



**SHIRE OF PEPPERMINT GROVE**

# **ATTACHMENTS**

**Ordinary Council Meeting**

**28<sup>th</sup> May 2024**

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## **Ordinary Council Meeting**

### **8.1.1 List of Accounts Paid**

(These will be presented at the Ordinary Council Meeting on the 28<sup>th</sup> May 2024)



## **Ordinary Council Meeting**

### **8.3.2 Financial Statements for the period ending 30<sup>th</sup> April, 2024**

(These will be presented at the Ordinary Council Meeting on the 28<sup>th</sup> May 2024)



## **Ordinary Council Meeting**

### **8.4.1 Delegations Register Review**

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Shire of  
Peppermint Grove

# DELEGATIONS REGISTER

Last Review: [June 2023](#)

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**Commented [JG1]:** Title now reflects the order that the delegations are introduced and removes ambiguity around 'planning.'

## INTRODUCTION

This document is a register of the delegations, authorisations and appointments of the Shire of Peppermint Grove. Some legislation confers powers on local governments to allow Council to delegate power to a committee of the local government, the local CEO or in limited circumstances other employees.

The purpose of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to customer service. The Register of Delegation of Authority details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council.

Section 5.42 of the Local Government Act 1995 provides for delegation:

- (1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
  - (a) this Act other than those referred to in section 5.43; or*
  - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

All delegations made by the Council must be by absolute majority decision.

The Act specifies in Section 5.43 when a local government cannot delegate:

- A local government cannot delegate to a CEO any of the following powers or duties —*
  - (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
  - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
  - (c) appointing an auditor;*
  - (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
  - (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
  - (f) borrowing money on behalf of the local government;*
  - (g) hearing or determining an objection of a kind referred to in section 9.5;*
  - (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*



Delegations Register  
May 2024

- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

The Act allows for the CEO to delegate any of his/her powers to another employee, which must be done in writing. The Act also allows for the CEO to place conditions on any delegations if he/she desires.

The Register of Delegation of Authority, being this manual, relevant to the CEO is required to be kept and reviewed at least once every financial year.


If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The aim of this delegated authority manual is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation.

## PART ONE – FUNCTION OF LOCAL GOVERNMENT

### 1.1 Appointment of Acting Chief Executive Officer

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.1	Local Government Act 1995 s. 5.36 (1)	Chief Executive Officer <b>Sub-Delegate</b> Nil	Appointment of Acting Chief Executive Officer

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#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 5.36 (1) of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint an Acting Chief Executive Officer during periods of the Chief Executive Officer's absence.

#### Conditions

1. The Chief Executive Officer will be delegated power to appoint an Acting Chief Executive Officer for periods of up to four (4) weeks;
2. The Chief Executive Officer will notify the Shire President and ~~Councillors~~Councilors of all appointments under this delegation.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

#### Sub-Delegation

Nil

**1.2 Payments from the Municipal Fund, and Trust Fund.**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.2	Local Government (Financial Management) Regulations, Regulation 12	Chief Executive Officer <del>Sub-Delegate Managers Corporate Services, Manager of Infrastructure Services</del>	Payments from the Municipal Fund, and Trust Fund.

**Delegator**

Council

**Power/Duty**

To exercise the powers and duties of the local government in accordance with Regulation 12 of the *Local Government (Financial Management) Regulations 1996* in relation to Section 6.10 of the *Local Government Act 1995*. This enables the Chief Executive Officer to make payments from the Shire's Municipal Fund, and Trust Fund.

**Conditions**

1. A list of all payments made from the Municipal Fund, and Trust Fund will be provided to Council on a monthly basis.


**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### 1.3 Appointment of Authorised Persons – Miscellaneous Provisions about Enforcement

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.3	Local Government Act 1995, s. 9.10	Chief Executive Officer <b>Sub-Delegate</b> Nil	Appointment of Authorised Persons – Miscellaneous Provisions About Enforcement.

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#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 9.10 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to perform particular functions related to Miscellaneous Provisions About Enforcement (s. 9.11 – 9.23)

#### Conditions

1. The Chief Executive Officer will issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has or is about to be affected by any exercise of authority by the authorised person.
2. The Chief Executive Officer will maintain a register of all authorised persons.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**

Nil

**Related Documents**

Dogs Local Law 2021

Dog Act 1976


Parking and [Parking](#) Facilities Local Law [2021](#)

***Subdivision 1 — Miscellaneous provisions about enforcement***

9.10. Appointment of authorised persons

- (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.
- (2) The local government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

#### 1.4 Disposal of Confiscated or Uncollected Goods

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.4	Local Government Act 1995, s. 3.47	Chief Executive Officer <b>Sub-Delegate</b> Nil	Disposal of Confiscated or Uncollected Goods

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#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 3.47 of the *Local Government Act 1995* to enable the Chief Executive Officer to dispose of confiscated or uncollected goods.

#### Conditions

1. Disposal will be subject to goods, including vehicles, watercraft, not being reported stolen.
2. A Register of all disposed goods to be maintained, including value of disposed goods.

#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

#### Sub-Delegation

Dinghies

**Related Documents**


**3.47. *Disposing of confiscated or uncollected goods***

- (1) The local government may sell or otherwise dispose of any goods that have been ordered to be confiscated under section 3.43.
- (2) The local government may sell or otherwise dispose of any vehicle that has not been collected within —
  - (a) 2 months of a notice having been given under section 3.40(3); or
  - (b) 7 days of a declaration being made under section 3.40A(4) that the vehicle is an abandoned vehicle wreck.
- (2a) The local government may sell or otherwise dispose of impounded goods that have not been collected within the period specified in subsection (2b) of —
  - (a) a notice having been given under section 3.42(1)(b) or 3.44; or
  - (b) being impounded if the local government has been unable, after making reasonable efforts to do so, to give that notice to the alleged offender.
- (2b) The period after which goods may be sold or otherwise disposed of under subsection (2a) is —
  - (a) for perishable goods — 3 days;
  - (b) for animals — 7 days;
  - (ca) for prescribed non-perishable goods — one month;
  - (c) for other non-perishable goods — 2 months.
- (3) Section 3.58 applies to the sale of goods under this section as if they were property referred to in that section.
- (4) Money received by a local government from the sale of goods under subsection (2a) is to be credited to its trust fund except to the extent required to meet the costs and expenses incurred by the local government in removing, impounding and selling the goods.
- (5) Money received by a local government from the sale of a vehicle under subsection (2) is to be credited to its trust fund except to the extent required to meet the costs referred to in section 3.46 and the expenses incurred by the local government in selling the vehicle.
- (6) Unless this section requires it to be credited to its trust fund, money received by a local government from the sale under this section of any goods is to be credited to its municipal fund.

*[Section 3.47 amended by No. 64 of 1998 s. 11; No. 49 of 2004 s. 25(4); No. 17 of 2009 s. 9.]*



## 1.5 Appointment of Authorised Persons – Certain Provisions Relating to Land

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.5	Local Government Act 1995, s. 3.24	Chief Executive Officer <b>Sub-Delegate</b> Nil	Appointment of Authorised Persons – Certain Provisions Relating to Land

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### Delegator Council

### Power/Duty

To exercise the powers and duties of the local government under Section 3.24 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to undertake activities relating to Certain Provisions Relating to Land, [s. Section 3.25 – 3.27](#).

### Conditions

1. The Chief Executive Officer will maintain a register of authorised persons.

### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**

Nil

**Related Documents**


File on Authorised officers

*Subdivision 2 — Certain provisions about land*

3.24. Authorising persons under this Subdivision

The powers given to a local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers.

**1.6 Appointment of Authorised Persons - Power to Remove or Impound Goods**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.6	Local Government Act 1995, s. 3.39	Chief Executive Officer <b>Sub-Delegate</b> Nil	Appointment of Authorised Persons - Power to Remove or Impound Goods

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**Delegator Council**

**Power/Duty**

To exercise the powers and duties of the local government under Section 3.39 of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to remove or impound goods as defined in s. 3.38.

**Conditions**

1. The Chief Executive Officer will maintain a register of authorised persons.

**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**

Nil

March 2024

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## Related Documents

Dinghies

Authorised Officers


Disposal uncollected goods etc

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### 3.39. *Power to remove and impound*

- (1) An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.
- (2) A person may use reasonable force to exercise the power given by subsection (1).

**1.7 Authorised Persons - Power to Enter Property**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.7	Local Government Act 1995, s. 3.31 (2)	Chief Executive Officer <b>Sub-Delegate</b> Nil	Authorised Persons - Power to Enter Property

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**Delegator**

Council

**Power/Duty**

To exercise the powers and duties of the local government under Section 3.31 (2) of the *Local Government Act 1995* to enable the Chief Executive Officer to appoint authorised persons to [seek and execute an entry warrant or to otherwise enter property to perform any function of the local government under the Act](#) as detailed in subdivision 3 – Powers of Entry.

Commented [JG2]: Given we do not spell out the particulars I believe we should provide a qualifier and reference land rather than property for clarity and align with the City of Perth delegation.

**Conditions**

1. The Chief Executive Officer will maintain a register of authorised persons.

**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

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**Sub-Delegation**

Nil

**Related Documents**

Authorised Officers

**26. Powers of local government**

~~Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:  
Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.  
[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]~~

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**3.31. General procedure for entering property**

- (1) Except in an emergency or if the entry is authorised by the warrant of a justice, entry by or on behalf of a local government on to any land, premises or thing is not lawful unless —
  - (a) the consent of the owner or occupier has been obtained; or
  - (b) notice has been given under section 3.32.
- (2) If notice has been given under section 3.32, a person authorised by the local government to do so may lawfully enter the land, premises or thing without the consent of the owner or occupier unless the owner or occupier or a person authorised by the owner or occupier objects to the entry.
- (3) The powers conferred on a local government under this section may be exercised instead of the powers conferred under the *Public Works Act 1902* and are not subject to any qualification or restriction by any provision of that Act.

1.8 — Appointment of Authorised Persons - Public Health Act 2016

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.8	<u>Health Act 1911, s. 26</u> <u>2016 s21</u> <u>Enforcement agency may delegate</u>	Chief Executive Officer <b>Sub-Delegate</b> <b>Manager</b> <b>Development Services</b> <b>Sub Delegates to Enforcement Officers</b>	Appointment of Authorised Persons – Health Act 2016 s17 Appointment of Environmental health officers

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**Delegator**

Council

**Power/Duty**

To exercise authority to the CEO to appoint or designate authorised officers under the provisions of Section 21 Part 2 Division 2, Section 17 of the Public Health Act 2016. An appointee may be a person employed by the Shire under the Local Government Act 1995 s5.36 or a person engaged by the Shire under a contract for services.

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**Conditions**

Nil

**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the Local Government Act 1995.

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**Review Requirements**

In accordance with the requirements of Section 5.46 of the Local Government Act 1995, at least once every financial year.

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**Sub-Delegation**

Nil

**Related Documents**

Public Health Act 2016

***26. Powers of local government***

Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:


Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

*[Section 26 amended by No. 17 of 1918 s. 5; No. 14 of 1996 s. 4.]*

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**1.9 — Enforcement of Local Laws**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.9	Local Government Act 1995, s. 3.18	Chief Executive Officer <b>Sub-Delegate</b> Nil	Enforcement of Local Laws

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**Delegator**

Council

**Power/Duty**

To exercise the powers and duties of the local government under Section 3.18 of the *Local Government Act 1995* to enforce the provisions of local laws and to otherwise exercise the powers and discharge the duties of the local government under those local laws.

**Conditions**

Nil

**Statutory Framework**

Council is exercising its power of delegation under Sections 3.18 and 5.42 of the *Local Government Act 1995*, -All powers under the Shires local laws:

[Activities in Thoroughfares and Public Places and Trading Local Law 2021](#)

[Cats Local Law 2021](#)

[Dogs Local Law 2021](#)

[Fencing Local Law 2021](#)

[Local Government Property Local Law 2021](#)

[Parking and Parking Facilities Local Law 2021](#)

[Waste Local Law 2021](#)

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**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

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**Related Documents**

[The Local Government Act 1995.](#)  
[The Local Government \(Functions and General\)](#)  
[The Local Government \(Administration Regulations 1996](#)  
[The Local Government \(Uniform Local Provisions\) Regulations 1996](#)


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**3.18. —Performing executive functions**

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.
- (2) In performing its executive functions, a local government may provide services and facilities.
- (3) A local government is to satisfy itself that services and facilities that it provides —
  - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;
  - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and
  - (c) are managed efficiently and effectively.

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**1.10\_—Authorising the Affixing of the Common Seal to Documents**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.10	Local Government Act 1995, s. 2.5 (2)	Chief Executive Officer Sub-Delegate Nil	Authorising the Affixing of the Common Seal to Documents

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**Delegator**

Council

**Power/Duty**

To exercise the powers and duties of the local government under Section 2.5 (2) of the *Local Government Act 1995* to enable the Chief Executive Officer to affix the Common Seal to certain documents.

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**Conditions**

The Chief Executive Officer will authorise the affixing of the Common Seal to a document that needs the Shire’s Common Seal to be legally effective and that is in one or more of the following categories:

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1. Documents required satisfying conditions of sub-division and/or development approval.
2. Documents required to affect the transfer of land as part of a settlement transaction (sale and purchase).
3. Documents required to secure the repayment of a loan granted by the Shire, a loan granted to the Shire by a third party and/or to secure the pre-funding of infrastructure works by the Shire.
4. Documents required to affect the grant of leasehold interests in land either by the Shire to a third party, or by a third party to the Shire.
5. Documents required to affect the grant of a licence either by the Shire to a third party, or by a third party to the Shire.
6. Documents required to affect the subdivision of land, including the strata titling of land.
7. Documents which are capable of registration and/or lodgement at Landgate (WA Land Titles office).
8. Documents that are necessary or appropriate to enable the Chief Executive Officer to carry out his functions under any written law.

9. The affixing of the Common Seal must be consistent with a Council policy or decision.
10. While the Chief Executive Officer can authorise the affixing of the Common Seal to a document as classified, it is also necessary for the document to be signed by both the Shire President and the Chief Executive Officer.

#### **Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

#### **Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.


#### **Sub-Delegation**

Nil

#### **Related Documents**

Seal Register

**1.11 — Appointment Authorised Officer Persons**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	1.11	Food Act 2008	Chief Executive Officer <b>Sub-Delegate</b> Manager, Development Services	Appointment Authorised Officer

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**Delegator**

Council

**Power/Duty**

To exercise the powers and duties of the *Food Act 2008*.

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**Conditions**

In accordance with ~~the Food Act~~ Section 118 (3) of the Food Act 2008 without limiting the Interpretation Act 1984 s.59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to:

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- (a) Any condition or limitation imposed under Section 119 on the performance by the enforcement agency of the function; and
- (b) Any guidelines that the enforcement agency is required to adopt under section Section 120 in performing the function.

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**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

**Review Requirements**

In accordance with the requirements of Section 5.46 of the *Local Government Act 1995*, at least once every financial year.

**Related Documents**

*Food Regulations 2009*

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Authorised Officer File

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*Section 118 Food Act 2008*

(3) Without limiting the Interpretation Act 1984 section 59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to —

- (a) any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function; and
- (b) any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.

Division 2 — Functions of enforcement agencies

118. Functions of enforcement agencies and delegation

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- (1) An enforcement agency has the functions in relation to the administration of this Act that are conferred or imposed on the agency by or under this Act or are delegated to the agency under this Act.
- (2) A function conferred or imposed on an enforcement agency may be delegated —
  - (a) if the enforcement agency is the CEO — in accordance with section 117; or
  - (b) if the enforcement agency is a local government or a person or body, or a person or body within a class of persons or bodies, prescribed by the regulations — subject to subsections (3) and (4), in accordance with the regulations.
- (3) Without limiting the *Interpretation Act 1984* section 59, the performance by a delegate of an enforcement agency of a function delegated under subsection (2)(b) is subject to —
  - (a) any condition or limitation imposed under section 119 on the performance by the enforcement agency of the function; and
  - (b) any guidelines that the enforcement agency is required to adopt under section 120 in performing the function.
- (4) If —
  - (a) regulations referred to in subsection (2)(b) expressly authorise a delegated function of an enforcement agency to be further delegated; and
  - (b) the delegated function is further delegated to a person or body in accordance with those regulations,


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subsection (3) applies to the performance by the person or body of that function as if the function were performed and delegated as described in that subsection.

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**PART TWO – FINANCIAL MANAGEMENT**

**2.1 Investment of Surplus Funds**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.1	Local Government Act 1995, s. 6.14	Chief Executive Officer  <b>Sub-Delegate</b> Manager, Corporate & Community Services	INVESTMENT OF SURPLUS FUNDS

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**Delegator**

Council

**Power/Duty**

To exercise the powers and duties of the local government under Section 6.14 of the *Local Government Act 1996* to enable to Chief Executive Officer to invest surplus funds.

**Conditions**

1. Funds to be invested in accordance with Policy F2 – Investment of Surplus Funds, Chief Executive Officer has:

1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose (s6.14(1)).
2. Authority to establish and document internal control procedures to be followed in the investment and management of investments (FM r 19).
  - a) All investment activity must comply with the Financial Management Regulation 19C.
  - b) A report detailing the investment portfolio’s performance, exposures and changes since the last report, is to be provided as part of the Monthly Financial Reports.
  - c) Procedures are to be systematically documented and retained in accordance with the Record Keeping plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.

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Delegations Register  
May 2024

- d) Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years (Audit r.17)

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**Statutory Framework**

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996: r.19 Investments, control procedures*.

**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

## 2.2 Agreement as to Payment of Rates and Service Charges

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.2	Section 6.49 of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b>  Manager Corporate and Community Services	AGREEMENT AS TO PAYMENT OF RATES AND SERVICE CHARGES

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### Delegator

Council

### Power/Duty

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person for payment of rates and service charges.

### Conditions

Subject to the arrangements agreed to being on the basis that the total debt outstanding will be extinguished by the next following 30 June.

### Statutory Framework

The Chief Executive Officer is delegated the power to make an agreement with a person for payment of rates and service charges, subject to [Section 6.49 Local Government Act 1995](#).


### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Sub-Delegation

Manager of Corporate & Community Services

**2.3 Authority to Write Off Monies (Not Rates or Service Charges)**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.3	Section 6.12 (1)(c) of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b> Nil	AUTHORITY TO WRITE OFF MONIES (NOT RATES OR SERVICE CHARGES)

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**Delegator**

Council

**Power/Duty**

Authority to write off money including fines and penalties that is owed to the local government.

**Conditions**

1. The Chief Executive Officer is authorised to exercise this delegation subject to the maximum amount of any write off being \$500.
2. This delegation includes the write off of fines and penalties that have been imposed by the court that are considered unrecoverable.
3. The Chief Executive Officer shall report to the Audit, Risk and Governance Committee at least six monthly on the exercise of this delegation

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**Statutory Framework**

The Chief Executive Officer is delegated the power to write off any amount of money owed to the Shire, other than an amount of money owing in respect of rates and service charges.


**Review Requirements**

In accordance with the requirements of Section ~~5.46 (1)~~ 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

**Sub-Delegation**

Nil

## 2.4 Authority to Write Off Rates and Service Charges

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.4	Section 6.12 (1)(c) and (2) of <i>Local Government Act</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer	AUTHORITY TO WRITE OFF RATES OR SERVICE CHARGES

### Delegator

Council

### Power/Duty

Authority to write off rates or service charges owed to the local government.

### Conditions

1. The Chief Executive Officer is authorised to exercise this delegation subject to the maximum amount of any write off being \$200.
2. The Chief Executive Officer shall report to the Audit and Risk Management Committee Council at least six monthly on the exercise of this delegation

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### Statutory Framework

The Chief Executive Officer is delegated the power to write off rates or service charges owed to the Shire.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.


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### Sub-Delegation

Nil

## 2.4 Authority to Write Off Rates and Service Charges

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	2.5	Section 6.56 of <i>Local Government Act 1995</i> / Section 5.42 of the <i>Local Government Act 1995</i>	Chief Executive Officer <b>Sub-Delegate</b> <b>Manager of Corporate &amp; Community Services</b>	RATES OR SERVICE CHARGES RECOVERABLE IN COURT

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### Delegator

Council

### Power/Duty

If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the cost of proceedings, if any, for that recovery in a court of competent jurisdiction. Rates or service charges due by the same person to the local government may be included in one writ, summons or other process.

### Conditions

Nil

### Statutory Framework

Power to recover a rate or service charge, as well as the cost of proceedings, if any, for that recovery in a court of competent jurisdiction. Power to include in one writ the rates or service charges due by the same person to the local government.

### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

### Sub-Delegation

**Manager of Corporate & Community Services**

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**PART THREE – PLANNING AND BUILDING AND TOWN PLANNING**

**3.1 Building Permits, Demolition Permits, Occupancy Permits, Building Approval Certificates and Building Orders**

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.1	Building Act 2011 – Section 20 & 22 Division 2 of Part 2 Divisions 1 & 2 of Part 4 Division 5 of Part 8	Chief Executive Officer <b>Sub-Delegate</b> <b>Manager</b> <b>Development Services</b>	BUILDING ACT 2011 – BUILDING PERMITS, DEMOLITION PERMITS, OCCUPANCY PERMITS, BUILDING APPROVAL CERTIFICATES AND BUILDING ORDERS

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**Delegator**

Council.

**Power/Duty**

Approve or refuse building permit applications, demolition permit applications, occupancy permits (including extension of permit), building approval certificates (including extension of certificate), building approval certificates (strata), and to make, serve and revoke building orders.

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**Conditions**

CEO to advise ~~Elected Members~~ **selected members** when a building application is refused, or a building order issued.

**Statutory Framework**

To exercise the powers and duties of the local government under Section 127 of the *Building Act 2011* and to administer ~~Sections~~ **sections** 20, 21, 22, 58, 65, 110, 114 and 117 of the Building Act 2011 to enable the Chief Executive Officer the power to impose conditions and sign/issue or refuse building permit applications and demolition permit applications, occupancy permit (including extension of permit), building approval certificate (including extension of certificate), make, issue and revoke building orders.

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**Review Requirements**

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.


**Sub-Delegation**

~~Manager Development Services~~

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### 3.2 Building Licence Approvals Variation

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.2	Building Act 2011 – Section 127	Chief Executive Officer <del>Sub-Delegate</del> Manager Development Services	BUILDING LICENCE APPROVALS VARIATION

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#### Delegator

Council

#### Power/Duty

To exercise the powers and duties of the local government under Section 127 of the *Building Act 2011* and to administer sections 20, 21, 22, 58, 65, 110 and 117 of the Building Act 2011 to enable the Manager Development Services to approve Building Licenses.

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#### Conditions

1. ~~The Chief Executive Officer be authorised to approve building plans that have minor variations to the plans approved by Council during the dDevelopment aApplication process. Minor variations are those which do not increase theadversely impact on-the streetscape, or adversely impact the visual privacy or solar access overlooking or overshadowing of neighbouring properties.~~
2. ~~The Chief Executive Officer to provide Elected Membersselected members with a monthly list of all approved Building Licenses, including any minor variations via the monthly Matters for Information report in the OCM Agenda.~~

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#### Statutory Framework

Council is exercising its power of delegation under Section 5.42 of the *Local Government Act 1995*.

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#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.



**Sub-Delegation**

Nil

**Related Documents**

Shire of Peppermint Grove [Town-Local](#) Planning Scheme No.4  
Residential Design Codes [of Western Australia](#)  
[Building Act 2011](#)  
[Building Regulations 2012](#)  
Building Code of Australia  
Refer to Register Building Licenses Register

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***Building Act 2011***

***Plans of Buildings to be approved by local government***

127. Delegation: special permit authorities and local government

- (1) A special permit authority or a local government may delegate any of its powers or duties as a permit authority under another provision on this Act.
- (2) A delegation of a special permit authority's powers or duties may be only to an employee of the special permit authority or to an employee of one of the legal entities that comprise the special permit authority.
- (3) A delegation of a local government's powers or duties may be only to a person employed by the local government under the Local Government Act 1995 section 5.36.
- (4) The delegation must be in writing executed by or on behalf of the special permit authority or by the local government.
- (5) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (6) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (7) Nothing in this section limits the ability of the permit authority to perform a function through an officer or agent.

### 3.3 Enforcement and Legal Proceedings (Swimming Pools)

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.3	Sec. 70 of <i>Building Regulations 2012</i> Sec 133 of <i>Building Act 2011</i>	Chief Executive Officer <b>Sub-Delegate</b> <b>Manager</b> <b>Development</b> <b>Services</b>	ENFORCEMENT AND LEGAL PROCEEDINGS (SWIMMING POOLS)

#### Delegator

Council

#### Power/Duty

Implement enforcement and legal proceeding matters under the *Building Act 2011*, Part 8; and *Building Regulations 2012* Part 10 to enforce the requirements of the *Building Regulations 2012* to require property owners to ensure that all private swimming and spa pools have a compliant barrier installed that restricts access by young children to the pool and its immediate surrounds.

#### Statutory Framework

Delegated authority to enforce the requirements of the *Building Regulations 2012* (Reg 50) to require property owner the to require property owners to ensure that all private swimming and spa pools have a compliant barrier installed that restricts access by young children to the pool and the immediate surrounds.


#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

#### Sub-Delegation

**Manager Development Services**

### 3.4—Development and Subdivision Applications

	Delegation #	Legislative Ref	Delegate	Delegation Subject
	3.4	<i>Planning and Development Act 2005 – Part 13</i>	Chief Executive Officer	PLANNING AND DEVELOPMENT APPLICATION
		<i>Planning and Development (Local Planning Scheme) Regulations 2015 – Schedule 2, Part 10, Clause 82</i>	<b>Sub-Delegate</b> Manager Development Services	

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#### Delegator

Council

#### Power/Duty

Authority to exercise all powers and discharge all duties under the Deemed Provisions (Schedule 2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Local Planning Scheme No. 4 and Local Planning Policies, and.

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#### Conditions

1. ~~Any development application is to be referred to Council for determination if one or more Elected Member requests such referral by written request in writing~~ to the Chief Executive Officer;
2. ~~Any development application or amendment to a development application~~ shall be referred to Council for determination if requested by the ~~applicant-proponent~~ in writing;
3. ~~The Chief Executive Officer is to report to the Council on a monthly basis where the exercise of powers and functions related to this delegation has been undertaken; and~~
4. ~~The Chief Executive Officer is to only sub-delegate to the Manager Development Services;~~
5. The development is not a prescribed single house development for which the development approval function must be performed on or behalf of the local government by the local government CEO or an authorised employee.

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#### Statutory Framework

Delegated authority to approve, ~~approve with conditions, including applications for change of use development applications and,~~ retrospective ~~planning development~~ applications, ~~and to determine~~ amendments ~~to approved plans subject to the development applications, and undertake administrative actions pertaining to subdivision applications limited to the~~ guidelines stipulated under this delegation.

**Guidelines**

1) ~~1)~~ Approve development applications and ~~determine~~ amendments to development applications ~~not otherwise exempt under Clause 61 of the Deemed Provisions for a single house, residential building, ancillary dwelling, –grouped dwelling, multiple dwelling. or any associated ancillary or incidental development and other structures requiring a planning application, roofing materials, front boundary fences, retaining walls and earthworks) that:~~

a) ~~Satisfy the provisions of the local planning policy framework, and deemed to comply requirements or acceptable outcomes contained in the Residential Design Codes; or~~

b) ~~Are assessed to comply with a) above and upon assessment all proposed variations demonstrates compliance with the corresponding design principles or element objectives contained in the Residential Design Codes; and~~

ea) ~~After Upon the conclusion of consultation the proposal has been referred for invited comment and where no valid objection(s) have been received from the affected landowner(s); and~~

db) Where the ~~existing~~ place is in the Shire Heritage List adopted under ~~C~~elause 8 of the Deemed Provisions or is subject to a Notice to ~~list~~List, ~~and that process is current~~, the development must not:

- i. Alter the original fabric of the place, or
- ii. Must be accompanied by a Heritage Impact Statement confirming that the original fabric of the place will not be significantly altered or adversely impacted.

2) ~~2)~~ Approve ~~development applications and amendments to development applications~~applications for non-residential development that:

a) ~~a)~~ Is a 'P', 'I' or 'D' use in the zoning table;

b) ~~Satisfies the provisions of Part 4 – General Development Requirements and Schedule 1 – Parking Standards contained in the Local Planning Scheme No. 4.~~

c) ~~Upon the conclusion of consultation no valid objection(s) have been received; and~~

d) ~~Where the place is in the Shire Heritage List adopted under Clause 8 of the Deemed Provisions or is subject to a Notice to List, the development must not alter the original fabric of the place, or be accompanied by a Heritage Impact~~

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**Commented [JG7]:** The new consultation policy will likely result in objections being received from parties other than neighbours.

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**Commented [JG8]:** The new consultation policy will likely result in objections being received from parties other than neighbours.

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Statement confirming that the original fabric of the place will not be significantly altered.

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Satisfies all local planning policy framework requirements; and

c) If advertised to affected parties, no objections of a substantive nature have been received.

3) Approve applications that seek to approve an extension to an expired or expiring development approval provided the local planning policy framework has not changed in that time or the matters in guideline 1) or 2) have been satisfied.

3) Approve development applications and amendments to development applications for a home business that:

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a) Upon the conclusion of consultation no valid objection(s) have been received.

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4) Approve applications that seek to amend an existing development approval provided the limitations in guideline 1) or 2) have been satisfied.

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5) Check and clear all conditions on planning approvals (development and subdivision), except those requiring specific referral back to Council for clearance approval.

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6) Approve applications for a home business or home occupation where no valid objections have been received from affected adjoining landowners and where the proposal is consistent with LPS 4.

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4) Respond to consultation for subdivision applications undertaken in accordance with Section 142 of the Planning and Development Act 2005 and clear local government subdivision conditions.

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Commented [JG10]: Un-necessary these conditions must be satisfied to the satisfaction of the CEO

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- 7) Approve retrospective applications in accordance with ~~clause~~ Clause 65 of the Deemed Provisions (~~Planning and Development – Local Planning Schemes – Regulations 2015 Schedule 2~~) and provided the limitations in guideline 1) or 2) have been satisfied.
- 8) Provide ~~written~~ advice or recommendations ~~to~~ determining authorities (e.g. ~~DAP, SMDAP, WAPC, Development WA, SAT or the Minister~~) on a development or subdivision application provided the advice is consistent with local planning policy, the LPS 4 and Residential Design Codes.
- 9) Provide written advice to state government agencies and representative organisations (e.g. ~~Department of Transport~~ DoT, MRWA, DPLH, ~~Department of Commerce and Energy~~ DMIRS, SWALSC) in response to requests for feedback on policy formation or related administrative matters.
- 10) Provide a partial refund of planning fees where an application is withdrawn in writing prior to determination and the fee received is not reflective of the work undertaken.

**Commented [JG11]:** This should not be in here, but in a governance section, the partial refund of fees should not be linked to delegated decisions.

#### Notification

Where the Chief Executive Officer has received matters which may be dealt with under this delegation, a list of matter ~~s~~ (s) pending action shall be circulated to Elected Members ~~on a weekly or less frequency, so as to provide~~ providing a minimum period of **72 hours** within which that matter may be

'called-in' ~~by any one member without a declarable interest~~ for consideration by Council; ~~such that a call in request shall be requested by one member without a declarable interest in that matter.~~

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#### Review Requirements

In accordance with the requirements of Section 5.46 (1) of the *Local Government Act 1995*, at least once every financial year.

#### Sub-Delegation

~~Manager Development Services~~



## Ordinary Council Meeting

### 8.4.2 Matters for Information and Noting

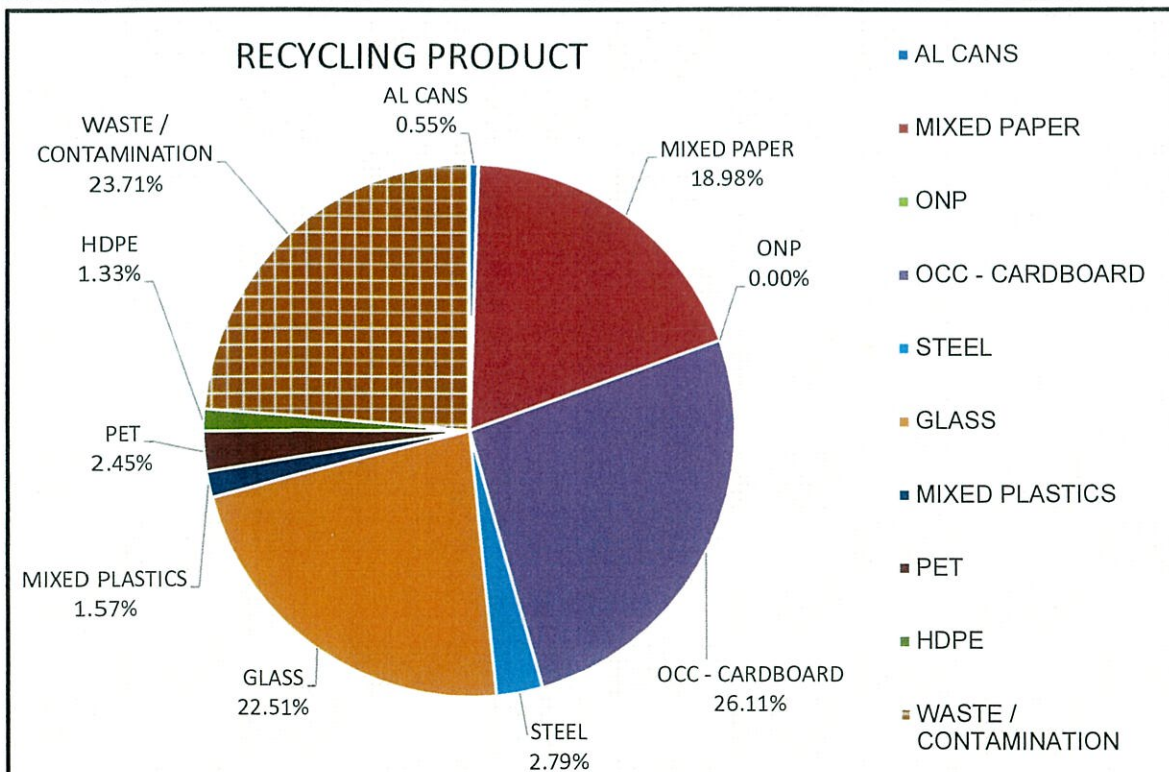
- Planning Approvals
- Infringements
- Library Statistics
- Recycling

# Recycling Recovery



March 2023

PRODUCT	Product - Percentage	Product - Tonnes
AL CANS	0.55	0.06
MIXED PAPER	18.98	2.20
ONP	0.00	0.00
OCC - CARDBOARD	26.11	3.02
STEEL	2.79	0.32
GLASS	22.51	2.61
MIXED PLASTICS	1.57	0.18
PET	2.45	0.28
HDPE	1.33	0.15
<b>TOTAL RECOVERED</b>	<b>76.29</b>	<b>8.83</b>
WASTE / CONTAMINATION	23.71	2.75
<b>MONTHLY TOTAL</b>	<b>100.00</b>	<b>11.58</b>





## Matters for Information and Noting

### Building Permits Issued April 2024

Application Number	Location	Description	Decision
BA2023/00026	37 Leake Street	Boundary Wall/Fence	Approved
BA2023/00040	37 Leake Street	Boundary Wall/Fence	Approved
BA2024/00006	16 View Street	Alterations and Additions to a Single House, Swimming Pool and Ancillary Works	Approved
BA2024/00008	30R Leake Street	Patio	Approved
BA2024/00010	39R Johnston Street	Pergola and Patio	Approved
BA2024/00011	50 Irvine Street	Partial Demolition of Single House, Garage, Outbuilding, Swimming Pool and Retaining Walls	Approved
BA2024/00012	20 Bay View Terrace	Internal Alterations to a Single House	Approved
BA2024/00013	460 Stirling Highway	Occupancy Permit Medical Practice	Approved

### Development Applications Determined April 2024

Application Number	Location	Description	Discretion Sought	Decision
DA2023/00035	24 Johnston Street	Amendment to previous Development Approval Condition	Shire Public Tree Management Strategy 2022, Local Planning Policy 1, R-Codes 5.2.5 Sightlines	Officer Refused

### Infringements April 2024

Breach	Amount
None	N/A

### Library Statistics April 2024

Library Statistics	April 2024	April 2023	April 2022
Loans	20,435	18,485	18,361
New Borrowers	269	203	195