><i>On delegated to:</i></b>	The person holding the office of Building Surveyor.
<b><i>Conditions:</i></b>	N/A
<b><i>Reference:</i></b>	<i>Caravan Parks and Camping Grounds Regulations 1997</i> (11(2)(a))
<b><i>Record of Use:</i></b>	Building licenses issued and correspondence issued. Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	19th May, 1998
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	15th February, 2011

## B04 Building / Demolition Permits

<b><i>Function to be performed:</i></b>	To approve/refuse applications submitted under section 20 and 21 of the <i>Building Act 2011</i> .
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to provisions of section 20 and 21 of the <i>Building Act 2011</i> .
<b><i>Record of Use:</i></b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Building Act 2011</i> .
<b><i>Council Policy:</i></b>	T.6.10. Building Licences
<b><i>Date Adopted:</i></b>	18th February, 2014
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	18th February, 2020

## B05 Building / Demolition, Extension of Time to Complete

<b><i>Function to be performed:</i></b>	To approve/refuse applications submitted under section 32 of the <i>Building Act 2011</i> .
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to provisions of section 32 of the <i>Building Act 2011</i> .
<b><i>Record of Use:</i></b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Building Act 2011</i> .
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	18th February, 2014
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	18th February, 2020

## B06 Building Orders

<b><i>Function to be performed:</i></b>	1) To make building orders pursuant to Division 5, Section 110 and 117 of the <i>Building Act 2011</i> in relation to: a) Building Work b) Demolition Work c) An existing building or incidental structure 2) To revoke building orders pursuant to Section 17 of the <i>Building Act 2011</i>
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to provisions of Division 5, Section 110 and 117 of the <i>Building Act 2011</i> .
<b><i>Record of Use:</i></b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Building Act 2011</i> .
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	18th February, 2014
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	18th February, 2020

## B07 Grant of Occupancy Permit, Building Approval Certificate

<b><i>Function to be performed:</i></b>	To approve, modify or refuse to approve applications submitted under Section 58 of the <i>Building Act 2011</i> .
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to provisions of Section 58 of the <i>Building Act 2011</i> .
<b><i>Record of Use:</i></b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Building Act 2011</i> .
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	18th February, 2014
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	18th February, 2020

## B08 Extension of Period of Duration of Occupancy Permit or Building Approval Certificate

<b><i>Function to be performed:</i></b>	To approve or refuse applications submitted under Section 65 of the <i>Building Act 2011</i> .
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to provisions of Section 65 of the Building Act 2011.
<b><i>Record of Use:</i></b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Building Act 2011</i> .
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	18th February, 2014
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	18th February, 2020

## B09 Authorised Persons – Building Act 2011

<b><i>Function to be performed:</i></b>	The CEO is Delegated Authority as “Authorised Persons” under the provisions of Sections 96, 100, 102, 103, 106 and 109 of the <i>Building Act 2011</i> .
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to provisions of Sections 96, 100, 102, 103, 106 and 109 of the <i>Building Act 2011</i> .
<b><i>Record of Use:</i></b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Building Act 2011</i> .
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	18th February, 2014
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	18th February, 2020



## B10 Certificate of Design Compliance

<b><i>Function to be performed:</i></b>	To issue Certificates of Design Compliance pursuant to Section 127 of the <i>Building Act 2011</i> .
<b><i>Delegated to:</i></b>	Chief Executive Officer.
<b><i>On delegated to:</i></b>	N/A
<b><i>Conditions:</i></b>	Subject to provisions of Section 127 of the <i>Building Act 2011</i> .
<b><i>Record of Use:</i></b>	Records to be kept under the provisions of <b><u>General Disposal Authority for Local Government Records</u></b> Legislation.
<b><i>Reference:</i></b>	<i>Building Act 2011</i> .
<b><i>Council Policy:</i></b>	N/A
<b><i>Date Adopted:</i></b>	18th February, 2014
<b><i>Date Reviewed:</i></b>	21 November 2023
<b><i>Date Reviewed &amp; Amended:</i></b>	18th February, 2020

## Planning

### P01 Development Applications

- Function to be performed:*** Pursuant to Section 5.42 of the Local Government Act 1995 (as amended), delegation of authority to approve or refuse applications for planning consent, with or without conditions, is extended to the Chief Executive Officer, subject to compliance with the Shire of Leonora Local Planning Scheme No. 2, the Residential Design Codes of Western Australia, Local Planning Policies and the additional conditions set out below.
- Delegated to:*** Chief Executive Officer
- On delegated to:*** N/A
- Conditions:***
- 1) Applications for types of land use or development as defined by the following symbols A and X against relevant zones in Table 3-Zoning Table cannot be determined under delegated authority and all such applications shall be referred to Council for consideration.
  - 2) Applications for planning approval that must be assessed under the provisions of Clause 18.4.a.bc of the Scheme shall be referred to Council for consideration.
  - 3) The provisions of 1, and 2 above shall not apply to renewals of planning approval, minor works, extensions and/or expansions associated with existing lawful land-uses, wherein the application may be approved, with or without conditions under delegated authority.
  - 4) All uses listed as 'P', 'I', & 'D' in the Zoning Table may be approved under delegated authority, with or without conditions, unless, in the opinion of the delegated officer, approval of the application would detrimentally impact upon the amenity and proper planning of the locality, wherein the application shall be referred to Council for consideration.
  - 5) Where an application has been advertised pursuant to Clause 64 of the Scheme and:
    - a) No written, author-identified submissions were received, then the delegated officer may assess the application on its merits and approve the application with or without conditions, under delegated authority.
    - b) Written, author-identified submissions objecting to and/or raising concerns about the proposal were received, but, in the opinion of the delegated officer, the points raised in the submission are of a non-substantive nature and/or can be satisfactorily addressed via condition/s, then the delegated officer shall liaise with the applicant and the person/s who lodged the submission prior to determining the application. If either party requires, the application shall be referred to Council for consideration.
    - c) Written, author-identified submissions objecting to and/or raising concerns about the proposal were

received, and, in the opinion of the delegated officer, the points raised in the submission are of a substantive nature and/or cannot be satisfactorily addressed via condition/s, then the application shall be referred to Council for consideration.

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

***Record of Use:***

A summary of planning approvals for the preceding calendar month shall be provided in the Information Bulletin presented to Council each month. For each application determined during the preceding calendar month/s, the summary shall identify;

- The application number;
- The name/s of the applicant/s and owners;
- The particulars of the affected property;
- The dates of application and determination;
- Whether the application was approved or refused; and
- Whether the decision was made under a sub delegation.

***Reference:***

*Local Government Act 1995 (Section 5.42) & Planning and Development Act 2005*

***Council Policy:***

Nil

***Date Adopted:***

21<sup>st</sup> May, 2019

***Date Reviewed:***

21 November 2023

***Date Reviewed & Amended:***

N/A

## P02 Subdivision Applications

***Function to be performed:***

- 1) Pursuant to Section 5.42 of the Local Government Act 1995 (as amended), delegation of authority to advise the Western Australian Planning Commission with regards to applications referred to the Shire, is extended to the Chief Executive Officer subject to consistency with the Shire of Leonora Local Planning Scheme No. 2, the Residential Design Codes of Western Australia, and any other strategies or policies adopted by Council in respect of the affected land and only in the circumstances set out below. All other applications referred by the Western Australian Planning Commission shall be referred to Council for consideration
- 2) Pursuant to Section 5.42 of the Local Government Act 1995 (as amended), delegation of authority to advise the Western Australian Planning Commission with regards to the clearance of conditions determined by the Commission and for which the Local Government is nominated as a clearance agency, is extended to the Chief Executive Officer subject to consistency with the Shire of Leonora Local Planning Scheme No. 2, the Residential Design Codes of Western Australia, the Shire of Leonora Local Planning Strategy, and any other strategies or policies adopted by Council in respect of the affected land and the additional conditions set out below.
- 3) Notwithstanding the conditions below, any matter may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.

***Delegated to:***

Chief Executive Officer

***On delegated to:***

N/A

***Conditions:***

- 1) Applications proposing the amalgamation of existing lots without any other changes to the boundaries of any of the lots affected by the application.
- 2) Applications affecting 'Residential' zoned land
- 3) Applications for boundary adjustments other than 'Residential' zoned land where the total number of lots within the area affected by the application will not increase, the size of the smallest lot within the application area will not decrease by greater than 10%, there will be no increase in the number of lots below 100 hectares in size and the proposal represents a rationalisation of boundaries to ensure greater consistency with physical and/or cadastral boundaries.
- 4) Applications consistent with an endorsed Subdivision Guide Plan or Structure Plan.
- 5) Applications involving the creation of lots for the purposes of public or servicing authorities, where the application does not involve the creation of any new roads.
- 6) Amended plans for applications that have been considered by Council within the last two years and the amendments are of a minor nature.

- 7) Applications previously determined by Council where the Western Australian Planning Commission period of approval has expired (or will imminently expire) and a new application has been required to be lodged.
- 8) Where the Australian Planning Commission has not been advised in respect of any particular application pursuant to the delegations outlined in Function 1 above, Council may, when giving consideration to the application identify any of the recommended conditions as being conditions that need to be referred to Council for consideration prior to clearing.
- 9) Where clearance of conditions is to be determined pursuant to this clause and the applicant feels aggrieved by any decision of the delegated officer, the applicant may require that the matter be referred to Council for reconsideration. In such cases the applicant shall provide a written statement outlining the basis of their request for reconsideration. Unless otherwise agreed to by the delegated officer, such written statement shall be provided a minimum of 10 working days prior to the meeting at which the applicant wishes the matter to be reconsidered

***Record of Use:***

A summary of decisions made pursuant to Functions 1 and 2 shall be provided in the Information Bulletin presented to Council. For each decision made during the preceding calendar month/s, the summary shall identify;

- The WAPC reference number;
- The names of the proponents and owners;
- The particulars of the affected property;
- A short description of the proposal;
- The date of determination;
- Whether the decision was made pursuant to Function 1 or 2; and
- If the decision was made under a sub-delegation.

***Reference:***

*Local Government Act 1995 (Section 5.42) & Planning and Development Act 2005*

***Council Policy:***

Nil

***Date Adopted:***

21<sup>st</sup> May, 2019

***Date Reviewed:***

21 November 2023

***Date Reviewed & Amended:***

N/A

## Delegations to Committees

*There are no delegations to Committees.*