



**Delegations Register
Volume 1 – From Council**

**Chief Executive Officer
Officers
Committees**

September 2020

Section 1 – Register of Delegations - Chief Executive Officer

#	Delegation	Act	Further
101	Bus Shelters – Location and Installation	LG Act s5.42	1
102	Contract Variations	LG Act s5.42	
103	Creditors, Payment of	LG Act s5.42 Fin Man Regs 12 & 13	8
104	Crossovers	LG Act s5.42 Policy 7.2	2
105	Enforcement and Legal Proceedings	LG Act s5.42	Various
106	Events on Roads	LG Act 3.50 & 5.42	3
107	Fencing Repairs – Stock on Roads	LG Act s3.25 & 5.42	A1
108	Impounding Goods – Authorised Employee	LG Act 3.39 & 5.42	A21
109	Insurance Claims	LG Act s5.42	
110	Rate Book	LG Act s5.42	10
111	Road Closures – More than 4 weeks	LG Act s5.42	4
112	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods	LG Act s 3.47, 3.58 & 5.42	14
113	Seed Collection	LG Act s5.42	5
114	Surplus Equipment, Materials, Tools, etc	LG Act s5.42 LG (F&G) Reg 30	A16
115	Swimming Pool Inspections	LG (Misc Prov) Act s245A Building Regs 53(1)	A2
116	Temporary Road Closures	LG Act s 3.50 & 5.42	6
117	Tenders	LG Act s3.57 & 5.42 LG (F&G) Regs 18(4)	
118	Timber Disposal	LG Act s5.42	7
119	<i>Cemeteries Local Law 2016</i>	<i>Cemeteries Act 1986</i> s6	A3
120	<i>Activities in Thoroughfares and Public Places and Trading Local Law 2016</i>	LG Act s5.42 & 9.10	13 & A4
121	<i>Local Laws Relating to Property</i>	LG Act s5.42 & 9.10	A5 & A13
122	<i>Parking and Parking Facilities Local Law 2016</i>	LG Act s5.42 & 9.10	A6
123	<i>Extractive Industries Local Law 2016</i>	LG Act s5.42 & 9.10	17

#	Delegation	Act	Further
124	Applications for Mining Tenements and Exploration Licences	LG Act s5.42	9
125	Naming of Roads and Parks	LG Act s5.42 Policy 6.11	12
126	Litter Act 1979, Bush Fires Act 1954 & Control of Vehicles (Off-road Areas) Act 1978 - Withdrawal of Infringement Notices	Litter Act 1979 s30(4) Control of Vehicles (Off Road Areas) Act 1978 s35 (5) Bush Fires Act 1954 s59A(5)	
127	Waive or Grant Concessions	LG Act s5.42 & 6.12	15
128	Notice Requiring Action by Owner of Land	LG Act s3.25, 3.26 & 5.42	A7
129	<i>Shire of Capel Cats Local Law 2017</i>	LG Act / Cat Act 2011	A8
130	Town Planning Scheme No 7 - Appointment of Authorised Officers	Planning & Dev (Local Planning Schemes) Regs s79	A9
131	<i>Bush Fires Act 1954 - Functions</i>	<i>Bush Fires Act 1954 48(3)</i>	
132	Approval for Transport of Over-width Grape Harvesters between Sunset and Sunrise	LG Act s5.42	18
133	Authorised Officers	Food Act 2008 s117(4)	A10
134	Powers and duties of permit authority	Building Act 2011 s127	19
135	Functions and duties – <i>Cat Act 2011</i>	<i>Cat Act 2011 s44(1)</i>	A11
136	Dangers on Thoroughfares	LG (Uniform Local Provisions) Regs 1996	20
137	Powers and Duties – <i>Dog Act 1976</i>	<i>Dog Act 1976 s10AA</i>	21, A12 & A15
138	Construction sites – noise management plans	<i>Environmental Protection Act 1986 – EV 405, D119</i>	
139	Noise Management - General	<i>Environmental Protection Act 1986 s20. EV 402. D112</i>	
140	Noise Control – Serve Notices	<i>Environmental Protection Act 1986 s20, D52</i>	
141	Withdraw infringements	<i>Local Government Act 1995 s5.42 & Local Laws</i>	16
142	Approval of Building Envelopes & Relocation of Building Envelopes	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	22
143	Processing Applications for Development Approval	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	23
144	Responses on Appeals Against Subdivision Decisions or Conditions	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	24

#	Delegation	Act	Further
145	Strata Title Clearances	<i>Strata Titles Act 1985 s25</i>	25
146	Subdivision Clearances	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	26
147	Minor Modifications — Subdivisions and other plans	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	27
148	Approval of Licences	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82 & Liquor Control Licencing Act s40	28
149	Subdivision & Amalgamation Applications	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	29
150	Minor Amendments & Advertising — Structure Plans and Local Development Plans	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	30
151	Financial Assistance for Legal Services	LG Act s5.42 Policy 1.5	
152	Appointment of Acting Chief Executive Officer	LG Act s5.39	
153	Financial Settlement Negotiation	LG Act s5.42 Policy 3.6	
154	Appoint Authorised Persons	<i>Caravan Parks and Camping Grounds Act 1995 s17</i>	A20
155	Sign as ' Land Owner'	<i>Planning & Development Act 2005</i>	
156	<i>Graffiti Vandalism Act 2016 Powers & Duties</i>	<i>Graffiti Vandalism Act 2016 s16</i>	
157	<i>Shire of Capel Waste Local Law 2016</i>	LG Act s5.42 & 9.10	A22
158	<i>Public Health Act 2016 – Powers & Duties</i>	<i>Public Health Act 2016 s21(1)</i>	A23
159	Authorise discretionary donations	Policy 2.5	
160	Deal with matters relating to State Administrative Tribunal	Policy 2.29	
161	Negotiation of Development Contributions	LG Act s5.42 - OC0205	
162	<i>Shire of Capel Health Local Law 2000</i>	LG Act s5.42 - OC0510	
163	Approve applications for kennels	<i>Dogs Local Law 2017</i>	
164	Powers and duties of local law - Fencing	<i>Fencing Local Law 2016</i>	
165	Roads (Extra Mass Permits)	Policy 7.5	
166	Town Planning	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	

167	Legal Advice	LG Act s5.42	
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Section 2 – Register of Delegations - Officers

- 162 *Shire of Capel Health Local Law 2000*
- 200 *Bush Fires Act 1954* – Variation of Prohibited and restricted Burning Times
- 201 *Environmental Protection Act 1986* – Noise management on construction sites
- 202 Greater Bunbury Region Scheme
- 203 *Health (Miscellaneous Provisions) Act 1911*- (Deputy)

Section 3 – Register of Delegations - CEO to Other Officers

- 1 Bus Shelters – Location & Installation
- 2 Crossovers
- 3 Events on Roads / Temporary Suspension of Regulations
- 4 Road Closures – More than 4 weeks
- 5 Seed Collection
- 6 Road Closures - Temporary
- 7 Timber Disposal
- 8 Payment of Creditors
- 9 Applications for Mining Tenements & Exploration Licences
- 10 Rate book
- 12 Road & Park Names
- 13 *Activities in Thoroughfares and Public Places and Trading Local Law 2016* – verges & road side conservation
- 14 Sale of Impounded / Seized / Confiscated Vehicles Animals or Goods
- 15 Waive or Grant Concessions
- 16 Withdraw Infringement Notices – *Local Government Act 1995* & Local Laws
- 17 *Extractive Industries Local Law 2016*
- 18 Approval for Transport – Over-width Grape Harvesters
- 19 *Building Act 2011* – Powers & duties
- 20 *Thoroughfares - Local Government (Uniform Local Provisions) Regulations 1996*
- 21 *Dog Act 1976* – Withdraw infringement notices
- 22 Approval and relocation of Building Envelopes
- 23 Processing Applications for Development Approval
- 24 Responses on Appeal Against Subdivision Decisions or Conditions
- 25 Strata Subdivisions
- 26 Subdivision Clearances
- 27 Minor Modifications to Subdivision Plans, Outline Development Plans, Land Use Plans, Development Guide Plans, Policy Plans or similar recognised plans
- 28 Approval of Licences
- 29 Subdivision and Amalgamation Applications
- 30 Minor Amendments & Advertising – Structure Plans and Local Development Plans
- 31 *Graffiti Vandalism Act 2016*
- 32 Kennel approvals
- 33 Withdraw infringements – *Building Act 2011*

Section 4 – Register of Delegations - Council to Committee

- 400 Powers and Duties of Audit Committee

Section 5 – Authorised Officers

- A1 *Local Government Act 1995*- Fencing Repairs – Stock on Roads
- A2 ~~*Local Government (Miscellaneous Provisions Act) 1960*~~ –Swimming Pool Inspections
- A3 Local Law - Cemeteries
- A4 Local Law - Thoroughfares
- A5 Local Law - Property
- A6 Local Law - Parking & Parking Facilities
- A7 *Local Government Act 1995* - Notice Requiring Action by Owner of Land
- A8 Local Law - Cats
- A9 Shire of Capel Town Planning Scheme No 7
- A10 *Food Act 2008* - Authorised Officers
- A11 *Cat Act 2011* – Authorised Officers
- A12 *Dog Act 1976* – Authorised Officers
- A13 Local Law -Property – Facility Hire
- A14 *Building Act 2011*- CEO
- A15 *Dog Act 1976*– Registration Officers
- A16 *Local Government Act 1995* – Authority to sell surplus items
- A17 *Building Act 2011* – Authorised Officers
- A18 *Tobacco Products Control Act 2006* – Restricted Investigators
- A19 *Bush Fires Act 1954* – Authorised Persons – Fire break inspections
- A20 *Caravan Parks & Camping Grounds Act 1995* – Authorised Persons
- A21 *LG Act - Impounding*
- A22 *Shire of Capel Waste Local Law 2016* – Authorised Officers
- A23 *Public Health Act 2016* – Authorised Officers
- A24 *Health (Asbestos) Regulations 1992* – Approved Officers
- A25 *Litter Act 1979*
- A26 *Control of Vehicles (Off-road Areas) Act 1979*
- A27 *Local Government Act 1995* s8.6 (Powers of entry) – Authorised Officers
- A28 *Caravan Parks and Camping grounds Regulations 1997* – Authorised Officer

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. A new section listing 'Authorised Officers' has been added, and 'delegations' that were in fact 'authorisations' have been moved to the new section.

All Delegations have been revised so that they refer to officer position titles rather than individual names (OC0304, 19.03.14). This will reduce the administrative burden of maintaining the Register when there are changes in staff. Authorisations are to individual officers rather than position titles.

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.

M Chester
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 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.

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 in January 1999. The approach taken with the register because of the major review, is that all delegations will now be deemed to be of 1999 origin. Each delegation, subsequent new delegations and reviews will have a legend as to when it was adopted and/or reviewed, re-affirmed or amended.

This page will also list the dates and minute numbers of any variations to the Delegation Register.

Council Minute	Date	Council Minute	Date
SC0139	27.01.99	OC0716	14.07.04
OC0146	27.01.99	OC1014	27.10.04
OC0649	30.06.99	OC0303	09.03.05
OC0830	25.08.99	OC0916	14.09.05
OC1217	15.12.99	OC0926	28.09.05
OC0317	08.03.00	OC0218	22.02.06
OC0318	08.03.00	OC0603	13.06.07
OC0319	08.03.00	OC0930	26.09.07
OC0307	08.03.00	OC1011	10.10.07
OC0928	13.09.00	OC0206	27.02.08
OC1250	13.12.00	OC0613	25.06.08
OC1238	13.12.00	OC1208	10.12.08
OC1234	13.12.00	OC0405	08.04.09
OC1231	13.12.00	OC0303	10.03.10
OC1237	13.12.00	OC0423	28.04.10
OC1243	13.12.00	OC0411	13.04.11
OC0260	28.02.01	OC0412	18.04.12
OC0262	28.02.01	OC0206	20.02.13
OC0644	27.06.01	OC0604*	26.06.13 *
OC0706	11.07.01	*Delegations renumbered	
OC1107	08.11.00	OC0912	18.09.13
OC0132	16.01.02	OC0304	19.03.14
OC1029	24.10.01	OC0908	23.09.15
OC0520	22.05.02	OC1007	28.10.15
OC0934	25.09.02	OC0309*	23.03.16*
OC0132	29.01.03	*Delegations renumbered	
OC0607	11.06.03	OC0312	22.03.17
OC0637	25.06.03	OC0325	28.03.18
OC0641	25.06.03	OC0515	23.05.18
OC1211	10.12.03	32/2019	27.03.19
OC0208	11.02.04	153/2019*	25.09.19
OC0431	28.04.04	*Planning delegations amalgamated	
OC0521	26.05.04	OC129/2020	26.08.20

Shire of Capel - Delegations to CEO

Section 1

Register of Delegations - Chief Executive Officer

#	Delegation	Act	Further
100	Approval of Signage requiring a Licence under the Shire of Capel Local Laws Relating to Signs, Hoardings and Bill Posting		
101	Bus Shelters – Location and Installation	LG Act s5.42	1
102	Contract Variations	LG Act s5.42	
103	Creditors, Payment of	LG Act s5.42 Fin Man Regs 12 & 13	8
104	Crossovers	LG Act s5.42 Policy 7.2	2
105	Enforcement and Legal Proceedings	LG Act s5.42	
106	Events on Roads	LG Act s3.50 & 5.42	3
107	Fencing Repairs – Stock on Roads	LG Act s3.25 & 5.42	A1
108	Impounding Goods – Authorised Employee	LG Act s3.39 & 5.42	A21
109	Insurance Claims	LG Act s5.42	
110	Rate Book	LG Act s5.42	10
111	Road Closures – More than 4 weeks	LG Act s5.42	4
112	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods	LG Act s3.47, 3.58 & 5.42	14
113	Seed Collection	LG Act s5.42	5
114	Surplus Equipment, Materials, Tools, etc	LG Act s5.42 LG (F&G) Reg 30	A16
115	Swimming Pool Inspections	LG (Misc Prov) Act s245A Building Regs 53(1)	A2
116	Temporary Road Closures	LG Act s3.50 & 5.42	6
117	Tenders	LG Act s3.57 & 5.42 LG (F&G) Regs 18(4)	
118	Timber Disposal	LG Act s5.42	7
119	<i>Cemeteries Local Law 2016</i>	<i>Cemeteries Act 1986 s6</i>	A3
120	<i>Activities in Thoroughfares and Public Places and Trading Local Law 2016</i>	LG Act s5.42 & 9.10	13 & A4
121	Local Laws Relating to Property	LG Act s5.42 & 9.10	A5 & A13
122	<i>Parking and Parking Facilities Local Law 2016</i>	LG Act s5.42 & 9.10	A6

Shire of Capel - Delegations to CEO

#	Delegation	Act	Further
123	<i>Extractive Industries Local Law 2016</i>	LG Act s5.42 & 9.10	17
124	Applications for Mining Tenements and Exploration Licences	LG Act s5.42	9
125	Naming of Roads and Parks	LG Act s5.42 Policy 6.11	12
126	<i>Litter Act 1979, Bush Fires Act 1954 & Control of Vehicles (Off-road Areas) Act 1978 - Withdrawal of Infringement Notices</i>	<i>Litter Act 1979 s 30(4) Control of Vehicles (Off Road Areas) Act 1978 s35 (5) Bush Fires Act 1954 s 59A(5)</i>	
127	Waive or Grant Concessions	LG Act s5.42 & 6.12	15
128	Notice Requiring Action by Owner of Land	LG Act s3.25, 3.26 & 5.42	A7
129	<i>Shire of Capel Cats Local Law 2017</i>	LG Act / Cat Act 2011	A8
130	Town Planning Scheme No 7 - Appointment of Authorised Officers	Planning & Dev (Local Planning Schemes) Regs s 79	A9
131	<i>Bush Fires Act 1954 - Functions</i>	<i>Bush Fires Act 1954 48(3)</i>	
132	Approval for Transport of Over-width Grape Harvesters between Sunset and Sunrise	LG Act s5.42	18
133	Authorised Officers	<i>Food Act 2008 s117(4)</i>	A10
134	Powers and duties of permit authority	<i>Building Act 2011 s127</i>	19
135	Functions and duties – <i>Cat Act 2011</i>	<i>Cat Act 2011 s44(1)</i>	A11
136	Dangers on Thoroughfares	LG (Uniform Local Provisions) Regs 1996	20
137	Powers and Duties – <i>Dog Act 1976</i>	<i>Dog Act 1976 s10AA</i>	21, A12 & A15
138	Construction sites – noise management plans	<i>Environmental Protection Act 1986 – EV 405, D119</i>	
139	Noise Management - General	<i>Environmental Protection Act 1986 s20. EV 402. D112</i>	
140	Noise Control – Serve Notices	<i>Environmental Protection Act 1986 s20, D52</i>	
141	Withdraw infringements	<i>Local Government Act 1995 s5.42 & Local Laws</i>	16
142	Approval of Building Envelopes & Relocation of Building Envelopes	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	22
143	Processing Applications for Development Approval	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	23
144	Responses on Appeals Against Subdivision Decisions or Conditions	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	24

Shire of Capel - Delegations to CEO

#	Delegation	Act	Further
145	Strata Title Clearances	<i>Strata Titles Act 1985 s25</i>	25
146	Subdivision Clearances	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	26
147	Minor Modifications — Subdivisions and other plans	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	27
148	Approval of Licences	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82 & Liquor Control Licencing Act s40	28
149	Subdivision & Amalgamation Applications	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	29
150	Minor Amendments & Advertising — Structure Plans and Local Development Plans	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	30
151	Financial Assistance for Legal Services	LG Act s5.42, Policy 1.5	
152	Appointment of Acting Chief Executive Officer	LG Act s5.39	
153	Financial Settlement Negotiation	LG Act s5.42 Policy 3.6	
154	Authorised Persons	<i>Caravan Parks and Camping Grounds Act 1995</i>	A20
155	Sign as 'Land Owner'	<i>Planning & Development Act 2005</i>	
156	<i>Graffiti Vandalism Act 2016</i> Powers and Duties	<i>Graffiti Vandalism Act 2016</i> s16	
157	<i>Shire of Capel Waste Local Law 2016</i>	LG Act s5.42 & 9.10	
158	<i>Public Health Act 2016</i> – Powers & Duties	<i>Public Health Act 2016</i> s21(1)	A22
159	Authorise discretionary donations	Policy 2.5	
160	State Administrative Tribunal	Policy 2.29	
161	Negotiation of Development Contributions	LG Act s5.42 OC0205	
162	<i>Shire of Capel Health Local Law 2000</i>	LG Act s5.42 - OC0510/17	
163	Approve applications for kennel licences	<i>Dogs Local Law 2017</i>	
164	Powers and duties of local law - Fencing	<i>Fencing Local Law 2016</i>	
165	Roads (Extra Mass Permits)	Policy 7.5	
166	Town Planning	Planning & Dev (Local Planning Schemes) Regs Schedule 2, Part 10 s82	
167	Legal Advice	LG Act s5.42	

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	100
Subject	Approval of Signs requiring a Licence under the Shire of Capel Signs Local Law 2001
Relevant Legislation	Local Government Act 1995 (s5.42)
Delegate	Chief Executive Officer

Repealed

Document Control

Delegation to CEO			CEO to Employee – Delegation 11	
Action	Minute	Date	Action	Date
Adopted	SC0139	27.01.99	Delegated	03.01.02
Reaffirmed	OC0604	26.06.13	Reaffirmed	05.05.10
Reaffirmed	OC0304	19.03.14	Amended	20.03.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Repealed	OC0607	22.06.16	Repealed	22.06.16

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	101
Subject	Bus Shelters – Location and Installation
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to approve location and installation of bus shelters in accordance with annual budget allocations and traffic management considerations.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development (Delegation 1).

Document Control

Delegation to CEO			CEO to Employee – Delegation 1	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegated	13.05.99
Reaffirmed	OC0604	26.06.13	Reaffirmed	05.05.10
Reaffirmed	OC0304	19.03.14	Amended	20.03.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.05.18
Reaffirmed	32/2019	27.03.19	Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	102
Subject	Contract Variations
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated the power to approve a minor price variations for a contract subject to sufficient funds being available within the approved expenditure budget and that the price variation is necessary.

Conditions

1. A 'minor price variation' is considered to be an amount up to \$25,000 or 10% of the approved contract, whichever is the lesser for each variation.
2. The delegation to approve variations for any single contract is limited to a total accrued value of \$100,000 in variations for a contract that is less than \$2,000,000. After this point Council approval is required for any subsequent variation unless the variation is for \$5,000 or less, in which case it may still be approved by the Chief Executive Officer.
3. All approved variations are to be reported monthly to Council via the Information Brochure.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99		
Reaffirmed	OC0604	26.06.13		
Reaffirmed	OC0304	19.03.14		
Amended	OC0908	23.09.15		
Reaffirmed	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Amended	OC0325	28.03.18		
Broadened scope and increased flexibility to allow approval of more than one variation per contract. Additional financial flexibility added.				
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Amended	OCO129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	103
Subject	Creditors, Payment of
Relevant Legislation	<ul style="list-style-type: none"> • <i>Local Government Act 1995</i> s5.42 • <i>Financial Management Regulations 1996</i> r12 & 13
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to approve payments for expenditure included in the Municipal Fund budget or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing -

- The payee's name
- The amount of the payment
- The date of the payment
- Sufficient information to identify the transaction.

Conditions

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.

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has further delegated this power/duty to the Director Community and Corporate, Director Infrastructure and Development, Manager Finance and Senior Rates Officer (Delegation 8).

Document Control

Delegation to CEO			CEO to Employee – Delegation 8	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	12	03.10.97
Reaffirmed	OC0604	26.06.13	29	26.04.00
Reaffirmed	OC0304	19.03.14	30	25.06.01
Amended	OC0908	23.09.15	Reaffirmed	25.06.07
Reaffirmed	OC0309	23.03.16	70	17.11.09
Reaffirmed	OC0312	22.03.17	Reaffirmed	05.05.10
Reaffirmed	OC0515	23.05.18	29 - Amended	20.03.04
Reaffirmed	32/2019	27.03.19	29 - Amended	23.09.15
			Reaffirmed	23.03.16
			Reaffirmed	22.03.17
			8 - Amended	18.12.17
			Reaffirmed	23.05.18
			Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	104
Subject	Crossovers
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to determine all matters arising from the Policy on Crossovers (Policy 7.2)

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development, Manager Technical Services and Manager Operations (Delegation 2).

Document Control

Delegation to CEO			CEO to Employee – Delegation 2	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegated	22.03.00
Reaffirmed	OC0604	26.06.13	Reaffirmed	05.05.10
Reaffirmed	OC0304	19.03.14	Amended	20.03.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Amended	23.03.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Reaffirmed	OC0515	23.05.18	Amended	25.01.18
Reaffirmed	32/2019	27.03.19	Reaffirmed	23.05.18
			Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	105
Subject	Enforcement and Legal Proceedings – including appointment of Authorised Officers
Relevant Legislation	<i>Local Government Act 1995</i> s5.42 & 9.10
Delegate	Chief Executive Officer

Delegation

Within budgetary constraints, the Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions on behalf of Council under the *Local Government Act 1995* and Council's local laws. Further, the Chief Executive Officer is delegated authority to 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*.

Conditions

All legal proceedings that are to be initiated by the Shire of Capel be referred to Council prior to proceeding.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee A27	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Authorisation 27	26.10.17
Reaffirmed	OC0604	26.06.13	Reaffirmed	23.05.18
Reaffirmed	OC0304	09.03.14	Reaffirmed	27.03.19
Reaffirmed	OC0908	23.09.15		
Reaffirmed	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Amended	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	106
Subject	Events on Roads / Temporary Suspension of Regulations
Relevant Legislation	<i>Local Government Act 1995</i> s3.50 & 5.42
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to determine applications for:

- 1 The temporary closure of roads for the purpose of conducting events in accordance with the *Road Traffic (Events on Roads) Regulations 1991*;
- 2 The temporary suspension of regulations for the purpose of conducting events in accordance with Section 81A-F of the *Road Traffic Act 1974*; and
- 3 The Chief Executive Officer shall have regard to Section 3.50 of the *Local Government Act 1995*.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development, Manager Technical Services and Manager Operations (Delegation 3).

Document Control

Delegation to CEO			CEO to Employee – Delegation 3	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegation	22.03.00
Amended	OC0318	08.03.00	Reaffirmed	05.05.10
Reaffirmed	OC0604	26.06.13	Amended	20.03.14
Reaffirmed	OC0304	19.03.14	Amended	23.09.15
Amended	OC0908	23.09.15	Amended	23.03.16
Reaffirmed	OC0309	23.03.16	Reaffirmed	22.03.17
Reaffirmed	OC0312	22.03.17	Amended	25.01.18
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.05.18
Reaffirmed	32/2019	27.03.19	Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	107
Subject	Fencing Repairs – Stock on Roads
Relevant Legislation	<i>Local Government Act 1995</i> s5.42 & 3.25 (1(a)) <i>Local Government (Uniform Local Provisions) Regulations 1996</i> r8.
Delegate	Chief Executive Officer and others

Delegation

- The Chief Executive Officer is delegated authority to exercise the powers conferred by Section 3.25(1)(a) of the *Local Government Act 1995* insofar as they apply to Schedule 3.1, Division 1, Clause 4, and to the *Local Government (Uniform Local Provisions) Regulations 1996* r8.

Conditions

Conditions of the Delegation:

- The delegation may only be exercised where stock have actually strayed on roads or road reserves;
- The delegation shall be that all such use of the delegation be reported in the monthly Information Brochure.

Further delegation

Nil

Authorised Officers

A1

Document Control

Delegation to CEO			Council to Employee - Authorisation 1	
Action	Minute	Date	Authorisation	Date
Adopted	OC0830	25.08.99	A1	20.03.14
Amended	OC0604	26.06.13	A1 - Amended	23.09.15
Amended	OC0304	19.03.14	Reaffirmed	23.03.16
Amended	OC0908	23.09.15	Reaffirmed	22.03.17
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.05.18
Amended	OC0312	22.03.17	Reaffirmed	27.03.19
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	108
Subject	Impounding Goods – Authorised Employee
Relevant Legislation	<i>Local Government Act 1995</i> s3.39(1) & 5.42
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to authorise any employee to remove and impound any goods that are involved in a contravention that can lead to impounding. The authorisations referred to in this delegation are those required under sections 3.39(1), 3.40 and 3.40A of the *Local Government Act 1995*.

Conditions

Nil

Further delegation

Nil

Authorised Officers

A21

Document Control

Delegation to CEO			CEO to Employee – A21	
Action	Minute	Date	Authorisation	Date
Adopted	SC0139	27.01.99	A21	17.10.16
Reaffirmed	OC0604	26.06.13	Reaffirmed	23.05.18
Reaffirmed	OC0304	19.03.14	Reaffirmed	27.03.19
Reaffirmed	OC0908	23.09.15		
Reaffirmed	OC0309	23.03.16		
Amended	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	109
Subject	Insurance Claims
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to consider claims, other than workers compensation, against Council for damages that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of Council.

Conditions

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 an appropriate release form approved by Council's insurers.

Note, this delegation relates to all insurance other than workers compensation claims. Claims made by the CEO are referred to Council, all other workers compensation claims are the responsibility of the CEO as stipulated in the Workers Compensation & Injury Management Act 1981.

Further delegation

Nil.

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99		
Reaffirmed	OC0604	26.06.13		
Reaffirmed	OC0304	19.03.14		
Reaffirmed	OC0908	23.09.15		
Reaffirmed	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Amended	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	110
Subject	Rate Book
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Delegation

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

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 by complaint or action pursuant to the provisions of 6.56(1) of the *Local Government Act 1995*.
3. Entering into an agreement in accordance with 6.49 of the *Local Government Act 1995*.
4. 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 *Local Government Act 1995*.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Senior Rates Officer (Delegation 10).

Document Control

Delegation to CEO			CEO to Employee – Delegation 10	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegated	01.11.01
Amended	OC0405	08.04.09	Reaffirmed	05.05.10
Reaffirmed	OC0604	26.06.13	Amended	20.03.14
Reaffirmed	OC0304	19.03.14	Reaffirmed	23.09.15
Reaffirmed	OC0908	23.09.15	Reaffirmed	23.03.16
Reaffirmed	OC0309	23.03.16	Reaffirmed	22.03.17
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.05.18
Reaffirmed	OC0515	23.05.18	Amended	27.03.19
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	111
Subject	Road Closures – More than 4 weeks
Relevant Legislation	<i>Local Government Act 1995 s3.50, s5.42</i>
Delegate	Chief Executive Officer

Delegation

Where an application is received for the closure of any road in the district for a period exceeding 4 weeks, the Chief Executive Officer is delegated authority to initiate the process by seeking comment from affected landowners, service authorities, etc and advertising the proposal for public comment. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal, but is simply wanting comment to assist in determining whether to proceed further with the closure, or not.

When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit details to Council for formal consideration.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development, Manager Technical Services and Manager Operations (Delegation 4).

Document Control

Delegation to CEO			CEO to Employee – Delegation 4	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegated	22.03.00
Reaffirmed	OC0604	26.06.13	Reaffirmed	05.05.10
Reaffirmed	OC0304	19.03.14	Amended	20.03.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Amended	23.03.16
Amended	OC0312	22.03.17	Reaffirmed	22.03.17
Amended	OC1107	22.11.17	Amended	25.01.18
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.05.18
Reaffirmed	32/2019	27.03.19	Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	112
Subject	Sale of Impounded / Seized / Confiscated Vehicles, Animals or Goods
Relevant Legislation	<i>Local Government Act 1995</i> s3.47, 3.58 & 5.42
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 and 3.58 of the *Local Government Act 1995*.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development and Coordinator Ranger Services (Delegation 14).

Document Control

Delegation to CEO			CEO to Employee – Delegation 14	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegation 46	24.12.04
Reaffirmed	OC0604	26.06.13	Delegation 43	09.07.04
Amended	OC0304	19.03.14	Reaffirmed	05.05.10
Reaffirmed	OC0908	23.09.15	Amended	20.03.14
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.09.15
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.03.16
Reaffirmed	OC0515	23.05.18	Amended	22.03.17
Reaffirmed	32/2019	27.03.19	Reaffirmed	23.05.18
			Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	113
Subject	Seed Collection
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to authorise removal of vegetative material from the Council reserves for re-use purposes.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development and Manager Technical Services (Delegation 5).

Document Control

Delegation to CEO			CEO to Employee – Delegation 5	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegated	22.03.00
Reaffirmed	OC0604	26.06.13	Reaffirmed	05.05.10
Reaffirmed	OC0304	19.03.14	Amended	20.03.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Reaffirmed	OC0515	23.05.18	Amended	25.01.18
Reaffirmed	32/2019	27.03.19	Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	114
Subject	Surplus Equipment, Materials, Tools etc
Relevant Legislation	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s5.42</i> • <i>Local Government (Functions & General) Regulations 30(3)</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, holding of a surplus goods sale at Council's Depot, Waste Transfer Station or any other fair means, items of surplus equipment, materials, tools, etc which are no longer required, or are outmoded, or are no longer serviceable.

Conditions

This delegation applies only to items with an estimated market value less than \$5,000.

Further delegation

Nil.

Authorised Officers

A16

Document Control

Delegation to CEO			CEO to Employee – Authorisation A16	
Action	Minute	Date	Authorisation	Date
Adopted	SC0139	27.01.99	A16	10.07.15
Amended	OC0206	27.02.08	Reaffirmed	23.03.16
Reaffirmed	OC0604	26.06.13	Reaffirmed	22.03.17
Reaffirmed	OC0304	19.03.14	Reaffirmed	23.05.18
Amended	OC0908	23.09.15	Reaffirmed	27.03.19
Reaffirmed	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Amended	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	115
Subject	Swimming Pool Inspections
Relevant Legislation	Local Government (Miscellaneous Provisions) Act 1960
Delegate	Chief Executive Officer

RESCINDED

Document Control

Delegation to CEO			CEO to Employee – Authorisation A2	
Action	Minute	Date	Delegation	Date
Adopted	OC0733	28.07.99	24	22.03.00
Amended	OC0604	26.06.13	36	03.01.02
Amended	OC0304	19.03.14	45	27.10.04
Reaffirmed	OC0908	23.09.15	53	04.07.05
Reaffirmed	OC0309	23.03.16	58	27.09.07
Revoked	OC0312	22.03.17	65	07.10.08
			67	10.09.09
			76	30.03.12
			77	30.03.12
			78	30.03.12s
			79	30.03.12
			80	30.03.12
			Authorisation A2	20.03.14
			A2 Amended	23.09.15
			A2 Reaffirmed	23.03.16
			A2 Rescinded	22.03.17

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	116
Subject	Temporary Road Closures
Relevant Legislation	<i>Local Government Act 1995</i> s3.50 & 5.42
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to temporarily close thoroughfares for a period not exceeding four weeks.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development, Manager Technical Services and Manager Operations (Delegation 6).

Document Control

Delegation to CEO			CEO to Employee – Delegation 6	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegated	22.03.00
Reaffirmed	OC0604	26.06.13	Reaffirmed	05.05.10
Reaffirmed	OC0304	19.03.14	Amended	20.03.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Reaffirmed	OC0515	23.05.18	Amended	25.01.18
Reaffirmed	32/2019	27.03.19	Reaffirmed	23.05.18
			Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	117
Subject	Tenders
Relevant Legislation	<ul style="list-style-type: none"> • <i>Local Government Act 1995 s3.57 & 5.42</i> • <i>Local Government (Functions & General) Regulations 1996 18(4)</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to:

- 1 Determine in writing the criteria for deciding which tender should be accepted, before tenders are publicly invited.
- 2 Advertise the inviting of tenders to supply goods or services, where the provision of such goods or services is provided for in the Council's annual budget (s3.57).
- 3 To accept a tender when the consideration involved does not exceed \$150,000 provided that appropriate provision has been made in the Council's approved expenditure budget. All other tenders will therefore be presented to Council for acceptance.
- 4 Assess all tenders, not rejected, by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept, or recommend to Council for accepting, and to decide which of them it would be most advantageous to the local government to accept.

Conditions

The delegation shall be that all such use of the delegation be reported to Council in the monthly Information Brochure.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99		
Amended	OC0411	13.04.11		
Reaffirmed	OC0604	26.06.13		
Reaffirmed	OC0304	19.03.14		
Amended	OC0908	23.09.15		
Reaffirmed	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Amended	OC0515	23.05.18		
Amendment 23.05.18 Tender acceptance ceiling for CEO reduced from \$500,000 to \$200,000.				
Reaffirmed	32/2019	27.03.19		
Amended	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	118
Subject	Timber Disposal
Relevant Legislation	<i>Local Government Act 1995 s5.42</i> <i>Conservation and Land Management Act 1984</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to dispose of timber from reserves in accordance with Section 139 of the *Conservation and Land Management Act 1984*. The timber referred to in this delegation is timber felled through the course of *bona fide* road works, storm damage or maintenance works.

The Chief Executive Officer shall exercise this delegation in the following manner:

1. For quantities of timber under 30m³, the sale/disposal of the timber shall be at the discretion of the Chief Executive Officer without public advertising.
2. For quantities of timber over 30m³, details of the type, quantities, locations and conditions shall be publicly advertised and the selection of the most advantageous quote shall be at the discretion of the Chief Executive Officer.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development and Manager Operations (Delegation 7).

Document Control

Delegation to CEO			CEO to Employee – Delegation 7	
Action	Minute	Date	Delegation	Date
Adopted	SC0139	27.01.99	Delegated	22.03.00
Reaffirmed	OC0604	26.06.13	Reaffirmed	05.05.10
Reaffirmed	OC0304	19.03.14	Amended	20.03.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.05.18
Reaffirmed	32/2019	27.03.19	Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	119
Subject	<i>Cemeteries Local Law 2016</i>
Relevant Legislation	<i>Cemeteries Act 1986 s6</i> Local Law (as above) Clause 2.1
Delegate	Chief Executive Officer

Delegation

Subject to any directions given by the Board (Shire of Capel), the Chief Executive Officer shall exercise all of the powers and functions of the Board in respect of Cemeteries.

Conditions

Nil

Further delegation

Nil

Authorised Officers

A3

Document Control

Delegation to CEO			CEO to Employee – Authorisation A3	
Action	Minute	Date	Delegation	Date
Adopted	OC1238	13.12.00	Delegated 50	24.12.04
Reaffirmed	OC0604	16.06.13	Delegated 57	30.11.06
Amended	OC0304	19.03.14	Delegated 72	12.04.09
Reaffirmed	OC0908	23.09.15	Reaffirmed	05.05.10
Reaffirmed	OC0309	23.03.16	Authorisation A3	20.03.14
Amended	OC1014	26.10.16	Reaffirmed	23.09.15
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.03.16
Reaffirmed	OC0515	23.05.18	Reaffirmed	22.03.17
Reaffirmed	32/2019	27.03.19	Reaffirmed	23.05.18
			Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	120
Subject	<i>Activities in Thoroughfares and Public Places and Trading Local Law 2016</i>
Relevant Legislation	<i>Local Government Act 1995 s5.42 & 9.10</i>
Delegate	Chief Executive Officer

Delegation

The administration of the *Activities in Thoroughfares and Public Places and Trading Local Law 2016*, including the appointment of authorised persons (under section 9.10 of the Act) to perform any of the functions of the authorised person under this local law, be delegated to the CEO, subject to the following:

- a) the CEO may refer any matter, at his discretion, for decision of the Council;
- b) the Council is to be provided details of any prosecution under the local law;
- c) only the Council is to:-
 - (i) make a determination under Part 2;
 - (ii) hear an objection under Part 8; and
 - (iii) appoint authorised persons who are not employees under section 9.10 of the Act.

Conditions

As above

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development, Manager Technical Services and Manager Operations (Delegation 13).

Authorisation - A4

Document Control

Delegation to CEO			CEO to Employee – Delegation 13 & A4	
Action	Minute	Date	Delegation	Date
Adopted	OC2134	13.12.00	Delegated 39	09/12/02 (Ranger)
Reaffirmed	OC0604	26.06.13	Delegated 41	05.09.03 (Man Ops)
Amended	OC0304	19.03.14	Delegated 47	24.12.04
Amended	OC0908	23.09.15	Delegated 55	16.11.06 (DTS)
Reaffirmed	OC0309	23.03.16	Delegated 57	30.11.06 (Ranger)
Amended	OC1014	26.10.16	Delegated 66	19.12.08 (Ranger)
Reaffirmed	OC0312	22.03.17	Delegated 72	12.04.10 (Ranger)
Reaffirmed	OC0515	23.05.18	Delegated 73	12.04.10 (DTS)
Reaffirmed	32/2019	27.03.19	Reaffirmed	05.05.10
			Delegated 83	10.09.13 (Ranger)
			Delegated 84	10.09.13 (Ranger)
			Authorisation A4	20.03.14
			A4 Amended	23.09.15
			Reaffirmed	23.03.16
			Amended	26.10.16
			Reaffirmed	22.03.17
			Amended	25.01.18
			A4 amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	121
Subject	<i>Local Laws Relating to Property</i>
Relevant Legislation	<i>Local Government Act 1995 s5.42 & 9.10</i>
Delegate	Chief Executive Officer

Delegation

The administration of the *Local Laws Relating to Property*, including the appointment of authorised persons (under section 9.10 of the Act) to perform any of the functions of the authorised person under this local law, be delegated to the CEO, subject to the following:

- a) the CEO may refer any matter, at his discretion, for decision of the Council;
- b) the Council is to be provided parts of any prosecution under the local law;
- c) only the Council is to:-
 - (i) make a determination under Part 2;
 - (ii) adopt or vary a policy containing conditions subject to which an application for a permit may be approved under clauses 3.3(1)(a);
 - (iii) enter into an agreement with a permit holder in respect of ownership of materials in a building (clause 3.7);
 - (iv) cancel a permit under clause 3.12;
 - (v) issue a permit under clause 3.13(1)(l) (erect a building) or 3.13(1)(n) (erect or install any utility or service structure);
 - (vi) hear an objection under Part 7; and
 - (vii) appoint authorised persons who are not employees under section 9.10 of the Act.

Conditions

As above.

Further delegation

Nil

Authorisations

A5 & A13

Document Control

Delegation to CEO			CEO to Employee - Authorisation A5 & A13	
Action	Minute	Date	Delegation	Date
Adopted	OC1231	13.12.00	Delegated 48	24.12.04
Reaffirmed	OC0604	26.06.13	Delegated 57	30.11.06
Amended	OC0304	19.03.14	Delegated 72	12.04.10
Reaffirmed	OC0908	23.09.15	Reaffirmed	05.05.10
Reaffirmed	OC0309	23.03.16	Authorisation A5	20.03.14
Reaffirmed	OC0312	22.03.17	Authorisation A13	20.03.14
Reaffirmed	OC0515	23.05.18	A13 Amended	23.09.15
Reaffirmed	32/2019	27.03.19	Reaffirmed	23.03.16
			Reaffirmed	22.03.17
			Reaffirmed	23.05.18
			A5 amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	122
Subject	<i>Parking and Parking Facilities Local Law 2016</i>
Relevant Legislation	<i>Local Government Act 1995 s5.42 & 9.10</i>
Delegate	Chief Executive Officer

Delegation

The administration of the *Parking and Parking Facilities Local Law 2016*, including the appointment of Authorised Persons (under section 9.10 of the Act) to perform any of the functions of the authorised person under this local law, be delegated to the CEO, subject to the following:

- a) the CEO may refer any matter, at his discretion, for decision of the Council; and
- b) the Council is to be provided details of any prosecution under the local law.

Conditions

Nil.

Further delegation

Nil

Authorisation

A6

Document Control

Delegation to CEO			CEO to Employee – Authorisation A6	
Action	Minute	Date	Delegation	Date
Adopted	OC1237	13.12.00	Renewed	08.03.04
Reaffirmed	OC0604	26.06.13	Delegated 51	28.03.05
Amended	OC0304	19.03.14	Delegated 57	30.11.06
Reaffirmed	OC0908	23.09.15	Delegated 72	12.04.10
Reaffirmed	OC0309	23.03.16	Reaffirmed	05.05.10
Amended	OC1014	26.10.16	Authorisation A6	20.03.14
Reaffirmed	OC0312	22.03.17	A6 - Reaffirmed	23.09.15
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.03.16
Reaffirmed	32/2019	27.03.19	Amended	26.10.16
			Reaffirmed	22.03.17
			Reaffirmed	23.05.18
			A6 amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	123
Subject	<i>Extractive Industries Local Law 2016</i>
Relevant Legislation	<i>Local Government Act 1995 s5.42 & 9.10</i>
Delegate	Chief Executive Officer

Delegation

The administration of the *Extractive Industries Local Law 2016*, including any enforcement action and collection of the annual licence fee be delegated to the CEO, but that the exercise of the following powers be reserved to the Council:

- a) issue or refusal of a licence under Clause 3.1(2)
- b) determination of a licence period under Clause 3.1(3)(a)
- c) cancellation of a licence under Clause 4.2(1)
- d) renewal or refusal to renew a licence under Clause 4.3(4)
- e) determination of any security under Clause 5.1(1).

Conditions

As above.

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development (Delegation 17).

Document Control

Delegation to CEO			CEO to Employee – Delegation 17	
Action	Minute	Date	Delegation	Date
Adopted	OC1243	13.12.00	Renewed	08.03.04
Reaffirmed	OC0604	26.06.13	Delegated 52	21.03.05
Amended	OC0304	19.03.14	Delegated 56	16.11.06
Amended	OC0809	23.09.15	Delegated 71	16.02.10
Reaffirmed	OC0309	23.03.16	Reaffirmed	05.05.10
Amended	OC0911	28.09.16	Amended 71	20.03.14
Reaffirmed	OC0312	22.03.17	Amended	23.09.15
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.03.16
Reaffirmed	32/2019	27.03.19	Amended	28.09.16
			Reaffirmed	22.03.17
			Reaffirmed	23.05.18
			Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	124
Subject	Applications for Mining Tenements and Exploration Licences
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

RESCINDED

Document Control

Delegation to CEO			CEO to Employee – Delegation 9	
Action	Minute	Date	Delegation	Date
Adopted	OC0260	28.02.01	Delegated	12.03.01
Reaffirmed	OC0604	26.06.13	Renewed	21.03.05
Amended	OC0304	19.03.14	Reaffirmed	05.05.10
Amended	OC0908	23.09.15	Reaffirmed	20.13.14
Reaffirmed	OC0309	23.03.16	Amended	23.09.15
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.03.16
Reaffirmed	OC0515	23.05.18	Reaffirmed	22.03.17
Reaffirmed	32/2019	27.03.19	Reaffirmed	23.05.18
			Amended	27.03.19
Revoked	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	125
Subject	Naming of Roads and Parks
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee – Delegation 12	
Action	Minute	Date	Delegation	Date
Adopted	OC0520	22.05.02	Delegated	27.06.02
Amended	OC0203	20.02.13	Reaffirmed	05.05.10
Reaffirmed	OC0604	26.06.13	Amended	20.03.14
Amended	OC0304	19.03.14	Amended	23.09.15
Amended	OC0908	23.09.15	Reaffirmed	23.03.16
Reaffirmed	OC0309	23.03.16	Reaffirmed	22.03.17
Reaffirmed	OC0317	22.03.17	Reaffirmed	23.05.18
Reaffirmed	OC0515	23.05.18	Amended	27.03.19
Reaffirmed	32/2019	27.03.19		
Revoked	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	126
Subject	Withdrawal of Infringement Notice – Various Acts
Relevant Legislation	<ul style="list-style-type: none"> • <i>Litter Act 1979</i> • <i>Control of Vehicles (Off Road Areas) Act 1978</i> • <i>Bush Fires Act 1954</i>
Delegate	Chief Executive Officer

Delegation

- 1 The CEO is delegated authority under Section 30(4)(a) of the *Litter Act 1979*, to withdraw any infringement notice in accordance with Section 30(4) of that Act.
- 2 The CEO is delegated authority under Section 37(5) of the *Control of Vehicles (Off-road Areas) Act 1978*, to withdraw any infringement notice in accordance with Section 37(5) of that Act.
- 3 The CEO is delegated authority under Section 59A(5) of the *Bush Fires Act 1954*, to withdraw any infringement notice in accordance with Section 59A(5) of that Act.
- 4 The CEO may refer any infringement notice withdrawal, at his discretion, for decision by the Council.

Conditions

No further delegation is possible under any of the Acts listed above.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Delegation	Date
Adopted	OC0934	25.09.02		
Amended	OC0430	26.04.06		
Reaffirmed	OC0604	26.06.13		
Amended	OC0304	19.03.14		
Amended	OC0908	23.09.15		
Reaffirmed	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	127
Subject	Waive, grant concessions or write off money
Relevant Legislation	<i>Local Government Act 1995</i> s5.42 & 6.12
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to waive pound fees if the evidence and reasons are deemed by the CEO to be reasonable, reducing the risk of additional costs to the owner of the animal and the Shire.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Community and Corporate (Delegation 15).

Document Control

Delegation to CEO			CEO to Employee – Delegation 15	
Action	Minute	Date	Delegation	Date
Adopted	OC0607	11.06.03	Delegated	23.03.06
Amended	OC0411	13.04.11	Reaffirmed	05.05.10
Reaffirmed	OC0604	26.06.13	Amended	20.03.14
Reaffirmed	OC0304	19.03.14	Amended	15.08.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Amended	OC0325	28.03.18	Reaffirmed	28.03.18
Restriction implying waiver / concession was limited to hall hire fees removed in order to broaden scope.			Amended	27.03.19
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Amended	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	128
Subject	Notice Requiring Action by Owner of Land
Relevant Legislation	<i>Local Government Act 1995</i> s5.42, 3.25(1)(a) & 3.26
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to exercise the powers conferred by Sections 3.25(1)(a) and 3.26(2) of the *Local Government Act 1995*, insofar as they apply to Schedule 3.1, clauses 1, 3, 6, 8 and 9.

Conditions

Conditions of the Delegation:

- (a) The delegation may only be exercised where it is considered that immediate action is required and there is insufficient time due to risk of injury or damage for the matter to be considered by Council.
- (b) The delegation shall be that all such use of the delegation be reported in the monthly Information Brochure.

Further delegation

Nil

Authorisation

A7

Document Control

Delegation to CEO			CEO to Employee – Authorisation A7	
Action	Minute	Date	Delegation	Date
Adopted	OC0431	28.04.04	Authorisation A7	20.03.14
Amended	OC0604	26.06.13	A7 - Amended	23.09.15
Amended	OC0304	19.03.14	Reaffirmed	23.03.16
Reaffirmed	OC0908	23.09.15	Reaffirmed	22.03.17
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.05.18
Reaffirmed	OC0312	22.03.17	Reaffirmed	27.03.19
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	129
Subject	Shire of Capel Cats Local Law 2017
Relevant Legislation	<i>Local Government Act 1995 s5.42 & 9.10</i>
Delegate	Chief Executive Officer

Delegation

The administration of the *Shire of Capel Cats Local Law 2017*, including the appointment of authorised persons (under section 9.10 of the Act), to perform any of the functions of the authorised person under this local law, be delegated to the CEO subject to the following:

- a) the CEO may refer any matter, at his discretion, for decision of the Council;
- b) the Council is to be provided details of any prosecution under the local law;
- c) only the Council is to:-
 - (i) hear an objection under Part 15.1; and
 - (ii) appoint authorised persons who are not employees under section 9.10 of the Act.

Conditions

As above

Further delegation

Nil

Authorisation

A8

Document Control

Delegation to CEO			CEO to Employee – Authorisation A8	
Action	Minute	Date	Delegation	Date
Adopted	OC0521	26.05.04	Delegated 49	24.12.04
Reaffirmed	OC0604	26.06.13	Delegated 57	30.11.06
Amended	OC0304	19.03.14	Delegated 72	12.04.10
Reaffirmed	OC0908	23.09.15	Reaffirmed	05.05.10
Reaffirmed	OC0309	23.03.16	Authorisation A8	20.03.14
Reaffirmed	OC0312	22.03.17	A8 Reaffirmed	23.09.15
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.03.16
Reaffirmed	32/2019	27.03.19	Reaffirmed	22.03.17
			Reaffirmed	23.05.18
			Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	130
Subject	Appointment of Authorised Officers, Town Planning Scheme No 7 and Planning & Development (Local Planning Schemes) Regulations 2015
Relevant Legislation	<ul style="list-style-type: none"> • Shire of Capel Town Planning Scheme No 7 • <i>Planning & Development (Local Planning Schemes) Regulations 2015 s79</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority, pursuant to s79 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to appoint Authorised Officers for the purpose of entering buildings and land for the purpose of ascertaining whether the provisions of the local planning scheme are being complied with (s79(2) refers).

Conditions

Nil

Further delegation

Nil

Authorisation

A9

Document Control

Delegation to CEO			CEO to Employee – Authorisation A9	
Action	Minute	Date	Delegation	Date
Adopted	OC0716	14.07.04	Authorisation A9	20.03.14
Amended	OC0604	26.06.13	A9 - Amended	23.09.15
Amended	OC0304	19.03.14	A9 - Amended	28.10.15
Reaffirmed	OC0908	23.09.15	Reaffirmed	23.03.16
Amended	OC1007	28.10.15	Reaffirmed	22.03.17
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.05.18
Reaffirmed	OC0312	22.03.17	Reaffirmed	27.03.19
Amended	OC0325	28.03.18		
Wording strengthened to clarify intent.				
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	131
Subject	Bush Fires Act functions
Relevant Legislation	<i>Bush Fires Act 1954 s48(1)</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority, pursuant to s 48(1) of the *Bush Fires Act 1954* to exercise the performance of any of the functions of that Act.

Conditions

- 1 This delegation cannot be sub delegated (s48(3)).
- 2 The Chief Executive Officer is not to exercise delegated authority under sections 17(7) and 18(5) "variations to prohibited and restricted burning periods" as these have been delegated to the President and Chief Bush Fire Control Officer (see Delegation 209).
- 3 Approval to purchase any vehicles, plant or equipment must be endorsed by the Bush Fire Advisory Committee prior to the exercising of the delegation unless it is considered to be a minor maintenance item or replacing an existing item.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee A19	
Action	Minute	Date	Delegation	Date
Adopted	OC0603	13.06.07	Authorised	30.06.17
Reaffirmed	OC0604	26.06.13	Reaffirmed	22.03.17
Reaffirmed	OC0304	19.03.14	Amended	25.10.17
Reaffirmed	OC0908	23.09.15	Reaffirmed	23.05.18
Reaffirmed	OC0309	23.03.16	Amended	27.03.19
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Amended	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	132
Subject	Approval for Transport of Over-width Grape Harvesters between Sunset and Sunrise
Relevant Legislation	<i>Local Government Act 1995</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to refuse approval or impose further restrictions or withdraw approval, for use of over-width vehicles between sunset and sunrise on Shire of Capel roads, for any route within the Shire of Capel where circumstances are considered to unnecessarily compromise the safety of the road users or members of the public.

Any applicants aggrieved by these decisions can request that the matter be considered by Council.

Conditions

Council at its meeting on 27 March 2019 resolved:

"That Council agree to the use of roads controlled by the Shire of Capel for the transport of over-width grape harvesters, between sunset and sunrise, for the annual grape harvest season in accordance with the following conditions:

- Maximum width of load not to exceed 3.1 metres.
- Vehicle speed not to exceed 70 kilometres per hour on sealed roads and 40 kilometres per hour on unsealed roads.
- All transport operations to be conducted in accordance with Main Roads WA permit conditions.
- Details of transport routes to be submitted to Director Infrastructure and Development prior to transportation."

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44(1) of the *Local Government Act 1995*, has delegated this power/duty to the Director Infrastructure and Development (Delegation 18).

Document Control

Delegation to CEO			CEO to Employee – Delegation 18	
Action	Minute	Date	Delegation	Date
Adopted	OC0207	14.02.07	Delegated	12.04.10
Reaffirmed	OC0604	26.06.13	Reaffirmed	05.05.10
Reaffirmed	OC0304	19.03.14	Amended	20.03.14
Amended	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.05.18
Amended	32/2019	27.03.19	Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	133
Subject	Authorised Officers
Relevant Legislation	<i>Food Act 2008 s117(4)</i>
Delegate	Chief Executive Officer

Delegation

Pursuant to s117(4) the Chief Executive Officer is delegated authority to appoint persons as Authorised Officers under s122 of the *Food Act 2008*.

Conditions

Nil

Further delegation

Nil

Authorisation

A10

Document Control

Delegation to CEO			CEO to Employee – Authorisation A10	
Action	Minute	Date	Delegation	Date
Adopted	OC0303	10.03.10	82 - Delegated	29.01.13
Reaffirmed	OC0604	26.06.13	Authorisation A10	20.03.14
Amended	OC0304	19.03.14	A10 Amended	23.09.31
Amended	OC0908	23.09.15	Reaffirmed	23.03.16
Reaffirmed	OC0309	23.03.16	Reaffirmed	22.03.17
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.05.18
Reaffirmed	OC0515	23.05.18	Reaffirmed	27.03.19
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	134
Subject	Building Act – Powers and Duties
Relevant Legislation	<i>Building Act 2011 s127</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority under s127(1) of the *Building Act 2011* to exercise powers and duties as a permit authority under the Act, including the appointment of Authorised Persons.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under Section 127(6A) of the *Building Act 2011* has delegated this power/duty (excluding the power to appoint Authorised Persons) to the Director Infrastructure and Development, Manager Building & Health Services, Principal Surveyor and Building Surveyor Cadet (Delegation 19).

Document Control

Delegation & Authorisation to CEO			CEO to Employee – Delegation 19	
Action	Minute	Date	Delegation	Date
Adopted	OC0206	20.02.13	Delegation 81	13.03.13
Reaffirmed	OC0604	26.06.13	Delegation 82	23.03.13
Reaffirmed	OC0304	19.03.14	Amended - 82	20.03.14
Authorisation to CEO – A14	OC0810	15.08.12	Amended - 82	23.09.15
Amended	OC0908	23.09.15	Reaffirmed	23.03.16
Reaffirmed	OC0309	23.03.16	Reaffirmed	22.03.17
Amended	OC0312	22.03.17	Amended	30.10.17
Reaffirmed	OC0515	23.05.18	Amended (46/2018)	26.09.18
Amended	46/2018	26.09.18	Amended	27.03.19
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	135
Subject	Cat Act – Powers and Duties
Relevant Legislation	<i>Cat Act 2011 s44(1)</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to exercise the powers and duties conferred by s44(1) of the *Cat Act 2011*.

Conditions

A power or duty under s63, 64 & 65 concerning infringements cannot be delegated.

Further delegation

Nil

Authorisation

A11

Document Control

Delegation to CEO			CEO to Employee – Authorisation A11	
Action	Minute	Date	Delegation	Date
Adopted	OC0912	18.09.13	Authorisation A11	20.03.14
Amended	OC0304	19.03.14	A11 - Reaffirmed	23.09.15
Reaffirmed	OC0908	23.09.15	Reaffirmed	23.03.16
Reaffirmed	OC0309	23.03.16	Reaffirmed	22.03.17
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.05.18
Reaffirmed	OC0515	23.05.18	Amended	17.03.19
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	136
Subject	Local Government (Uniform Local Provisions) Regulations 1996
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to undertake actions required in regards to the following clauses of the *Local Government (Uniform Local Provisions) Regulations 1996*.

- Clause 6 Obstructing public thoroughfare
- Clause 7A Obstruction of public thoroughfare by fallen things
- Clause 7 Encroaching on public thoroughfare
- Clause 11 Dangerous excavation in or near public thoroughfare
- Clause 12 Crossing from public thoroughfare to private land or private thoroughfare
Note – Commissioner of Main Roads approval is required for crossings from a public thoroughfare that is a Government road as defined in section 5(1) of the Road Traffic Act 1974.
- Clause 13 Requirement to construct or repair crossing
- Clause 21 Wind erosion and sand drifts

Conditions

- The delegation may only be exercised where it is considered that immediate approval is warranted or there is insufficient time due to risk of injury or damage for the matter to be considered by Council.
- The delegation shall be such that all use of the delegation be reported in the monthly Information Brochure.

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44 of the *Local Government Act 1995*, has delegated this power/duty in full to the Director Infrastructure and Development, Manager Technical Services and Manager Operations and in part to the Coordinator Ranger Services (clauses 6, 7A & 7) (Delegation 20).

Document Control

Delegation to CEO			CEO to Employee – Delegation 20	
Action	Minute	Date	Delegation	Date
Adopted	OC1010	16.10.13	Delegation 91	20.03.14
Reaffirmed	OC0304	19.03.14	Amended	23.09.15
Amended	OC0908	23.09.15	Amended	23.03.16
Amended	OC0309	23.03.16	Reaffirmed	22.03.17
Reaffirmed	OC0312	22.03.17	Amended	25.01.18
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.05.18
Reaffirmed	32/2019	27.03.19	Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	137
Subject	<i>Dog Act 1976 – Powers & Duties</i>
Relevant Legislation	<i>Dog Act 1976 s10AA</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to exercise the powers and duties conferred by s10AA the *Dog Act 1976*.

Conditions

Nil

Further delegation

The CEO in exercising authority under s10AA(3) of the *Dog Act 1976* has delegated the power of infringement notice withdrawal to the Director Infrastructure and Development and Coordinator Ranger Services (Delegation 21).

Authorisation

A12 & A15

Document Control

Delegation to CEO			CEO to Employee – Delegation 21, Authorisations A12 & A15	
Action	Minute	Date	Delegation	Date
Adopted	OC0216	19.02.14	Authorisation A12	20.03.14
Amended	OC0304	19.03.14	Authorisation A15	20.03.14
Amended	OC0908	23.09.15	Delegation 92	23.09.15
Reaffirmed	OC0309	23.03.16	A12 & 15 Reaffirmed	23.09.15
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.03.16
Reaffirmed	OC0515	23.05.18	Reaffirmed	22.03.17
Reaffirmed	32/2019	27.03.19	Reaffirmed	23.05.18
			D21 & A12 Amended	27.03.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	138
Subject	Construction Sites – Noise Management Plans EV405
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Protection Act 1986 (s20)</i> • <i>Environmental Protection (Noise) Regulations 1997 (r13)</i>
Delegate	Chief Executive Officer

Delegation

Environmental Protection Act 1996
Delegation 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("The Act"), and pursuant to s20 of the Act hereby delegate to the holder for the time being of the offices of –

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an authorised person under section 87 of the Act,

All my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Conditions

Nil

Further delegation

Nil

(Persons appointed as authorised persons under the **EP Act** are issued authority in writing and a card with a photograph)

Document Control

Delegation to CEO			CEO to Employee –	
Action	Minute	Date	Delegation	Date
Government Gazette 20/12/13	EV401	20/12/2013		
Amended				
Government Gazette 71 16.05.2014	EV405 Delegation 111	01/05/2014		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	139
Subject	Noise Management – EV402
Relevant Legislation	<i>Environmental Protection Act 1986 (s20)</i> <i>Environmental Protection (Noise) Regulations 1997</i>
Delegate	Chief Executive Officer

Delegation

Environmental Protection Act 1986
Delegation 112

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("The Act"), and pursuant to s20 of the Act hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the Local Government Act, my powers and duties under the *Environmental Protection (Noise) Regulations 1978*, other than this power of delegation, in relation to –

- (a) Waste collection and other works – noise management plans relating to specified works under regulation 14A or 14B;
- (b) Bell ringing or amplified calls to worship – the keeping of a log of bell ringing or amplified calls to worship requested under regulation 15(3)(c)(vi).
- (c) Community activities – noise control notices in respect of community noise under regulation 16.
- (d) Motor sport venues – noise management plans in relation to motor sport venues under Part 2 Division 3.
- (e) Shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4.
- (f) Calibration results – requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4.
- (g) Sporting, cultural and entertainment events – approval of events or venues for sporting, cultural or entertainment purposes under Part 2 Division 7, subject to the following limitation – (i) Sub-regulation 18(13)(b) is not delegated.

Conditions

As above.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee –	
Action	Minute	Date	Delegation	Date
Government Gazette 232 20/12/13	EV402 Delegation 112	12/12/2013		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	140
Subject	Noise Control – Serve Environmental Protection Notices
Relevant Legislation	Environmental Protection Act 1986 s20
Delegate	Chief Executive Officer

Delegation

Environmental Protection Act 1986
Delegation 52

Pursuant to s20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows –

Powers and duties delegated –

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises licenced under the Act, to serve an environmental protection notice under section 65(1) in respect of those premises, and where an environmental protection notice is so served in such a case, all the powers and duties of the Chief Executive Officer under Part V of the Act in respect of that environmental protection notice.

This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the *Local Government Act 1995*.

Conditions

Nil

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee –	
Action	Minute	Date	Delegation	Date
Government Gazette 47 19/03/2004	Delegation 52	09/01/2004		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	141
Subject	Withdrawal of Infringements – <i>Local Government Act 1995</i> and Local Laws
Relevant Legislation	<i>Local Government Act 1995</i>
Delegate	Chief Executive Officer

Delegation

The CEO is delegated authority under Section 5.42 of the *Local Government Act 1995* to withdraw any infringement notice issued:

- (1) under that Act or
- (2) in respect of the following local laws:
 - (a) *Extractive Industries Local Law 2016*;
 - (b) *Parking and Parking Facilities Local Law 2016*;
 - (c) *Property Local Law*;
 - (d) *Activities in Thoroughfares and Public Places and Local Law 2016*; and
 - (e) *Cats Local Law 2017*.

Conditions

Nil

Further delegation

The Chief Executive Officer in exercising authority under s5.44(1) of the *Local Government Act 1995* has delegated this power/duty in full to the Director Infrastructure and Development and in part to the Coordinator Ranger Services – items (1) and (2b) – (2e).

Document Control

Delegation to CEO			CEO to Employee – 16	
Action	Minute	Date	Delegation	Date
D126 Adopted	OC0934	25.09.02		
D126 Amended	OC0430	26.04.06		
Adopted	OC0908	23.09.15	Amended	23.09.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Amended	OC0911	28.09.16	Amended	28.09.16
Amended	OC1014	26.10.16	Amended	26.10.16
Reaffirmed	OC0312	23.03.16	Amended	22.03.17
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.05.18
Reaffirmed	OC0515	23.05.18	Amended	27.03.19
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	142
Subject	Approval of Building Envelopes and Relocation of Building Envelopes
Relevant Legislation	<ul style="list-style-type: none"> • Town Planning Scheme No 7 • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Deemed Provisions for local planning schemes Schedule 2 Part 10 Clause 82
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee – 22	
Action	Minute	Date	Delegation	Date
Adopted	OC0146	27.01.99	Delegated	29.10.15
Amended	OC0930	26.09.07	Amended	23.03.16
Reaffirmed	OC0604	26.06.13	Reaffirmed	22.03.17
Reaffirmed	OC0304	19.03.14	Reaffirmed	23.05.18
Amended	OC1007	28.10.15	Amended	27.03.19
Reaffirmed	OC0309	23.03.16	Rescinded	25.09.19
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Rescinded	153/2019	25.09.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	143
Subject	Processing Applications for Development Approval
Relevant Legislation	<ul style="list-style-type: none"> • Town Planning Scheme No 7 (Clause 8.11) • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Deemed Provisions for local planning schemes Schedule 2 Part 10 Clause 82
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee – 23	
Action	Minute	Date	Delegation	Date
Adopted	OC0649	30.06.99	Delegated	29.10.15
Amended	OC0930	26.09.07	Amended	23.03.16
Reaffirmed	OC0604	26.06.13	Reaffirmed	22.03.17
Reaffirmed	OC0304	19.03.14	Reaffirmed	23.05.18
Amended	OC1007	28.10.15	Amended	27.03.19
Reaffirmed	OC0309	23.03.16	Rescinded	25.09.19
Reaffirmed	OC0312	22.03.17		
Amended	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Rescinded	153/2019	25.09.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	144
Subject	Responses on Appeal against Subdivision Decisions or Conditions
Relevant Legislation	<ul style="list-style-type: none"> • Town Planning Scheme No 7 • <i>Planning & Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Deemed Provisions for local planning schemes Schedule 2 Part 10 Clause 82
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee – 24	
Action	Minute	Date	Delegation	Date
Adopted	OC0146	27.01.99	Delegated	29.10.15
Amended	OC0930	26.09.07	Reaffirmed	23.03.16
Reaffirmed	OC0411	13.04.11	Reaffirmed	22.03.17
Reaffirmed	OC0304	19.03.14	Reaffirmed	23.05.18
Amended	OC1007	28.10.15	Amended	27.03.19
Reaffirmed	OC0309	23.03.16	Rescinded	25.09.19
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Rescinded	153/2019	25.09.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	145
Subject	Strata Title Clearances
Relevant Legislation	<ul style="list-style-type: none"> • <i>Strata Titles Act 1985 s25</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015, Deemed Provisions for local planning schemes Schedule 2 Part 10 Clause 82</i>
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee – 25	
Action	Minute	Date	Delegation	Date
Adopted	OC0146	27.01.99	Delegated	29.10.15
Reaffirmed	OC0604	26.06.13	Reaffirmed	23.03.16
Reaffirmed	OC0304	19.03.14	Reaffirmed	22.03.17
Amended	OC1007	28.10.15	Reaffirmed	23.05.18
Reaffirmed	OC0309	23.03.16	Amended	27.03.19
Reaffirmed	OC0312	22.03.17	Rescinded	25.09.19
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Rescinded	153/2019	25.09.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	146
Subject	Subdivision Clearances
Relevant Legislation	<ul style="list-style-type: none"> • Town Planning Scheme No 7 • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Deemed Provisions for local planning schemes Schedule 2 Part 10 Clause 82
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee – 26	
Action	Minute	Date	Delegation	Date
Adopted	OC0146	27.01.99	Delegated	29.10.15
Reaffirmed	OC0604	26.06.13	Reaffirmed	23.03.16
Reaffirmed	OC0304	19.03.14	Reaffirmed	22.03.17
Amended	OC1007	28.10.15	Reaffirmed	23.05.18
Reaffirmed	OC0309	23.03.16	Amended	27.03.19
Reaffirmed	OC0312	22.03.17	Rescinded	25.09.19
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Rescinded	153/2019	25.09.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	147
Subject	Minor Modifications to: Subdivision Guide Plans, Outline Development Plans, Land Use Plans, Development Guide Plans, Policy Plans or similar recognised plans.
Relevant Legislation	<ul style="list-style-type: none"> Town Planning Scheme No 7 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Deemed Provisions for local planning schemes Schedule 2 Part 10 Clause 82
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee - 27	
Action	Minute	Date	Delegation	Date
Adopted	OC0307	08.03.00	Delegated	29.10.15
Reaffirmed	OC0604	26.06.13	Reaffirmed	23.03.16
Reaffirmed	OC0304	19.03.14	Reaffirmed	22.03.17
Amended	OC1007	28.10.15	Reaffirmed	23.05.18
Reaffirmed	OC0309	23.03.16	Amended	27.03.19
Reaffirmed	OC0312	22.03.17	Rescinded	25.09.19
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Rescinded	153/2019	25.09.19		

Action - For example - Reaffirm, Amend, Revoke, Review

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	148
Subject	Approval of Licences
Relevant Legislation	<ul style="list-style-type: none"> • <i>Liquor Control Licencing Act 1988 (s40)</i> • <i>Town Planning Scheme No 7 (Clause 8.11)</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015, Deemed Provisions for local planning schemes Schedule 2 Part 10 Clause 82</i>
Delegate	Chief Executive Officer

Comments/Issues for Noting

From time to time Council is required to issue a written statement or certificate indicating to other Government Authorities or Agencies, that it does, or does not, object to the issuing of a 'licence' for a particular activity that a person wishes to conduct.

The request for the written statement involves establishing the full nature of the activity, the locality at where the activity is to be conducted and whether or not the activity is permitted in the zone where the activity is to occur. It is therefore normally a simple procedural matter of advising the relevant Government Authority of the Town Planning Scheme provisions.

The main instance where it is difficult to respond to a licence application, is where the activity specifically requires Development Approval under the Town Planning Scheme and Council has not granted such an approval. The proponent is then required to make formal application to Council.

Application Type

- Firearms Dealers Licence
- Marine Collectors Licence
- Security Agents Licence
- Motor Vehicle Dealers Licence
- Real Estate Licence
- Second Hand Dealers Licence
- Auctioneers Licence
- Security Agents Licence
- Liquor Licence – Section 40 Certificate
- Any other licence or certificate.

Exclusions to Delegated Authority

- 1 Applications which are of such a nature that Council is required to issue a formal approval and impose conditions to regulate the way in which the activity is to be conducted and such approval has not been granted.
- 2 The Chief Executive Officer shall determine the extent of authority that maybe granted to other relevant Planning Service Officers and the terms or conditions under which the Delegation is granted.

Shire of Capel - Delegations to CEO

Matters to be Considered in Assessing Applications

Town Planning Scheme No 7:

- 1 Objectives of the Scheme.
- 2 Zones and Permitted Uses – Appendix 2 of Scheme.
- 3 Home Occupation Provisions – Paragraph 7.5 of the Scheme.

Council Policies:

- 1 Home Occupations – Policy 6.3.

Delegation

The Chief Executive Officer is hereby given the authority to issue correspondence and certificates in respect of a Liquor Licence under Section 40 Certificate, under the following terms and conditions:

- 1 The Exclusions to Delegated Authority listed above.
- 2 The correspondence or certificate is to clearly indicate, whether or not the proposed activity, for which the licence has been sought, complies with the provisions of Town Planning Scheme No 7.
- 4 The delegation being valid for an indefinite term or until such time as the authority granted is revoked or amended by an absolute majority decision of the Council.
- 5 All decisions made pursuant to this delegation are to be noted in the monthly Information Brochure.

All other applications for licences described above are to be referred to Council for approval.

Further Delegation

The Chief Executive Officer in exercising authority under Schedule 2 clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015* has delegated this power/duty to the Director Infrastructure and Development and the Manager Planning Services (Delegation 28).

Document Control

Delegation to CEO			CEO to Employee – 28	
Action	Minute	Date	Delegation	Date
Adopted	OC0930	26.09.07	Delegated	29.10.15
Reaffirmed	OC0604	26.06.13	Reaffirmed	23.03.16
Reaffirmed	OC0304	19.03.14	Reaffirmed	22.03.17
Amended	OC1007	28.10.15	Reaffirmed	23.05.18
Reaffirmed	OC0309	23.03.16	Amended	27.03.19
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Amended	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	149
Subject	Subdivision and Amalgamation Applications
Relevant Legislation	<ul style="list-style-type: none"> • Town Planning Scheme No 7 • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Deemed Provisions for local planning schemes Schedule 2 Part 10 Clause 82
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee - 29	
Action	Minute	Date	Delegation	Date
Adopted	OC1007	28.10.15	Delegated	29.10.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.05.18
Reaffirmed	32/2019	27.03.19	Amended	27.03.19
Rescinded	153/2019	25.09.19	Rescinded	25.09.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	150
Subject	Structure Plans and Local Development Plans
Relevant Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015, Clauses 82 and 83 of Schedule 2 Part 10</i>
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee – 30	
Action	Minute	Date	Delegation	Date
Adopted	OC1007	28.10.15	Delegated	29.10.15
Reaffirmed	OC0309	23.03.16	Reaffirmed	23.03.16
Amended	OC0108	25.01.17	Amended	25.01.17
Reaffirmed	OC0312	22.03.17	Reaffirmed	22.03.17
Reaffirmed	OC0515	23.05.18	Reaffirmed	23.05.18
Reaffirmed	32/2019	27.03.19	Amended	27.03.19
Rescinded	153/2019	25.09.19	Rescinded	25.09.19

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	151
Subject	Financial assistance for legal services
Relevant Legislation	<i>Local Government Act 1995</i>
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO				
Action	Minute	Date	Delegation	Date
Policy 1.5 adopted	OC1124	08.11.00		
Policy amended	OC1220	03.12.06		
Policy amended	OC0204	19.02.14		
Policy amended	OC0204	24.02.16		
Delegation formalised	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Amended	OC0903	27.09.17		
Additional text added to reflect Policy 1.5 and authorise CEO to endorse approved lawyers.				
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Revoked	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	152
Subject	Appointment of an Acting Chief Executive Officer
Relevant Legislation	<i>Local Government Act 1995 s5.39</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to appoint either the Director Community and Corporate or the Director Infrastructure and Development to the position of Acting Chief Executive Officer when the CEO is to take unplanned leave. In all other circumstances the appointment of Acting CEO is to be referred to Council for approval.

Conditions

Nil

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Delegation	Date
Policy 3.1 adopted	SC0122	19.01.99		
Policy amended	OC1205	17.12.14		
Policy amended	OC0204	24.02.16		
Delegation formalised	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Amended	32/2019	27.03.19		
Amended	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	153
Subject	Financial Settlement Negotiation
Relevant Legislation	Local Government Act 1995
Delegate	Chief Executive Officer

Delegation

Where a dismissed employee has taken or is proposing to undertake litigation for alleged unfair dismissal, the Chief Executive Officer is delegated authority to negotiate a settlement in order to avoid the expense of litigation.

The Chief Executive Officer is also delegated authority to negotiate a payment in addition to contract or award entitlements where redundancy or voluntary severance occur, or in recognition of long and loyal service.

Conditions

In the case of redundancy or voluntary severance, or in recognition of long and loyal service the payment must conform to Policy 3.6.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Delegation	Date
Policy 3.6 adopted	SC0122	19.01.99		
Policy amended	OC0426	24.04.07		
Policy amended	OC1205	17.12.14		
Policy amended	OC0204	24.02.16		
Delegation formalised	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Policy & Delegation amended	OC1107	22.11.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	154
Subject	Authorised Persons
Relevant Legislation	<i>Caravan Parks & Camping Grounds Act 1995 s17</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to appoint authorised persons under the *Caravan Parks and Camping Grounds Act 1995*.

Conditions

Nil

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Delegation	Date
Adopted	OC0609	22.06.16	Authorisation A20	22.06.16
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.05.18
Reaffirmed	OC0515	23.05.18	Reaffirmed	27.03.19
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	155
Subject	Sign as 'land owner'
Relevant Legislation	<i>Planning & Development Act 2005</i>
Delegate	Chief Executive Officer

Instrument of Authorisation

I, Donald Terrence Redman MLA, Minister for Lands, a corporate body continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, hereby authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Conditions

Signature must be annotated with standard endorsement as follows.

Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the Planning and Development Act 2005 (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Delegation	Date
Adopted		22.06.16		
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	156
Subject	Powers & duties of the Act
Relevant Legislation	<i>Graffiti Vandalism Act 2016 s16 & 17</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to exercise the powers and duties of the *Graffiti Vandalism Act 2016*.

Conditions

Nil

Further delegation

The Chief Executive Officer, in exercising powers under s16 of the Graffiti Vandalism Act 2016 has further delegated these powers and duties to the:

- Director Infrastructure and Development;
- Manager Operations;
- Manager Technical Services; and
- Manager Building & Health.

Document Control

Delegation to CEO			CEO to Employee - 31	
Action	Minute	Date	Delegation	Date
Adopted	OC1012	26.10.16	Delegated	27.03.19
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	157
Subject	Administration of the <i>Shire of Capel Waste Local Law 2016</i>
Relevant Legislation	<i>Local Government Act 1995 s5.42 &9.10</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to administer the *Shire of Capel Waste Local Law 2016*. This includes the appointment of Authorised Officers.

Conditions

Nil

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	OC0117	25.01.17	A22	28.02.17
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.05.18
Reaffirmed	OC0515	23.05.18	Reaffirmed	27.03.19
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	158
Subject	Powers & duties of the Act
Relevant Legislation	<i>Public Health Act 2016 s21(1)</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to exercise the powers and duties of the *Public Health Act 2016*.

Conditions

Nil

Further delegation

Permissible however not yet delegated

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	OC0210	22.02.17	A23	22.02.17
Reaffirmed	OC0312	22.03.17	Reaffirmed	23.05.18
Reaffirmed	OC0515	23.05.18	Reaffirmed	27.03.19
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	159
Subject	Authorise discretionary donations
Relevant Legislation	Policy 2.5, Item 2.2.
Delegate	Chief Executive Officer

Rescinded

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	SC0122	19.01.99		
Amended	OC0111	23.01.13		
Amended	OC0211	19.02.14		
Endorsed	OC0115	27.01.16		
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Revoked	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	160
Subject	State Administrative Tribunal
Relevant Legislation	Policy 2.29, Item 1.
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated authority to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal.

Conditions

Chief Executive Officer to submit a report to Council to the next available Council meeting to outline the relevant SAT appeal.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	OC0411	26.04.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		
Amended	OC129/20	26.08.20		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	161
Subject	Negotiation of Development Contributions
Relevant Legislation	OC0205, 22.02.17
Delegate	Chief Executive Officer

Delegation

OC0205 - That Council:

- Adopts the updated draft Shire of Capel Development Contribution Plan (2017) for the purpose of community consultation and advertises the draft Plan accordingly, including the following rates for the following development contribution areas:

DCA1 Capel	\$3,090;
DCA2 Boyanup	\$6,815; and
DCA3 Dalyellup	\$5,182.

- Endorses Executive negotiations to secure the following development contributions:
 - WAPC Approval ref No 148311 (The Grove, Range Road, Capel) - \$2,100 per lot released;
 - WAPC Approval Ref No. 152911 (Forest Edge, Stage 6A, Dalyellup) - \$565 per lot for the first 33 lots released and \$3,720 per lot for the subsequent 59 lots, subject to review upon gazettal of the Developer Contribution Plan; and
 - WAPC Approval Ref No 149634 (Goodwood Estate, Stage 2, Capel) \$2,500 per lot subject to review upon gazettal of the Developer Contribution Plan.
- Delegates authority to the Chief Executive Officer to negotiate contributions to clear subdivision conditions and strata-subdivision conditions in accordance with Delegation 146 that relate to the determination of a financial contribution, generally in line with the intent of the Developer Contribution Plan and this decision.
- Requests the Western Australian Planning Commission to modify standard condition AD5 of the WAPC Model Subdivision Conditions Schedule (December 2015) to remove reference to 'when gazetted' and recognise the status of a 'seriously entertained planning proposal' to allow for negotiated contributions prior to gazettal of Amendment No 65.

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	OC0205	22.02.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	162
Subject	<i>Shire of Capel Health Local Laws 2000</i>
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer & Director Infrastructure and Development

Delegation

The Chief Executive Officer and Director Infrastructure and Development are delegated the powers and duties conferred by the *Shire of Capel Health Local Laws 2000*.

Conditions

- The Chief Executive Officer may at their discretion, refer any matter to Council for decision.
- The Council is to be provided with details of any prosecution under the local law.

Document Control

Delegation to CEO			CEO to Employee -	
Action	Minute	Date	Authorisation	Date
Adopted	OC0510	24.05.17		
Reaffirmed	OC0515	23.05.18		
Amended	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	163
Subject	Kennel licences
Relevant Legislation	<i>Shire of Capel Dogs Local Law 2017</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated the powers and duties conferred by Part 4 *Shire of Capel Dogs Local Law 2017* - Approved kennel establishments.

Conditions

1. Any approval by the CEO is subject to prior receipt by the applicant of the relevant Planning, Building and Health approvals.
2. The CEO may, at their discretion refer any matter to Council for decision.
3. The Council is to be provided with details of any prosecution under the local law.
4. All decisions made pursuant to this delegation are to be noted in the monthly Information Brochure.

Further delegation

The Chief Executive Officer in exercising authority under Section 5.44 of the *Local Government Act 1995*, has further delegated this power/duty to the Director Infrastructure and Development (Delegation 32).

Document Control

Delegation to CEO			CEO to Employee - 32	
Action	Minute	Date	Authorisation	Date
Adopted	OC0325	28.03.18	Delegated	27.03.19
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	164
Subject	Fences
Relevant Legislation	<i>Shire of Capel Fencing Local Law 2016</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated the powers and duties conferred by the *Shire of Capel Fencing Local Law 2016*.

Conditions

1. The CEO may, at their discretion refer any matter to Council for decision.
2. The Council is to be provided with details of any prosecution under the local law.
3. All decisions made pursuant to this delegation are to be noted in the monthly Information Brochure.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	OC0325	28.03.18		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	165
Subject	Roads – Extra Mass Permits
Relevant Legislation	Policy 7.5
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated the authority to negotiate agreements for road deterioration co-contributions on behalf of Council.

Conditions

Nil

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	49/2019	24.04.2019		

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

Shire of Capel - Delegations to CEO

166 Town Planning

Delegator	Local Government – Shire of Capel
Power to delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Schedule 2, Clause 82
Power / duty delegated	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • Clause 82, Schedule 2, Part 10 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Schedule 2 Deemed Provisions for Local Planning Schemes. • Town Planning Scheme No. 7 • Town Planning Scheme No. 3 • <i>Strata Titles Act 1985 s 25</i>
Delegate	Chief Executive Officer
Function	<ol style="list-style-type: none"> 1. Authority to exercise any of the Council’s powers or the discharge of any of Council’s duties under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Town Planning Scheme No. 7 and Town Planning Scheme No. 3. 2. Authority to make recommendations to the Western Australian Planning Commission on subdivision applications, including the imposition of subdivision conditions or the clearance of subdivision conditions including the bonding of conditions (Part 10, <i>Planning and Development Act 2005</i>). 3. Authority to assess strata applications, sign Form 24 and endorse Form 26 in accordance with the <i>Strata Titles Act 1985 s25</i>.
Conditions	The exercise of these powers and duties is subject to the conditions outlined in Schedule 1 which is attached to this instrument of delegation.
Power to Sub-delegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , Schedule 2, Clause 83

Sub-delegates	Sub-delegates are in accordance with Schedule 1 which is attached to this instrument of delegation.
Conditions	The exercise of these powers and duties is subject to the conditions outlined in Schedule 1 which is attached to this instrument of delegation.

Delegation to CEO			Sub-delegation	
Action	Minute	Date	Delegation	Date
Adopted	153/2019	25.09.19		

Shire of Capel - Delegations to CEO

SCHEDULE 1 - CONDITIONS OF DELEGATION

The exercise of power under Delegation 166 is subject to the following conditions.

Subject of Delegation	Function and Power to Delegate	Conditions of Delegation	Sub Delegation
<p>Development Applications</p>	<p>The processing, advertising and determination of Development Applications including:</p> <ul style="list-style-type: none"> Town Planning No. 7 applications; and Advertising of Uses not listed in the zoning table; <p>Authority to exercise any of the Council's powers or the discharge of any of Council's duties under:</p> <ul style="list-style-type: none"> Clause 82, Schedule 2, Part 10 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Schedule 2 Deemed Provisions for local planning schemes. Town Planning Scheme No. 7. 	<p>Specific Land uses</p> <p>This power of delegation does not extend to determining of applications for development approval relating to the following land uses:</p> <ul style="list-style-type: none"> Industry - Extractive Uses of land not listed in the zoning table <p>Exclusions to Delegated Authority</p> <p>This power of delegation does not extend to approving applications for development approval in the following categories:</p> <ol style="list-style-type: none"> Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the Shire; Applications where objections have been received on valid planning grounds which cannot be reasonably addressed by negotiated minor variations to the application and/or conditions of approval. 	<ul style="list-style-type: none"> Director Infrastructure and Development Manager Planning Services Senior Planning Officers (Statutory and Strategic) limited to: <ul style="list-style-type: none"> Grouped dwelling ≤10 units; Home Occupation & annual renewals; Child Family Day Care Centre; Bed and Breakfast Accommodation; Variations to the Residential Design Codes. Industry - Light Approval and/or relocation of Building Envelopes Rural Pursuit Manager Building and Health limited to: <ul style="list-style-type: none"> Variations to the Residential Design Codes.

Shire of Capel - Delegations to CEO



		<ul style="list-style-type: none"> c) Applications where the applicant requests that Council determine the application. d) Applications for change of non-conforming use. e) Development not of the kind referred to in item a) and/or b) above, which, in the opinion of the delegated officer, is contentious and/or is the subject of significant community interest. f) The determination of an amendment to a previous development approval that was approved by resolution of Council (including an extension to the term of the development approval, except where the variation is of a minor nature, would not substantially change the approved development, and for which no objection has been received during the advertising period of the application (where applicable). g) Reconsiderations of applications in accordance with Section 31 of the <i>State Administrative Tribunal Act 2004</i>. 	
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Shire of Capel - Delegations to CEO

Subject of Delegation	Function and Power to Delegate	Conditions of Delegation	Sub Delegation
Heritage	<p>The processing, advertising and determination of Development Applications for buildings listed on the Heritage List.</p> <p>Authority to exercise any of the Council's powers or the discharge of any of Council's duties under Schedule 2, Part 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Schedule 2 Deemed Provisions for local planning schemes.</p>	<p>Exclusions to Delegated Authority This power of delegation does not extend to the following categories:</p> <ul style="list-style-type: none"> a) The granting of development approval for the demolition of a building listed on the Heritage List or within a Heritage Area. b) The entering, removal or modification of a place on the Heritage List. c) The designation, removal or modification of a Heritage Area. d) The entering into a heritage agreement with an owner or occupier of land. e) The issuing revoking or varying of a heritage conservation notice. 	<ul style="list-style-type: none"> • Director Infrastructure and Development • Manager Planning Services
Local Planning Policy	<p>Authority to exercise any of the Council's powers or the discharge of any of Council's duties under Clauses 3 to 6 Schedule 2, Part 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Schedule 2 Deemed Provisions for local planning schemes</p>	<p>Exclusions to Delegated Authority This power of delegation does not extend to the following:</p> <ul style="list-style-type: none"> a) The adoption, revocation or amendment of a Local Planning Policy. 	Nil

Shire of Capel - Delegations to CEO

Subject of Delegation	Function and Power to Delegate	Conditions of Delegation	Sub Delegation
<p>Subdivision and Amalgamation</p>	<ul style="list-style-type: none"> • Referrals to the Western Australian Planning Commission (WAPC) recommending deferral, amendment, approval or refusal of subdivision applications; • Responses to the WAPC on Appeals against Subdivision Decisions or Conditions; and • The processing and issuing of subdivision clearances including the bonding of works to satisfy conditions of subdivision approval. <p>Authority to exercise any of the Council's powers or the discharge of any of Council's duties under:</p> <ul style="list-style-type: none"> • Town Planning Scheme No.7. • Planning and Development Act 2005. • Clause 82, Schedule 2, Part 10 of the Planning and Development (Local Planning Schemes) Regulations 2015, <i>Schedule 2 Deemed Provisions for local planning schemes.</i> 	<p>Exclusions to Delegated Authority</p> <p>This power of delegation does not extend to the bonding of subdivision conditions that are not consistent with the Bonding of Outstanding Works section within the <i>WAPC, 2007, Local Government Guidelines for Subdivisional Development</i> or any subsequent WAPC update of the guidelines.</p> <p>Conditions</p> <p>a) All decisions made in accordance with this delegation are to be noted in the monthly Information Brochure.</p>	<ul style="list-style-type: none"> • Director Infrastructure and Development • Manager Planning Services • Manager Technical Services limited to: <ul style="list-style-type: none"> ○ establishing the value bonding of engineering works; and ○ the return of bonds upon satisfactory completion of works. • Coordinator Engineering Development limited to: <ul style="list-style-type: none"> ○ establishing the value bonding of engineering works; and ○ the return of bonds upon satisfactory completion of works.

Shire of Capel - Delegations to CEO

Subject of Delegation	Function and Power to Delegate	Conditions of Delegation	Sub Delegation
<p>Strata Title Clearances</p>	<p>The authority to assess strata applications, sign Form 24 and endorse Form 26 in accordance with the <i>Strata Titles Act 1985</i> s25.</p> <p>An instrument of delegation (the Delegation) was made under s16 (3) (e) of the <i>Planning and Development Act 2005</i> and gazetted 9 June 2009.</p>	<p>Exclusions to Delegated Authority</p> <p>This power of delegation does not extend to Built strata applications not delegated by the WAPC to Local Government.</p>	<ul style="list-style-type: none"> • Director Infrastructure and Development • Manager Planning Services
<p>Minor modification to plans</p>	<p>Minor modifications to Subdivision Guide Plans, Outline Development Plans, Land Use Plans, Development Guide Plans, Policy Plans or similar recognised plans.</p> <p>Authority to exercise any of the Council's powers or the discharge of any of Council's duties under:</p> <ul style="list-style-type: none"> • Town Planning Scheme No.7. • Town Planning Scheme No. 3. • Clause 82, Schedule 2, Part 10 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, Schedule 2 Deemed Provisions for local planning schemes. 	<p>Exclusions to Delegated Authority</p> <p>This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:</p> <ol style="list-style-type: none"> a) not minor; b) of a contentious nature; c) may attract community objection; or d) may detrimentally impact on the Shire to maintain infrastructure, land, facilities or services. 	<ul style="list-style-type: none"> • Director Infrastructure and Development • Manager Planning Services • Senior Planning Officers (Statutory and Strategic)

Shire of Capel - Delegations to CEO

Subject of Delegation	Function and Power to Delegate	Conditions of Delegation	Sub Delegation
Structure Plans	<ul style="list-style-type: none"> • Determine that information supplied with a structure plan is satisfactory or further information is required for the purposes of advertising (clauses 17 and 18 of Schedule 2); • Provide a recommendation to the WAPC on whether a minor amendment to a structure plan should be approved (clause 20 of Schedule 2); • Determine that an amendment to a structure plan is satisfactory for the purposes of advertising (clause 29 of Schedule 2); • Determine that a minor amendment to a structure plan may not require advertising (clause 29(3) of Schedule 2); 	<p>Exclusions to Delegated Authority This power of delegation does not extend to:</p> <ul style="list-style-type: none"> a) Recommendations to the WAPC on structure plans other than minor amendments which are not contentious. b) Minor amendments to a structure plan which, in the opinion of the delegated officer, are; <ul style="list-style-type: none"> i. of a contentious nature; ii. likely to attract a high level of community objection; or iii. may detrimentally impact on the Shire’s ability to maintain infrastructure, land, facilities or services. <p>Conditions</p> <ul style="list-style-type: none"> a) Decisions to advertise structure plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing. b) Decisions to advertise structure plans and amendments to structure plans in accordance with this delegation are to be noted in the monthly Information Brochure. 	<ul style="list-style-type: none"> • Director Infrastructure and Development • Manager Planning Services

Shire of Capel - Delegations to CEO

Subject of Delegation	Function and Power to Delegate	Conditions of Delegation	Sub Delegation
Activity Centre Plans	<ul style="list-style-type: none"> • Determine that information supplied with a activity centre plan is satisfactory or further information is required for the purposes of advertising (clauses 33 and 34 of Schedule 2); • Provide a recommendation to the WAPC on whether a minor amendment to a activity centre plan should be approved (clause 36 of Schedule 2); • Determine that an amendment to a activity centre plan is satisfactory for the purposes of advertising (clause 34 of Schedule 2); • Determine that a minor amendment to a structure plan may not require advertising (clause 45(3) of Schedule 2); 	<p>Exclusions to Delegated Authority This power of delegation does not extend to:</p> <ul style="list-style-type: none"> a) Recommendations to the WAPC on activity centre plans other than minor amendments which are not contentious. b) Minor amendments to a activity centre plan which, in the opinion of the delegated officer, are; <ul style="list-style-type: none"> i. of a contentious nature; ii. likely to attract a high level of community objection; or iii. may detrimentally impact on the Shire’s ability to maintain infrastructure, land, facilities or services. <p>Conditions</p> <ul style="list-style-type: none"> a) Decisions to advertise activity centre plans in accordance with this delegation are to be emailed to Councillors at least one working day prior to advertising commencing. b) Decisions to advertise activity centre plans and amendments to activity centre plans in accordance with this delegation are to be noted in the monthly Information Brochure. 	<ul style="list-style-type: none"> • Director Infrastructure and Development • Manager Planning Services

Shire of Capel - Delegations to CEO

Subject of Delegation	Function and Power to Delegate	Conditions of Delegation	Sub Delegation
<p>Local Development Plans</p>	<ul style="list-style-type: none"> • Determine that information supplied with a local development plan is satisfactory or further information is required for the purposes of advertising (clauses 49 and 50 of Schedule 2); • Consider submissions in relation to a local development plan (clause 51 of Schedule 2); • Determine that a local development plan or an amendment to a local development plan may not require advertising (clauses 50(3) and 59(4) of Schedule 2); and <p>Determine approval of a Local Development Plan or an amendment to a local development plan (clause 52 of Schedule 2).</p>	<p>Exclusions to Delegated Authority This power of delegation does not extend to proposals, which, in the opinion of the delegated officer, are:</p> <ul style="list-style-type: none"> a) of a contentious nature; b) likely to attract a high level of community objection; or c) may detrimentally impact on the Shire's ability to maintain infrastructure, land, facilities or services. 	<ul style="list-style-type: none"> • Director Infrastructure and Development • Manager Planning Services

Shire of Capel - Delegations to CEO

Summary	
Delegation Number	167
Subject	Legal Advice
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer

Delegation

The Chief Executive Officer is delegated the authority to obtain legal advice without reference to Council subject to conditions.

Conditions

1. The legal advice is to related to Council decision making process;
2. A copy of the legal advice is to be made available to Council as a confidential document when a report on the subject matter is presented to Council, unless there is a conflict of interest with any elected member; or
3. When the legal advice is requested to be provided by Council or Councillors;
4. The Shire of Capel Policy 2.8 – Purchasing, is to be adhered to;
5. The CEO is to obtain quotes annually to form a panel of suitably qualified and experience law firms that can be used to obtain legal advice from; and
6. Legal practitioners are to be suitably qualified and experience on the matter that is subject of the advice being sought.

Further delegation

Nil

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	OC076/2020	24.06.20		

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



Section 2

Register of Delegations - Officers

162	<i>Shire of Capel Health Local Laws 2000</i>
200	<i>Bush Fires Act 1954 - Variation of prohibited and restricted burning times</i>
201	<i>Environmental Protection Act 1986- Noise management on construction sites</i>
202	Greater Bunbury Region Scheme
203	<i>Health (Miscellaneous Provisions) Act 1911 (Deputy)</i>

Shire of Capel - Delegations to Officer(s)



Summary	
Delegation Number	162
Subject	Shire of Capel Health Local Laws 2000
Relevant Legislation	<i>Local Government Act 1995 s5.42</i>
Delegate	Chief Executive Officer & Director Infrastructure and Development

Delegation

The Chief Executive Officer and Director Infrastructure and Development are delegated the powers and duties conferred by the *Shire of Capel Health Local Laws 2000*.

Conditions

- The Chief Executive Officer and Director Infrastructure and Development may, at their discretion, refer any matter to Council for decision.
- The Council is to be provided with details of any prosecution under the local law.

Document Control

Delegation to CEO			CEO to Employee	
Action	Minute	Date	Authorisation	Date
Adopted	OC0510	24.05.17		
Reaffirmed	OC0515	23.05.18		
Reaffirmed	32/2019	27.03.19		

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

Shire of Capel - Delegations to Officer(s)



Summary	
Delegation Number	200
Subject	Variation of Prohibited and Restricted Burning Times
Relevant Legislation	<i>Bush Fires Act 1954</i> s17 & 18
Delegate	<ul style="list-style-type: none"> • Shire President • Chief Bush Fire Control Officer

Delegation

- 1 The Shire President and the Chief Bush Fire Control Officer are jointly delegated authority to exercise the powers conferred by Section 17(7) of the *Bush Fires Act 1954* as it relates to the seasonal variation of the prohibited burning period.
- 2 The Shire President and the Chief Bush Fire Control Officer are jointly delegated authority to exercise the powers conferred by Section 18(5) of the *Bush Fires Act 1954* as it relates to the seasonal variation of the restricted burning period.

Conditions

This delegation may only be exercised where the Shire President and the Chief Bush Fire Control Officer have conferred with the Deputy Chief Bush Fire Control Officer, Coordinator Emergency Services or the Coordinator Ranger Services about their intent to exercise the delegation.

Further delegation

Nil

Document Control

Delegation 200		
Action	Minute	Date
Adopted	OC0641	25.06.03
Reaffirmed	OC0604	26.06.13
Reaffirmed	OC0304	19.03.14
Reaffirmed	OC1007	28.10.15
Reaffirmed	OC0309	23.03.16
Reaffirmed	OC0312	22.03.17
Reaffirmed	OC0515	23.05.18
Amended	32/2019	27.03.19
Amended	63/2019	28.04.19

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

Shire of Capel - Delegations to Officer(s)



Summary	
Delegation Number	201
Subject	Noise Management – Construction Sites – EV405
Relevant Legislation	<ul style="list-style-type: none"> • <i>Environmental Protection Act 1986</i> s20 • <i>Environmental Protection (Noise) Regulations 1997</i> r13
Delegate	(Health) Authorised Officers

Delegation

Environmental Protection Act 1996
Delegation 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("The Act"), and pursuant to s20 of the Act hereby delegate to the holder for the time being of the offices of –

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an authorised person under section 87 of the Act,

All my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Conditions

Nil

Further delegation

Nil

Document Control

Delegation 214		
Action	Minute	Date
Government Gazette 71 16.05.2014	EV405 Delegation 111	01/05/2014

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

Shire of Capel - Delegations to Officer(s)



Summary	
Delegation Number	202
Subject	Greater Bunbury Region Scheme
Relevant Legislation	<i>Planning and Development Act 2005 (s16)</i>
Delegate	<ul style="list-style-type: none"> • Executive Manager Engineering and Development Services • Manager Planning Services • Senior Planning Officer

Preamble

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or power of the WAPC includes and extends to, without limitation of restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

On 22 April 2014, pursuant to section 16 of the Act, the WAPC resolved to delegated to local governments, and to members and officers of those local governments its functions in respect of the determination, in accordance with Parts 7 and 8 of the GBRS, of applications for approval to commence and carry out development as specified in Schedule 1 and 2, within their respective districts, subject to the terms set out in Schedule 3.

Delegation

Planning and Development Act 2005 - Delegation 2014/01

On 22 April 2014, pursuant to section 16 of the Act, the WAPC resolved to delegated to local governments, and to members and officers of those local governments its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedule 1 and 2, within their respective districts, subject to the terms set out in schedule 3.

Document Control

Delegation 217		
Action	Minute	Date
Government Gazette 65 09.05.2014	Delegation 2014/01	22.04.2014

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

Shire of Capel - Delegations to Officer(s)



Summary	
Delegation Number	203
Subject	Health (Miscellaneous Provisions) Act (Deputy)
Relevant Legislation	<i>Health (Miscellaneous Provisions) Act 1911</i>
Delegate	Principal Environmental Health Officer

Delegation

In accordance with provisions of Section 26 of the *Health (Miscellaneous Provisions) Act 1911* (as amended), the Principal Environmental Health Officer is authorised to be the Council's "Deputy" pursuant to the *Health (Miscellaneous Provisions) Act* and to exercise and discharge all or any of the powers and functions of the local authority.

Conditions

Nil

Further delegation

Nil

Document Control

Delegation 203		
Action	Minute	Date
Adopted	SC0139	27.01.99
Reaffirmed	OC0604	26.06.13
Reaffirmed	OC0304	19.03.14
Reaffirmed	OC1007	28.10.15
Reaffirmed	OC0309	23.03.16
Amended	OC0116	25.01.17
Reaffirmed	OC0312	22.03.17
Amended	OC1010	25.10.17
Position 'Manager Health' replaced by 'Principal Environmental Health Officer'		
Reaffirmed	OC0515	23.05.18
Reaffirmed	32/2019	27.03.19

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



Section 3 (See Register Volume 2)

Register of Delegations - Chief Executive Officer to other Officers

- 1 Bus Shelters – Location & Installation
- 2 Crossovers
- 3 Events on Roads / Temporary Suspension of Regulations
- 4 Road Closures – More than 4 weeks
- 5 Seed Collection
- 6 Temporary Road Closures
- 7 Timber Disposal
- 8 Payment of Creditors
- 9 Applications for Mining Tenements & Exploration Licences
- 10 Rate Book
- 12 Road & Park Names
- 13 *Activities in Thoroughfares and Public Places and Trading Local Law 2016–*
Verges, thoroughfares & roadsides
- 14 Sale of Impounded / Seized / Confiscated Vehicles. Animals or Goods
- 15 Waive or Grant Concessions
- 16 Withdraw Infringement Notices
- 17 *Extractive Industries Local Law 2016*
- 18 Approval for Transport – Over-width Grape Harvesters
- 19 *Building Act 2011*
- 20 Thoroughfares - *Local Government (Uniform Local Provisions) Regulations*
1996
- 21 *Dog Act 1976* - Withdraw Infringement Notices
- ~~22 Approval and relocation of Building Envelopes~~
- ~~23 Processing Applications for Development Approval~~
- ~~24 Responses on Appeal Against Subdivision Decisions or Conditions~~
- ~~25 Strata Subdivisions~~
- ~~26 Subdivision Clearances~~
- ~~27 Minor Modifications to Subdivision Plans, Outline Development Plans, Land Use
Plans, Development Guide Plans, Policy Plans or similar recognised plans~~
- 28 Approval of Licences
- ~~29 Subdivision and Amalgamation Applications~~
- ~~30 Minor Amendments & Advertising – Structure Plans and Local Development
Plans~~
- 31 *Graffiti Vandalism Act 2016*
- 32 Kennel approvals



Section 4

Delegations from Council to Committee

400 Powers & Duties of Audit Committee



Summary	
Delegation Number	400
Subject	Powers & Duties of Audit Committee
Relevant Legislation	<i>Local Government Act 1995 s7.1B</i>
Delegate	Shire of Capel Audit Committee

Delegation

The Shire of Capel Audit Committee is delegated the following powers and duties:

- Guide and assist Council in carrying out:
 - its financial management functions under Part 6 of the *Local Government Act 1995* (the Act);
 - functions relating to other audits; and
 - any other matters relating to financial management.
- Provide guidance and assistance to Council with regard to carrying out the functions of local government in relation to audits carried out under Part 7 of the Act.
- Develop and recommend to Council a list of those matters to be audited and the scope of the audit to be undertaken.
- Develop and recommend to Council a written agreement for the appointment of the auditor. The agreement is to include:
 - The objectives of the audit
 - The scope of the audit
 - A plan of the audit
 - Details of the remuneration and expenses to be paid to the auditor
 - The method to be used by the local government to communicate with, and supply information to the auditor.
- Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions.
- Liaise with the CEO to ensure that the local government does everything in its power to:
 - Assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*
 - Ensure that audits are conducted successfully and expeditiously.
- Prepare a report:
 - addressing any matter identified as significant by the auditor in the audit report;
 - state what action will be taken or is intended to be taken with respect to each of those matters; and
 - give a copy of that report to the Minister within 3 months of receipt of the audit report by the local government.



- Oversee the implementation of any action that Council:
 - is required to take as a result of the auditor’s report [s7.12A(3)];
 - has stated it has taken or intends to take in a report addressing issues raised in the auditor’s report [s7.12A(4)(a)];
 - has accepted should be taken following receipt of a report of a review conducted under r17(1); or
 - has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* r5(2)(c).
- Monitor and advise the CEO when the CEO is carrying out functions in relation to a review under:
 - Regulation (17(1) of the *Local Government (Audit) Regulations 1996*; and
 - The *Local Government (Financial Management) Regulations 1996* r5(2)(c).
- Review the scope of the audit plan and program, and its effectiveness
- Review the appropriateness of special internal audit assignments undertaken by internal audit undertaken at the request of Council or the CEO (or his/her nominee).
- Review the level of resources allocated to internal audit and the scope of its authority.
- Review reports of internal audits, monitor the implementation of recommendations made by the audit and review the extent to which Council and management reacts to matters raised.
- Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed.
- Address issues brought to the attention of the committee, including responding to request from Council for advice that are within the parameters of the committee’s terms of reference.
- Seek information or obtain expert advice through the CEO on matters of concern within the scope of the committee’s terms of reference following authorisation from the Council.
- Review the Annual Compliance Audit Return and make a recommendation on its adoption to Council.
- Consider the CEO’s 3 yearly reviews of the appropriateness and effectiveness of the local government’s systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee and report to the Council the results of those reviews.
- Consider the CEO’s Financial Management Systems Review conducted every 3 years on the appropriateness and effectiveness of Council’s financial management systems.



Document Control

Delegation to Committee			CEO to Employee	
Action	Minute	Date	Delegation	Date
Adopted	OC0926	28.09.05		
Reaffirmed	OC0604	26.06.13		
Reaffirmed	OC0304	19.03.14		
Amended	OC0908	23.09.15		
Reaffirmed	OC0309	23.03.16		
Reaffirmed	OC0312	22.03.17		
Reaffirmed	OC0515	23.05.18		
Amended	30/2019	27.03.19		



Section 5 (See Register Volume 2)

Authorised Officers

- A1 *Local Government Act 1995 - Fencing Repairs – Stock on Road*
- ~~A2 *Local Government (Miscellaneous Provisions) Act 1960 – Swimming Pool Inspections*~~
- A3 *Local Law - Cemeteries*
- A4 *Local Law - Thoroughfares*
- A5 *Local Law - Property*
- A6 *Local Law - Parking & Parking Facilities*
- A7 *Local Government Act 1995 - Notice Requiring Action by Owner of Land*
- A8 *Local Law - Cats*
- A9 *Shire of Capel Town Planning Scheme No 7*
- A10 *Food Act 2008 - Authorised Officers*
- A11 *Cat Act 2011 – Authorised Officers*
- A12 *Dog Act 1976 – Authorised Officers*
- A13 *Local Laws - Property – Facility Hire*
- A14 *Building Act 2011 - CEO*
- A15 *Dog Act 1976 – Registration Officers*
- A16 *Local Government Act 1995 – Authority to sell surplus items*
- A17 *Building Act 2011 – Authorised Officers*
- A18 *Tobacco Products Control Act 2006 – Restricted Investigators*
- A19 *Bush Fire Act 1954 – Firebreaks*
- A20 *Caravan Parks & Camping Grounds Act 1995 – Authorised Persons*
- A21 *Authorised Officers – Impounding goods (including vehicles)*
- A22 *Shire of Capel Waste Local Law 2016 - Authorised Officers*
- A23 *Public Health Act 2016 - Authorised Officers*
- A24 *Health (Asbestos) Regulations 1992- Approved Officers*
- A25 *Litter Act 1979*
- A26 *Control of Vehicles (Off-road Areas) Act 1978*
- A27 *Local Government Act 1995 s8.6 (Powers of entry) – Authorised Officers*
- A28 *Caravan Parks & Camping Grounds Act 1995 and Regulations 1997 (r6) – Authorised Persons*

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