



**Shire of Derby /
West Kimberley**

MINUTES

Ordinary Council Meeting Thursday, 26 May 2022

Date: Thursday, 26 May 2022

Time: 5:30pm

**Location: Council Chambers
Clarendon Street
Derby**



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**MINUTES OF SHIRE OF DERBY / WEST KIMBERLEY
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CLARENDON STREET, DERBY
ON THURSDAY, 26 MAY 2022 AT 5:30PM**

- PRESENT:** Cr Geoff Haerewa (Shire President), Cr Peter McCumstie (Deputy Shire President), Cr Paul White, Cr Andrew Twaddle, Cr Rowena Mouda, Cr Pat Riley (via videoconference), Cr Keith Bedford, Cr Linda Evans and Cr Geoff Davis
- IN ATTENDANCE:** Amanda Dexter (Chief Executive Officer), Wayne Neate (Director Technical and Development Services), Neil Hartley (Director of Strategic Business), Alan Thornton (Acting Director of Corporate Services), Christie Mildenhall (Acting Director of Community Services), Sarah Smith (Executive Services Coordinator), Colleen Boldison (Administration Officer Exec, Tech and Development Services) and Dean Wyber (Manager of Assets and Projects).
- VISITORS:** Nil
- GALLERY:** Terri Buckley and Peter Jackson.
- APOLOGIES:** Nil
- APPROVED LEAVE OF ABSENCE:** Nil
- ABSENT:** Nil

1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS

The meeting was opened at 5:36pm by Geoff Haerewa – Shire President.

2 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

- Cr Geoff Davis;
- Cr Pat Riley; and
- Neil Hartley (Director of Strategic Business).

NOTE: His Excellency the Governor, in Executive Council, has approved regulations (Gazetted 25 March 2020) to allow all Western Australian local government councils to hold meetings electronically during a public health emergency or a state of emergency. This can be via teleconference, video conference or other electronic means. The Shire of Derby/West Kimberley will provide this option for Councillors until further notice, or the COVID-19 state of emergency provision is modified accordingly.

3 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

3.1 Declaration of Financial Interests

- Nil.

3.2 Declaration of Proximity Interests

- Nil.

3.3 Declaration of Impartiality Interests

- Nil.

4 APPLICATIONS FOR LEAVE OF ABSENCE

LEAVE OF ABSENCE

RESOLUTION 58/22

Moved: Cr Peter McCumstie

Seconded: Cr Keith Bedford

That the Leave of Absence received from Cr Rowena Mouda for the Ordinary Council Meeting on 30 June 2022 be accepted and leave of absence granted.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

5 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6 PUBLIC TIME

6.1 Public Question Time

- Nil.

6.2 Public Statements

- Nil.

7 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

- Nil.

8 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

- Cr Geoff Haerewa would like to advise Councillors that Marine Produce Australia (MPA) has now signed their lease with the Shire of Derby/West Kimberley.

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**RESOLUTION 59/22**

Moved: Cr Peter McCumstie

Seconded: Cr Paul White

That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 28 April 2022 be CONFIRMED as an accurate record of its proceedings, subject to noting in regard to item 14.1, that the property owner of 36 and 38 Marmion Street, and 11 McGovern Way, Derby has advised that improvements have been made to his properties at since the photos attached to the report were taken in late 2021.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

10 RECOMMENDATIONS AND REPORTS OF COMMITTEES

10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 19 MAY 2022

File Number: 4110

Author: Sarah Smith, Executive Services Coordinator

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

For Council to receive the minutes of the Audit Committee Meeting held on 19 May 2022.

ATTACHMENTS

1. Minutes of the Audit Committee Meeting held on 19 May 2022

RESOLUTION 60/22

Moved: Cr Andrew Twaddle

Seconded: Cr Rowena Mouda

THAT COUNCIL:

- 1. Receive the Minutes of the Audit Committee Meeting held on 19 May 2022 and the recommendations therein be adopted.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

COMMITTEE RESOLUTION AC42/22

Moved: Cr Geoff Haerewa

Seconded: Cr Peter McCumstie

That the Audit Committee:

- 1. Note the information provided by the auditor (Office of the Auditor General representative and audit firm representative) both verbally at the exit interview and in documents presented.**
- 2. Report to Council on issues or concerns arising from the Exit Interview, Audit Report, Management Letter and draft Annual Financial Report, if appropriate.**
 - (i) Recommend that Council accepts the Annual Financial Report 2020/21 and Management Letter, subject to there being no significant changes between what is presented to this meeting and the finalised report and letter.**

In Favour: Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle

Against: Nil

CARRIED 5/0

COMMITTEE RESOLUTION AC43/22**Moved: Cr Geoff Haerewa****Seconded: Cr Peter McCumstie****That the Audit Committee recommends Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 30th April 2022.****In Favour: Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle****Against: Nil****CARRIED 5/0****COMMITTEE RESOLUTION AC44/22****Moved: Cr Peter McCumstie****Seconded: Cr Geoff Haerewa****That the Audit Committee recommends that Council notes the list of accounts for April 2022 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$1,406,723.82.****In Favour: Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle****Against: Nil****CARRIED 5/0****COMMITTEE RESOLUTION AC48/22****Moved: Cr Geoff Haerewa****Seconded: Cr Peter McCumstie****That the Audit Committee:****Recommends that Council receives the information contained in the report detailing Sundry Debtors as at 30 April 2022.****In Favour: Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle****Against: Nil****CARRIED 5/0 BY ABSOLUTE MAJORITY****COMMITTEE RESOLUTION AC49/22****Moved: Cr Geoff Haerewa****Seconded: Cr Peter McCumstie****That the Audit Committee recommends that Council:**

- 1. Receives the report on outstanding rate and service charge debt by financial year to the end of April 2022.**

In Favour: Crs Geoff Haerewa, Keith Bedford, Peter McCumstie, Pat Riley and Andrew Twaddle**Against: Nil**

CARRIED 5/0

REPORTS

11 EXECUTIVE SERVICES

11.1 DELEGATION OF AUTHORITY REGISTER - ANNUAL REVIEW

File Number: 0150

Author: Neil Hartley, Strategic Business Manager

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

An annual review of the Council's delegations is required to be undertaken and Council is asked to endorse the new/reviewed Delegation of Authority Register.

The current Shire Delegation of Authority Register closely follows the WALGA Model. It was last reviewed by Council on 27 May 2021. This review has been undertaken with the view to meeting the Local Government Act requirement of an annual review, and to maintain the delegations in a contemporary format. Other than continuing to refine the document's completeness/presentation, no changes to the extent of any delegations are suggested.

DISCLOSURE OF ANY INTEREST

Nil applicable.

BACKGROUND

Notwithstanding the common use of the well understood term "Council" in the Local Government Act, and that delegations are decisions made on Council's behalf, convention is that where there is a "discretionary power" or duty assigned to the "Local Government" in the Local Government Act or in a local law, the power or duty must (in many circumstances at least) be delegated to convey the authority to make decisions.

Delegations therefore facilitate the Chief Executive Officer (and appropriate staff) making decisions on behalf of Council/Local Government. This allows for the more efficient operation of the Shire and improves the level of services that the Shire is able to offer residents.

The Delegated Authority Register contains all such delegations made to the Chief Executive Officer, plus where the Chief Executive Officer has then "on-delegated" to other staff. In some circumstances delegations can go directly to a specific officer and not the CEO, like delegations under the Public Health Act. The Register also contains any limits on the types of decisions that can be made under the delegation, or conditions that might be applied, but importantly, it doesn't set out what decision must be made (although this parameter can in some circumstances be contained in an aligned policy if required by Council).

The Delegated Authority Register must be reviewed at least once every financial year. The Register was last reviewed by Council at its 27 May 2021 Ordinary Council Meeting.

WALGA has provided input and feedback to the industry generally on delegations. This is a subscriber service and assists greatly in ensuring that not only is compliance achieved with the review, but industry best practice is followed. WALGA has produced a Model Delegation register with over 100 possible delegations within it from which local governments can choose which of

those best suit their specific needs. Other than those model delegations that are not relevant to this district, and the following three, namely (1) *Panels of Pre-Qualified Suppliers for Goods and Services* (because we don't have any); (2) *Disposing of Property* (because it is felt this is best decided by Council); and (3) *Audit and Risk Committee* (because all Committee recommendations are referred to Council) all other model delegations have been included in the proposed new Shire of Derby/West Kimberley Register of Delegations.

As legislation changes, that also often translates to the need to modify delegations. There have however, been no changes required due to legislation modifications on this occasion.

Noting that a major review was conducted just 12 months ago, there are no officer suggested modifications.

STATUTORY ENVIRONMENT

The Local Government Act regulates the ability of a local government to delegate the exercise of its powers or discharge its duties under the Act.

Local Government Act 1995 S 5.42. Delegation of some powers and duties to CEO

A local government may delegate to the CEO (absolute majority required) the exercise of any of its powers or the discharge of any of its duties under (subject to limitations). Delegations are to be in writing and may be general or as otherwise provided in the instrument of delegation.

Local Government Act 1995 s. 5.43. Limits on delegations to CEO

There are a range of activities that the Shire cannot delegate to a CEO, like; any power or duty that requires a decision of an absolute majority of the Council; appointing an auditor; or borrowing money on behalf of the Shire.

Local Government Act 1995 s. 5.44. CEO may delegate powers and duties to other employees

A CEO may delegate to any employee of the Shire, any of the CEO's delegations (other than the power of delegation).

Local Government Act 1995 s. 5.46. Register of, and records relevant to, delegations to CEO and employees

A register of the delegations made is to be kept, as are records of the exercise of those delegations, and at least once every financial year, delegations are to be reviewed by the delegator.

Local Government Act 1995 s.9.4 Advice of objection and review rights

Any decision which has the effect of granting, renewing, varying or cancelling a permission or authorisation under the Local Government Act or a Local Law is a decision is 'quasi-judicial' and subject to objection and appeal rights (and can be referred to the State Administration Tribunal).

Other Acts

A variety of other specific acts also provide a capacity to delegate specific functions to either to the Chief Executive Officer, or directly to an alternative professional officer, like:

- Building Act 2011;
- Bush Fires Act 1954;
- Cat Act 2011;
- Dog Act 1976;
- Food Act 2008;

Public Health Act 2016 and
 Planning & Development Act 2005.

POLICY IMPLICATIONS

Some Delegations are linked to some of the Policies and changes to either can require complimentary modifications to occur.

There was one conflict noticed as part of the review (between Delegation 1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land; and Policy F5 Sundry Debtors Collection) but it was the policy that needed to be altered, not the delegation. Council modified this policy at its 28 April Meeting.

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer’s recommendation.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance: Not completing the review prior to 30 June annually results in a non-compliance on the Annual Compliance Return.	Unlikely	Moderate	Medium	Ensure that the annual review is undertaken and considered by Council.

CONSULTATION

Utilisation of the Western Australian Local Government Association Delegations Model.

No community consultation is required.

COMMENT

This review needs to be completed prior to 30 June 2020 to ensure that a non-compliance is avoided.

The Shire utilises the WALGA Delegation Model, which provides a good range of delegations to select from. The WALGA Model can be relied upon to be well researched and well configured, and it also has the benefit of providing consistency of approach across most of Western Australia’s local governments.

Other than continuing to refine the document's completeness and its presentation and update it to ensure it is contemporary (as highlighted in the attached document), no changes to the extent of any delegations are suggested.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. Delegations of Authority Register (Review draft)  

RESOLUTION 61/22

Moved: Cr Peter McCumstie

Seconded: Cr Linda Evans

That Council:

1. Notes that the review of the Shire's delegations has been completed and requires the next review to be reported to Council by 30 June 2023; and
2. Endorses the attached Shire of Derby/West Kimberley Delegations of Authority Register, noting that no changes are required on this occasion.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0 BY ABSOLUTE MAJORITY



Shire of Derby / West Kimberley

Delegated Authority Register

Version 2.0

 www.sdwk.wa.gov.au

Shire of Derby / West Kimberley

REVIEW

Reviewed by	Date approved	References
Council	27 May 2021	Item No. 11.1, Resolution No. 56/21
Council	26 May 2022	Item No. xx, Resolution No. xx/22

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INTRODUCTION

Introduction

The purpose of delegations 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 a strong customer service focus.

The Delegation Register describes the function being delegated, and details the head of power for each delegation, including legislation and Council policies, to enable cross-referencing. The Register will be reviewed on an annual basis in accordance with the Local Government Act 1995. The coordination of the review will be performed by the Chief Executive Officer. All Executive Managers will provide a report to the CEO before 31 March each year with recommendations for any delegation changes. Unless deemed urgent, changes to the register will only occur at the annual review.

Where listed, some of these functions are sub-delegated by the Chief Executive Officer to Shire employees.

Apart from the Local Government Act 1995, its' regulations and the Shire of Derby West/Kimberley local laws created under the Act, a number of other pieces of legislation also provide for the delegation of authority by the Council.

Background to Delegations and Authorisations

Delegations and authorisations are the means by which decision making bodies can access the power to undertake certain statutory functions.

A delegation is the conferral of the ability to exercise a power or duty under legislation to a person or committee from a local authority that is vested with the responsibility to exercise that power or duty.

An authorisation is the designation of an officer as a person that is capable of exercising a statutory power or duty.

When a person exercises delegated authority they do so "on behalf" of the delegator and in doing so the person exercising delegated authority makes the decision "on behalf" of the delegator.

An authorised person exercises a statutory function in their own right.

The Western Australian local government statutory regime also provides for the Council and CEO to "act through" other officers to achieve statutory functions. "Acting through" in this manner is not the exercise of delegated authority or an authorised power and must be handled differently.

The Department of Local Government and Communities provides a guideline on delegation to local governments in Western Australia. (Local Government Guideline No. 17 – Delegations).

The Concept of "Acting Through"

(Extract from Local Government Guideline No. 17 – Delegations)

In addition to covering delegations, the Local Government Act 1995 introduces the concept of "acting through". Section 5.45 of the Act states that in relation to delegations, nothing prevents a "local government from performing any of its functions by acting through a person other than the CEO" or "a CEO from performing any of his or her functions by acting through another person".

The Act does not specifically define the meaning of the term "acting through". However, the key difference between a delegation and "acting through" is that a delegate exercises the delegated decision making function in his or her own right. The principle issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority."

Determining What Should be Delegated

(Extracts from Local Government Guideline No. 17 – Delegations)

A decision to delegate a power or duty should be made by local governments only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore depend on the particular circumstances of each local government.

The principal consideration for a local government when deciding if it should delegate a power or duty, is whether the delegation will improve the efficiency of the local government's operations whilst ensuring that its policies are consistently implemented.

Standard Conditions of Delegations

All delegations are subject to the following Standard Conditions:

1. In exercising delegation any and all Officers or Committees to whom authority has been delegated shall comply with any and all laws and regulations in force in Western Australia; and the requirements of any and all local laws and policies of the Shire of Derby West Kimberley.
2. In exercising delegation any and all Officers or Committees to whom authority has been delegated shall exercise the delegation in accordance with any budget authority where applicable.
3. Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident.
4. It is a statutory requirement to maintain a record of each decision made under delegated authority. Documents relating to delegated authority decisions shall as a minimum, record:
 - a. Date the decision was exercised;
 - b. Name of the officer/committee exercising the decision;
 - c. Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in policies, corporate guidelines or the delegation register;
 - d. Notation of the people or class of people directly affected by the decision (other than Council or committee members or employees of the Shire).
5. The requirements of point 4 shall be incorporated into the Shire record system (Synergy).

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6. A person to whom a power is delegated is considered to be a 'designated employee' under s.5.74(b) of the Local Government Act 1995 and is required to complete a Primary Return when commencing in the position and an Annual Return for each financial year thereafter.

Delegation registers are stored on Synergy File [4120](#).

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DELEGATIONS

1.0 LOCAL GOVERNMENT ACT 1995 DELEGATIONS

1.1 Council to CEO (and Shire President)

Delegation	1.1.1 Performing Functions Outside the District
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district.
Function	Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
Delegates	Chief Executive Officer
Conditions	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New Delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.2 Compensation - Damage Incurred when Performing Executive Functions
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.22(1) Compensation; and s.3.23 Arbitration.
Function	<ol style="list-style-type: none"> In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> Delegation is limited to settlements which do not exceed a material value of \$2,000. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New Delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.3 Powers of Entry to Perform Local Government Functions
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.28 When this Subdivision applies; s.3.32 Notice of entry; s.3.33 Entry under warrant; s.3.34 Entry in an emergency; and s.3.36 Opening fences.
Function	<ol style="list-style-type: none"> 1. Authority to exercise powers of enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36].
Delegates	Chief Executive Officer
Conditions	<p>a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.</p> <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995: s.9.10 Appointment of authorised persons – refer also s.3.32(2)); Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry; and s.3.34(2) Entry in an emergency – Refer to CEO Delegation.</p> <p>Local Laws: <ul style="list-style-type: none"> • Local Government Property; and • Activities on Thoroughfares and Trading in Thoroughfares and Public Places. </p>
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.4 Declare Vehicle is Abandoned Vehicle Wreck
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.40A(4) Abandoned vehicle wreck may be taken.
Function	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	Chief Executive Officer
Conditions	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.1.5 Confiscated or Uncollected Goods (Disposing of) or alternatively, referred for Council decision. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.5 Confiscated or Uncollected Goods (Disposing of)
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.46 Goods May be withheld until costs paid; s.3.47 Confiscated or uncollected goods, disposal of; and s.3.48 Impounding expenses, recovery of.
Function	<ol style="list-style-type: none"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]. 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation. The delegate that authorised the confiscation must not be party to any disposal determination under this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995: Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.6 Disposal of Sick or Injured Animals
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of; and s.3.48 Impounding expenses, recovery of.
Function	<ol style="list-style-type: none"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Delegation only to be used where the Delegate’s reasonable efforts to identify and contact an owner have failed. b. “Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation. The delegate that authorised the impounding must not be party to any disposal determination under this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.7 Close Thoroughfares to Vehicles/Extra Mass Permits
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.50 Closing certain thoroughfares to vehicles; s.3.50A Partial closure of thoroughfare for repairs or maintenance; and s.3.51 Affected owners to be notified of certain proposals.
Function	<ol style="list-style-type: none"> 1. Authority to determine (with or without conditions) applications for extra mass permits for roads within the Shire. 2. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding four-weeks [s.3.50(1)]. 3. Authority to determine to close a thoroughfare for a period exceeding four-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 4. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 5. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A] 6. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only). c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.8 Control Reserves and Certain Unvested Facilities
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.53(3) Control of certain unvested facilities; and s.3.54(1) Reserves under control of local government.
Function	<ol style="list-style-type: none"> Authority to agree the method for control and management of an unvested facility which is partially within two or more local government districts. [s.3.53(3)]. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Derby/West Kimberley that the Shire could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets. “Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Property Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added head of power and information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.9 Obstruction of Footpaths and Thoroughfares
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.5(2) Interfering with, or taking from, local government land; r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a); r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b); and r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2).
Function	<ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out, for example, plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. "Standard Conditions" as outlined in this Register of Delegations.

Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	<p>a. As outlined in Council Conditions for this Delegation.</p> <p>b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>c. "Standard Conditions" as outlined in this Register of Delegations.</p> <p>When determining to grant permission to obstruct a public footpath or thoroughfare under this Delegated:</p> <ol style="list-style-type: none"> 1. There is authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4) (d)]. 2. There is authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. There is authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p> <p>Shire Fees and Charges – Bond amount to be charged.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.10 Gates Across Public Thoroughfares
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1).
Function	<ol style="list-style-type: none"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8. c. “Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	Not applicable.

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Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added subdelegate and information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.11 Public Thoroughfare – Dangerous Excavations
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6.
Function	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	<ol style="list-style-type: none"> a. As outlined in Council Conditions for this Delegation. b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.

	<p>When determining to grant permission to for a dangerous excavation under this Delegated:</p> <ol style="list-style-type: none"> 1. There is authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. There is authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. There is authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p> <p>Shire Fees and Charges – Bond amount to be charged.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.12 Crossing – Construction, Repair and Removal
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2); and r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3).
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12 (1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p> <p>Refer also Delegation 1.3.1 under the Template Activities in Thoroughfares and Public Places and Trading Local Law.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	Not applicable.

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Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.13 Private Works on, over or under Public Places
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: r.17 Private works on, over, or under public places – Sch.9.1 cl.
Function	<ol style="list-style-type: none"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p>

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	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws. Shire Fees and Charges – Bond amount to be charged.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.14 Works Required for Supply of Water
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.20(1) Works required for supply of gas or water — Sch. 9.1 cl. 11.
Function	To carry out works that are necessary for the purpose of providing, maintaining or modifying the supply system [ULP r.20(1)].
Delegates	Chief Executive Officer
Conditions	a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Works may only be undertaken where there is an approved budget allocation. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Policy	Not Applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Uniform Local Provisions) 1996: r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12.
Function	Authority to give notice to a land owner/occupier if it is considered that clearing the owner/occupier’s land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.16 Expressions of Interest for Goods and Services
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996: r.21 Limiting who can tender, procedure for; and r.23 Rejecting and accepting expressions of interest to be acceptable tenderer.
Function	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Delegates	Chief Executive Officer
Conditions	a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. WALGA Subscription Service – Procurement Toolkit.
Policy	F7 Regional Price Preference F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New Delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, added express power to subdelegate information, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.17 Tenders for Goods and Services – Call Tenders
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11(1), (2) When tenders have to be publicly invited; r.13 Requirements when local government invites tenders though not required to do so; and r.14 Publicly inviting tenders, requirements for.
Function	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to invite tenders although not required to do so [F&G r.13]. 3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 5. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget where : <ol style="list-style-type: none"> i. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government; or ii. a current supply contract expiry is imminent; and iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services

Subdelegate conditions	<p>a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities.</p> <p>b. As outlined in Council Conditions for this Delegation.</p>
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>WALGA Subscription Service – Procurement Toolkit.</p>
Policy	<p>F2 Asset Management</p> <p>F7 Regional Price Preference</p> <p>F1 Procurement of Goods and Services</p>
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11(2)(j) Exercising contract extension options; r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders; r.20(1), (2), (3) Variation of requirements before entry into contract; and r.21A Varying a contract for the supply of goods or services.
Function	<ol style="list-style-type: none"> 1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&G.r.18(2)]. 2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 3. Authority to assess, by written evaluation, tenders that have not been rejected, to determine the extent to which each tender satisfies the criteria for deciding which tender to accept. 4. Authority to decline to accept any tender [F&G r.18(5)]. 5. Authority to accept the next most advantageous tender if, within six-months of Council accepting a tender, a contract has not been entered into or the local government and the successful tenderer agree to terminate the contract [F&G r.18(6) & (7)]. 6. Authority to determine whether variations in goods and services required are minor variations, and to negotiate with the successful tenderer to make minor variations before entering into a contract [F&G r.20(1) and (3)]. 7. Authority to choose the next most advantageous tender to accept, if the tenderer chosen by Council is unable or unwilling to form a contract to supply the varied requirement or the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer [F&G r.20(2)]. 8. Authority to vary a tendered contract, after it has been entered into, provided the variation/s are necessary for the goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$100,000 whichever is the lesser value [F&G r.21A(a)]. 9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).
Delegates	Chief Executive Officer
Conditions	a. Exercise of authority under F&G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.

	<p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> i. The original tender accepted by Council decision has not been able to be finalised into a contract; ii. The expense is included in the adopted Annual Budget; and iii. The tenderer has complied with requirements under F&G r.18(2) and (4). <p>c. A decision to vary a tendered contract before entry into the contract [F&G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to vary a tendered contract after entry into the contract [F&G r.21A(a)] must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) and that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p> <p>f. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Subdelegate conditions	<ul style="list-style-type: none"> a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures.</p> <p>WALGA Subscription Service – Procurement Toolkit.</p>
Policy	F2 Asset Management F7 Regional Price Preference F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.19 Tenders for Goods and Services - Exempt Procurement
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11(2) When tenders have to be publicly invited (exemptions).
Function	<ol style="list-style-type: none"> 1. Authority to undertake tender exempt procurement, in accordance with policy F1 Procurement of Goods and Services requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&G.r.11(2)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&G r.11(2)(f)].
Delegates	Chief Executive Officer
Conditions	<p>a. Tender exempt procurement under F&G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories:</p> <p>Category Maximum Value for individual contracts</p> <p>WALGA Preferred Supplier Program [F&G.r.11(2)(b)] >\$250,000</p> <p>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)] >\$250,000</p> <p>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)] >\$250,000</p> <p>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)] >\$250,000</p> <p>Goods or services supplied by a person registered on the Aboriginal Business Directory WA or Indigenous Minority Supplier Office Limited (T/as Supply Nation) and where satisfied that the contract represents value for money. [F&G.r.11(2)(h)] >\$250,000*</p> <p>*as specified in F&G.r.11(2)(h)(ii)</p> <p>Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)] >\$250,000</p> <p>b. Tender exempt procurement under F&G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification;

	<ul style="list-style-type: none"> iii. The reasons why market testing has not met the requirements of the specification; iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and v. The expense is included in the adopted Annual Budget. <ul style="list-style-type: none"> c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council. d. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Subdelegate conditions	<ul style="list-style-type: none"> a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures. WALGA Subscription Service – Procurement Toolkit.
Policy	F7 Regional Price Preference F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to function, subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.20 Application of Regional Price Preference Policy
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Functions and General) Regulations 1996: r.24G Adopted regional price preference policy, effect of.
Function	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Subdelegate conditions	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities. b. As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	F7 Regional Price Preference F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.21 Payments from the Municipal or Trust Funds
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making.
Function	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Delegates	Chief Executive Officer
Conditions	a. Authority to make payments is subject to annual budget limitations. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services Manager Finance
Subdelegate conditions	1. Delegates must comply with the procedures approved by the CEO in accordance with Financial Management Regulation 5. 2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates. 3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval. 4. As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995. Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. Local Government (Audit) Regulations 1996. Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards. Department of Local Government, Sport and Cultural Industries: Accounting Manual.
Policy	F8 Transaction Cards
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022

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Adoption references	OCM Agenda Item xxx Res. No. xx/22
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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.22 Defer, Grant Discounts, Waive or Write Off Debts
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.12 Power to defer, grant discounts, waive or write off debts.
Function	<ol style="list-style-type: none"> Waive a debt which is owed to the Shire [s.6.12(1)(b)]. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> Debt to be not more than \$1,000. All reasonable measures must have first been taken to locate/contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community
Subdelegate conditions	<ol style="list-style-type: none"> Debt to be not more than \$500. Otherwise as outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Collection of Rates Debts – refer Delegations: <ul style="list-style-type: none"> 1.1.25 Agreement as to Payment of Rates and Service Charges; 1.1.27 Recovery of Rates or Service Charges; 1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent; and 1.1.29 Recovery of Rates Debts – Actions to Take Possession of the Land.
Policy	F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File Locations in Synergy: Rates Rebate/deferred 5172; and Accounts receivable 5112.
Date adopted	26 May 2022

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Adoption references	OCM Agenda Item xxx Res. No. xx/22
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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.23 Power to Invest and Manage Investments
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.14 Power to invest. Local Government (Financial Management) Regulations 1996: r.19 Investments, control procedures for.
Function	<ol style="list-style-type: none"> 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 [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. All investment activity must comply with the Financial Management Regulation 19C. b. All investment activity must comply with Council Policy FM8 Investments. c. A report detailing the investment portfolio’s performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. d. 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. e. 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 three financial years. [Audit r.17]. f. “Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Manager Finance
Subdelegate conditions	<ol style="list-style-type: none"> 1. A decision to invest must be jointly confirmed by two Delegates. 2. As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Financial Management) Regulations 1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)).
Policy	F17 Investments

Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File location in Synergy – 5185.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.24 Rate Record Amendment
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.39(2)(b) Rate record.
Function	Authority to determine any requirement to amend the rate record for the five year period preceding the current financial year [s.6.39(2)(b)].
Delegates	Chief Executive Officer
Conditions	a. Delegates must comply with the requirements of s.6.40 of the Act. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Manager Finance
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File Location in Synergy – 5174 and relevant property file.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.25 Agreement as to Payment of Rates and Service Charges
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.49 Agreement as to payment of rates and service charges.
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	Chief Executive Officer
Conditions	<ul style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies F5 Outstanding Rates Collection Policy, and F6 Financial Hardship Policy. b. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied (otherwise they must be referred to Council for decision). c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File Location in Synergy – 5174 and relevant property file.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.26 Determine Due Date for Rates or Service Charges
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.50 Rates or service charges due and payable.
Function	Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.27 Recovery of Rates or Service Charges
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.56 Rates or service charges recoverable in court; and s.6.64(3) Actions to be taken.
Function	<ol style="list-style-type: none"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies F5 Outstanding Rates Collection Policy; and F6 Financial Hardship Policy. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system. File Location in Synergy – Debt Management and Recovery 5128, and relevant property file.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.60 Local Government may require lessee to pay rent.
Function	<ol style="list-style-type: none"> 1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies F5 Outstanding Rates Collection Policy, and F6 Financial Hardship Policy. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995 – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
Policy	F4 Sundry Debtors Collection Policy F5 Outstanding Rates Collection Policy F6 Financial Hardship Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.64(1) Actions to be taken; s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings; s.6.71 Power to transfer land to Crown or local government; and s.6.74 Power to have land re-vested in Crown if rates in arrears 3 years.
Function	<ol style="list-style-type: none"> 1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> a. lease the land, or b. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> i. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or ii. cause the land to be transferred to the Shire [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within seven days of and prior to the proposed sale [s.6.69(2)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Policies F5 Outstanding Rates Collection Policy, and F6 Financial Hardship Policy. b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous three-years attempted to recover the outstanding rates/charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the Local Government Act 1995. d. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community
Subdelegate conditions	As outlined in Council Conditions for this Delegation.

Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
Policy	<p>F4 Sundry Debtors Collection Policy</p> <p>F5 Outstanding Rates Collection Policy</p> <p>F6 Financial Hardship Policy</p>
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.30 Rate Record – Objections
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.6.76 Grounds of objection.
Function	<ol style="list-style-type: none"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation. b. “Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegates and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.31 Renewal or Extension of Contracts during a State of Emergency
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: Regulation 11 'When tenders have to be publicly invited'; and Tender exemption under subregulation 11(2)(ja).
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within three months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> • contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and • contracts formed through a public tender.
Delegates	Chief Executive Officer
Conditions	a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> i. It is exercised at the sole discretion of the Shire; ii. It is in the best interests of the Shire; iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration; iv. It has potential to promote local and/or regional economic benefits. b. This authority may only be exercised where the total consideration for the renewal or extension is \$250,000 or less. c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, or where the expenditure from an alternative available budget allocation has been authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). d. The decision to extend or renew a contract must be made in accordance with the objectives of the policy F1 Procurement of Goods and Services. e. This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or less.

	<p>f. The CEO cannot sub-delegate this authority (excluding for occasions where they are not physically present in the district).</p> <p>g. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Services Director Technical and Development Services
Subdelegate conditions	<p>a. Can only be utilised on occasions where the CEO is not physically present in the district.</p> <p>b. As outlined in Council Conditions for this Delegation.</p>
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996. WALGA Subscription Service – Procurement Toolkit.
Policy	F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates, policy and added information to statutory framework.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.32 Procurement of Goods or Services required to address a State of Emergency
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services. Local Government (Functions and General) Regulations 1996: r.11 'When tenders have to be publicly invited'; Tender exemption under subregulation 11(2)(aa); and Associated definition under subregulation 11(3).
Function	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: 1. Determine that particular goods or services with a purchasing value of \$250,000 or greater are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]. 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
Delegates	Chief Executive Officer
Conditions	a. This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe. b. Compliance with policy F1 Procurement of Goods and Services Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with policy F1 Procurement of Goods and Services Policy must be evidenced in accordance with the Record Keeping Plan. c. Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8. d. The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration. e. The CEO cannot sub-delegate this authority. f. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable.
Subdelegates	No subdelegates.

Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Functions and General) Regulations 1996. WALGA Subscription Service – Procurement Toolkit.
Policy	F1 Procurement of Goods and Services
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, policy and added information to subdelegates and statutory framework.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.33 Applying Common Seal
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s. 5.41 Functions of CEO
Function	The Shire President and Chief Executive Officer are delegated to: (a) Execute documents on behalf of the Shire where there is a requirement for the document to be executed as a deed, pursuant to s. 9.49(A)5 of the Act; (b) Affix the Common Seal to documents, pursuant to s. 9.49(A)2 of the act, and (c) Sign documents on behalf of the Shire for all matters arising under delegated authority (s. 5.42) and s. 9.49(A)4 of the Act, and generally as is necessary or appropriate in reasonably carrying out functions under the act or any other written law.
Delegates	Shire President Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not permitted under the Local Government Act section 9.49A.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Power to Lease pursuant to Section 46 of the Land Administration Act 1997.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to delegate, express power to subdelegate and policy, amended subdelegate conditions.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.1.34 Minor Amendments to Policies and Delegations
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995: s. 2.7(2)(b) Role of council (policies)
Function	To make minor amendments to the Policy Manual and Register of Delegations.
Delegates	Chief Executive Officer
Conditions	Amendments are for the purpose of accuracy and expediency only. Only minor changes are to be made which do not otherwise affect the intent on the policy/ delegation (e.g. due to for example, any changes in officer/representative names/titles, renumbering or reformatting, or similar minor administrative requirements). "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	No subdelegates.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added subdelegate information, amendment to subdelegate conditions and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.1.35 Submissions
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995; s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Local Government Act 1995; s.2.7(1) role of Council (function and affairs).
Function	<ol style="list-style-type: none"> 1. To register an interest in any native title claim affecting the Shire, in order for the Shire to have sufficient interest to become a party to the native title application. 2. Responding to the Department of Mines, Industry and Regulation for proposed: <ol style="list-style-type: none"> a. Exploration Licence pursuant to section 119 of the Mining Act 1978 and b. Mining Licence pursuant to Sections 41,58,70C, 86 and 91 of the Mining Act 1978 and Regulation 64 of the Mining Regulations 1981. 3. Responding to the Department of Planning, Lands and Heritage for proposed: <ol style="list-style-type: none"> a. Power to Lease pursuant to Section 46 of the Land Administration Act 1997; and b. Licence pursuant to section 91 Land Administration Act 1997. 4. Responding to the Department of Water and Environmental Regulation for proposed Clearing Permit Applications pursuant to section 51E of the Environmental Protection Act 1986.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Licence pursuant to section 91 Land Administration Act 1997. Exploration Licence pursuant to section 119 of the Mining Act 1978. Mining Licence pursuant to Sections 41,58,70C, 86 and 91 of the Mining Act 1978 and Regulation 64 of the Mining Regulations 1981 Clearing Permit Applications pursuant to section 51E of the Environmental Protection Act 1986.
Policy	PC1 Risk and Opportunity Management Policy

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Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added express power to delegate, express power or duty delegated and subdelegate information, amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

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1.2 CEO to Employees

Delegation	1.2.1 Determine if an Emergency (for Emergency Powers of Entry)
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.3.34(2) Entry in emergency.
Function	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
Delegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Property Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.2.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a).
Function	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.2 : <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5) (d)].
Delegates	Director Technical and Development Services
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.1.9 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. c. “Standard Conditions” as outlined in this Register of Delegations.
Statutory framework	<p>This delegated authority is effective only in alignment with Delegated Authority 1.1.9 Obstructions of Footpaths and Thoroughfares.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to function, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.2.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6.
Function	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.1.11: <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
Delegates	Director Technical and Development Services
Conditions	<ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.1.11 Public Thoroughfares – Dangerous Excavations. b. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. c. “Standard Conditions” as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. This delegated authority is effective only in alignment with Delegated Authority 1.2.12 1.1.11 Public Thoroughfares – Dangerous Excavations. Local Government (Uniform Local Provisions) Regulations 1996. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to function, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8.
Function	<ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].
Delegates	Director Technical and Development Services
Conditions	a. "Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.1.13 Private Works on, over or under Public Places.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to statutory framework, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.2.5 Appoint Persons (other than employees) to Open Tenders
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Functions and Genera) Regulations 1996: r.16(3) Receiving and opening tenders, procedure for.
Function	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G r.16(3)].
Delegates	A/Director of Community Services A/Director of Corporate Services Director of Strategic Business Director Technical and Development Services
Conditions	To be allocated by the CEO on an "as required" basis. "Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
11 Mar 2022	Amended delegation	Advice to CEO 21 November 2021 that the sub- delegation should be changed to "All Directors" for flexibility and ease of management. Advice received from Director Strategic Business 11 March 2022 to make the amendment to the Delegation.	Synergy Record No's. N17574 & N17814
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.2.6 Electoral Enrolment Eligibility Claims and Electoral Roll
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim; s.4.34 Accuracy of enrolment details to be maintained; s.4.35 Decision that eligibility to enrol under s.4.30 has ended; and s.4.37 New roll for each election. Local Government (Elections) Regulations 1995: r.11(1a) Nomination of co-owners or co-occupiers — s.4.31; and r.13(2) & (4) Register - s.4.32(6).
Function	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector’s address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector’s or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
Delegates	A/Director of Corporate Services Director of Corporate and Community
Conditions	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).

	b. "Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.2.7 Destruction of Electoral Papers
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Elections) Regulations 1996: r.82(4) Keeping election papers – s4.84(a).
Function	Authority to, after a period of four-years, destroy the parcels of election papers in the presence of at least two other employees [Elect. r.82(4)].
Delegates	A/Director of Corporate Services Director of Corporate and Community
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Department of Local Government, Sport and Cultural Industries: Returning Officer Manual.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.2.8 Appoint Authorised Persons (Local Government and Various Acts)
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land]; and s.9.10 Appointment of authorised persons.
Function	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ul style="list-style-type: none"> (a) Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act; (b) Caravan Parks and Camping Grounds Act 1995; (c) Cat Act 2011; (d) Cemeteries Act 1986; (e) Control of Vehicles (Off-road Areas) Act 1978; (f) Dog Act 1976; (g) Graffiti Vandalism Act 2016 – refer s.15; and (h) any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995. <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the Local Government Act 1995, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004.</p>
Delegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Conditions	<ul style="list-style-type: none"> a. A register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons. c. "Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Laws:

	<ul style="list-style-type: none"> • Cemeteries; • Dogs; • Extractive Industries; • Local Government Property; and • Activities on Thoroughfares and Trading in Thoroughfares and Public Places.
Policy	Not applicable.
Record keeping	<p>All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.</p> <p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p>
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to function, delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.2.9 Information to be Available to the Public
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information. Local Government (Administration) Regulations 1996: r.29(2) & (3) Information to be available for public inspection (Acts s.5.94); and r.29B Copies of certain information not to be provided (Act s.5.96).
Function	<ol style="list-style-type: none"> 1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)]. 2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)]. 3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s.5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)]. 5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].
Delegates	A/Director of Corporate Services Director of Corporate and Community
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.2.10 Financial Management Systems and Procedures
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: r.5 CEO's Duties as to financial management.
Function	Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the: <ul style="list-style-type: none"> i. Collection of money owed to the Shire; ii. Safe custody and security of money collected or held by the Shire; iii. Maintenance and security of all financial records, including payroll, stock control and costing records; iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; vi. Making of payments in accordance with Delegated Authority1 .1.21 Payments from the Municipal or Trust Funds; and vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.
Delegates	A/Director of Corporate Services Director of Corporate and Community
Conditions	<ul style="list-style-type: none"> a. 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. b. 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 each three financial years. [Audit r.17]. c. "Standard Conditions" as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Act 1995. Local Government (Financial Management) Regulations 1996. Local Government (Audit) Regulations 1996. Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards.

Policy	F1 Procurement of Goods and Services F2 Asset Management F3 Significant Account Policies F8 Transaction Cards F11 Budget Issues F13 Reserve Accounts F14 Loan Borrowings F16 Cash Flow Management F17 Investments PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.2.11 Audit – CEO Review of Systems and Procedures
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government (Audit) Regulations 1996: r.17 CEO to review certain systems and procedures.
Function	Authority to conduct the review of the appropriateness and effectiveness of the Shire’s systems and procedures in relation to: i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
Delegates	A/Director of Corporate Services Director of Corporate and Community
Conditions	a. Each matter is to be reviewed at least once within every three financial years, with a report on each matter to be provided to the Audit Committee that details the findings, including any identified deficiencies, and actions required. b. “Standard Conditions” as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government (Audit) Regulations 1996.
Policy	PC1 Risk and Opportunity Management Policy All other Shire policies relevant to the area of the review being undertaken.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	1.2.12 Infringement Notices (Local Government and Various Acts)
Head of power	Local Government Act 1995
Delegator	Chief Executive Officer
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Express power or duty delegated	Local Government Act 1995: s.9.13(6)(b) Onus of proof in vehicle offences may be shifted; s.9.19 Extension of Time; and s.9.20 Withdrawal of Notice. Building Regulations 2012: r.70(1A), (1), (2) Approved officers and authorised officers.
Function	<ol style="list-style-type: none"> 1. Authority to consider an owner of a vehicle’s submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)]. 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].
Delegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Conditions	<p>a. A delegate who participated in a decision to issue an infringement notice, must not determine any matter related to that infringement notice under this Delegation.</p> <p>b. The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a precondition for appointment as an “Approved Officer” in accordance with Building Regulation 70(1) for the purposes of the Criminal Procedure Act 2004 section 6(a) and Building Act 2011 Infringement Notices:</p> <ul style="list-style-type: none"> (i) Director – Technical & Development Services. (ii) Director – Corporate & Community Services. (iii) A/Director – Corporate Services <p>NOTE: Delegates must also be appointed as an “Approved Officer” – appointment to be determined by the delegate under delegation 2.1.10.</p> <p>c. “Standard Conditions” as outlined in this Register of Delegations.</p>
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022

Shire of Derby / West Kimberley

Adoption references	OCM Agenda Item xxx Res. No. xx/22
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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to delegate and conditions, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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1.3 Local Law Delegations to CEO

Delegation	1.3.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Activities in Thoroughfares and Public Places and Trading Local Law: cl.2.5(2) Removal of redundant crossing; cl.2.6 Interpretation – “acceptable material”; cl.2.11 Notice to owner or occupier; cl.2.15 Assignment of numbers; cl.2.17(1) Signs; cl.6.18 Obligations of permit holder (Outdoor Eating Facility); cl.7.1 Application for Permit; cl.7.2 Decision on application for permit; cl.7.3 Conditions which may be imposed on a permit; cl.7.5 Compliance with and variation of conditions; cl.7.7 Renewal of permit; cl.7.8 Transfer of permit; cl.7.10 Cancellation of permit; cl.9.1 Notice to redirect or repair sprinkler; cl.9.2 Hazardous plants; cl.9.3 Notice to repair damage to thoroughfare; cl.9.4 Notice to remove thing unlawfully placed on thoroughfare; and cl.10.2 Local government may undertake requirements of notice
Function	<p>1. General Activity Control</p> <p>1A. Authority, limit to permits subject of this delegation, to:</p> <ul style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; and e. determine the form of the permit [cl.7.2(2)]. <p>1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> a. Temporary vehicle crossing [cl.2.4(1)] b. Any activity described as requiring a permit under cl.2.2(1); <ul style="list-style-type: none"> i. dig or otherwise create a trench through or under a kerb or footpath;

	<ul style="list-style-type: none"> ii. throw, place or deposit anything on a verge; iii. cause any obstruction to a vehicle or person using a thoroughfare; iv. cause any obstruction to a water channel; v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare; vi. damage a thoroughfare; vii. light any fire or burn anything on a thoroughfare; viii. fell any tree onto a thoroughfare; ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare; x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare; xi. use or do anything so as to create a nuisance; xii. place or cause to be placed in on a thoroughfare a bulk rubbish container; and xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare; <ul style="list-style-type: none"> c. Drive or take a vehicle on a closed thoroughfare [cl.2.19]; d. Erect or place an advertising or directional sign [cl.3.2]; e. Use of portable signs [cl.3.4]; f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; and g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)]. <p>1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5].</p> <p>1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p>2. Use of Public Places</p> <p>2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p>3. Crossings</p> <p>3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p>4. Thoroughfares and Verges</p> <p>4A. Authority to determine and maintain the list of "acceptable materials" which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p>
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	<p>4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <ul style="list-style-type: none"> a. Alter the direction of a sprinkler or other watering equipment [cl.9.1]; and b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2]; <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <p>Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3]; and</p> <p>Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</p> <p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p>
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services Fitzroy Crossing Works Supervisor Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>A register of all special environmental areas must be maintained under cl.5.8 of the Activities in Thoroughfares and Public Places and Trading Local Law.</p> <p>Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer CEO Delegations 1.1.11 and 1.1.13.</p> <p>Crossing permits are approved under Regulations 12 and 13 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer Delegation 1.1.12 Crossings – Construction, Repair and Removal.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Policy	H1 Traders and Stall Holders' Permits
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022

Shire of Derby / West Kimberley

Adoption references	OCM Agenda Item xxx Res. No. xx/22
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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, amendment to statutory framework, added information to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	1.3.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Activities in Thoroughfares and Public Places and Trading Local Law: cl.6.6 Conditions of Permit (Stallholders and Traders); cl.6.18 Obligations of permit holder (Outdoor Eating Facility); cl.7.1 Application for Permit; cl.7.2 Decision on application for permit; cl.7.3 Conditions which may be imposed on a permit; cl.7.5 Compliance with and variation of conditions; cl.7.7 Renewal of permit; cl.7.8 Transfer of permit; and cl.7.10 Cancellation of permit.
Function	<p>1. Permits General</p> <p>1A. Authority, limited to the permit types listed below, to:</p> <ul style="list-style-type: none"> a. determine the form of a permit application [cl.7.1(1)(a)]; b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; and e. determine the form of the permit [cl.7.2(2)]. <p>2. Stallholder, Trading and Performing</p> <p>2A. Authority to approve [cl.7.2], renew [c.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to:</p> <ul style="list-style-type: none"> a. Stallholder [cl.6.2]; b. Trader [cl.6.3]; and c. Perform in a public place [cl.6.10]. <p>2B. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5].</p> <p>2C. Authority to authorise another person, as the permit holder’s nominee for a specified period [cl.6.6(2)].</p> <p>3. Outdoor Eating Facilities</p>

	<p>3B. Authority to approve [cl.7.2], renew [c.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16].</p> <p>3C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5].</p> <p>3D. Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].</p>
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995; s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Director Technical and Development Services Manager Development Services Senior Environmental Health Officer
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Policy	H1 Traders and Stall Holders' Permits
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate and delegates, amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

2.0 BUILDING ACT 2011 DELEGATIONS

2.1 Council to CEO

Delegation	2.1.1 Grant a Building Permit
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.18 Further Information; s.20 Grant of building permit; s.22 Further grounds for not granting an application; and s.27(1) and (3) Impose Conditions on Permit. Building Regulations 2012: r.23 Application to extend time during which permit has effect (s.32); r.24 Extension of time during which permit has effect (s.32(3)); and r.26 Approval of new responsible person (s.35(c)).
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed or the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; and ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.

Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Building Act 2011: s.119 Building and demolition permits – application for review by SAT; s.23 Time for deciding application for building or demolition permit; and s.17 Uncertified application to be considered by building surveyor.</p> <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT.</p> <p>Building Services (Registration Act) 2011 – Section 7.</p> <p>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2.</p> <p>Building and Construction Industry Training Levy Act 1990.</p> <p>Heritage Act 2018.</p>
Policy	<p>TP5 Transportable/Relocated Dwellings TP3 Minimum Finished Floor Level of New Buildings (other than Outbuildings) Fitzroy Crossing and Camballin TP2 Radio Masts TP1 Light Industrial Area – Caretakers Residence</p>
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	2.1.2 Demolition Permits
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.18 Further Information; s.21 Grant of demolition permit; s.22 Further grounds for not granting an application; and s.27(1) and (3) Impose Conditions on Permit. Building Regulations 2012: r.23 Application to extend time during which permit has effect (s.32); r.24 Extension of time during which permit has effect (s.32(3)); and r.26 Approval of new responsible person (s.35(c)).
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed or the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]; and ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

	<p>Building Act 2011: s.119 Building and demolition permits – application for review by SAT; and s.23 Time for deciding application for building or demolition permit. Building Services (Complaint Resolution and Administration) Act 2011 -- Part 7, Division 2.</p> <p>Building and Construction Industry Training Levy Act 1990.</p> <p>Heritage Act 2018.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	2.1.3 Occupancy Permits or Building Approval Certificates
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.55 Further information; s.58 Grant of occupancy permit, building approval certificate; s.62(1) and (3) Conditions imposed by permit authority; and s.65(4) Extension of period of duration. Building Regulations 2012: r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65).
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Building Act 2011: s.59 time for granting occupancy permit or building approval certificate; s.60 Notice of decision not to grant occupancy permit or grant building approval certificate; and s.121 Occupancy permits and building approval certificates – application for review by SAT</p> <p>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2.</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage Act 2018.</p>

Policy	TP5 Transportable/Relocated Dwellings TP3 Minimum Finished Floor Level of New Buildings (other than Outbuildings) Fitzroy Crossing and Camballin TP2 Radio Masts TP1 Light Industrial Area – Caretakers Residence
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	2.1.4 Designate Employees as Authorised Persons (Building)
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.96(3) authorised persons; and s.99(3) Limitation on powers of authorised person.
Function	<ol style="list-style-type: none"> 1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. <p>NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building Reg. 70.</p>
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Building Act 2011: s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	2.1.5 Building Orders
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.110(1) A permit authority may make a building order; s.111(1) Notice of proposed building order other than building order (emergency); s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect; s.118(2) and (3) Permit authority may give effect to building order if non-compliance; and s.133(1) A permit authority may commence a prosecution for an offence against this Act.
Function	<ol style="list-style-type: none"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work; b. Demolition work; and c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. 6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	Manager Development Services (but not including Functions 5, court action, and 6, to initiate a prosecution). As outlined in Council Conditions for this Delegation.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Act 2011: s.111 Notice of proposed building order other than building order (emergency); s.112 Content of building order; s.113 Limitation on effect of building order; s.114 Service of building order; and Part 9 Review - s.122 Building orders – application for review by SAT.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate conditions and added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	2.1.6 Inspection and Copies of Building Records
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.131(2) Inspection, copies of building records.
Function	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Act 2011 - s.146 Confidentiality.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	2.1.7 Referrals and Issuing Certificates (Building)
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Act 2011: s.145A Local Government functions.
Function	<ol style="list-style-type: none"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Act 2011: s.61 Form and content of occupancy, permit, building approval certificate s.62 Conditions imposed by permit authority s.63 To whom form of permit, modification, certificate issued.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	2.1.8 Private Pool Barrier – Alternative and Performance Solutions
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Regulations 2012: r.51 Approvals by permit authority.
Function	<ol style="list-style-type: none"> 1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliant with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner/occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51 (3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Regulations 2012: r.51 Approvals by permit authority.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	2.1.9 Smoke Alarms – Alternative Solutions
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Regulations 2012: r.55 Terms Used (alternative building solution approval); and r.61 Local Government approval of battery powered smoke alarms.
Function	<ol style="list-style-type: none"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Building Regulations 2012: r.51 Approvals by permit authority. r.55 Terms Used (alternative building solution approval); and r.61 Local Government approval of battery powered smoke alarms.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework, record keeping and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	2.1.10 Appointment of Approved Officers and Authorised Officers (Building)
Head of power	Building Act 2011
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government.
Express power or duty delegated	Building Regulations 2012: r.70 Approved officers and authorised officers.
Function	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A).</p> <p>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers";.</p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(2).</p> <p>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</p>
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns Building Regulations 2012: r. 70(3) each authorised officer must be issued a certificate of appointment.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to subdelegates and added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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3.0 BUSH FIRE ACT 1954 DELEGATIONS

3.1 Council to CEO, Shire President and Bush Fire Control Officer

Delegation	3.1.1 Make Request to FES Commissioner – Control of Fire
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.13(4) Duties and powers of bush fire liaison officers.
Function	Authority to request on behalf of the Shire that the Fire and Emergency Services Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13 (4)].
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	As outlined in Council Conditions for this Delegation.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	3.1.2 Prohibited Burning Times - Vary
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government; and s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8)).
Express power or duty delegated	Bush Fires Act 1954: s.17(7) Prohibited burning times may be declared by Minister Bush Fire Regulations 1954: r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.; r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times; and r.39B Crop dusters etc., use of in restricted or prohibited burning times.
Function	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Delegates	Chief Bush Fire Control Officer Shire President
Conditions	a. Decisions under s.17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	3.1.3 Prohibited Burning Times – Control Activities
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions; and s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land. Bush Fire Regulations 1954: r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.;; r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times; and r.39B Crop dusters etc., use of in restricted or prohibited burning times.
Function	<ol style="list-style-type: none"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

	Bush Fire Brigades Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	3.1.4 Restricted Burning Times – Vary and Control Activities
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.18(5), (11) Restricted burning times may be declared by FES Commissioner; s.22(6) and (7) Burning on exempt land and land adjoining exempt land; s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions; and s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land. Bush Fire Regulations 1954: r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.; r.15C Local Government may prohibit burning on certain days; r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times; and r.39B Crop dusters etc., use of in restricted or prohibited burning times.
Function	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation (if required) with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. 2. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 3. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 6. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 7. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 8. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 9. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].

	10. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	3.1.5 Control of Operations Likely to Create Bush Fire Danger
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.27D Requirements for carriage and deposit of incendiary material Bush Fires Regulations 1954: r.39C Welding and cutting apparatus, use of in open air; r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc; r.39D Explosives, use of; and r.39E Fireworks, use of.
Function	<ol style="list-style-type: none"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]; b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]; c. a person using explosives [r.39D(2)]; and d. a person using fireworks [r.39E(3)]; 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	3.1.6 Burning Garden Refuse/Open Air Fires
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.24F Burning garden refuse during limited burning times; s.24G Minister or local government may further restrict burning of garden refuse; s.25 No fire to be lit in open air unless certain precautions taken; and s.25A Power of Minister to exempt from provisions of section 25. Bush Fires Regulations 1954: r.27(3) Permit, issue of.
Function	<ol style="list-style-type: none"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]: <ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27 (3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]; and b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.

Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	3.1.7 Firebreaks
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.33 Local government may require occupier of land to plough or clear fire-breaks.
Function	<ol style="list-style-type: none"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]: <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.38 Local Government may appoint bush fire control officer.
Function	<ol style="list-style-type: none"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)]. 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]: <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].
Delegates	CEO Director - Technical and Development Services
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	3.1.9 Control and Extinguishment of Bush Fires
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.46 Bush fire control officer or forest officer may postpone lighting fire.
Function	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]: a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	3.1.10 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.58 General penalty and recovery of expenses incurred.
Function	Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire or those on behalf of the Shire to do [s.58].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fire Brigades Local Laws.
Policy	R1 Fire Control Authorities
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	3.1.11 Prosecution of Offences (Bush Fires)
Head of power	Bush Fires Act 1954
Delegator	Council
Express power to delegate	Bush Fires Act 1954: s.48 Delegation by local government.
Express power or duty delegated	Bush Fires Act 1954: s.59 Prosecution of offences; and s.59A Alternative procedure – infringement notices.
Function	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)]. 3. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)].
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	“Standard Conditions” as outlined in this Register of Delegations
Express power to subdelegate	Sub-delegation is prohibited by s.48(3).
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Bush Fires Act 1954: s.65 Proof of certain matters; and s.66 Proof of ownership or occupancy. Bush Fire Brigades Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to, subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

4.0 CAT ACT 2011 DELEGATIONS

4.1 Council to CEO

Delegation	4.1.1 Cat Registrations
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Act 2011: s.9 Registration; s.10 Cancellation of registration; s.11 Registration numbers, certificates and tags. s.12 Keep an accurate up to date register of cats registered, and s.13 Notify the owner of cat outcome of a decision. Cat Regulations 2012: Schedule 3, cl.1(4) Fees Payable .
Function	<ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9 (1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Regs. Sch. 3 cl.1(4)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	<p>A/Director of Corporate Services Customer Service Officer Director of Corporate and Community FX Senior Customer Services Officer Manager Administration Ranger Senior Ranger Senior Ranger (Temp) Team Leader Customer Service</p>

Subdelegate conditions	As outlined in Council Conditions for this Delegation. Only Director – Corporate & Community Services or A/Director – Corporate Services to have authority for Function #5 above (vis. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire’s District [Regs. Sch. 3 cl.1(4)]).
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Regulations 2012: r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration; r.12 Period of registration (s.9(7)); r.11 Changes in registration; r.14 Registration certificate (s.11(1)(b)); and r.15 Registration tags (s.76(2)). Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the Cat Act 2011.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to express power or duty delegated, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	4.1.2 Cat Control Notices
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Act 2011: s.26 Cat control notice may be given to cat owner.
Function	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Regulations 2012: r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	4.1.3 Approval to Breed Cats
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Act 2011: s.37 Approval to breed cats; s.38 Cancellation of approval to breed cats; and s.39 Certificate to be given to approved cat breeder.
Function	<ol style="list-style-type: none"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Cat Regulations 2012: r.21 Application for approval to breed cats (s.36(2)); r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)); r.23 Person who not be refused approval to breed cats (s.37(5)); r.24 Duration of approval to breed cats (s.37(6)); and r.25 Certificate given to approved cat breeder (s.39(1)).</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	4.1.4 Recovery of Costs – Destruction of Cats
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Act 2011: s.49(3) Authorised person may cause cat to be destroyed.
Function	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Act 2011: s.49(3) Authorised person may cause cat to be destroyed.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	4.1.5 Applications to Keep Additional Cats
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat (Uniform Local Provisions) Regulations 2013: r.8 Application to keep additional number of cats; and r.9 Grant of approval to keep additional number of cats.
Function	<ol style="list-style-type: none"> 1. Authority to require any document or additional information required to determine an application [r.8(3)]. 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8 (4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat (Uniform Local Provisions) Regulations 2013: r.8 Application to keep additional number of cats; and r.9 Grant of approval to keep additional number of cats.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	4.1.6 Reduce or Waiver a Cat Registration Fee
Head of power	Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government.
Express power or duty delegated	Cat Regulations 2012: Schedule 3 Fees clause 1(4).
Function	Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Delegates	Chief Executive Officer
Conditions	<p>a. This delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any "class of cat" within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995.</p> <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Subdelegates	<p>A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)</p>
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Cat Regulations 2012: Schedule 3 Fees clause 1(4).</p>
Policy	F4 Sundry Debtors Collection Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

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4.2 CEO to Employees

Delegation	4.2.1 Infringement Notices – Extensions and Withdrawals
Head of power	Cat Act 2011
Delegator	Chief Executive Officer
Express power to delegate	Cat Act 2011: s.45 Delegation by CEO of local government.
Express power or duty delegated	Cat Act 2011: s.64 Extension of time; and s.65 Withdrawal of notice.
Function	<ol style="list-style-type: none"> 1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Delegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Cat Regulations 2012: r.28 Withdrawal of infringement notice (s.65(1)).
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

5.0 DOG ACT 1976 DELEGATIONS

5.1 Council to CEO

Delegation	5.1.1 Part Payment of Dog Sterilisation Costs/Directions to Veterinary Surgeons
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.10A Payments to veterinary surgeons towards costs of sterilisation.
Function	<ol style="list-style-type: none"> 1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$50 [s.10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Subdelegates	<p>A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)</p>
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Dogs Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	5.1.2 Refuse or Cancel Registration of a Dog
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.15(2) and (4A) Registration periods and fees; s.16 Registration procedure; and s.17A(2)(6) If no application for registration made.
Function	<ol style="list-style-type: none"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past three-years in respect of two or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire’s District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant/owner has not applied to the State Administration Tribunal for the decision to be reviewed [s.17(4)]: <ol style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
Delegates	Chief Executive Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Subdelegates	Director Technical and Development Services A/Director of Corporate Services Director of Corporate and Community Manager Development Services Ranger Senior Ranger Senior Ranger (Temp) FX Senior Customer Services Officer Manager Administration Customer Service Officer

Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Dog Act 1976: s.17A If no application for registration made – procedure for giving notice of decision under s.16(3).</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6).</p> <p>Dogs Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, amendment to express duty or power delegated, conditions, added information to express power to subdelegate, subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	5.1.3 Dog Kennel Establishments
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.27 Licensing of approved kennel establishments.
Function	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
Delegates	Chief Executive Officer
Conditions	<ul style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the Shire of Derby/West Kimberley Dogs Local Law. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Dogs Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	5.1.4 Recovery of Moneys Due Under the Dog Act
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.29(5) Power to seize dogs.
Function	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense; s.33M Local government expenses to be recoverable; s.47 Veterinary service expenses recoverable from local government; and r.31 Local government expenses as to dangerous dogs (declared). Dogs Local Laws.
Policy	F4 Sundry Debtors Collection Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, amendment to policy, added information to subdelegates, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22

Delegation	5.1.5 Dispose of or Sell Dogs Liable to be Destroyed
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.29(11) Power to seize dogs.
Function	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	Chief Executive Officer
Conditions	a. "Standard Conditions" as outlined in this Register of Delegations. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
Express power to subdelegate	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Subdelegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Dogs Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, amendment to conditions and policy, added information to express power to subdelegate, subdelegates, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22

Delegation	5.1.6 Declare a Dog Dangerous
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.33E(1) Individual dog may be declared to be dangerous dog (declared).
Function	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].
Subdelegates	Director Technical and Development Services Manager Development Services Ranger Senior Ranger Senior Ranger (Temp)
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Dogs Local Laws.
Policy	PC1 Risk and Opportunity Management Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
23 Feb 2022	Amended delegation	Required to add Senior Ranger (Temp) as they have slightly different delegations (in relation to Bush Fire Control) to the incumbent of the Senior Ranger.	Nil
26 May 2022	Amended delegation	Review of delegation, amendment to conditions and policy, added information to express power to subdelegate, subdelegates, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.33F(6) Owners to be notified of making of declaration; s.33G(4) Seizure and destruction; and s.33H(1) and (2) Local government may revoke declaration or proposal to destroy.
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ol style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation. The same person/position delegated/authorised to exercise s.33E powers enabling the declaration of a dangerous dog should not deal with the objection relative to that dog.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Dogs Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

Shire of Derby / West Kimberley

Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to conditions, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.33H(5) Local government may revoke declaration or proposal to destroy.
Function	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation).
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	a. As outlined in Council Conditions for this Delegation. b. The delegate that authorised the notice must not be party to any dismissal/upholding determination under this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Dogs Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to conditions and express power to subdelegate, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration
Head of power	Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties.
Express power or duty delegated	Dog Act 1976: s.33M(1)(a) Local Government expenses to be recoverable.
Function	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	A/Director of Corporate Services Director of Corporate and Community Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Dogs Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
19 Nov 2021	Amended delegation	19.11.2021 CEO advised that Corporate and Community Departments will be divided for 12 months. The position of Director and Community Development has been split to A/Director of Community Development and A/Director of Corporate Services. Delegations have been amended to reflect this change.	Synergy Record No. N17778
26 May 2022	Amended delegation	Review of delegation, amendment to conditions and express power to subdelegate, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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6.0 FOOD ACT 2008 DELEGATIONS

6.1 Council to CEO and Employees

Delegation	6.1.1 Determine Compensation
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.56(2) Compensation to be paid in certain circumstances; and s.70(2) and (3) Compensation.
Function	<ol style="list-style-type: none"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegates	Chief Executive Officer Director - Technical and Development Services
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$500. Compensation requests above this value are to be reported to Council. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	6.1.2 Prohibition Orders (Food Act)
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.65(1) Prohibition orders; s.66 Certificate of clearance to be given in certain circumstances; and s.67(4) Request for re-inspection.
Function	<ol style="list-style-type: none"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67 (4)].
Delegates	Manager Development Services Senior Environmental Health Officer
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	6.1.3 Food Business Registrations
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.110(1) and (5) Registration of food business; and s.112 Variation of conditions or cancellation of registration of food businesses.
Function	<ol style="list-style-type: none"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	Director Technical and Development Services Manager Development Services Senior Environmental Health Officer
Conditions	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA; • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1; • WA Priority Classification System; and • Verification of Food Safety Program Guideline. <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	6.1.4 Appoint Authorised Officers and Designated Officers (Food Act)
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.122(1) Appointment of authorised officers; and s.126(6), (7) and (13) Infringement Officers.
Function	<ol style="list-style-type: none"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].
Delegates	Chief Executive Officer Director Technical and Development Services Manager Development Services
Conditions	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors; • Appointment of Authorised Officers; • Appointment of Authorised Officers – Designated Officers only; and • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer. <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p>
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Food Act 2008: s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers . s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed.</p>
Policy	Not applicable.

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Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	6.1.5 Debt Recovery and Prosecutions (Food Act)
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Act 2008: s.54 Cost of destruction or disposal of forfeited item; and s.125 Institution of proceedings.
Function	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
Delegates	Chief Executive Officer Director Technical and Development Services Manager Development Services Senior Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Food Act 2008: s.54 Cost of destruction or disposal of forfeited item; and s.125 Institution of proceedings.
Policy	F4 Sundry Debtors Collection Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to delegates and policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	6.1.6 Abattoir Inspections and Fees
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Regulations 2009: r.43 Local government may require security; and r.45 Withdrawal of inspection services.
Function	<ol style="list-style-type: none"> 1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the Shire [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	Director Technical and Development Services
Conditions	<ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Food Regulations 2009: r.43 Local government may require security; and r.45 Withdrawal of inspection services.
Policy	F4 Sundry Debtors Collection Policy
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	6.1.7 Food Businesses List – Public Access
Head of power	Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it; (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]; and (4) Sub-delegation permissible only if expressly provided in regulations.
Express power or duty delegated	Food Regulations 2009: r.51 Enforcement agency may make list of food.
Function	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	Director Technical and Development Services Manager Development Services Senior Environmental Health Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Food Regulations 2009 do not provide for sub-delegation.
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Food Regulations 2009: r.51 Enforcement agency may make list of food.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to express power to duty to delegate, delegates, and policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22

7.0 GRAFFITI VANDALISM ACT 2016 DELEGATIONS

7.1 Council to CEO

Delegation	7.1.1 Give Notice Requiring Obliteration of Graffiti
Head of power	Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government.
Express power or duty delegated	Graffiti Vandalism Act 2016: s.18(2) Notice requiring removal of graffiti; and s.19(3) & (4) Additional powers when notice is given.
Function	<ol style="list-style-type: none"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government.
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	7.1.2 Notices – Deal with Objections and Give Effect to Notices (Graffiti)
Head of power	Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government.
Express power or duty delegated	Graffiti Vandalism Act 2016: s.22(3) Objection may be lodged; and s.24(1)(b) & (3) Suspension of effect of notice.
Function	<ol style="list-style-type: none"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)]; and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].
Delegates	Chief Executive Officer
Conditions	<ol style="list-style-type: none"> a. "Standard Conditions" as outlined in this Register of Delegations. b. The delegate that authorised the notice must not make the objection/appeal determination under this Delegation.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	7.1.3 Obliterate Graffiti on Private Property
Head of power	Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government.
Express power or duty delegated	Graffiti Vandalism Act 2016: s.25(1) Local government graffiti powers on land not local government property.
Function	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Delegates	Chief Executive Officer
Conditions	a. Subject to exercising Powers of Entry. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Technical and Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Graffiti Vandalism Act 2016: s.25(1) Local government graffiti powers on land not local government property.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	7.1.4 Powers of Entry (Graffiti Vandalism Act)
Head of power	Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government.
Express power or duty delegated	Graffiti Vandalism Act 2016: s.28 Notice of entry; and s.29 Entry under warrant.
Function	<ol style="list-style-type: none"> 1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Graffiti Vandalism Act 2016: s.28 Notice of entry; and s.29 Entry under warrant.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

8.0 PUBLIC HEALTH ACT 2016 DELEGATIONS

8.1 Council to CEO and Employees

Delegation	8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos)
Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	Health (Asbestos) Regulations 1992: r.15D(7) Infringement Notices.
Express power or duty delegated	Health (Asbestos) Regulations 1992: r.15D(5) Infringement Notices.
Function	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].
Delegates	Chief Executive Officer
Conditions	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)]. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	The Health (Asbestos) Regulations 1992 do not provide a power to sub-delegate
Subdelegates	Not permitted.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Criminal Procedure Act 2004 – Part 2. Health Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	8.1.2 Enforcement Agency Reports to the Chief Health Officer
Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 s.22 Reports by and about enforcement agencies
Function	<ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government’s report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
Delegates	Chief Executive Officer Senior Environmental Health Officer
Conditions	“Standard Conditions” as outlined in this Register of Delegations.
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies. Health Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to delegates, added information to subdelegates, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	8.1.3 Designate Authorised Officers (Health)
Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 s.24(1) and (3) Designation of authorised officers.
Function	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> i. The Public Health Act 2016 or other specified Act ii. Specified provisions of the Public Health Act 2016 or other specified Act iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR c. a mixture of the two. [s.24(1) and (3)].
Delegates	Director Technical and Development Services
Conditions	<ul style="list-style-type: none"> a. Subject to each person so appointed being; <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. b. A Register (list) of authorised officers is to be maintained in accordance with s.27. c. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Public Health Act 2016: s.20 Conditions on performance of functions by enforcement agencies; s.25 Certain authorised officers required to have qualifications and experience; s.26 Further provisions relating to designations; s.27 Lists of authorised officers to be maintained; s.28 When designation as authorised officer ceases; s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers;</p>

	<p>s.30 Certificates of authority; s.31 Issuing and production of certificate of authority for purposes of other written laws; s.32 Certificate of authority to be returned; and s.136 Authorised officer to produce evidence of authority.</p> <p>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016.</p> <p>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016.</p> <p>Health Local Laws.</p>
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to subdelegate, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	8.1.4 Determine Compensation for Seized Items (Health)
Head of power	Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate.
Express power or duty delegated	Public Health Act 2016 s.264 Compensation.
Function	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	Chief Executive Officer Senior Environmental Health Officer
Conditions	a. Compensation is limited to a maximum value of \$500, with any proposal for compensation above this value to be referred for Council's determination. b. "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Public Health Act 2016: s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal. Health Local Laws.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Shire of Derby / West Kimberley

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to delegates, added information to subdelegate, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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9.0 PLANNING AND DEVELOPMENT ACT 2005 DELEGATIONS

9.1 Council to CEO

Delegation	9.1.1 Illegal Development
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Planning and Development Act 2005: Section 214(2), (3) and (5).
Function	<ol style="list-style-type: none"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Technical and Development Services Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Part 13 of the Planning and Development Act 2005.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Shire of Derby / West Kimberley

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	New delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

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9.2 Local Planning Scheme - Council to CEO

Delegation	9.2.1 Town Planning Scheme No's 5 and 7: Determination of Applications
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Planning and Development Act 2005. Planning and Development (Local Planning Schemes) Regulations 2015: Division 2 Delegations cl 81 and 82; Town Planning Scheme No's 5 and 7; and Clause 9.8 "Delegation".
Function	Determination of development and subdivision applications and the issue of formal Council notices in accordance with the Town Planning Scheme and Council Policies.
Delegates	Chief Executive Officer
Conditions	<p>Advice to Council through appropriate mechanism.</p> <p>Sub-Delegation Conditions:</p> <p>The Manager Planning Services is delegated authority, following consultation with the Director Technical and Development Services as appropriate, to determine applications for development, recommend to the Western Australian Planning Commission on subdivision applications and exercise other powers of Council under the Town Planning Scheme as follows:</p> <p>1.0 Subdivision Applications</p> <p>1.1 Determine responses to the Western Australian Planning Commission (WAPC) in relation to:</p> <ul style="list-style-type: none"> (i) All strata, survey strata and subdivision applications, including applications involving assessment against the design principles of the Residential Design Codes of Western Australia (R Codes); (ii) Non-residential subdivision applications where: <ul style="list-style-type: none"> • vacant lots are proposed to be created; and • existing development on the subdivided lots would, if the subdivision was approved, be in compliance with the requirements of the Planning Scheme and Council policy; (iii) Subdivision applications where the application constitutes a minor variation to a plan already approved by the WAPC and in which no additional lots are proposed; and (iv) Amalgamation applications. <p>1.2 Issue subdivision clearance certificates where the relevant local government conditions have been satisfied.</p> <p>2.0 Notification of Planning Applications</p> <p>2.1 Authorise and determine the method of advertising and the persons notified for an application involving a discretionary ('D' or 'A') use, a use not listed, a non-conforming use which is, or may be required to be advertised, and variations to standards requiring advertising.</p>

	<p>2.2 Determine under what circumstances consultation with adjoining owners is required, under 'Part 4 -Consultation' of the R-Codes and administer consultation accordingly.</p> <p>3.0 Applications for Planning Approval</p> <p>3.1 Refuse applications not compliant with the Planning Scheme, R-Codes and/or Council policy requiring assessment against the design principles of the R-Codes and/or Council policy.</p> <p>3.2 Approve applications compliant with the Planning Scheme, R-Codes and/or Council policy, including those requiring assessment against the design principles of the R-Codes and/or Council policy subject to no objections being received where applications are required to be advertised.</p> <p>3.3 Approve minor variations to Council policy standards where consistent with the objectives of the Planning Scheme and any applicable policies.</p> <p>3.4 Approve minor changes to developments involving a non-conforming use where this is considered to not intensify the impact of the use.</p> <p>3.5 Approve dividing fences requiring planning approval where abutting property owners are in agreement.</p> <p>3.6 Approve modified proposals for applications previously the subject of the Council decision, subject to the modification(s):</p> <ul style="list-style-type: none"> • not being in conflict with any specific direction of Council in relation to the aspects of the proposal the subject of Council consideration; • not increasing the impact of or degree of variation the subject of Council consideration; and • otherwise consistent with relevant provisions. <p>3.7 Determine responses to the WAPC in regard to development applications which require determination by the WAPC.</p> <p>3.8 Place conditions on any approval, or reasons for refusal on any refusal, to an application for planning approval.</p> <p>3.9 Landscaping and preservation of existing vegetation</p> <p>Variations to the minimum areas of landscaping required for commercial and industrial developments where the development proposes an area of landscaping at the street level but falls below 10% of the site area.</p> <p>Requests for the relocation of Boab Trees when it can be demonstrated that retention of the tree in its original location would unduly prejudice the proper and orderly development of a property, on the basis that the tree is to be relocated and it can be demonstrated that the tree can be safely transplanted.</p> <p>Requests to remove a Boab Tree where it is clearly demonstrated that the tree is dead or dying or dangerous.</p> <p>4.0 Retrospective Applications</p> <p>Approve, with or without conditions, applications for unauthorised development compliant with the Planning Scheme, R-Codes and/or Council policy, including those requiring assessment against the design principles of the R-Codes and/or Council policy.</p> <p>5.0 Renewal of Planning Approval</p>
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	<p>Approve, with or without conditions, applications for renewal of planning approval, provided such applications are in accordance with the application originally approved by the Council, and the Planning Scheme, R-Codes and/or Council policy and circumstances relating to the site or surrounding the site are unchanged since Council granted approval. Such application must be received within two years of the expiration of the original approval.</p> <p>6.0 Appeals</p> <p>6.1 Determine appropriate conditions to be recommended to be applied to applications the subject of a successful appeal to the State Administrative Tribunal (SAT) and enter into Minute of Consent Orders accordingly.</p> <p>6.2 Agree to modifications to proposals the subject of an Appeal to the SAT where this is consistent with the delegation that would normally be extended to an application and is supported by the delegated officer, and is not directly in conflict with are solution of Council, and enter into Minute of Consent Orders accordingly.</p> <p>7.0 Compliance</p> <p>Issue formal notices to owners or occupiers of properties to cease unauthorised uses, remove unauthorised structures or comply with conditions of planning approval.</p> <p>8.0 Reporting</p> <p>A report shall be presented to Council every month outlining the decisions made under delegated authority to approve or refuse applications, in accordance with the terms of this policy.</p> <p>9.0 Applications may still be referred to Council</p> <p>9.1 In applying this policy, a conservative approach shall be adopted.</p> <p>9.2 An application shall be referred to Council for consideration where:</p> <ul style="list-style-type: none"> - the proposal is not explicitly permitted to be determined under delegated authority under the terms of this policy; - there is any doubt whether a proposal complies with the terms of this policy; - in the opinion of the delegated officer the scale and significance of the proposal is such that it should be considered by Council; - an applicant has specifically requested that the matter be considered by Council; and - the Council has specifically resolved that a particular application shall not be determined under delegated authority. <p>10.0 Procedures</p> <ul style="list-style-type: none"> - Where an applicant or owner of land is aggrieved by a decision of the Manager Planning Services under delegated authority where that decision involves the exercise of a discretionary power under the scheme the applicant or the owner may request that Council reconsider the matter. - Where an application has been determined under the above delegation of authority the approval shall contain the following footnote: <p>"The above determination has been made by the Manager Planning Services under delegated authority in order to expedite the decision making process. If you are aggrieved by the decision, you may request that the matter be reviewed at a Council meeting".</p>
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	10.0 Standard Conditions Compliance with "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.
Subdelegates	Manager Development Services
Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns and to disclose interests relating to delegated functions (s. 5.71 Employees). Part 13 of the Planning and Development Act 2005. Extractive Industries Local Laws.
Policy	TP5 Transportable/Relocated Dwellings TP7 Minimum Finished Floor Level of New Buildings (Other than Outbuildings) Fitzroy Crossing and Camballin TP2 Radio Masts TP1 Light Industrial Area – Caretakers Residence
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, moved designated employers paragraph from express power to delegate to statutory framework, moved council polices from statutory framework to policy and amendment to express power or duty delegated and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	9.2.2 Interim Development Order No 9: Determination of Applications
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
Express power or duty delegated	Planning and Development Act 2005: Section 214(2), (3) and (5).
Function	Determination of development and subdivision applications in accord with the Interim Development Order and Council Policies.
Delegates	Chief Executive Officer
Conditions	<p>Advice to Council through appropriate mechanism.</p> <p>Sub-Delegation Conditions:</p> <p>The Manager Planning Services is delegated authority, following consultation with the Director Technical and Development Services as appropriate, to determine applications for development, recommend to the West Australian Planning Commission on subdivision applications and exercise other powers of Council under Interim Development Order No 9 as follows:</p> <p>1.0 Subdivision Applications</p> <p>1.1 Determine responses to the Western Australian Planning Commission (WAPC) in relation to:</p> <ul style="list-style-type: none"> (i) all strata, survey strata and subdivision applications, including applications involving assessment against the design principles of the Residential Design Codes of Western Australia (R Codes); (ii) non-residential subdivision applications where: <ul style="list-style-type: none"> • vacant lots are proposed to be created; and • existing development on the subdivided lots would, if the subdivision was approved, be in compliance with the recommendations of the Fitzroy Futures Town Plan and Council policy; (iii) subdivision applications where the application constitutes a minor variation to a plan already approved by the WAPC and in which no additional lots are proposed; and (iv) amalgamation applications. <p>1.2 Issue subdivision clearance certificates where the relevant local government conditions have been satisfied.</p> <p>2.0 Notification of Development Applications</p> <p>2.1 Authorise and determine the method of those applications that due to their scale, nature, type or other aspect should be advertised for public comment.</p> <p>2.2 Determine under what circumstances consultation with adjoining owners is required, under 'Part 4 – Consultation' of the R-Codes and administer consultation accordingly.</p> <p>3.0 Applications for Development Approval</p>

	<p>3.1 Refuse applications that are contrary to the recommendations within with the Fitzroy Futures Town Plan, R-Codes and/or Council policy requiring assessment against the design principles of the R-Codes and/or Council policy.</p> <p>3.2 Approve applications compliant with the recommendations within the Fitzroy Futures Town Plan, R- Codes and/or Council policy, including those requiring assessment against the design principles of the R-Codes and/or Council policy subject to no objections being received where applications are required to be advertised.</p> <p>3.3 Approve construction, extension of any single residential dwelling, grouped dwelling or commercial or industrial building or use that is consistent with an approved Layout Plan.</p> <p>3.4 Approve minor variations to Council policy standards where consistent with the objectives of the Planning Scheme and any applicable policies.</p> <p>3.5 Approve minor changes to developments involving a non- conforming use where this is considered to not intensify the impact of the use.</p> <p>3.6 Approve dividing fences requiring planning approval where abutting property owners are in agreement.</p> <p>3.7 Approve modified proposals for applications previously the subject of the Council decision, subject to the modification(s):</p> <ul style="list-style-type: none"> • not being in conflict with any specific direction of Council in relation to the aspects of the proposal the subject of Council consideration; • not increasing the impact of or degree of variation the subject of Council consideration; and otherwise consistent with relevant provisions. <p>3.8 Determine responses to the WAPC in regard to development applications which require determination by the WAPC.</p> <p>3.9 Place conditions on any approval, or reasons for refusal on any refusal, to an application for planning approval.</p> <p>4.0 Retrospective Applications</p> <p>Approve, with or without conditions, applications for unauthorised development compliant with the Fitzroy Futures Town Plan, R-Codes and/or Council policy, including those requiring assessment against the design principles of the R-Codes and/or Council policy.</p> <p>5.0 Renewal of Planning Approval</p> <p>Approve, with or without conditions, applications for renewal of planning approval, provided such applications are in accordance with the application originally approved by the Council, and the Planning Scheme, R-Codes and/or Council policy and circumstances relating to the site or surrounding the site are unchanged since Council granted approval. Such application must be received within two years of the expiration of the original approval.</p> <p>6.0 Layout Plans</p> <p>Approve minor amendments to Layout Plans for remote Aboriginal settlements where the amendment has been endorsed by the Community Council and the nature of the amendment is of a procedural nature or will not significantly change the nature and purpose of the approved plan.</p> <p>7.0 Appeals</p>
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	<p>7.1 Determine appropriate conditions to be recommended to be applied to applications the subject of a successful appeal to the State Administrative Tribunal (SAT) and enter into Minute of Consent Orders accordingly.</p> <p>7.2 Agree to modifications to proposals the subject of an Appeal to the SAT where this is consistent with the delegation that would normally be extended to an application and is supported by the delegated officer, and is not directly in conflict with a resolution of Council, and enter into Minute of Consent Orders accordingly.</p> <p>8.0 Compliance</p> <p>Issue formal notices to owners or occupiers of properties to cease unauthorised uses, remove unauthorised structures or comply with conditions of planning approval.</p> <p>9.0 Reporting</p> <p>A report shall be presented to Council every month outlining the decisions made under delegated authority to approve or refuse applications, in accordance with the terms of this policy.</p> <p>10.0 Applications may still be referred to Council</p> <p>10.1 In applying this policy, a conservative approach shall be adopted.</p> <p>10.2 An application shall be referred to Council for consideration where:</p> <ul style="list-style-type: none"> • the proposal is not explicitly permitted to be determined under delegated authority under the terms of this policy; • there is any doubt whether a proposal complies with the terms of this policy; • in the opinion of the delegated officer the scale and significance of the proposal is such that it should be considered by Council; • an applicant has specifically requested that the matter be considered by Council; and • the Council has specifically resolved that a particular application shall not be determined under delegated authority. <p>10.3 In exercising this delegation in the area covered by the Fitzroy Futures Town Plan, the requirements, land uses and provisions of the plan shall be given due regard.</p> <p>11.0 Procedures</p> <ul style="list-style-type: none"> - Where an applicant or owner of land is aggrieved by a decision of the Manager Planning Services under delegated authority where that decision involves the exercise of a discretionary power under the scheme the applicant or the owner may request that Council reconsider the matter. - Where an application has been determined under the above delegation of authority the approval shall contain the following footnote: "The above determination has been made by the Shire Planner under delegated authority in order to expedite the decision making process. If you are aggrieved by the decision, you may request that the matter be reviewed at a Council meeting." <p>12.0 Standard Conditions</p> <p>"Standard Conditions" as outlined in this Register of Delegations.</p>
<p>Express power to subdelegate</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.</p>
<p>Subdelegates</p>	<p>Manager Development Services</p>

Subdelegate conditions	As outlined in Council Conditions for this Delegation.
Statutory framework	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns and to disclose interests relating to delegated functions (s. 5.71 Employees). Local Government Act 1995: sS.42 Delegation of some powers or duties to the Chief Executive Officer sS.43 Limitations on delegations to the Chief Executive Officer; and sS.44 Chief Executive Officer may delegate some powers and duties to other employees. Planning and Development Act 2005. Planning and Development (Local Planning Schemes) Regulations 2015: Division 2 - Delegations clause 81 and 82. Extractive Industries Local Laws.
Policy	TP5 Transportable/Relocated Dwellings TP7 Minimum Finished Floor Level of New Buildings (Other than Outbuildings) Fitzroy Crossing and Camballin TP2 Radio Masts TP1 Light Industrial Area – Caretakers Residence
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	26 May 2022
Adoption references	OCM Agenda Item xxx Res. No. xx/22

Amendments			
Approved	Type	Amendment	References
28 February 2019	Amended delegation	Review of delegation.	OCM Agenda Item 9.2.3 Min. No. 009/2019
27 May 2021	Amended delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

10.0 STATUTORY DELEGATION TO LOCAL GOVERNMENT FROM EXTERNAL AGENCIES

**10.1 Environmental Protection Act 1986
Department of Water and Environmental Regulation to CEO**

Delegation	10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]
Head of power	Environmental Protection Act 1986
Delegator	Department of Water and Environmental Regulation
Express power to delegate	<p>19 March 2004 GOVERNMENT GAZETTE, WA 919</p> <hr/> <p>ENVIRONMENT</p> <hr/> <p>EV401</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986</p> <p style="text-align: center;">SECTION 20 Delegation No. 52</p> <p>Pursuant to section 20 of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer hereby delegates as follows—</p> <p>Powers and duties delegated—</p> <p style="padding-left: 40px;">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 licensed 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.</p> <p>Persons to whom delegation made—</p> <p style="padding-left: 40px;">This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p> <p>Pursuant to section 59(1)(e) of the <i>Interpretations Act 1984</i>, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9th day of January 2004.</p> <p>Approved—</p> <p style="text-align: right;">FERDINAND TROMP, A/Chief Executive Officer. Dr JUDY EDWARDS MLA, Minister for the Environment.</p>
Express power or duty delegated	Environmental Protection Act 1986: s.65 Environmental protection notices, issue and effect of
Function	Issue and effect of environmental protection notices in respect to premises.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Environmental Protection Act 1986: Part VIII - General s.114 Prosecutions, who may institute (4) If the CEO has delegated a power under section 65(1) to a local government or the chief executive officer or an employee of a local government, a prosecution for an offence under section 65(5) in respect of a failure to comply with a requirement contained in an environmental protection notice caused to be served under section 65(1) by that local government, chief executive officer or employee may be instituted by the CEO or the chief executive officer of the local government.
Subdelegates	Manager Development Services Senior Environmental Health Officer

Shire of Derby / West Kimberley

Subdelegate conditions	As outlined in Conditions for this Delegation.
Statutory framework	Not applicable. (As they are not delegated by Council??)
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	19 March 2004
Adoption references	Approved by A/Chief Executive Officer of Department of Environment Regulation and Minister for Environment – published 19/3/2004.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

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Delegation	10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events
Head of power	Environmental Protection Act 1986
Delegator	Department of Water and Environmental Regulation
Express power to delegate	<p>6282 GOVERNMENT GAZETTE, WA 20 December 2013</p> <p>EV402*</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986 DELEGATION NO. 112</p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 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 <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to—</p> <ul style="list-style-type: none"> (a) waste collection and other works—noise management plans relating to specified works under regulation 14A or 14B; (b) bellringing or amplified calls to worship—the keeping of a log of bellringing 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 and entertainment purposes under Part 2 Division 7, subject to the following limitation— <ul style="list-style-type: none"> (i) Subregulation 18(13)(b) is not delegated. <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by— JOHN DAY, Acting Minister for Environment, Heritage.</p>
Express power or duty delegated	<p>Environmental Protection (Noise) Regulations 1997:</p> <ul style="list-style-type: none"> r.14A Waste collection and other works; r.14B Ancillary measures: waste collection and other works; r.15 Bellringing and calls to worship (3)(c)(vi); r.16 Community Noise; Division 3 – Motor sport venues; Division 4 – Shooting venues; r.23 Calibration results to be available (b); and Division 7 – Sporting, cultural and entertainment events. <p>Note: r.18 (13)(b) is not delegated.</p>
Function	Perform functions of Environmental Protection (Noise) Regulations 1997, Part 2 – Allowable noise emissions.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable. Or The Chief Executive Officer to whom powers and duties have been delegated in this instrument nominates holders from time to time to exercise those powers and discharge those duties on Chief Executive Officer's behalf and under their authority.

Subdelegates	Manager Development Services Senior Environmental Health Officer
Subdelegate conditions	As outlined in Conditions for this Delegation.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	12 December 2013
Adoption references	Approved by Acting Minister for Environment; Heritage – published 20/12/2013.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

Delegation	10.1.3 Noise Management Plans – Construction Sites
Head of power	Environmental Protection Act 1986
Delegator	Department of Water and Environmental Regulation
Express power to delegate	<p>1548 GOVERNMENT GAZETTE, WA 16 May 2014</p> <p>EV405*</p> <p style="text-align: center;">ENVIRONMENTAL PROTECTION ACT 1986 DELEGATION NO. 119</p> <p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of—</p> <p>(a) Chief Executive Officer under the <i>Local Government Act 1995</i>; and</p> <p>(b) to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.</p> <p>Dated the 1st day of May 2014.</p> <p style="text-align: right;">JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by—</p> <p style="text-align: right;">Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage.</p>
Express power or duty delegated	Environmental Protection (Noise) Regulations 1197: r.13 Construction sites.
Function	Perform functions of Environmental Protection (Noise) Regulations 1997, Part 2 – Allowable noise emissions.
Delegates	Chief Executive Officer
Conditions	"Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Environmental Protection Act 1986: s.20 Delegation by CEO.
Subdelegates	Manager Development Services Senior Environmental Health Officer
Subdelegate conditions	As outlined in Conditions for this Delegation.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	1 May 2014
Adoption references	Approved by Minister for Environment; Heritage – published 16/5/2014.

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

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10.2 Planning and Development Act 2005
Department of Planning, Lands and Heritage to CEO

Delegation	10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner
Head of power	Planning and Development Act 2005
Delegator	Department; Lands and Heritage
Express power to delegate	<p style="text-align: center;">DoL FILE 1738/2002v8; 858/2001v9</p> <p style="text-align: center;"><i>PLANNING AND DEVELOPMENT ACT 2005</i></p> <p style="text-align: center;">INSTRUMENT OF AUTHORISATION</p> <p>I, Donald Terrence Redman MLA, Minister for Lands, a body corporate continued by section 7(1) of the <i>Land Administration Act 1997</i>, under section 267A of the <i>Planning and Development Act 2005</i>, HEREBY authorise, in respect of each local government established under the <i>Local Government Act 1995</i> 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.</p> <p style="text-align: center;">Dated the 2nd day of June 2016</p> <div style="text-align: center;">  HON DONALD TERENCE REDMAN MLA MINISTER FOR LANDS </div>

SCHEDULE		
This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the Planning and Development Act 2005		
Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> a reserve managed by the local government pursuant to section 46 of the Land Administration Act 1997 and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or the land is a road of which the local government has the care, control and management under section 55(2) of the Land Administration Act 1997 and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road. <p>In respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the Planning and Development Act 2005 in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p> <p>(ii) section 103(2) of the Planning and Development Act 2005 in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p> <p>(iii) section 115 of the Planning and Development Act 2005 in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the Planning and Development Act 2005 in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 182 of the Planning and Development Act 2005 in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p> <p>(vi) section 193 of the Planning and Development Act 2005 in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the Heritage of Western Australia Act 1996, or of which such a place forms part;</p> <p>(vii) section 171A of the Planning and Development Act 2005 in respect of a prescribed development application (as that term is defined in that section of that Act);</p>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bussellton City of Busselton Shire of Serpentine City of Belmont Shire of Bridgeton Shire of Brooking Shire of Broome Shire of Broome-Tambellup Shire of Bruce Rock City of Bunbury Shire of Canning Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Cranbrook Shire of Chapman Valley Shire of Chillingworth Shire of Christmas Island Town of Claremont City of Cockburn Shire of Coles (Swain) Islands Shire of Collie Shire of Coolgardie Shire of Coorup Shire of Coongah Town of Coorow Shire of Cranbrook Shire of Durling Shire of Duncraig Shire of Dundas Shire of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Gnowap City of Fremantle City of Greater Geelong</p> <p>Shire of Girgin Shire of Gnowangong Shire of Goomalling City of Geraldton Shire of Hale Creek Shire of Harvey Shire of Irwin Shire of Jarrajarra City of Joondalup Shire of Kalamunda City of Kalbarrie-Southern Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup Shire of Kondinin Shire of Koolberrin Shire of Koolberrin City of Kalbarrie Shire of Lake Grace Shire of Laverton Shire of Leonora City of Mandurah Shire of Mandurah Shire of Manjimup Shire of Meekatharra City of Merri Shire of Merri Shire of Merredin Shire of Millmerran Shire of Millmerran Shire of Millmerran Town of Moaman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mulleerup Shire of Murchison Shire of Murrumbidgee</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: 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 the 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.</p>

	<p>Shire of Nannup Shire of Narembean Shire of Narrogin Town of Narrogin City of Nedlands Shire of Nganyul/Jamali Shire of Northam Shire of Northampton Shire of Nungarin Shire of Peppermint Grove Shire of Perth City of Perth Shire of Pingelly Shire of Plantagenet Town of Port Hedland Shire of Queessing Shire of Ravensthorpe City of Rockingham Shire of Roebourne Shire of Sandstone Shire of Serpentine/Jamvale Shire of Shark Bay City of South Perth City of Stirling City of Subiaco City of Swan</p> <p>Shire of Tanamin Shire of Three Springs Shire of Toodyay Shire of Trayning Shire of Upper Gascoyne Town of Victoria Park Shire of Victoria Plains Town of Vincent Shire of Wagin Shire of Wandaring City of Wanneroo Shire of Waroona Shire of West Arthur Shire of Westonia Shire of Wilagein Shire of Williams Shire of Wiluna Shire of Wongan-Ballidu Shire of Woodliffing Shire of Wyalkatchem Shire of Wyndham-East Kimberley Shire of Yalgoo Shire of Yalgoo Shire of York</p> <div style="text-align: right;">  HON DONALD TERENCE REDMAN MLA MINISTER FOR LANDS 2nd day of June 2016 </div>
Express power or duty delegated	Planning and Development Act 2005: s.267A Crown and State land, who may sign documents
Function	As outlined in column 1 of the above schedule.
Delegates	Chief Executive Officer
Conditions	As outlined in column 3 of the above schedule and "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	2 June 2016

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Adoption references	Approved by Minister for Lands – published 2/6/2014.
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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

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Western Australian Planning Commission to CEO

Delegation	10.2.2 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)
Head of power	Planning and Development Act 2005
Delegator	Western Australian Planning Commission
Express power to delegate	<p>§22 GOVERNMENT GAZETTE, WA 27 March 2020</p> <p>PL402</p> <p>PLANNING AND DEVELOPMENT ACT 2005 INSTRUMENT OF DELEGATION Del 2020/01 Powers of Local Governments</p> <p>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the <i>Strata Titles Act 1985</i>.</p> <p>Preamble Under section 16 of the <i>Planning and Development Act 2005</i> (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the <i>Government Gazette</i>, delegate any function under the Act or any other written law to a local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government.</p> <p>In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.</p> <p>Resolution under section 16 of the Act (delegation) On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—</p> <p>A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule 1;</p> <p>B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the <i>Strata Titles Amendment Act 2018</i>.</p> <p>SAM FAGAN, Secretary, Western Australian Planning Commission.</p> <p>Schedule 1</p> <p>1. Applications made under section 15 of the <i>Strata Titles Act 1985</i> Power to determine applications for the issuing of a certificate of approval under section 15 of the <i>Strata Titles Act 1985</i>, except those applications that—</p> <p>(a) propose the creation of a vacant lot;</p> <p>(b) propose vacant air stratas in multi-tiered strata scheme developments;</p> <p>(c) propose the creation or postponement of a leasehold scheme;</p> <p>(d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—</p> <p>i. a type of development; and/or</p> <p>ii. land within an area,</p> <p>which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p> <p>2. Reporting requirements A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.</p>
Express power or duty delegated	Strata Titles Act 1985 s.15 Subdivision approval of strata scheme.
Function	Power to determine applications for issuing of a certificate of approval.
Delegates	Chief Executive Officer
Conditions	As outlined in schedule 1 above and "Standard Conditions" as outlined in this Register of Delegations.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.

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Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	27 March 2020
Adoption references	Approved by Secretary, Western Australian Planning Commission – published 2/6/2014.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

**10.3 Main Roads Act 1930
Main Roads Western Australia to CEO and Employees**

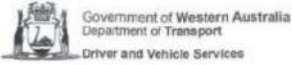
Delegation	10.3.1 Traffic Management - Events on Roads
Head of power	Main Roads Act 1930
Delegator	Main Roads Western Australia
Express power to delegate	A list of local governments authorised for Traffic Management for Events can be found on the Main Road WA website here . Have requested a copy of the signed instrument of authorisation from Main Roads.
Express power or duty delegated	As outlined in the Instrument of Authorisation above.
Function	As outlined in the Instrument of Authorisation above.
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	As outlined in the Instrument of Authorisation above.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	27 May 2021
Adoption references	Signed agreement by the Commissioner of Main Roads – dated xxxx.


Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

Delegation	10.3.2 Traffic Management – Road Works
Head of power	Main Roads Act 1930
Delegator	Council Main Roads Western Australia
Express power to delegate	A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website here . Have requested a copy of the signed instrument of authorisation from Main Roads if we have one.
Express power or duty delegated	As outlined in the Instrument of Authorisation above.
Function	As outlined in the Instrument of Authorisation above.
Delegates	Chief Executive Officer Director Technical and Development Services
Conditions	As outlined in the Instrument of Authorisation above.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	27 May 2021
Adoption references	Signed agreement by the Commissioner of Main Roads – dated xxxx.

Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

**10.4 Road Traffic (Vehicles) Act 2012
Department of Transport to CEO**

Delegation	10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles
Head of power	Road Traffic (Vehicles) Act 2012
Delegator	Department of Transport
Express power to delegate	 <p style="text-align: center;">ROAD TRAFFIC (VEHICLES) ACT 2012 <i>Road Traffic (Vehicles) Regulations 2014</i> RTVR-2017-202046</p> <p style="text-align: center;">APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES</p> <p>Pursuant to the <i>Road Traffic (Vehicles) Regulations 2014 (the Regulations)</i>, I, Christopher Davers, Assistant Director Strategy and Policy, Driver and Vehicle Services, Department of Transport, and delegate of the Chief Executive Officer of the Department of Transport by way of a delegation instrument dated 7 August 2017, hereby approve vehicles owned by a local government and ordinarily used by persons authorised or appointed by that local government to perform functions on its behalf under:</p> <ul style="list-style-type: none"> (a) the <i>Local Government Act 1995</i>; (b) regulations made under the <i>Local Government Act 1995</i>; (c) a local law; (d) any other legislation empowering a local government to authorise or appoint persons to perform functions on the behalf of the local government (including but not limited to the <i>Dog Act 1976</i>), or (e) any combination of the above paragraphs (a) to (d); <p>as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the <i>Regulations</i>, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the <i>Regulations</i>, subject to the following conditions:</p> <p style="text-align: center;">CONDITIONS</p> <ol style="list-style-type: none"> 1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light. 2. At least one flashing light shall be mounted on top of the vehicle and when lit, shall be visible in normal daylight up to a distance of not less than 200 metres to vehicles approaching from any direction. 3. No part of the lens of the flashing lights is visible either directly or indirectly to the driver when seated in the normal driving position. 4. If more than one flashing light is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles. 5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat. 6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle. 7. Any vehicle fitted with flashing lights for the purposes of this approval must:

	 <p>Government of Western Australia Department of Transport Driver and Vehicle Services</p> <p>(a) have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and</p> <p>(b) where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services", or words to similar unambiguous effect clearly set out on the back of the vehicle.</p> <p>This condition 7 is not intended to prevent the use of additional words on the vehicle.</p>  <p>Christopher Davers Assistant Director, Strategy and Policy Driver and Vehicle Services Department of Transport</p> <p>Dated the <u>5th</u> day of <u>September</u> 2017</p> <p style="text-align: right;">Approval for ranger vehicles to fit and use yellow flashing lights (transport.wa.gov.au) <i>Extracted on line on 15 March 2021</i></p>
Express power or duty delegated	As outlined in the Instrument of Approval above.
Function	As outlined in the Instrument of Approval above.
Delegates	Chief Executive Officer
Conditions	As outlined in the Instrument of Approval above.
Express power to subdelegate	Not applicable.
Subdelegates	Not applicable.
Subdelegate conditions	Not applicable.
Statutory framework	Not applicable.
Policy	Not applicable.
Record keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
Date adopted	27 May 2021
Adoption references	Signed approval by Assistant Director, Strategy and Policy, Driver and Vehicle Services, Department of Transport dates 5/9/2017.

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Amendments			
Approved	Type	Amendment	References
27 May 2021	New delegation	Review of delegation using WALGA Model - Council Meeting 27 May 2021.	OCM Agenda Item 11.1 Res. No. 56/21
26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

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AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
1.1.1 Performing Functions Outside the District	26 May 2022	Amended delegation	Review of delegation, amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.2 Compensation - Damage Incurred when Performing Executive Functions	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.3 Powers of Entry to Perform Local Government Functions	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.4 Declare Vehicle is Abandoned Vehicle Wreck	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.5 Confiscated or Uncollected Goods (Disposing of)	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.6 Disposal of Sick or Injured Animals	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.7 Close Thoroughfares to Vehicles/Extra Mass Permits	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.8 Control Reserves and Certain Unvested Facilities	26 May 2022	Amended delegation	Review of delegation, added head of power and information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.9 Obstruction of Footpaths and Thoroughfares	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.10 Gates Across Public Thoroughfares	26 May 2022	Amended delegation	Review of delegation, added subdelegate and information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.11 Public Thoroughfare – Dangerous Excavations	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.12 Crossing – Construction, Repair and Removal	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.13 Private Works on, over or under Public Places	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.14 Works Required for Supply of Water	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.16 Expressions of Interest for Goods and Services	26 May 2022	Amended delegation	Review of delegation, added express power to subdelegate information,	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
			amendment to subdelegate and policy.	
1.1.17 Tenders for Goods and Services – Call Tenders	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.19 Tenders for Goods and Services - Exempt Procurement	26 May 2022	Amended delegation	Review of delegation, amendment to function, subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.20 Application of Regional Price Preference Policy	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.21 Payments from the Municipal or Trust Funds	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.22 Defer, Grant Discounts, Waive or Write Off Debts	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.23 Power to Invest and Manage Investments	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.24 Rate Record Amendment	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.25 Agreement as to Payment of Rates and Service Charges	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.26 Determine Due Date for Rates or Service Charges	26 May 2022	Amended delegation	Review of delegation, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.27 Recovery of Rates or Service Charges	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.30 Rate Record – Objections	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegates and added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.31 Renewal or Extension of Contracts during a State of Emergency	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, subdelegates, policy and added information to statutory framework.	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
1.1.32 Procurement of Goods or Services required to address a State of Emergency	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, policy and added information to subdelegates and statutory framework.	OCM Agenda Item xxx Res. No. xx/22
1.1.33 Applying Common Seal	26 May 2022	Amended delegation	Review of delegation, added information to delegate, express power to subdelegate and policy, amended subdelegate conditions.	OCM Agenda Item xxx Res. No. xx/22
1.1.34 Minor Amendments to Policies and Delegations	26 May 2022	Amended delegation	Review of delegation, added subdelegate information, amendment to subdelegate conditions and policy.	OCM Agenda Item xxx Res. No. xx/22
1.1.35 Submissions	26 May 2022	Amended delegation	Review of delegation, added express power to delegate, express power or duty delegated and subdelegate information, amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.1 Determine if an Emergency (for Emergency Powers of Entry)	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate and policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	26 May 2022	Amended delegation	Review of delegation, amendment to function, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.3 1.2.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares	26 May 2022	Amended delegation	Review of delegation, amendment to function, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places	26 May 2022	Amended delegation	Review of delegation, amendment to statutory framework, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.5 Appoint Persons (other than employees) to Open Tenders	26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.6 Electoral Enrolment Eligibility Claims and Electoral Roll	26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.7 Destruction of Electoral Papers	26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.8 Appoint Authorised Persons	26 May 2022	Amended delegation	Review of delegation, amendment to function,	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
(Local Government and Various Acts)			delegate and added information to policy.	
1.2.9 Information to be Available to the Public	26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.10 Financial Management Systems and Procedures	26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.11 Audit – CEO Review of Systems and Procedures	26 May 2022	Amended delegation	Review of delegation, amendment to delegate and added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.2.12 Infringement Notices (Local Government and Various Acts)	26 May 2022	Amended delegation	Review of delegation, amendment to delegate and conditions, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.3.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law	26 May 2022	Amended delegation	Review of delegation, amendment to statutory framework, added information to policy.	OCM Agenda Item xxx Res. No. xx/22
1.3.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law	26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate and delegates, amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.1 Grant a Building Permit	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.2 Demolition Permits	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.3 Occupancy Permits or Building Approval Certificates	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.4 Designate Employees as Authorised Persons (Building)	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.5 Building Orders	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegate conditions and added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.6 Inspection and Copies of Building Records	26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate,	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
			statutory framework and policy.	
2.1.7 Referrals and Issuing Certificates (Building)	26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.8 Private Pool Barrier – Alternative and Performance Solutions	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.9 Smoke Alarms – Alternative Solutions	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework, record keeping and policy.	OCM Agenda Item xxx Res. No. xx/22
2.1.10 Appointment of Approved Officers and Authorised Officers (Building)	26 May 2022	Amended delegation	Review of delegation, amendment to subdelegates and added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.1 Make Request to FES Commissioner – Control of Fire	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.2 Prohibited Burning Times - Vary	26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.3 Prohibited Burning Times – Control Activities	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.4 Restricted Burning Times – Vary and Control Activities	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.5 Control of Operations Likely to Create Bush Fire Danger	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.6 Burning Garden Refuse/Open Air Fires	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
3.1.7 Firebreaks	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.9 Control and Extinguishment of Bush Fires	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.10 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act	26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, subdelegates, subdelegates conditions, statutory framework and amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
3.1.11 Prosecution of Offences (Bush Fires)	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
4.1.1 Cat Registrations	26 May 2022	Amended delegation	Review of delegation, added information to express power or duty delegated, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
4.1.2 Cat Control Notices	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
4.1.3 Approval to Breed Cats	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
4.1.4 Recovery of Costs – Destruction of Cats	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
4.1.5 Applications to Keep Additional Cats	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
4.1.6 Reduce or Waiver a Cat Registration Fee	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
			framework and amendment to policy.	
4.2.1 Infringement Notices – Extensions and Withdrawals	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
5.1.1 Part Payment of Dog Sterilisation Costs/Directions to Veterinary Surgeons	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
5.1.2 Refuse or Cancel Registration of a Dog	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
5.1.3 Dog Kennel Establishments	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
5.1.4 Recovery of Moneys Due Under the Dog Act	26 May 2022	Amended delegation	Review of delegation, amendment to policy, added information to subdelegates, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22
5.1.5 Dispose of or Sell Dogs Liable to be Destroyed	26 May 2022	Amended delegation	Review of delegation, amendment to conditions and policy, added information to express power to subdelegate, subdelegates, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22
5.1.6 Declare a Dog Dangerous	26 May 2022	Amended delegation	Review of delegation, amendment to conditions and policy, added information to express power to subdelegate, subdelegates, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22
5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke	26 May 2022	Amended delegation	Review of delegation, amendment to conditions, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice	26 May 2022	Amended delegation	Review of delegation, amendment to conditions and express power to subdelegate, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration	26 May 2022	Amended delegation	Review of delegation, amendment to conditions and express power to subdelegate, added information to subdelegates, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
6.1.1 Determine Compensation	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
6.1.2 Prohibition Orders (Food Act)	26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
6.1.3 Food Business Registrations	26 May 2022	Amended delegation	Review of delegation, added information to delegates, subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
6.1.4 Appoint Authorised Officers and Designated Officers (Food Act)	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegates conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
6.1.5 Debt Recovery and Prosecutions (Food Act)	26 May 2022	Amended delegation	Review of delegation, amendment to delegates and policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22
6.1.6 Abattoir Inspections and Fees	26 May 2022	Amended delegation	Review of delegation, amendment to policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22
6.1.7 Food Businesses List – Public Access	26 May 2022	Amended delegation	Review of delegation, amendment to express power to duty to delegate, delegates, and policy, added information to subdelegates, subdelegates conditions, and statutory framework.	OCM Agenda Item xxx Res. No. xx/22
7.1.1 Give Notice Requiring Obliteration of Graffiti	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
7.1.2 Notices – Deal with Objections and	26 May 2022	Amended delegation	Review of delegation, added information to	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
Give Effect to Notices (Graffiti)			statutory framework and policy.	
7.1.3 Obliterate Graffiti on Private Property	26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
7.1.4 Powers of Entry (Graffiti Vandalism Act)	26 May 2022	Amended delegation	Review of delegation, added information to express power to subdelegate, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos)	26 May 2022	Amended delegation	Review of delegation, added information to subdelegates, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
8.1.2 Enforcement Agency Reports to the Chief Health Officer	26 May 2022	Amended delegation	Review of delegation, amendment to delegates, added information to subdelegates, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
8.1.3 Designate Authorised Officers (Health)	26 May 2022	Amended delegation	Review of delegation, added information to subdelegate, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
8.1.4 Determine Compensation for Seized Items (Health)	26 May 2022	Amended delegation	Review of delegation, amendment to delegates, added information to subdelegate, subdelegate conditions, statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
9.1.1 Illegal Development	26 May 2022	Amended delegation	Review of delegation, added information to statutory framework and policy.	OCM Agenda Item xxx Res. No. xx/22
9.2.1 Town Planning Scheme No's 5 and 7: Determination of Applications	26 May 2022	Amended delegation	Review of delegation, moved designated employers paragraph from express power to delegate to statutory framework, moved council polices from statutory framework to policy and amendment to express power or duty delegated and policy.	OCM Agenda Item xxx Res. No. xx/22
9.2.2 Interim Development Order No 9: Determination of Applications	26 May 2022	Amended delegation	Review of delegation, amendment to policy.	OCM Agenda Item xxx Res. No. xx/22
10.2.1 Instrument of Authorisation – Local Government CEOs – Sign	26 May 2022	Amended delegation	Review of delegation, removed attachment and	OCM Agenda Item xxx Res. No. xx/22

Delegation	Approved or adopted	Type	Amendment	References
Development Applications for Crown Land as Owner			added relevant information to the delegation.	
10.2.2 WA Planning Commission – Powers of Local Governments – s.15 pf the Strata Titles Act 1985 (DEL 2020/01)	26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22
10.3.1 Traffic Management – Events on Roads	26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22
10.3.2 Traffic Management – Road Works	26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22
10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles	26 May 2022	Amended delegation	Review of delegation, removed attachment and added relevant information to the delegation.	OCM Agenda Item xxx Res. No. xx/22

DRAFT

11.3 FITZROY CROSSING AIRPORT - LEASE RENEWAL FOR BUREAU OF METEOROLOGY**File Number: 9030.6****Author: Neil Hartley, Strategic Business Manager****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Administrative****SUMMARY**

The Shire has an existing lease with the Bureau of Meteorology at the Fitzroy Crossing Airport.

This report proposes that the Bureau Of Meteorology be offered a 10 year replacement Lease, although if possible, it would be preferred if we can arrange for the lease period to be for approximately 11 years (to 31/03/2023) to align with the Bureau's Derby Airport lease for the same purpose.

DISCLOSURE OF ANY INTEREST

Nil Applicable.

BACKGROUND

The Bureau of Meteorology has an existing lease at Fitzroy Crossing Airport. The site provides weather data for users of the Fitzroy Crossing Airport, as well as for wider district consumption. The lease has recently expired (18/04/2022) and a new lease is requested by the Bureau.

The Bureau has provided the attached draft lease (noting that this document is similar to the other Bureau lease it has at Derby Airport). It is not proposed to seek legal advice in regard to this lease in light of the Lessee being a Commonwealth Government agency.

STATUTORY ENVIRONMENT

Section 3.58 (Disposing of property) of the Local Government Act deals with how a local government can lease property. This generally requires a public auction or a public tender, or a local public notice inviting public submissions if a private bid is being considered.

Regulation 30 (Dispositions of property excluded from Act s. 3.58) of the Local Government (Functions and General) Regulations provides for exemptions (if the local government wishes to take that option) and one of those exemptions is where the land is disposed of to —

the Crown in right of the Commonwealth; or a department, agency, or instrumentality of the Crown in right of the Commonwealth.

As the proposal is to offer the property to the Commonwealth's Bureau Of Meteorology, then the exemption of regulation 30 can be applied.

POLICY IMPLICATIONS

Policy (ES2) Establishment of Commercial Leases is partially relevant.

FINANCIAL IMPLICATIONS

The lessee will essentially take on the sites "as is where is" and is responsible for any operational costs of the lease area (e.g. power, water, etc.). There will be no legal establishment costs

involved. The new lease fee is \$3,000 payable in advance for the 10 year lease (previously it was \$1/year, or \$10 for the previous ten year period).

STRATEGIC IMPLICATIONS

STRATEGIC AREA	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Reputation: Potential for reputational damage if the lease is not re-issued for weather collection purposes.	Unlikely	Moderate	Medium	Re-lease the site to the Bureau.
Financial: Lessee might not meet costs as per lease.	Possible	Minor	Low	Manage the lease and any costs for the area concerned.

CONSULTATION

There is not considered to be a realistic alternative use or Lessee for the site, and so no community consultation is suggested as being required on this occasion.

There has been direct consultation with the Bureau of Meteorology.

COMMENT

There is not considered to be a realistic alternative use for this land and the Bureau provides a valuable airport/district service. The increase negotiated for the lease fee now represents a reasonable return for the Shire and assists to reduce, if only by a small margin, the annual operational loss of the Fitzroy Crossing Airport.

If possible, the lease period will be for approximately 11 years (to 31/03/2023) to align with the Bureau’s Derby Airport lease for the same purpose.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. BOM Draft Lease - FX Airport  

RESOLUTION 62/22**Moved: Cr Paul White****Seconded: Cr Peter McCumstie****That Council lease part of Reserve #'s 20668 (Fitzroy Crossing Airport) to the Bureau on the following significant conditions:**

- a. lease area to be consistent with the description outlined in Item #6 of the Lease Schedule;**
- b. the lease fee to be \$3,000 for the ten year period (vis. \$300pa equivalent);**
- c. the lease period to be preferably to 31/03/2023 (to align with Derby Airport lease) or alternatively, for 10 years.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

- e. Not to commence the erection or construction upon the Demised Premises of any buildings fixtures or improvements or to make any alterations or additions to a building fixture or improvement upon the Demised Premises without the prior written consent in writing of the Lessor, which consent shall not be unreasonably withheld.
- f. Within a reasonable time of being required by the Lessor so to do to remove from the Demised Premises any buildings fixtures improvements alterations or additions erected constructed or made in contravention of the last preceding paragraph and thereupon to restore the Demised Premises to the same or substantially the same conditions as they were in immediately prior to those unauthorised buildings fixtures improvements alterations or additions being so erected constructed or made or commenced to be so erected constructed or made.
- g. To keep the Demised Premises during the continuance of this Lease in a substantially clean and tidy condition and in good and substantial repair and condition (damage by fire, lightning, storm, tempest, earthquake, fair wear and tear expected) having regard to their conditions at the commencement of the Lease.
- h. Subject to this lease to use the Demised Premises for the Purpose specified in Clause 1 of this Lease and for no other purpose without the consent in writing of the Lessor which consent shall not be unreasonably withheld.
- i. Not to do anything on the Demised Premises which may constitute a nuisance annoyance or danger to any person or which may interfere with the proper enjoyment of any area within the airport of which the Demised Premises form part ("the aerodrome") PROVIDED THAT the carrying out of the normal operational practices of the Bureau in discharge of its functions pursuant to the *Meteorology Act 1955* (Cth) and the *Water Act 2007* (Cth) shall not be deemed to be a breach of this clause.
- j. Subject to the terms of this Lease to observe all reasonable directions rules and regulations for the time being in force relating to the means of access to the Demised Premises and the aerodrome.
- k. At the Commonwealth's own cost to comply with:
 - l. all State statutes and regulations made thereunder in relation to the generation and storage of hydrogen and the storage of petrol oil or other material of an explosive flammable or dangerous nature on the Demised

Premises, including but not limited to the *Contaminated Sites Act 2003* (WA); and

- II. all reasonable directions given from time to time by the Lessor in relation to the provision installation and maintenance of suppressors on the Bureau's electrical equipment to prevent interference with radio, radar or television transmission and reception.
- I. To take all reasonable precautions against the outbreak of fire upon the Demised Premises.
- m. Subject to this Lease to observe and comply with;
- I. all Commonwealth and State Acts of Parliament and the rules regulations and planning schemes made thereunder;
 - II. all local government local laws applicable to the aerodrome; and
 - III. all reasonable rules directions and orders made in respect of the aerodrome that are relevant to the Demised Premises and to the extent that the Lessee is bound to comply with them.
- n. Forthwith upon the expiration or sooner determination of this Lease to take down remove or obliterate all advertisements placards and signs which have been erected affixed or displayed upon the Demised Premises.
- o. Not used.
- p. Not to assign this Lease or any part thereof without the written approval of the Lessor which approval shall not be unreasonably withheld.
- q. To permit any duly authorised agent of the Lessor upon the giving of reasonable notice in writing to the Lessee at any reasonable time to enter upon the Demised Premises without the unnecessary interference to the occupation and use of the Demised Premises by the Lessee, to view the state of repair thereof and to observe whether the terms and conditions of the Lease are being complied with.
- r. Forthwith upon the expiration or sooner determination of this Lease peaceably and quietly to deliver up possession of the Demised Premises to the Lessor in

such state order and conditions as is consistent with the Lessee's obligations under this lease.

3. THE LESSOR COVENANTS with the Lessee:

- a. That the Lessee paying rent and observing and performing the covenants on the part of the Lessee to be observed and performed may during the continuance of this Lease quietly enjoy the Demised Premises without interruption from the Lessor or any person lawfully claiming under or in trust for the Lessor.
- a. To give the Lessee, its officers, employees and agents, all necessary access to cables, conduits and ducts located on the Site which are owned or used by the Lessee and are associated with facilities on the Demised Premises.
- b. Subject to this Lease, to duly pay satisfy and discharge all rates taxes and other outgoings which may be lawfully levied imposed or assessed in respect of the Demised Premises.
- c.
 - I. To permit the Lessee to sublet the Demised Premises or any part thereof to be used for the purpose set out in Clause 1 above;
 - II. If the Lessee gives written notice to the Lessor of an intention to sublet or use all or part of the Demised Premises or a building thereon for the purposes other than those in Clause 1 above and offers to surrender this Lease to the Lessor, that the Lessor will accept such offer and will enter into a new lease of the Site.
- d.
 - I. To indemnify and keep indemnified the Lessee and its employees, officers and agents against all actions, proceedings, claims and demands whatsoever which may be brought or made against the Lessee or its employees officers or agents in respect of loss of or damage to property or loss of life or persona, injury, that arises directly or indirectly from a negligent act or negligent omission of the Lessor, an employee, officer or agent of the Lessor at the Site;
 - II. To indemnify and keep indemnify the Lessee and its employees, officers and agents against all costs, damages and expenses which may be incurred by the Lessee or any of its employees, officers or agents in

defending actions, proceedings, claims or demands referred to in subclause 3.d.I.

- III. To effect and maintain liability insurance in accordance with the requirements of the Lessee which extends to cover the Lessee in respect of liabilities arising under subclauses 3.d.I and 3.d.II. The Lessor shall at the request of the Lessee provide adequate evidence as to the existence of the insurance.
- b. That the Lessor will comply with all reasonable directions given from time to time by the Lessee in relation to the provision installation and maintenance of suppressors on the Lessor's electrical equipment to prevent interference with radio radar or television transmission and reception.
 - e. That the Lessor shall ensure that no building, fence, erection, structure, tree, plant or other obstruction whatsoever shall be or remain in the vicinity of the Demised Premises in a manner inconsistent with the Lessee's guidelines set out in Item 5 of the Schedule hereto.
 - f. That:
 - I. Should any proposed development of the aerodrome require the placement of an object or any works which have the potential to give rise to a breach of clause 3.e or which may otherwise affect the integrity of any of the Lessee's equipment, the parties will consult in good faith in order to agree on a strategy to minimise any adverse effect on the Lessee's equipment;
 - II. In the event that the Lessor breaches clause 3.e, or if the parties agree under clause 3.f.I that the Lessee's equipment will need to be relocated due to development of the aerodrome, then in addition and without prejudice to any other rights which the Lessee may have to require that breach to be rectified, the Lessee may at its absolute discretion serve a written notice on the Lessor specifying (if relevant) the nature of the breach of clause 3.e and electing to relocate to alternative premises if the breach is not rectified (Relocation Notice);
 - III. Within 7 days of receipt of a Relocation Notice, the Lessor must either:
 - a. rectify the breach at its own cost; or

- b. provide to the Lessee details (including suitably detailed plans) of at least two alternative sites for premises to which the Lessee may choose to relocate (Lessor Response Notice).

- IV. Within 21 days of receipt of the Lessor Response Notice, and subject to the prompt provision of any further reasonable information which the Lessee may require from the Lessor, the Lessee may give notice to the Lessor either:
 - a. electing to relocate to one of the proposed alternative sites (Alternative Premises); or

 - b. terminating this Lease.

- V. If the Lessee elects to relocate under clause 3.f.IV.a, the parties agree that:
 - a. the Lessee will relocate its equipment to the Alternative Premises as soon as practicable;

 - b. the parties will work together in good faith to manage the relocation of the Lessee's equipment to the Alternative Premises

- VI. Upon relocation of the Lessee's equipment to the Alternative Premises, the parties will
 - a. Surrender this Lease; and

 - b. Enter into a new lease on the same terms and conditions as the lease save for the description of the premises which will be amended to describe the Alternative premises

- g. That:
 - I. to the best of its knowledge no Hazardous Chemicals exist in the Demised Premises of those parts of the Site reasonable required for access;

- II. it agrees to provide promptly on request such information, consultation, co-operation and co-ordination as is reasonably required by the Lessee to comply with the Lessee's obligations under the WHS Requirements;
- III. without limiting any other specific obligation under this Lease, it agrees that when using or accessing the Demised Premises it will use best endeavours to comply with all WHS Requirements applicable to the Lessor.

4. IT IS MUTUALLY COVENANTED as follows:

- a. During the currency of this Lease or at termination the Lessee shall have the right to take down remove and carry away all or any buildings fixtures improvements alterations and additions thereto which the Lessee owns or has before or during the continuance of this lease erected or constructed upon the Demised Premises.
- b. In the event of the Lessee deciding to take down remove and carry away all or any buildings fixtures improvements alterations and additions that the Lessee owns or has made upon the Demised Premises the Lessee shall effect such removal to do as little damage as possible and shall restore the Demised Premises to the same or substantially the same condition as they were immediately prior to the erection or construction of the said buildings fixtures improvements alteration and additions.
- c. If the Lessee does damage while removing or does not remove their buildings fixtures improvements alterations and additions the Lessor may remove and make good the site and charge the cost to the Lessee.
- d. In the event of the Lessee continuing in the occupation after the expiration of the Term hereby created without any demand in writing for possession thereof having been made by the Lessor the Demised Premises shall be held by the Lessee under a tenancy determinable at any time by twelve (12) months' notice in writing given by either party to the other and upon the conditions as are herein contained.
- e. In the event that the Lessor seeks to remove the business of operating a licensed aerodrome at Fitzroy to an alternative location in substitution for the Site the Lessor shall procure the grant to the Lessee of a lease for the purpose set out in clause 1 hereof on the following terms:
 - I. **Location and area;** such as shall in the reasonable opinion of the Commonwealth Director of Meteorology enable the satisfactory discharge of the functions of the Bureau of Meteorology pursuant to the *Meteorology Act 1955* (Cth) and the *Water Act 2007* (Cth); and

- II. **Term:** the balance of the term and options granted under the Lease and remaining unexpired at the commencement date of the substituted lease,

and otherwise on the same terms and conditions contained in this Lease, and upon the granting of such lease the Commonwealth shall surrender this Lease and the term hereby granted shall thereupon wholly abate and determine.

- f. If the Lessee wishes to take up the option of the Demised Premises for a further period set out in item 3 of Schedule 1 commencing upon the expiration of the Term hereby granted and:
- (a) the Lessee gives notice to the Lessor of that wish not less than six months prior to the expiration of the Term of this Lease; and
- (b) any breach or default under the Lease by the Lessee prior to that notice which has been notified to the Lessee by the Lessor has been either waived or rectified, or in the case of a negative covenant, has been discontinued,

then the Lessor will grant to the Lessee the further option term for the lease of the Demised Premises at the Rent and upon the same terms as are contained in this Lease.

5. IT IS AGREED that if:

- (i) any Rent remains unpaid for 60 days after written demand for payment; or
- (ii) the Lessee fails to perform or observe any of the covenants and conditions to be performed and observed by it under this Lease,

then the Lessor may re-enter and repossess the Demised Premises and this Lease shall thereupon be determined, but the right of re-entry for a breach of any covenant or condition shall not be exercisable until the expiration of 60 days after the Lessor has served on the Lessee a written notice specifying the breach and, if the breach or make reasonable compensation in money to the Lessor for the breach.

6. Any dispute, controversy or claim arising out of or relating to this Lease or relating to its breach, termination or invalidity thereof, shall if not resolved by the parties be first the subject of conciliation, then arbitration administered by an arbitrator agreed to by both parties and failing agreement as to the appointment of an arbitrator, then by an arbitrator appointed in accordance with the Laws of the State or Territory in which the airport specified in Item 2 of the Schedule hereto is located.
7. This Lease shall be subject to and construed in accordance with the laws of the State or Territory in which the airport specified in Item 2 of the Schedule hereto is located,

and the parties agree that the courts of that State or Territory shall have jurisdiction to entertain any action in respect of or arising out of the Lease.

8. (a) Any notice approval consent or demand given pursuant to this Lease may be given or served in any of the following ways:
- (i) by delivery to the address of the relevant party referred to in Clause 8(b);
 - (ii) by sending it by security mail to the address of the relevant party referred to in Clause 8(b); or
 - (iii) by transmitting it by email of the relevant party.

(b) For the purpose of this clause the address of the Lessor shall be:

Postal: Shire of Derby/ West Kimberley
PO Box 94
Derby WA 6728
Telephone 08 9191 0999

And the address of the Lessee shall be:-

Postal Works and Office Services Officer
PO Box 1289
Melbourne VIC 3001
Telephone 03 9669 4000

unless written notice has previously been given of any change of address for service in which case notices shall be sent or delivered to such changed address.

9. In this Lease unless the context otherwise requires;
- (a) "Hazardous Chemical" includes anything which may create a risk to health or safety of persons including the Licensor and anything which is a hazardous chemical as defined under the *Work Health and Safety Regulations 2011 (Cth)* as amended from time to time;
 - (b) "month" means calendar month;
 - (c) "person" includes a body corporate;
 - (d) the expressions the Lessee and the Lessor shall in the case of a Lessee or Lessor consisting of a body corporate be deemed to include respectively the Lessee its successors and permitted assigns and the Lessor its successors and permitted assigns;
 - (e) 'site' means the location at the date hereof of the aerodrome;

- (f) "WHS Requirements" means the *Work Health and Safety Act 2011* (Cth) and the *Occupational Health and Safety Code of Practice 2008*, any code authorised under the *Work Health Safety Act 2011* (Cth), and other State, Territory or Federal laws and requirements of any competent authority related to health and safety from time to time.
- (g) words importing the masculine gender include the feminine and neuter; and
- (h) words in the singular include the plural and words in the plural include the singular.

IN WITNESS whereof the parties hereto have executed this Lease the day and year first above written.

The COMMON SEAL of the SHIRE OF)
DERBY/WEST KIMBERLEY)
Was hereunto affixed)
in the presence of)

Chief Executive Officer – Print Name

Chief Executive Officer - Signature

Shire President – Print Name

Shire President - Signature

SIGNED for and on behalf of the
COMMONWEALTH OF AUSTRALIA
by

in the presence of:

Witness Signature

Witness Name

Witness Address

Witness Occupation

SCHEDULE

Item 1

The Lessor:

THE SHIRE OF DERBY/WEST KIMBERLEY of PO Box 94 Derby, Western Australia.

Item 2

The Demised Premises:

All of the land being part of the Licensor's land being an area of 256m² 16 metre by 16 metres and having a height clearance of 10:1 and having a GPS fix at 18 10 558 125 33 39E and annexed hereto in Item 6.

Item 3

The Term

10 Years

Item 4

The commencement date of 18 April 2022

Item 5

The Lessee's guidelines for the placing of obstacles in the vicinity of meteorological facilities.

1. Instrument Enclosure:

No object shall be placed any closer to the instrument enclosure than a distance which is 10 times the height of the object

2. Anemometer

No object shall be placed any closer to any anemometer than a distance which is 10 times the height of the object

3. Balloon Launching Corridor

No object shall be placed within 90 metres of the balloon launching doors at the metrological office and beyond that distance any closer to the doors than a distance which is 5 times the height of the object.

4. Pilot Balloon Theodolite:

No object shall be placed closer to the pilot balloon theodolite than a distance which is 8 times the height of the object.

5. Weather Watch & Wind Finding Radar

No object shall be placed any closer to any radar than a distance which is 60 times the amount by which the object is higher than the lower ledge of the dish of the radar.

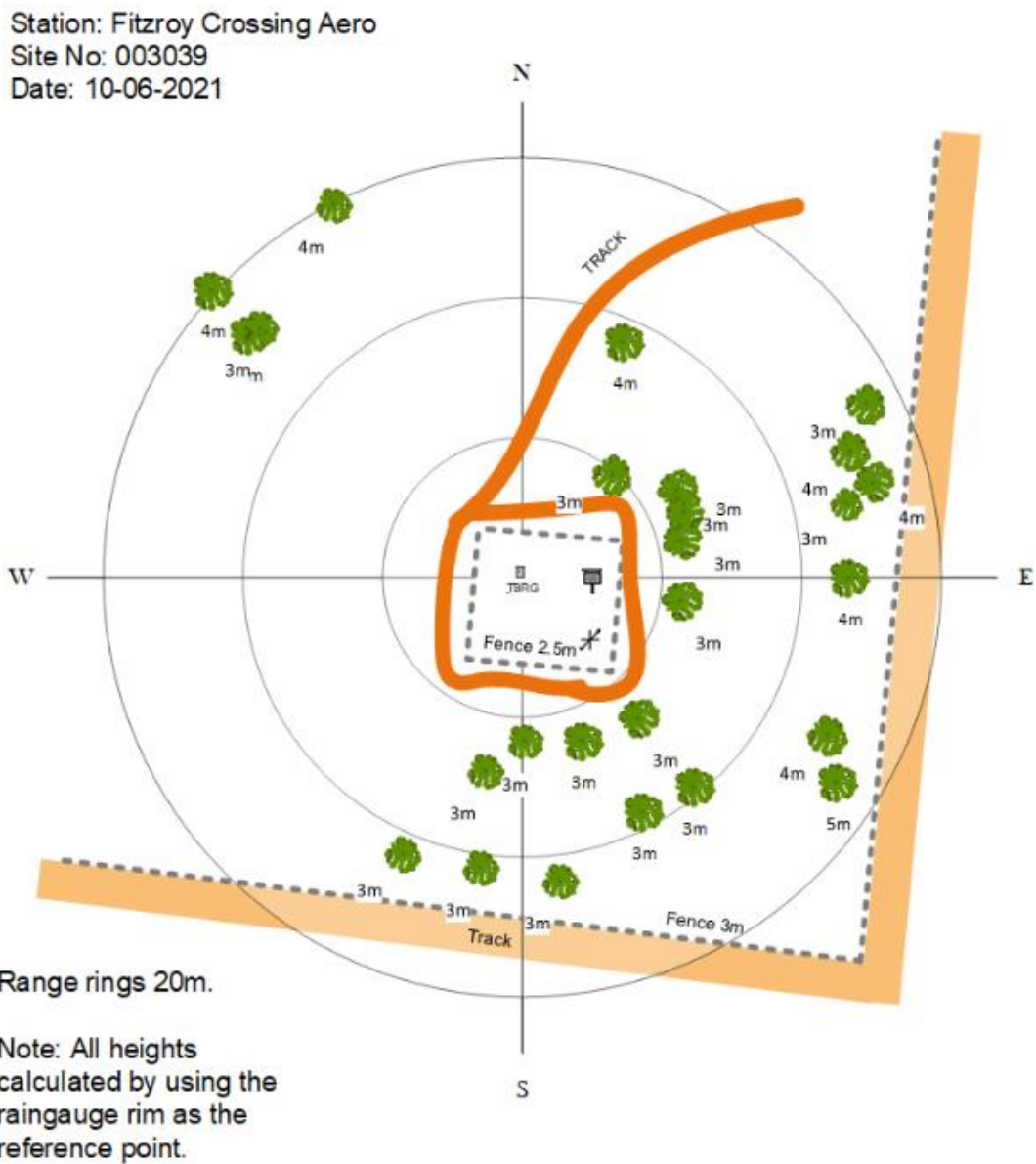
6. Cloud Base Searchlight:

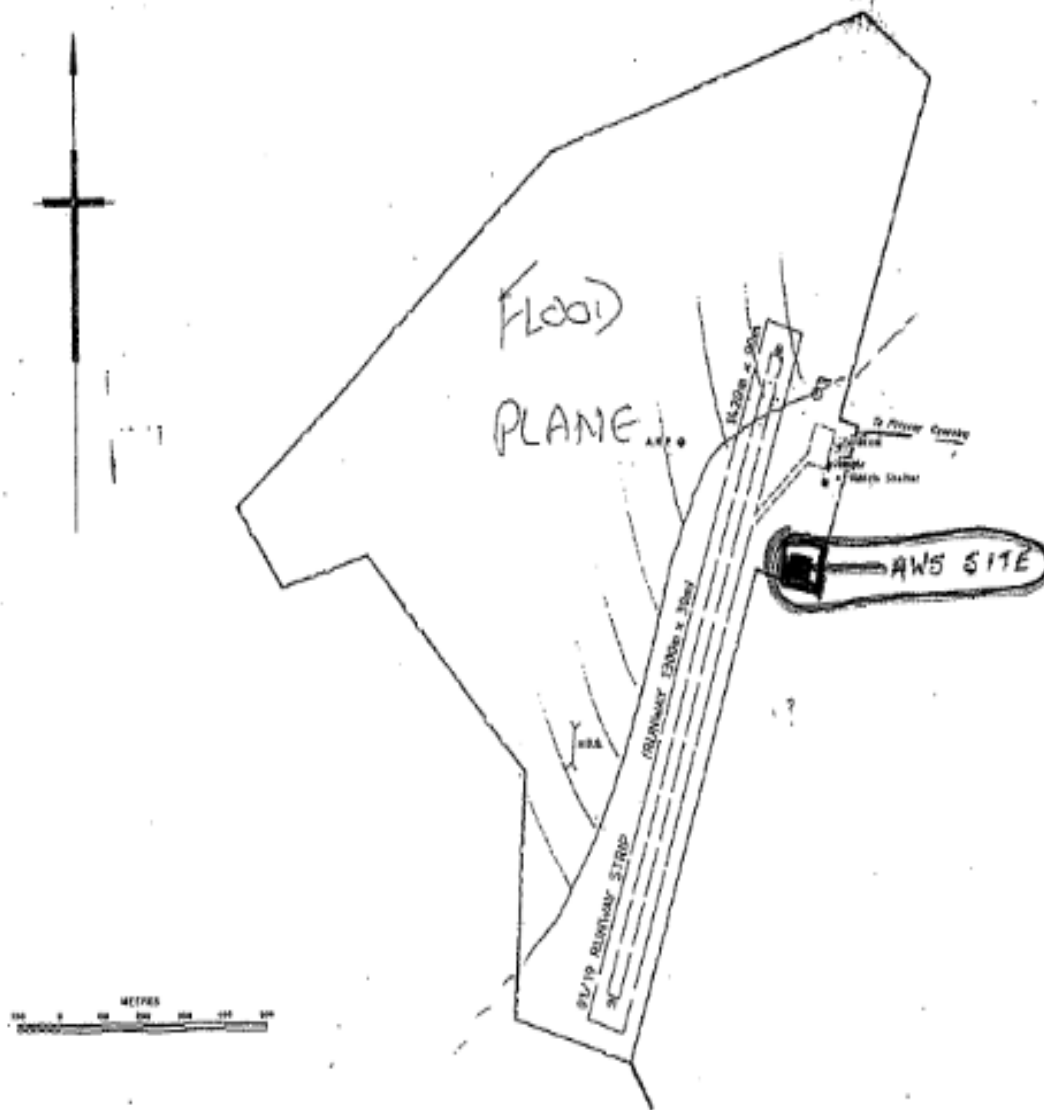
No object shall be placed between the meteorological office and the cloud base searchlight.

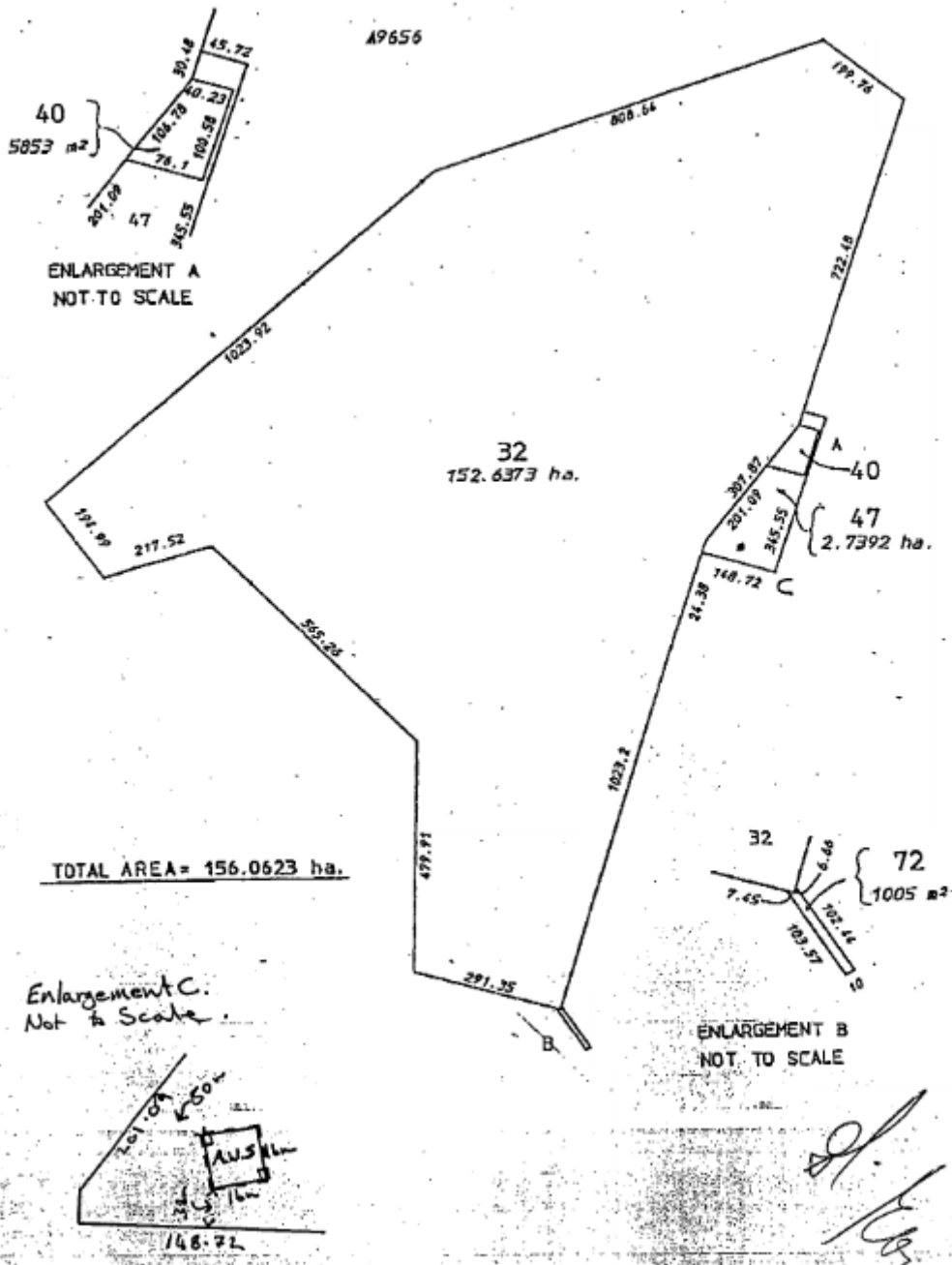
Item 6

The Demised Premises:

The land delineated in the plan below







12 CORPORATE SERVICES

12.1 BUDGET ADJUSTMENT

File Number: 5120

Author: Neil Hartley, Director - Strategic Business

Responsible Officer: Amanda Dexter, Chief Executive Officer

Authority/Discretion: Executive

SUMMARY

The 2021/22 Annual Budget was adopted at the 31 August 2021 Council Meeting. Minor reviews of the budget are requested to be approved, in order to keep the budget in balance, and to also enable the funding of a new or expanded cost item.

DISCLOSURE OF ANY INTEREST

Nil by Author and Responsible Officer.

BACKGROUND

The 2021/22 Annual Budget was adopted at the 31 August 2021 Council Meeting but throughout every financial year, variations of anticipated budget positions occur. There is a major half yearly review of the budget to address these, but in order to maintain program timelines and to keep adequate control on the anticipated end of year financial position, additional budget reviews are also often warranted.

It is the purpose of this report to bring these additional budget reviews to the attention of Council for its consideration. It is proposed to amend the 2021/22 budget to reflect the adjustments and the overall effect to it, as detailed below. Due to the nature of these variations, they fall outside the annual and mid-year budget review timelines.

This item proposes the following adjustments:

Derby Airport			
General Ledger/Job Number and Description	Current Budget	Variation Amount	Revised Budget
<p>Minor Works Already Completed*: (*) Funded from Account 2090189 – Staff Housing Maintenance Account (\$90,473), but should when combination with added security works, be capitalised through a Capital Works costing account.</p> <p>175 Emmanuel Way (Depot house)</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system 2-4 cameras \$3,000.00 • Sub-Total of \$4,000.00 <p>42A McDonald Way</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 	\$0	+\$24,000	+\$24,000

<ul style="list-style-type: none"> • Camera system 2-4 cameras \$3,000.00 • Sub-Total of \$4,000.00 <p>42B McDonald Way</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system \$3,000.00 • Sub-Total of \$4,000.00 <p>74A Fallon</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system \$3,000.00 • Sub-Total of \$4,000.00 <p>74B Fallon</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system \$3,000.00 • Sub-Total of \$4,000.00 <p>74C Fallon</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system \$3,000.00 • Sub-Total of \$4,000.00 			
<p><u>Works yet to be Undertaken</u></p> <p>175 Emmanuel Way (Depot house)</p> <ul style="list-style-type: none"> • Complete security door and window screens up-grade \$24,029.57 • Monitored alarm system 4-6 devices \$3,300.00 • Sub-Total of \$27,329.57 <p>42A McDonald Way</p> <ul style="list-style-type: none"> • Complete security door and window screen up-grade \$22,641.71 • Monitored alarm system 4-6 devices \$3,300.00 • Sub-Total of \$25,941.71 <p>42B McDonald Way</p> <ul style="list-style-type: none"> • Monitored alarm \$3,300.00 <p>74a Fallon</p> <ul style="list-style-type: none"> • Monitored alarm \$3,300.00 <p>74B Fallon</p> <ul style="list-style-type: none"> • Monitored alarm \$3,300.00 <p>74C Fallon</p>	\$0	+\$70,851.28	+\$70,851.28

<ul style="list-style-type: none"> Monitored alarm \$3,300.00 <p>Monitoring costs are an additional \$2.00/day (sub-total of \$4,380 for all houses)</p>			
Account 2090165 (GROH rent)	\$84,597.00	-\$84,597.00	-\$0
and End of Year Surplus	\$0	-\$10,254.28	-\$10,254.28
Reason for Adjustment: The requirement for security upgrades (in order to provide safe staff housing) has rising in priority in light of more recent antisocial behaviour becoming evident.			
Derby Depot			
BC061 – Derby Depot Mower Shed Refurbishment <u>and</u> Derby Depot Security Upgrades	\$25,000	\$0	\$25,000
Reason for Adjustment: Budget adjustment is for an added purpose within the existing Depot construction account. The cost of the removal of the old Depot Office and the closing in of the Mower Shed was less expensive than anticipated. Budget savings are proposed to be utilised for added security at the Depot, which would help to minimise break-ins.			

STATUTORY ENVIRONMENT

Local Government Act 1995 S. 6.8 (Expenditure from municipal fund not included in annual budget) states that a local government is not to incur expenditure from its municipal fund for an additional purpose* except where the expenditure is included in the annual budget; has the prior approval of Council*; or is properly authorised to address an emergency event.

(* “additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget).

(* Absolute majority required).

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

Any impacts of the proposed budget amendments are outlined within the variation commentary.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
1. Leadership and Governance	1.2 Capable, inclusive and effective organisation	1.2.2 Provide strong governance. 1.2.4 Attract and effectively use resources to meet community needs

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK	MITIGATION
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			ANALYSIS	
<p>Organisation's Operations:</p> <p>Not endorsing the changes will mean that the proposed budget modifications will either result in a budget variation at 30 June (end of year) or an adverse impact on the efficiency or standard of service of the Shire's operations.</p>	Almost Certain	Moderate	High	Approve the changes to the budget as outlined, or locate an alternative that satisfactorily addresses the cause of the budget review requirement.
<p>Financial:</p> <p>Not endorsing the changes could mean that the Shire might be more legally liable for any claims that can be proven to be a result of the Council not providing safe and appropriate housing.</p>	Possible	Major	High	Approve the changes to the budget as outlined, or locate a suitable alternative to safely house staff.

CONSULTATION

No public consultation is considered to be required.

COMMENT

Budget estimates and actual projects costs regularly vary. Minor variations can generally be accommodated within acceptable allowance levels, but more significant variations need to be considered at Council level.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

Nil

RESOLUTION 63/22

Moved: Cr Peter McCumstie

Seconded: Cr Linda Evans

That Council:

Approves the required budget variations to the 2021/22 Budget as outlined below:

Derby Airport			
General Ledger/Job Number and Description	Current Budget	Variation Amount	Revised Budget
<p>Minor Works Already Completed*: (*) Funded from Account 2090189 – Staff Housing Maintenance Account (\$90,473), but should when combination with added security works, be capitalised through a Capital Works costing account.</p> <p>175 Emmanuel Way (Depot house)</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system 2-4 cameras \$3,000.00 • Sub-Total of \$4,000.00 <p>42A McDonald Way</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system 2-4 cameras \$3,000.00 • Sub-Total of \$4,000.00 <p>42B McDonald Way</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system \$3,000.00 • Sub-Total of \$4,000.00 <p>74A Fallon</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system \$3,000.00 • Sub-Total of \$4,000.00 <p>74B Fallon</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system \$3,000.00 • Sub-Total of \$4,000.00 <p>74C Fallon</p> <ul style="list-style-type: none"> • 3x sensor lights \$1,000.00 • Camera system \$3,000.00 • Sub-Total of \$4,000.00 	\$0	+\$24,000	+\$24,000

Works yet to be Undertaken	\$0	+\$70,851.28	+\$70,851.28
<p>175 Emmanuel Way (Depot house)</p> <ul style="list-style-type: none"> Complete security door and window screens up-grade \$24,029.57 Monitored alarm system 4-6 devices \$3,300.00 Sub-Total of \$27,329.57 <p>42A McDonald Way</p> <ul style="list-style-type: none"> Complete security door and window screen up-grade \$22,641.71 Monitored alarm system 4-6 devices \$3,300.00 Sub-Total of \$25,941.71 <p>42B McDonald Way</p> <ul style="list-style-type: none"> Monitored alarm \$3,300.00 <p>74a Fallon</p> <ul style="list-style-type: none"> Monitored alarm \$3,300.00 <p>74B Fallon</p> <ul style="list-style-type: none"> Monitored alarm \$3,300.00 <p>74C Fallon</p> <ul style="list-style-type: none"> Monitored alarm \$3,300.00 <p>Monitoring costs are an additional \$2.00/day (sub-total of \$4,380 for all houses)</p>			
Account 2090165 (GROH rent) and End of Year Surplus	\$84,597.00 \$0	-\$84,597.00 -\$10,254.28	-\$0 -\$10,254.28
Reason for Adjustment: The requirement for security upgrades (in order to provide safe staff housing) has rising in priority in light of more recent antisocial behaviour becoming evident.			
Derby Depot			
General Ledger/Job Number and Description	Current Budget	Variation Amount	Revised Budget
BC061 – Derby Depot Mower Shed Refurbishment and Derby Depot Security Upgrades	\$25,000	\$0	\$25,000
Reason for Adjustment: Budget adjustment is for an added purpose within the existing Depot construction account. The cost of the removal of the old Depot Office and the closing in of the			

Mower Shed was less expensive than anticipated. Budget savings are proposed to be utilised for added security at the Depot, which would help to minimise break-ins.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0 BY ABSOLUTE MAJORITY

13 TECHNICAL SERVICES**13.1 REQUEST TO CLOSE A PORTION OF SANDFORD ROAD, FITZROY CROSSING (MRWA REF. NO 30107) AND ESTABLISH A NEW ROAD RESERVE TO THE SANDFORD ROAD/SKUTHORP ROAD INTERSECTION****File Number: 8145****Author: Robert Paull, Manager Development Services****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Legislative****SUMMARY**

Council is requested to consider:

- the initiation of the road closure process to permanently close a portion of Sandford Road, Fitzroy Crossing (Main Roads Western Australia Ref. No 30107); and
- supporting the closed portions to be being amalgamated with Unallocated Crown Land and Lot 401. In addition, Council is requested to authorise the creation of a new Sandford Road (road) reserve over Lot 126 and Lot 401.

The road closure and new road reserve is an outcome of recent construction of the Sandford Road/Skuthorp Road intersection.

DISCLOSURE OF ANY INTEREST

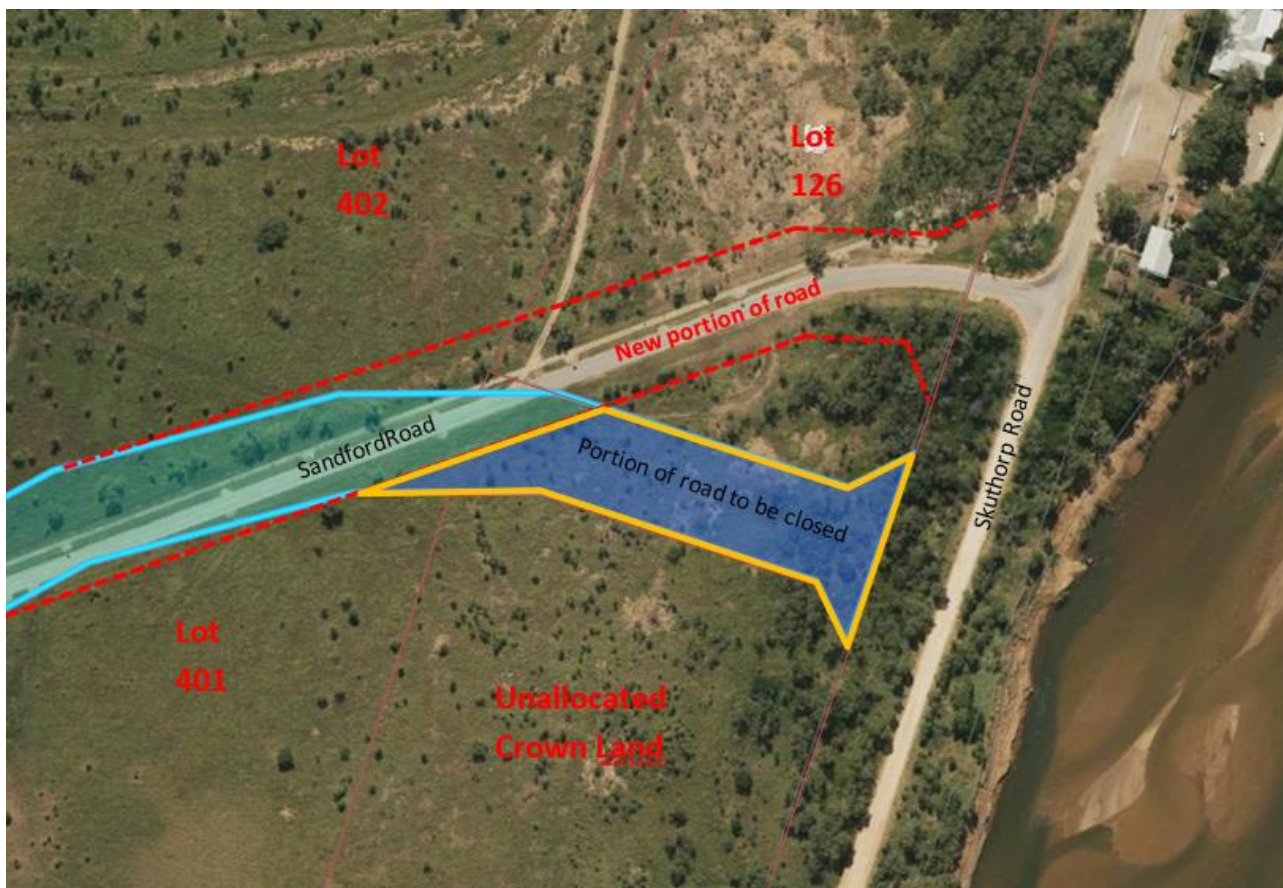
Nil by author and Responsible Officer.

BACKGROUND

In 2019/20, the Shire using Blackspot Improvement funding realigned the Sandford/Skuthorp Road intersection. The engineered design and construction necessitated a new alignment for the intersection and portion of Sandford Road for about 200m.



The road works will require the establishment of a new road reserve (approximately 40 m wide to reflect the existing reserve) over Lot 126 (Shire owned).



The works also result in the need to close a portion of road reserve that is now defunct (as above).

STATUTORY ENVIRONMENT

Land Administration Act 1997

Land Administration Regulations 1998

Section 58 of the *Land Administration Act 1997* (Act) and Regulation 9 of the *Land Administration Regulations 1998* (Regulations) outline the statutory process and required documents for the permanent closure of a public road reserve. Council must first resolve to initiate the permanent closure of the subject portion of road reserve.

The proposed road closure must then be advertised in accordance with the Act and Regulations (see Consultation Section below).

A public road (i.e. the realigned the Sandford/Skuthorp Road intersection) is created under s.28 of the Act by being set out as a road on an approved Crown deposited plan. Automatic dedication occurs on approval of the deposited plan through Landgate.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Permanently closing the portion of the road reserve would mean there is less road reserve for the Shire is responsible. This could potentially result in maintenance cost savings for Council.

There are costs associated with the statutory notifications associated with road closure. Whilst some of these costs can generally be absorbed in the Shire’s normal operations, specific costs for advertising a local newspaper and potentially surveying should be at the cost of the proponent.

STRATEGIC IMPLICATIONS

GOAL	OUTCOME	STRATEGY
Priority 1: Leadership and Governance	1.1 Collaboration and Partnerships 1.2 Capable, inclusive and effective organisation 1.3 Effective Communication	1.1.1 Maximise local opportunities 1.2.4 Attract and effectively use resources to meet community needs 1.3.3 Listen to and respond to the needs of our communities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Legal & Compliance:	Unlikely	Minor	Low	Attention to process and procedure, awareness of legislation and vigilance.

CONSULTATION

The Act outlines that a local government must not make a request to the Minister for Lands to permanently close a road reserve until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

Although not required by the Act, generally the local government also refers a notice through a letter to landowners directly affected by the road closure, affording the opportunity to provide comments within 35 days from the date of the letter. The notification to relevant agencies and service authorities, include:

- Western Australian Land Authority (Development WA)
- Water Corporation
- Department of Industry, Science, Energy and Resources
- MRWA
- Department of Primary industries and Regional Development
- Department of Planning, Lands and heritage
- DFES
- Western Australian Land Information Authority
- Horizon Power

COMMENT

Following the advertising process, Council may determine, in light of any submissions, either to proceed with the road closure or not to proceed. Should Council determine to proceed with the road closure a request would be sent to the Minister for Lands to permanently close the road. The Minister may then grant the request, or direct the Local Government to reconsider the request or refuse to grant the request.

Should the request for the proposed road closure be granted by the Minister for Lands, the subject closed portion will become Unallocated Crown Land.

In relation to formalising the realignment of the Sandford/Skuthorp Road intersection, it is appropriate that the Chief Executive Officer be authorised to employ a surveyor to set out Sandford/Skuthorp Road as a road on a deposited plan and to lodge the plan through Landgate.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

Nil

RESOLUTION 64/22

Moved: Cr Andrew Twaddle

Seconded: Cr Rowena Mouda

That Council:

1. Pursuant to Section 58 of the *Land Administration Act 1997 (Act)*, support the permanent closure of a portion of and expresses its preference that the closed portion be Unallocated Crown Land;
2. Give notice of the proposed road closure in accordance with the *Land Administration Regulations 1998* allowing a minimum period of 35 days for people to lodge submissions from the date of the notice;
3. At the conclusion of the submission period, that the Chief Executive Officer be requested to provide a further report addressing whether to proceed or not to proceed with the

proposed road closure in light of any submissions; and

- 4. Authorises the Chief Executive Officer to formalise the realignment of the Sandford/Skuthorp Road intersection as outlined in this Report over Lot 126 under s.28 of the Act by employing a surveyor to set out Sandford/Skuthorp Road as a road on a deposited plan to be lodged through Landgate.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

13.2 SHIRE OF DERBY/WEST KIMBERLEY - ROAD MANAGEMENT UPGRADE STRATEGY 2022-27 SEALED ROADS**File Number: 8158****Author: Wayne Neate, Director Technical and Development Services****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider the endorsement of the Shire of Derby/West Kimberley Road Management Upgrade Strategy 2022-27 – Sealed Roads.

DISCLOSURE OF ANY INTEREST

Nil Interest – Wayne Neate, Director of Technical and Development Services; and

Nil Interest – Amanda Dexter, Chief Executive Officer.

BACKGROUND

In 2012 Council adopted an un-sealed road maintenance strategy with the view to modify the current grading practices to provide a better outcome for road users across the Shire.

The Sealed Road Upgrade Strategy was developed and adopted by Council at its April 2020 Ordinary Council Meeting (OCM). The Strategy is designed to be reviewed annually to confirm the strategic direction of Council and was subsequently reviewed and endorsed by Council at the April 2021 OCM. Since that time work has been undertaken to assess the current road network to provide some certainty around forthcoming capital roadworks within the Shire of Derby/West Kimberley. It is recognised that the development of an unsealed upgrade strategy will need to be developed to compliment and complete the strategy.

STATUTORY ENVIRONMENT

Local Government Act 1995

Integrated Reporting Framework – assists with Asset Management Plan and Long Term Financial Plan.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

NIL, costings are estimated within the strategy. However, funding is allocated in the Annual Budget process each year.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Organisation's Operations: The Long term asset management objectives and goals of the Shire are not met.	Possible	Minor	Medium	The Strategy and supporting documentation gives direction to staff and Councillors alike to endeavour to meet asset management goals.

CONSULTATION

Various staff, subject matter experts and road user groups have been consulted with during the development of the Strategy.

COMMENT

The Shire of Derby/West Kimberley has a Council endorsed rural road maintenance strategy where by the number of grades and road maintenance methods are prescribed based on the hierarchy of the road. This hierarchy is based on usage and what assets and services are accessed along the road to derive its importance.

A similar hierarchy has been used to develop the current upgrade strategy for the sealed roads and also adopts very similar principles to the rural road maintenance strategy but has taken into account the asset level (in other words what condition the road is in) and safety factors of the road for users of the road. These have been used to determine the importance of a road (via a number) which then allocates the various projects on roads in accordance with the hierarchy.

The Shire currently, as shown in the strategy, receives funding for roads via several different streams. These are explained within the strategy and it should be noted that this allocation of funding is also used to provide for capital and improvement works across rural roads.

The ideal allocation of these funds is 75% expenditure on sealed roads and 25% expenditure on unsealed roads. This is based purely on asset value not community expectation. This split of funding on the Sealed and Un-sealed portions of the road network will vary year to year as per the capital funds available.

This strategy provides strategic direction for officers to source funds through applying for grants. Many grants have significant lead times with some as long as two years ahead of when the works would be programmed to be undertaken. This therefore allows some degree of planning into the future for Officers and Council alike.

It is therefore of particular importance that Council endorse the high priority selection of roads in the 23/24 financial year to enable Officers to compete the appropriate grant funding applications.

The projects listed in the 23/24 financial year are various road reseals aimed at priority 1 roads:

- Concrete Floodway to Bungardi Creek;
- Rowan Street re-construction between Johnston Street and Corner of Neville Street;
- Hardman Street re-construction between Clarendon Street to Rowan Street intersection; and
- Rodgers Street to the Derby Baptist Church.

It is recommended that Council endorse the report with particular attention to the 23/24 financial year projects.

VOTING REQUIREMENT

Simple majority

ATTACHMENTS

1. Road Management Upgrade Strategy 2022-27 - Sealed Roads [↓](#)

RESOLUTION 65/22

RESOLUTION 66/22

Moved: Cr Andrew Twaddle

Seconded: Cr Peter McCumstie

That the Council

1. Endorse the *Road Management Upgrade Strategy 2022-27 – Sealed Roads*;
2. Endorse the following roads as grant funded roads for 23/24 financial year:
 - Concrete Floodway to Bungardi Creek;
 - Rowan Street re-construction between Johnston Street and Corner of Neville Street;
 - Hardman Street re-construction between Clarendon Street to Rowan Street intersection; and
 - Rodgers Street to the Derby Baptist Church; and
3. Undertake an ongoing commitment to review the strategy on an annual basis.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0



Shire of Derby / West Kimberley

Road Management Plan 2022-27

Sealed Roads

May 2022

 www.sdwk.wa.gov.au

Shire of Derby/West Kimberley Road Management Plan 2022-27 – Sealed Roads May 2022

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Document Control

Title: Sealed Road Management Plan

Revision	Date	Details	Authorship	Approved
A	Nov 2015	Draft for Review	MES / AMC	EMTDS
B	Dec 2015	Draft reviewed after comments	MES / AMC	EMTDS
C	Sept 2018	Further review to road ranking system	MES / AMC	EMTDS
1	March 2020	Plan for adoption by Council	MES	DTDS
1.1	April 2021	Annual revision	DTDS	DTDS
1.2	May 2022	Annual revision	DTDS	DTDS

Shire of Derby/West Kimberley Road Management Plan 2022-26 – Sealed Roads May 2022

1. SECTION 1. Executive Summary

In accordance with the previous strategic plan of Council specifically Item 2.3.1 of the Shire of Derby / West Kimberley Strategic Community Plan 2012-2021 – *Develop a road maintenance, grading and upgrading strategy*, the Technical Services Department developed a Sealed Road Strategy. This has undergone a review and critical analysis of the current maintenance practices for our sealed roads.

The purpose of this *Sealed Road Management Plan (this Plan)* is to establish a management system for Shire of Derby / West Kimberley (the Shire) for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

This Plan has been prepared in accordance with the requirements of the following statutory requirements:

- Local Government Act 1995
- Local Government Regulations 1996
- Department of Local Government Integrated Planning and Reporting Framework
- AS/ISO 55001:2014 Asset Management – Management Systems – Requirements

In accordance with the requirements of these documents, this plan includes and references:

- i. A Road Register with a description of those assets on sealed roads for which the Shire is responsible;
- ii. The standard or target service level for those assets to be maintained by the Shire; and
- iii. A management system that documents how the Shire discharges its duty to inspect, maintain and repair sealed roads for which it is responsible.

Inspection activities are undertaken at frequencies relative to the road hierarchy while the prioritisation of maintenance and repair activities are based on an assessment of the risks associated with individual defects.

A tolerable level of defect is defined as a condition that does not require immediate attention based on a standardised risk assessment and future programmed works are scheduled.

In establishing its budget priorities the Council seeks to strike a balance between the need to invest in new infrastructure for a growing community while providing levels of service consistent with community expectations for existing assets.

Road based maintenance and rehabilitation works are coordinated by the Shire's Technical Services Department using a combination of internal and external labour and equipment. Detailed operational procedures specify how the various activities are to be undertaken and the technical standards to be achieved.

Community requests for works to be undertaken are recorded in the council's customer request system. This system has full audit capability and individual requests can be updated as works are programmed or undertaken so that customers who enquire can be advised of the status of their request.

Shire of Derby/West Kimberley Road Management Plan 2022-26 – Sealed Roads May 2022

SECTION 2. Introduction

2.1 Background

2.1.1 Relationship between the Sealed Road Management Plan and Legislation

The Local Government Act 1995 and the Local Government Regulations 1996 establish the powers, duties and functions of Local Government authorities.

The Department of Local Government Integrated Planning and Reporting Framework (the Framework) and its Guidelines outline the minimum planning and reporting methodology to achieve the outcomes prescribed in the legislation. They are not intended to restrict the range of processes that may be undertaken within a local government to achieve those outcomes. The Framework also requires Local Government authorities to develop and publish road management plans incorporating the performance of their duties in relation to the inspection, maintenance and repair of roads, having regard to the type of road, the resources available to the council and its budgetary and policy priorities.

2.1.2 Purpose

The purpose of this Road Asset Management Plan is to ensure Council has in place a plan that helps Council to achieve the following objectives –

1. Ensure that a safe and efficient network of Shire public roads is provided primarily for travel and transport.
2. Provide a structure for a road management plan which will ensure that the public roads in the Shire of Derby/West Kimberley –
 - are capable of functioning as they were built to function;
 - are able to meet future needs in a growth environment; and
 - continue to meet the needs and expectations of the community and other key stakeholders.
3. Within that structure, advance Council's road management practice to achieve the strategic objectives of Council's Strategic Community Plan 2021-2031 under section 4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities.
4. Prioritise management to provide the best value for money to the community whilst respecting budget restraints.
5. Adhere to good practice of road construction and management.

2.1.3 Execution

To achieve the objectives in Clause 2.1.2, this Plan provides details in the following key management areas that are central to Council's role as the road authority for municipal public roads –

- a) Provide descriptions of the types of road and road-related infrastructure assets covered by this Plan.
- b) Set up a road hierarchy classification to facilitate the setting of performance standards. The details are in Section 4, Road Infrastructure Hierarchy.
- c) Set relevant performance standards to help with the discharge of Council's duties. The details are in section 5, Performance Standards.
- d) Address network wide challenges faced by the road network. The details are in section 6, Network Challenges and Potential Solutions.

2.1.4 Key Stakeholders

Key stakeholders who will be affected by this Sealed Road Management Plan in the Shire of Derby / West Kimberley include –

- The community - ratepayers, residents, business, industry, health, education.
- Road users such as pedestrians, bicyclists, motorcyclists, public transport passengers and vehicle drivers and passengers.

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- Transport service providers - transport operators, bus operators and service providers supporting the delivery of transport and freight services.
- Emergency services.
- Public Utilities such as water, sewerage, drainage, electricity, telephone, telecommunications and other like services
- Land / mine developers and their respective consultants and contractors.
- Road authorities / agencies of State and Federal governments.
- Federal and State government departments and agencies such as the Department of Housing, the Department of Health, the Department of Indigenous Affairs and the Parks and Wildlife Service.
- Private road owners such as pastoral stations, indigenous communities, business, industry, body corporate.
- Elected representatives.
- Council staff and consultants and contractors.

2.1.5 Duty of road users

Whilst Council has certain duties and responsibilities, this Plan is predicated on the basis that the road users also have certain obligations and responsibilities to drive safely according to the prevailing conditions, to have regard to the rights of other road users, the community and infrastructure managers, and to avoid damaging infrastructure.

2.1.6 Budget

The annual Budget has been developed within an overall financial planning framework that guides Council in identifying community needs and expectations over the short, medium and long term. In preparing the annual Budget, funding requirements for each year are linked with the objectives contained in the *Strategic Community Plan 2012-2021*

In relation to road and road-related infrastructure assets that provide road transport service, Council recognises the importance of balancing appropriate performance standards with what the communities able to afford and sustain. In balancing the funding level for the inspection, maintenance, repairs, upkeep, rehabilitation and renewal of road and road-related infrastructure assets, Council gives regards to the following key considerations –

- preservation of existing assets in an appropriate and safe working condition;
- market constraints in manpower, plant and equipment, building materials and contractors; and
- budget / financial constraints.

The performance standards set in Section 5 of this Plan reflects such balance.

Appendix 1 details the proposed 5 Year Funding Programme. Funding sources for this programme include:

- Road Project Grants – funded 2/3 Main Roads WA Regional Road Group to 1/3 Local Government
- Roads to Recovery – 100% Commonwealth funded, funding restricted to road infrastructure, current programme expires 30 June 2024
- Federal Assistance Grant (FAG) – road portion of grant, no restriction on eligible projects
- Direct Grant – restricted to use on road projects
- Remote Aboriginal Access Roads (RAAR) – funding not included in Appendix 1 as this funding is restricted for rural roads which are generally unsealed. Funding apportioned 2/3 Commonwealth, 1/3 State
- Blackspot – restricted to approved projects based on either Crash Statistics or Road Safety Audit. Federal Blackspot 100% Commonwealth funded, State Blackspot 2/3 State and 1/3 Local Government funded.

Shire of Derby/West Kimberley Road Management Plan 2022-26 – Sealed Roads May 2022

SECTION 3 – Road Asset Description

This section provides the details of road infrastructure and road-related infrastructure assets that are being covered under this Plan.

3.1 Overview

The Shire of Derby/West Kimberley covers an area of approximately 119,842 square kilometres, with a population of approximately 8,300 persons spread between towns, communities and pastoral stations.

In regard to rural roads, and town sealed roads assets the Shire is responsible for –

- 101.36 kilometres of sealed public roads;
- Approximately 763,500m² of sealed public roads.
- Roads are measured in Single Lane Kilometres (SLK)
- Sides of the road are designated according to the SLK (ie. Left / Right from SLK 0.00 to end of road)

3.2 Assets covered

The road infrastructure assets covered in this Plan are –

- trafficable road pavements

Road-related infrastructure assets to be covered in future revisions of this plan include:

- kerbs
- road shoulder and verge
- road drains including features such as culverts and table drains
- guide posts / signs
- paths including footpaths and shared paths.

3.3 Roads Maintained by the Shire

Current Shire of Derby/West Kimberley policy accepts the responsibility for the maintenance of all current public roads listed within the Shire's RAMM database. Some roads are also identified as part of Main Roads WA's "Roads 2030 Regional Road Development Strategies" identifying them as a road of significance where additional funding may be available through the annual Road Project Grants funding programme.

3.4 Existing Condition of Shire Roads

The existing condition of the Shire's roads vary quite considerably from road to road and across the Shire. It is proposed that the works programme shall be reviewed annually and defined by a hierarchy and inspections on the condition of the network.

Below are some photographic examples of the Shire's road network and some of the influencing factors that will be discussed within the hierarchy. TALIS Consultants completed a visual condition assessment of the road network at the end of 2014 and produced a Forward Works Programme (FWP) which has been used as a basis for the FWP contained within this Road Management Plan.

Shire of Derby/West Kimberley Road Management Plan 2022-26 – Sealed Roads May 2022







Influencing Element	Indicative Photograph		
<p>Demand</p> <ul style="list-style-type: none"> <input type="checkbox"/> Very High (>1000vpd*) <input type="checkbox"/> High (500-1000vpd) <input type="checkbox"/> Medium (200-500vpd) <input type="checkbox"/> Low (100-200vpd) <input type="checkbox"/> Very Low (<100vpd) <input type="checkbox"/> *vpd - vehicles per day 	 <p style="text-align: center;">High Demand Main Street</p>	 <p style="text-align: center;">Medium Demand Industrial Area</p>	 <p style="text-align: center;">Very Low Demand Rural / Remote</p>
<p>Road Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Unkerbed <input type="checkbox"/> Kerb one side <input type="checkbox"/> Kerb both sides 	 <p style="text-align: center;">Kerb both sides Built up both sides</p>	 <p style="text-align: center;">Kerb one side Built up one side</p>	 <p style="text-align: center;">Unkerbed Rural / remote</p>

Figure 1: Possible Road Section Category Matrix

4. ROAD INFRASTRUCTURE HIERARCHY

This section describes the hierarchy classification proposed in this Plan. A hierarchy classification for Shire roads assists in determining relevant performance standards (see Section 5) for key maintenance areas such as inspection, maintenance and repairs. It also assists in other management activities such as allocating resources and specifying design and construction standards.

4.1 Road Hierarchy

A hierarchy classification is used to group roads on the basis of the service levels that they provide in a road transport network. The hierarchy system then allows a service level to be provided or give a more accurate indication on what the road provides to the general community. The categories of service that have been used within this plan are as follows;

- Businesses (number of businesses on a road)
- Town Planning Scheme zoning (possibility of increased density and traffic)
- Visitor accommodation facilities along road
- School zone along road
- Traffic Volume (used to determine usage on road)
- Restricted Access Vehicle route
- Road Classification (as per RAMM)
- Road importance to SDWK Road Network (included in Roads 2030)

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For Shire public roads, a Five tier hierarchy classification is proposed. Roads are classified through 1 to 5 in accordance with the above factors.

1 (Road Importance – Very High)

Roads of this classification are in a poor condition where routine maintenance will not increase the life of the asset to the expected standard. Subsequently, they require urgent reconstruction to remediate any structural pavement defects.

2 (Road Importance – High)

Roads of this classification are in a fair condition where the intervention period for pavement reconstruction can be extended by resealing the pavement.

3 (Road Importance – Medium)

Roads of this classification are in a reasonable condition where a reseal will extend the life of the asset to the expected standard.

4 (Road Importance – Low)

Roads of this classification are in a good condition and only require minor routine patching to maintain the asset to the expected standard.

5 (Road Importance – Very Low)

Roads of this classification have been constructed, reconstructed or resealed within the last 5 years to maintain the asset to the expected standard.

A Summary of each road's proposed rating is included in Appendix 1

4.2 Road Treatment by Hierarchy

The road hierarchy as attached in Appendix 1 defines the roads in accordance with the categories selected by the officers conducting the review. The categories defined the roads by use, what they service and importance under both Roads 2030 and RAMM. What the hierarchy does not take into account is the unaccountable factors that can only be determined onsite or by officers familiar with the use of the road.

Subsequently, there cannot be a road treatment by hierarchy alone. However, it can significantly help to gain a broad understanding of the network and develop the plan for the road treatment, along with local knowledge around use and seasonal conditions.

4.3 Proposed Maintenance Practices

As discussed previously, options for the ongoing management of the Shire's road network have historically been determined using a combination of local knowledge and engineering standards. This has resulted in some roads being reconstructed and some roads being regularly maintained, whilst other roads have not been maintained at all.

This plan was prepared to provide the greatest long and short term benefit to the Shire of Derby/West Kimberley as the asset manager, and also to the thousands of users of the road whether they are pastoral Station users, tourists or the many service agencies and other motorists travelling the road network.

4.4 Town and Rural Road Treatments

Proposed Treatments are included in the Forward Works Programme attached in APPENDIX 3.

Shire of Derby/West Kimberley Road Management Plan 2022-26 – Sealed Roads May 2022

5. PERFORMANCE STANDARDS

In this Section, Council sets the performance standards for the following operational functions in roads, pathways and ancillary areas –

- Defect inspection
- Hazard identification
- Defect intervention level and rectification time

5.1 Objectives

The objectives of setting performance standards –

(1) Ensure public safety – achieved by regular Hazard Inspections and being responsive to hazard notification.

(2) Protect road infrastructure assets – achieved by carrying out regular Defect Inspections and developing planned maintenance repairs to avoid or minimise impairment to the asset's highest and best use potential. This is essential for providing the best value for money for the Shire and the delivery of road transport service at the lowest practicable cost to the communities.

(3) Ensure an appropriate level of statutory protection against civil liability claims based on balancing available Council resources.

5.2 Hazard and Defect Inspections

These will be carried out by Technical Services staff to see how best to rectify the issue. These inspections will use the criteria contained within the Institute of Public Works Engineering Australasia's Practice Note 9 2015 – Road Pavements, Visual Assessment (Condition Assessment and Asset Performance Guidelines). This document is an industry standard that rates various road conditions (eg. cracking, stripping, flushing, edge break) from 1 to 5 and has photos corresponding to each score to assist with on-site assessment.

5.3 Hazard Identification

Hazards will be assessed by a competent Officer in accordance with the requirements of AS/ISO 31000:2018 – Risk Management – Guidelines.

5.4 Defect Intervention Level and Rectification Time

Proposed defect intervention levels and rectification times are detailed in the table in Appendix 5.

6 NETWORK CHALLENGES and POTENTIAL SOLUTIONS

The current condition of the Shire's sealed road network is below average due to the lack of resealing that was carried out prior to 2015. It is proposed to carry out regular inspections of the sealed roads to monitor their condition and assist in planning for future maintenance. 2019/20 Financial Year funding is allocated on a ratio of 86% sealed network and 14% unsealed network. The sealed to unsealed funding ratio could vary from 60:40 to 80:20 and is subject to change due to external funding arrangements and flood damage received during nominated storm events.

As funding criteria is expected to get more stringent into the future, the Shire of Derby/West Kimberley will need to investigate options available to maximise work undertaken for the available funding, and subsequently providing best value for money for the community.

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Currently, the only local source of sealing aggregate in the West Kimberley is Kimberley Quarries at Nillibubba between Derby and Broome. The next closest source is the Tabba Tabba Quarry located approximately 50km east of Port Hedland. This lack of a local source of sealing aggregate means that the amount of resealing able to be completed is reduced due to the cost of transporting the aggregate from the quarry to site.

7 REVIEW OF SEALED ROAD MANAGEMENT PLAN

The review of this Sealed Road Management Plan will be continual as the Technical Services Department will closely monitor the road network to ensure a “Best Value for Money Spend” by the Shire and a useable network of roads, unless otherwise directed by the Council and/or the CEO.

8 DEFINITIONS

- **“Act”** is the *Local Government Act 1995*.
- **“Ancillary area”** is any area designated by the Shire used by motor vehicles and cyclists connecting to a roadway, for example, car park, rest stop or recreation facility.
- **“Arterial roads”** are highways and declared main roads, which are managed by the state government through Main Roads WA.
- **“Bridge and major culverts”** means a structure having a clear span greater than 1.80 metres or a pipe culvert having a waterway area greater than 3 square metres.
- **“Defect”** means any form of failure in the road surface, including potholes, displaced pavement, cracking and road collapses. These types of failure can be structural and/or visual in nature.
- **“Maintenance”** with respect to roads is defined to mean repairs to pavement failures. These repairs take the form of pothole patching to heavy patching. The purpose being to make the road trafficable until reconstruction works can be carried out.
- **“MRWA”** refers to Main Roads Western Australia
- **“Municipal roads”** are roads for which the Shire is the responsible road authority and are listed in the RAMM inventory that details the Shire’s road network.
- **“Non-road infrastructure”** means infrastructure in, on, under or over a road which is not road infrastructure and includes water and sewerage mains, telecommunication cables, electricity poles and street lights, bus shelters, vegetation and the like.
- **“Pathway”** means a footpath, shared path or recreational path constructed or developed by the Shire for use by members of the public other than with a motor vehicle and does not include any pathway which has not been constructed by or for the Shire or with its approval.
- **“Private roads”** include roads in reserves, roads to and in indigenous communities and roads on private property, pastoral leases, private pathways or any crossovers providing access from private properties to a public road or public highway. The Shire is not responsible for the care and maintenance of these roads, pathways or crossovers.
- **“RAV”** means a Restricted Access Vehicle such as a “B-Double” or roadtrain that is restricted to travelling on MRWA approved routes.
- **“RAMM”** is the Road Asset and Maintenance Management database detailing road assets and associated infrastructure maintained by the Shire.
- **“Response time”** is the time to respond to a hazard or defect measured from when the hazard or defect is identified by or notified to the council. Days to respond are business days, ie Monday to Friday, 5 days per week excluding public holidays.
- **“Roads 2030 Significant Road”** means a municipal road that has been included in the Main Roads WA “Roads 2030 Regional Strategies for Significant Local Government Roads” and is eligible for funding from MRWA Regional Road Group Road Project Grants;
- **“Road infrastructure”** means infrastructure which forms part of a roadway, pathway or shoulder including-

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- (i) Structures forming part of the roadway, pathway or shoulder; and
- (ii) Materials from which a roadway, pathway or shoulder is made.

This also includes bridges, culverts, floodways / causeways, plus materials such as asphalt, bitumen, gravel, line marking, guideposts and signs.

- **“Road-related infrastructure”** means infrastructure which is installed or constructed by the relevant road authority for road-related purposes to—
 - (i) Facilitate the operation or use of the roadway or pathway; or
 - (ii) Support or protect the roadway or pathway;
- **“Road Management Plan”** means this plan.
- **“Roadside”** means any land that is within the boundaries of a road reserve (other than the shoulders of the road) which is not a roadway or a pathway and includes the land on which any vehicle crossing or pathway which connects from a roadway or pathway on a road to other land has been constructed;
- **“Shire”** means the Shire of Derby/West Kimberley;
- **“SLK”** means Single Lane Kilometre, the method of measuring or locating a point on a road;
- **“Thoroughfare”** is defined in the *Local Government Act 1995* and includes a street, right of way, cul-de-sac, bypass, bridge or ford, shared path, bicycle path, any culvert or kerbing or other land (*nature strip, roadside and private driveway not included*) or works forming part of the road.
- **“Vehicle crossover (driveway)”** is the crossing which provides access from the road to the property boundary. The property owner is responsible for the construction and maintenance of the crossover.

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APPENDIX 1- FIVE YEAR FUNDING PROGRAMME

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

FIVE YEAR CAPITAL SEALED ROAD FUNDING PROGRAMME SUMMARY						
Description	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Roads to Recovery Funding +	\$900,000	\$900,000	\$900,000	Unknown	Unknown	Unknown
Main Roads WA (MRWA) Regional Road Group (RRG) Funding #	\$750,000	\$800,188	\$800,188	\$800,188	\$800,188	\$800,188
Shire Funded Works *	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000
Federal Assistance Grant (FAG) ^	\$460,000	\$460,000	\$460,000	\$460,000	\$460,000	\$460,000
Direct Grant ^	\$303,000	\$308,000	\$308,000	\$308,000	\$308,000	\$308,000
MRWA State Blackspot Funding	Project basis only	Project basis only	Project basis only	Project basis only	Project basis only	Project basis only
MRWA Federal Blackspot Funding	Project basis only	Project basis only	Project basis only	Project basis only	Project basis only	Project basis only
Disaster Recovery Funding Arrangements (flood damage)	11,000,000	6,000,000	Project basis only	Project basis only	Project basis only	Project basis only
Total Expenditure	\$14068,188	\$9,068,188	\$3,068,188	\$2,168,188	\$2,168,188	\$2,168,188

+ Current 5 year Roads to Recovery Funding Arrangements expire 30 June 2024.

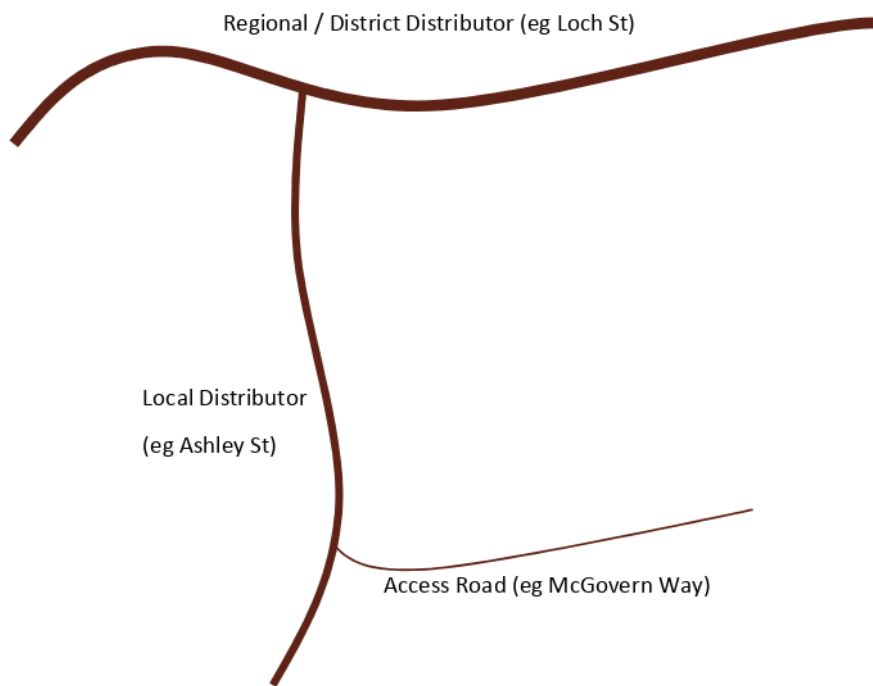
Restricted to roads (sealed and unsealed) classified as significant in the Main Roads WA “Roads 2030 Regional Strategies for Significant Local Government Roads” document.

* Shire Funded Works includes allocation of \$154,300 for Flood Damage contribution (mandatory expenditure prior to claiming reimbursement from Disaster Recovery Funding Arrangements).

^ Funding amounts subject to change on an annual basis.

NB All figures in the above table are based on current funding. The funding in the above table also funds the capital projects on the Shire’s unsealed road network.

APPENDIX 2 – ROAD HIERARCHY



Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

These tables give an overall inspection ranking of the road according to data and statistics.

RAV Route	
No	0
Yes / Used	5

RAMM Classification	
1	Access road
2	Local Distributor
3	Regional / District Distributor

Roads 2030 Significant Road	
0	No
2	Yes

N ^o of Businesses	
1	1
2	2
3	3
4	4
>4	5
Rec Facility	5

Visitor Accommodation	
No	0
Yes	1

Zoning	
Rural	0
R5	1
R10 / R12.5	2
R15	4
R20 / R25	7
R30 / R35	10
Industrial	3

Traffic Volume AADT	
0-20	0
20-100	1
100-200	2
200-500	3
500-1000	4
>1000	5

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

Score Table	
Score	Hierarchy
1	Very Low
2	Very Low
3	Very Low
4	Very Low
5	Very Low
6	Low
7	Low
8	Low
9	Low
10	Low
11	Medium
12	Medium
13	Medium
14	Medium
15	Medium
16	High
17	High
18	High
19	High
20	High
21+	Very High

Hierarchy Number	
Very High	1
High	2
Medium	3
Low	4
Very Low	5

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

Road #	Road	Number of Businesses	Zoning (R Code)	Roads 2030 Significant Road	Visitor Accommodation	Traffic Volume (peak)	RAV Route	School	RAMM Classification	Total	Hierarchy	Hierarchy Number	Asset Mgmt Ranking	Safety Ranking	Total Score	Priority
0134	ADCOCK ROAD	0	0	0	0	1	5	0	1	7	Low	4	3	4	11	4
0067	ALEXANDER STREET	0	4	0	0	2	0	0	1	7	Low	4	3	3	10	3
0063	ALFONSAS STREET	1	4	0	0	4	0	0	1	10	Low	4	4	3	11	4
0034	ANDERSON STREET	0	7	0	0	4	0	1	2	14	Medium	3	5	2	10	3
0058	ARCHER STREET	0	4	0	0	2	0	0	1	7	Low	4	4	4	13	5
0056	ASHLEY STREET (Panton to Loch)	5	1	2	0	3	5	0	2	18	High	2	5	2	9	3
0056	ASHLEY STREET (Loch to Alfonsas)	1	4	2	0	5	5	0	2	19	High	2	4	2	8	2
0056	ASHLEY STREET (Alfonsas to Guildford)	5	2	2	1	5	5	0	2	22	Very High	1	5	2	8	2
0056	ASHLEY STREET (south of Guildford)	0	2	2	0	4	5	0	2	15	Medium	3	3	2	8	2
0223	BALANINJANGARRI ROAD	1	3	0	0	2	0	1	1	8	Low	4	5	2	11	4
0220	BANKSIA STREET	0	4	0	0	2	0	0	1	7	Low	4	5	5	14	5
0089	BAOBAB STREET	0	4	0	0	3	0	0	1	8	Low	4	3	3	10	3
0104	BARNETT WAY	0	2	0	0	2	0	0	1	5	Very Low	5	3	3	11	4
0127	BAUHINIA PLACE	0	2	0	0	2	0	0	1	5	Very Low	5	3	3	11	4
0059	BEAVEN STREET	0	4	0	0	2	0	0	1	7	Low	4	1	3	8	2
0086	BELL CREEK WAY	1	0	0	0	2	0	0	1	4	Very Low	5	2	3	10	3
0137	BELL ROAD	5	3	0	0	2	5	0	1	16	High	2	4	2	8	2
0148	BENNING PLACE	0	1	0	0	0	0	0	1	2	Very Low	5	5	5	15	5
0152	BLOODWOOD CRESCENT	0	7	0	0	3	0	0	1	11	Medium	3	5	5	13	5
0052	BLYTHE STREET	0	4	0	0	3	0	0	1	8	Low	4	3	5	12	4
0130	BRAND STREET	1	3	0	1	3	0	0	1	9	Low	4	1	3	8	2
0122	BREARLEY STREET	5	3	0	0	3	5	0	1	17	High	2	3	3	8	2
0226	BROLGA DRIVE (Boab Estate)	0	4	0	0	0	0	0	1	5	Very Low	5	4	3	12	4
0157	BROOME STREET	2	3	0	0	2	5	0	2	14	Medium	3	3	2	8	2
0232	BROWN STREET	0	4	0	0	2	0	0	1	7	Low	4	4	4	12	4
0014	CALWYNYARDAH-NOONKANBAH ROAD (SLK 0.00-0.03)	5	0	2	0	1	5	1	1	15	Medium	3	3	2	8	2
0158	CAMBALLIN RD (GNH –Camballin turnoff)	5	0	2	1	3	5	1	3	19	High	2	3	2	7	2
0158	CAMBALLIN RD (Camballin turnoff to Camballin)	2	0	2	1	3	5	0	3	16	High	2	3	2	7	2
0022	CAMBALLIN-MYROODAH ROAD	0	0	2	0	3	5	1	2	13	Medium	3	3	2	8	2
0005	CAMBALLIN-NOONKANBAH ROAD (SLK 0.00-0.46)	0	0	0	0	2	5	0	1	8	Low	4	4	2	10	3
0057	CARNARVON STREET	1	1	0	0	2	5	0	1	10	Low	4	4	2	10	3
0173	CASSIA CLOSE	0	10	0	0	1	0	0	1	12	Medium	3	4	4	11	4
0020	CHERRABUN ROAD (SLK 0.00 – 0.03)	3	0	2	0	2	5	0	1	13	Medium	3	3	3	9	3
0019	CHRISTMAS CREEK ROAD (SLK 0.00-0.03, 1.20-2.00)	5	0	2	0	2	5	1	1	16	High	2	2	1	5	1
0035	CLARENDON STREET (Loch to Hensman)	5	5	2	1	5	0	0	2	20	High	2	3	2	7	2
0035	CLARENDON STREET (Elder to Hardman - west bound)	5	5	2	1	5	0	0	2	20	High	2	2	3	7	2
0035	CLARENDON STREET (Elder to Hardman - east bound)	5	5	2	1	5	0	0	2	20	High	2	2	3	7	2
0075	COLEMAN STREET (CAMBALLIN T/S)	0	0	0	0	1	5	0	1	7	Low	4	5	2	11	4
0069	COLEMAN STREET (DERBY T/S)	0	5	0	0	2	0	0	1	8	Low	4	3	4	11	4
0125	CONWAY STREET	5	3	0	0	1	5	0	1	15	Medium	3	3	4	10	3
0171	COOLIBAH WAY	0	2	0	0	2	0	0	1	5	Very Low	5	4	4	13	5
0180	CORKWOOD COURT	0	2	0	0	1	0	0	1	4	Very Low	5	5	5	15	5
0217	CURTIN ROAD	1	3	0	0	0	5	0	3	12	Medium	4	1	2	7	2
0153	CYCAD COVE	0	2	0	0	1	0	0	1	4	Very Low	5	2	3	10	3
0233	CYPRESS COURT	0	2	0	0	1	0	0	1	4	Very Low	5	4	5	14	5
0065	DELEWARR STREET	1	2	0	0	3	0	0	1	7	Low	4	5	5	14	5

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

Road #	Road	Number of Businesses	Zoning (R Code)	Roads 2030 Significant Road	Visitor Accommodation	Traffic Volume (peak)	RAV Route	School	RAMM Classification	Total	Hierarchy	Hierarchy Number	Asset Mgmt Ranking	Safety Ranking	Total Score	Priority
0244	DELEWARR STREET SERVICE ROAD	0	10	0	0	1	0	0	1	12	Medium	3	4	5	12	4
0218	DERBY AIRPORT ROAD	5	3	0	0	1	5	0	2	16	High	2	1	2	5	1
0237	DOLLARBIRD STREET (Boab Estate)	0	2	0	0	0	0	0	1	3	Very Low	5	1	5	11	4
0077	DURACK ROAD (CAMBALLIN T/S) SLK 0.00 – 0.56	2	0	0	1	1	5	0	1	10	Low	4	5	5	14	5
0077	DURACK ROAD (CAMBALLIN T/S) SLK 0.56 – 0.98	0	0	0	0	0	0	0	1	1	Very Low	5	1	4	10	3
0172	EDGAR STREET	0	2	0	0	1	0	0	1	4	Very Low	5	2	4	11	4
0043	ELDER STREET	5	5	0	0	2	5	0	1	18	High	2	2	2	6	2
0136	EMANUEL WAY	5	3	0	1	4	5	0	1	19	High	2	3	2	7	2
0066	FAIRBAIRN STREET	0	2	0	0	3	0	1	1	7	Low	4	1	2	7	2
0114	FALLON ROAD	5	3	0	0	4	0	1	2	15	Medium	3	3	2	8	2
0143	FIELD STREET	0	1	0	0	1	0	0	1	3	Very Low	5	1	3	9	3
0113	FITZROY STREET (east of Derby Hwy)	2	0	2	0	3	0	0	2	9	Low	4	4	4	12	4
0113	FITZROY STREET (Derby Hwy to Steel St)	5	3	2	0	4	5	0	2	21	Very High	1	2	2	5	1
0113	FITZROY STREET (west of Steel St)	1	2	2	0	4	5	0	2	16	High	2	4	3	9	3
	FITZROY RIVER LOW LEVEL CROSSING	0	0	0	0	2	0	0	1	3	Very Low	5	1	3	9	3
0155	FLYNN DRIVE	2	2	0	0	4	0	1	1	10	Medium	3	2	4	9	3
0119	FORREST ROAD (GNH to Fallon Rd)	4	3	2	1	5	5	0	2	22	Very High	1	2	2	5	1
0119	FORREST ROAD (Fallon Rd to Russ Rd)	1	1	2	0	3	5	0	2	14	Medium	3	4	2	9	3
0119	FORREST ROAD (Russ Rd to Buruwa)	1	1	2	0	3	5	0	2	14	Medium	3	2	2	7	2
0105	FORREST STREET (Derby)	0	3	0	0	1	0	0	1	5	Very Low	5	4	3	12	4
0135	GALVANS WAY	0	0	0	0	1	5	0	1	7	Low	4	4	5	13	5
0016	GEIKIE GORGE ROAD SLK 0.00 to SLK 0.25	0	0	2	0	3	5	0	3	13	Medium	3	1	1	5	1
0016	GEIKIE GORGE ROAD SLK 0.25 to SLK 0.55	0	0	2	0	3	5	0	3	13	Medium	3	1	1	5	1
0016	GEIKIE GORGE ROAD SLK 0.55 to SLK 1.72	0	0	2	0	3	5	0	3	13	Medium	3	1	1	5	1
0016	GEIKIE GORGE ROAD SLK 1.72 to SLK 15.78	0	0	2	0	3	5	0	3	13	Medium	3	1	1	5	1
0082	GEIKIE PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0109	GRANVILLE STREET	1	1	0	0	0	0	0	1	3	Very Low	5	1	3	9	3
0112	GUILDFORD STREET (east of Derby Hwy)	2	0	0	0	2	5	0	2	11	Medium	3	3	2	8	2
0112	GUILDFORD STREET (Derby Hwy to Millard St)	3	3	0	0	4	5	0	2	17	High	2	2	2	6	2
0112	GUILDFORD STREET (Millard St to Ashley St)	0	2	0	0	4	5	0	2	14	Medium	3	2	2	7	2
0151	HAKA PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	4	4	13	5
0062	HANSON STREET	0	3	0	0	1	0	0	1	5	Very Low	5	4	5	14	5
0044	HARDMAN STREET (Villiers to Loch)	2	5	0	1	4	0	0	1	13	Medium	3	4	5	12	4
0044	HARDMAN STREET (Loch to Clarendon)	1	5	0	0	4	0	0	1	11	Medium	3	1	4	8	2
0044	HARDMAN STREET (Clarendon to Rowan)	4	5	0	0	4	0	0	1	14	Medium	3	2	4	9	3
0046	HENSMAN STREET (Villiers St to Loch St)	1	5	0	0	4	0	1	1	12	Medium	3	3	2	8	2
0046	HENSMAN STREET (Loch St to Clarendon St)	0	5	0	0	3	0	0	1	9	Low	4	4	2	10	3
0156	HENWOOD CLOSE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0147	HESELTINE COURT	0	1	0	0	0	0	0	1	2	Very Low	5	4	4	13	5
0064	HEYTESBURY STREET	0	3	0	0	3	0	0	1	7	Low	4	4	4	12	4
0133	HOLMAN STREET	0	4	0	0	3	0	0	1	8	Low	4	2	3	9	3
0070	HOWELL STREET	0	3	0	0	1	0	0	1	5	Very Low	5	3	4	12	5
0239	IBIS WAY (Boab Estate)	0	2	0	0	0	0	0	1	3	Very Low	5	4	4	13	5
0073	JETTY ROAD	5	3	2	0	4	5	0	3	22	Very High	1	1	2	4	1
0240	JETTY BOAT RAMP ROAD	5	3	0	0	4	5	0	1	18	High	2	1	2	5	1
0042	JOHNSTON STREET (Loch St to Clarendon St)	1	5	0	0	2	5	0	1	14	Medium	3	4	2	9	3

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0042	JOHNSTON STREET (Clarendon St to Rowan St)	5	5	0	1	3	5	0	1	20	High	2	2	2	6	2
0083	JONES PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0041	JULD STREET	1	2	0	0	2	5	0	1	11	Medium	3	2	3	8	2
0188	KINGFISHER LOOP (Boab Estate)	0	2	0	0	0	0	0	1	3	Very Low	5	1	3	9	3
0061	KNOPP STREET	0	3	0	0	1	0	0	1	5	Very Low	5	5	5	15	5
0053	KNOWSLEY STREET EAST (east of Derby Hwy)	1	1	0	0	3	0	0	2	7	Low	4	2	3	9	3
0053	KNOWSLEY STREET EAST (Derby Hwy to Carnarvon St)	1	1	0	0	3	5	0	2	12	Medium	3	2	2	7	2
0053	KNOWSLEY STREET EAST (west of Carnarvon St)	1	2	0	0	3	0	0	2	8	Low	4	3	3	10	3
0145	KNOWSLEY STREET WEST	0	3	2	0	4	0	1	2	12	Medium	3	5	4	12	4
0054	KUNAMARRA STREET	0	3	0	0	2	0	0	1	6	Low	4	2	4	10	3
0162	KURRAJONG LOOP	1	2	0	0	3	0	0	1	7	Low	4	3	4	11	4
0120	LE LIEVRE STREET	4	3	0	0	2	5	0	1	15	Medium	3	1	2	6	2
0090	LENNARD ROAD (SLK 0.00-0.91)	1	0	0	0	2	5	0	1	9	Low	4	1	2	7	2
0243	LINCOLN STREET (CAMBALLIN T/S)	0	0	0	0	0	0	0	1	1	Very Low	5	4	4	13	5
0221	LIVISTONA STREET	0	2	0	0	2	0	0	1	5	Very Low	5	4	5	14	5
0079	LOVEGROVE STREET	0	1	0	1	2	0	0	2	6	Low	4	2	3	9	3
0051	MacDONALD STREET	0	3	0	0	1	0	0	1	5	Very Low	5	1	4	10	3
0118	MacDONALD WAY	0	2	0	0	3	0	0	1	6	Low	4	4	4	12	4
0036	MARMION STREET	3	3	0	0	4	0	1	2	13	Medium	3	4	4	11	4
0078	MAXTED ST	1	0	0	0	0	0	0	1	2	Very Low	5	3	3	11	4
0091	MAY STREET	0	2	0	0	1	0	0	1	4	Very Low	5	3	3	11	4
0108	MC GOVERN WAY	0	2	0	0	2	0	0	1	5	Very Low	5	1	3	9	3
0116	MC LARTY ROAD	3	2	0	0	2	0	0	1	8	Low	4	1	3	8	2
0060	MC LARTY STREET	0	3	0	0	1	0	0	1	5	Very Low	5	3	5	13	5
0117	MILLARD ROAD	0	2	0	0	2	0	0	1	5	Very Low	5	2	5	12	4
0123	MILLARD STREET	5	3	0	0	2	5	0	1	16	High	2	2	2	6	2
0154	MIMOSA STREET	0	2	0	0	3	0	0	2	7	Low	4	4	4	12	4
0150	MINIRITCHIE PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	4	4	13	5
0228	MONGER STREET	0	3	0	0	3	0	0	1	7	Low	4	4	4	12	4
0045	NEVILL STREET	5	5	0	0	5	0	0	2	17	High	2	1	3	6	2
0076	NORDELL STREET (CAMBALLIN T/S)	1	0	0	0	2	5	0	1	19	Low	4	5	5	14	5
0149	NUYTSIA WAY	0	2	0	0	1	0	0	1	4	Very Low	5	4	4	13	5
0163	ORD STREET	0	1	0	0	1	0	0	1	3	Very Low	5	4	3	12	4
0047	OWEN AH CHEE STREET	0	3	0	0	2	0	0	1	6	Low	4	3	4	11	4
0227	PANDANAS WAY	0	2	0	0	1	0	0	1	4	Very Low	5	3	4	12	4
0140	PANTON STREET	1	2	0	0	3	0	0	1	7	Low	4	2	1	7	2
0160	POOLE PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0129	RICHARDSON TERRACE	0	3	0	0	1	0	0	1	5	Very Low	5	2	3	10	3
0126	RODGERS STREET	5	3	0	0	2	5	0	2	17	High	2	2	2	6	2
0049	ROSE STREET	0	3	0	0	1	0	0	1	5	Very Low	5	2	5	12	4
0037	ROWAN STREET (Johnston St to Nevill St)	5	5	0	1	5	5	0	2	23	Very High	1	1	2	4	1
0037	ROWAN STREET (Nevill St to Monger St)	1	3	0	0	5	0	0	2	11	Medium	3	3	3	9	3
0037	ROWAN STREET (Baobab St to Dinner Tree)	0	2	0	0	3	0	0	2	7	Low	4	3	3	10	3
0068	ROWELL STREET	0	3	0	0	1	0	0	1	5	Very Low	5	1	3	9	3
0102	RUSS RD	2	1	0	0	3	5	0	2	13	Medium	3	1	2	6	2
0124	RUSS STREET	4	0	0	0	1	5	0	2	12	Medium	3	3	2	8	2

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0159	SADLER PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0107	SANDFORD ROAD	0	0	0	1	2	5	0	2	10	Low	4	1	1	6	2
0101	SCRIVENER ROAD	1	2	0	0	2	0	0	2	7	Low	4	3	4	11	4
0132	SHORT STREET	0	3	0	0	2	0	0	1	6	Low	4	2	4	10	3
0103	SKUTHORP ROAD	2	0	0	1	1	5	0	2	11	Medium	3	3	1	7	2
0183	SPINIFEX PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	3	5	13	5
0146	STANLEY STREET (Loch St to Ashley St)	4	1	0	0	3	0	0	2	10	Low	4	2	3	9	3
0146	STANLEY STREET (Ashley St to Juld St)	1	1	0	0	2	0	0	2	6	Low	4	3	4	11	4
0146	STANLEY STREET (Juld St to Waycott St)	0	1	0	0	2	5	0	2	10	Low	4	3	4	11	4
0146	STANLEY STREET (Waycott St to Stanwell St)	6	1	0	0	2	5	0	2	16	High	2	5	2	9	3
0072	STANWELL STREET	3	1	0	1	2	5	0	1	13	Medium	3	4	2	9	3
0085	STEEL STREET (south of Fitzroy St)	1	3	0	0	1	5	0	1	11	Medium	3	4	2	9	3
0085	STEEL STREET (north of Fitzroy St)	1	2	0	0	2	5	0	1	11	Medium	3	3	4	10	3
0144	SUTHERLAND STREET (Loch St to Stanwell St)	3	1	0	0	3	5	0	2	14	Medium	3	4	4	11	4
0144	SUTHERLAND STREET (east of Stanwell St)	2	1	0	1	2	0	0	2	8	Low	4	3	1	8	2
0142	SWAIN STREET	1	2	0	0	3	0	0	1	7	Low	4	3	1	8	2
0219	TEATREE MEWS	0	2	0	0	1	0	0	1	4	Very Low	5	5	5	15	5
0131	TOWER PLACE	0	2	0	0	1	0	0	1	4	Very Low	5	1	4	10	3
0048	VAN EMMERIK STREET	0	3	0	0	2	0	0	1	6	Low	4	2	5	11	4
0038	VILLIERS STREET (Elder to Johnston)	3	5	0	0	3	5	1	1	18	High	2	3	1	6	2
0038	VILLIERS STREET (Johnston to Hardman)	2	5	0	1	3	0	1	1	13	Medium	3	4	4	11	4
0038	VILLIERS STREET (Hardman to Nevill)	0	5	0	0	3	0	1	1	10	Low	4	2	4	9	3
0038	VILLIERS STREET (Nevill to Hensman)	0	5	0	0	3	0	1	1	10	Low	4	3	2	9	3
0038	VILLIERS STREET (Hensman to Swain)	1	5	0	1	3	0	1	1	12	Medium	3	4	1	8	2
0071	WATT STREET	0	3	0	0	1	0	0	1	5	Very Low	5	4	5	14	5
0182	WATTLE STREET	0	2	0	0	0	0	0	1	3	Very Low	5	5	5	15	5
0141	WAYCOTT STREET	3	1	0	0	5	5	0	1	15	Medium	3	2	2	7	2
0121	WELLS STREET	5	3	0	0	3	5	0	1	17	High	2	1	2	5	1
0040	WINDJANA ROAD	1	0	0	1	3	5	0	1	11	Medium	3	1	2	6	2
0055	WODEHOUSE STREET (Ashley St to Gladstone St)	1	1	0	0	4	5	0	2	13	Medium	3	3	3	9	3
0055	WODEHOUSE STREET (Gladstone St to Derby Hwy)	4	2	0	0	3	5	0	2	16	High	2	1	2	5	1
0161	WOOLLYBUTT CORNER	0	2	0	0	2	0	0	1	5	Low	4	4	4	12	4
0128	YEEDA CLOSE	0	2	0	0	1	0	0	1	4	Very Low	5	3	4	12	4
0165	YURABI ROAD (SLK 0.00 – 0.50)	3	0	0	1	2	5	0	2	13	Medium	3	2	3	7	2

TOTAL SCORE	PRIORITY
3 – 5	1
6 – 8	2
9 – 10	3
11 – 12	4
13 – 15	5

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Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

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APPENDIX 3 – FORWARD WORKS PROGRAMME

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

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Road N°	Road Name	SLK From	SLK To	Width	Area m ²	Priority	Description	Roads 2030 # Yes / No	Treatment	Comments	2022/23	2023/24	2024/25	2025/26	2026/27
218	Derby Airport Rd	0.44	1.50	6.00	6,960	1	Access Road	No	Reconstruct	Halfway down hill to end around carpark	\$700,000				
045	Nevill St	0.00	0.13	8.20	1,066	2	Access Road	No	Reconstruct	Villiers St to Loch St	\$160,000				
055	Wodehouse St	0.57	1.01	7.40	3,256	1	Access Road	No	Reconstruct	Broome St to Derby Hwy	\$350,000				
164	Yurabi Rd	0.00	0.50	7.80	3,900	3	Local Distributor	No	Reconstruct	GNH to end of bitumen	\$350,000				
	Various Roads					1		Yes/No	Reseal			\$260,000			
016	Geikie Gorge Rd	2.14	2.30	6.30	1,008	1	Local Distributor	Yes	Construct Concrete Floodway	Bungardi Creek		\$750,000			
037	Rowan St	0.00	0.51	8.20	4,182	1	Access Road	No	Reconstruct	Johnston St to west end of island		\$85,632			
044	Hardman St	0.35	0.48	11.20	1,456	2	Access Road	No	Reconstruct	Clarendon St to Rowan St		\$145,600			
126	Rodgers St	0.00	0.22	8.50	1,870	2	Access Road	No	Reconstruct	Fitzroy St to south side of Hardy's		\$187,000			
045	Nevill St	0.17	0.31	8.20	1,148	2	Access Road	No	Reconstruct	Loch St to Clarendon St			\$103,320		
042	Johnston St	0.18	0.30	20-27	2,820	2	Access Road	No	Reconstruct	Loch St to Clarendon St			\$225,600		
042	Johnston St	0.33	0.49	8.20	1,312	2	Access Road	No	Reconstruct	Clarendon St to Rowan St			\$118,080		
126	Rodgers St	0.46	0.56	8.50	680	2	Access Road	No	Reconstruct	Extend culverts and widen intersection with Russ St for safer roadtrain access			\$94,000		
102	Russ Rd	0.70	2.40	7.00	11,900	2	Local Distributor	Yes	Reconstruct	East of Brooking channel			\$952,000		
016	Geikie Gorge Rd	0.00	2.14	6.30	13,482	1	Local Distributor	Yes	Reconstruct	Russ Rd intersection to Bungardi Creek				\$674,100	
016	Geikie Gorge Rd	8.63	9.40	6.30	4,851	1	Local Distributor	Yes	Reconstruct	West of National Park boundary grid				\$242,550	
120	Le Lievre St	0.00	0.10	7.40	740	1	Access Road	No	Reconstruct	Derby Hwy to Wells St, widen intersection Wells St, improve drainage runoff				\$104,000	
037	Rowan St	0.00	0.51	7.40	4,278	1	Access Road	No	Reconstruct	Reshape and reconstruct pavement, install kerbing on north side with vehicle laybacks and backfill verge				\$256,680	
035	Clarendon St	1.09	1.38	11.4	3,366	1	Local Distributor	Yes	Reconstruct	Hensman St to Loch St				\$201,960	

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

APPENDIX 4 – SERVICE LEVELS

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

Key Performance Measure	Level of Service	Current Performance		Desired Performance		Actions Required to meet desired level of service	Resources Required	Responsibility
		Community Performance Measure	Technical Performance Measure	Community Performance Measure	Technical Performance Measure			
Condition	Sealed roads are well maintained, clean and have the right quality to serve their purpose	Customer maintenance requests	Reactive repairs as reported by customers or as sighted by SDWK personnel Renewed based on anecdotal condition and age	Majority of customers satisfied with overall condition of the road network, in terms of smooth ride Defects Register Created and Maintained Number of defects logged reducing Majority of customers satisfied with the response time to repair seals e.g. Potholes	Sealed network renewal intervention at condition 4 for all components Sealed network inspected and maintained within Maintenance Intervention Levels as per Sealed Road Management Plan Meeting target response times for repairs when implemented	Inspection, log and repair to specifications in Sealed Road Management Plan Analysis of logs to engineer solutions in problem areas. Include target response times for repairs in the Forward Works Programme.	Operational	Operations Manager / Manager Engineering Services
	Car parking well maintained, clean and to required standards of compliance	Customer maintenance requests	Maintain and renew to planning requirements and safety audits.	Majority of customers satisfied with the overall condition of the car parking provided Defects Register Created and Maintained Number of defects logged reducing Majority of customers satisfied with the response time to repairs to carpark defects e.g. Potholes	Carpark network renewal intervention at condition 4 for all components with <5% asset outside intervention point Carpark network inspected and maintained within Maintenance Intervention Levels contained within the Sealed Road Management Plan Meeting target response times for repairs	Asset register verified and responsibility for capital and maintenance works resolved with adjacent land owners. Inspection, log and repair to specifications in Sealed Road Management Plan Analysis of logs to engineer solutions in problem areas. Initiate target response times for repairs in the Civil Maintenance Program.	Operational	Operations Manager / Manager Engineering Services

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	Shared paths are multi use, well maintained, clean and to required standards of compliance	Customer maintenance requests	Maintain and renew to planning requirements and safety audits.	Majority of customers are satisfied with the overall quality and comfort of paths Defects Register Created and Maintained	Path network renewal intervention at condition 4 Path network is inspected and maintained within Maintenance Intervention Levels contained within the Sealed Road Management Plan	Inspection, log and repair to specifications in Sealed Road Management Plan Analysis of logs to engineer solutions in problem areas. Initiate target response times for repairs in the Sealed Road Management Plan.	Operational	Operations Manager / Manager Engineering Services
	Unsealed roads managed to minimise disruption to users while maintaining safe road condition	Customer maintenance requests	Grading and drainage chute maintenance as per Unsealed Road Management Plan	Majority of unsealed road users satisfied with road condition. Defects Register Created and Maintained Decrease in customer maintenance requests.	Unsealed network inspected and maintained within Maintenance Intervention Levels contained within the Sealed Road Management Plan	Inspection, log and repair to specifications in Sealed Road Management Plan Analysis of logs to engineer solutions in problem areas Include target response times for repairs in the Sealed Road Management Plan	Operational	Manager Engineering Services
	Roadside drainage pits well maintained, intact and clear of debris	Customer maintenance requests	Not included in the Sealed Road Management Plan	Decrease in number of reported blockages Defects Register Created and Maintained	Roadside drainage pits maintained with Maintenance Intervention Levels contained within the Sealed Road Management Plan when implemented	Create specification for maintenance of drainage pits. Inspection, log and repair to this specification.	Operational	Operations Manager
Function	Efficient & reliably traversable network, with well distributed traffic throughout municipality	Customer Feedback	Reactive improvements as issues occur such as Blackspot. Road safety audit completed to support Blackspot application.	Majority of residents and businesses believe the network to be efficient and reliable. Monitor complaints received regarding traffic disruption due to road works.	Monitor traffic counts in RAMM using MetroCount. Implement specific improvements as traffic flows increase Record and Monitor MRWA data on Blackspot locations, and review RAV network routes	Create a program for traffic flow monitoring inclusive of recording into RAMM and using MetroCount. MetroCount training through RAMM II (WALGA)	Developer Contributions around new subdivisions for upgrade to surrounding road network.	Manager Engineering Services

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

	Traffic control systems are designed to improve traffic flow and community safety	Customer Feedback	MRWA Blackspot locations related to intersections	Majority of residents are satisfied that wait times at intersections are acceptable. Monitor complaints received regarding traffic disruption due to road works.	Implement specific improvements in next budget year at intersections where; Increase in traffic flow exceeds capacity of intersection design, Named as MRWA Blackspot or where Safety Audit indicates improvement is required.	Check criteria contained within 3 year capital works programme and annual budget when updated	Operational	Manager Engineering Services
	Paths designed and managed for all users	Customer Feedback	All new paths are concrete and minimum 1.5m wide	Customer Satisfaction Survey	Increase width of paths to minimum 1.5m at renewal or earlier if funds allow. Add tactile tiles at intersections		Capital	Manager Engineering Services
	Path connectivity to centres, schools, public transport stops and points of interest	Customer Feedback	Path 5 year future capital plan as budget allows	Integrate paths into the road and open space networks to increase connectivity	Increase new path network outside of new sub divisions as per Path Plan Construct paths within 12 months of majority of houses being constructed in new sub divisions.	Update future path plan to a 10 year projection and add to the GIS Review tender specifications for Shared Path Construction	Capacity of annual Shared path Construction Contractor be sufficient for increasing workload	Manager Engineering Services
	Parking spaces are managed to ensure maximum access to CBD and Shire Facilities for all vehicle types.	Customer Feedback	Maintain planning requirements and safety audits.	Customer Satisfaction Survey	Increase public transport opportunities to reduce pressure on existing parking. Initiate other non-asset solutions to parking	Minimum size of standard parking bay to be 6.0 x 3.0m		Manager Engineering Services / Operations Manager
Cost/Affordability	To provide and manage the services in the most cost effective manner to the required level of service	Annual report to community on completed projects	Operational expenses within annual budget threshold Capital works delivered within budget threshold	Majority of community are satisfied that the transport network represent good value for money Capital projects in annual budget are completed on time and on budget	Record and analyse results of Resealing Programme Record and analyse results from Asphalt surfacing All capital works projects are selected based on defined prioritisation and economic criteria Operating expenditure managed in accordance with adopted budget	Investigate alternative bitumen options (Polymer Modified Bitumen etc) on renewal to improve surface life Investigate IT solution for road asset inspections including mobile application		Manager Engineering Services

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

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Safety	The transport network feels safe to users relative to other similar networks	Customer feedback	Annual safety audits Blackspot program	Majority of the community are satisfied that the road environment is predictable and road	Include safety inspections annually in maintenance inspections	Add safety inspection to the Forward Works Programme	Operational	Manager Engineering Services
	The path network feels safe to users relative to other similar networks	Customer feedback	Annual safety audits Insurance claims	Majority of the community are satisfied that the path network is well designed and safe	Access and Inclusion review of all standard designs Monitor insurance claims for cause of incident	Redesign of crossover and pram ramps Document, implement and review process for new designs Process for insurance information	Operational Budget allocation for training and Road Safety Audits	Manager Engineering Services / Operations Manager
	Blue & White (B&W) Directional Signs are clear, concise and easy to read by drivers	Customer feedback	Limit of 21 characters on signs Max of 6 B&W signs per intersection No B&W signs permitted at intersections in CBD	Majority of businesses are satisfied with the blue and white directional sign policy and its implementation	Limit of 21 characters on signs Max of 6 B&W signs per at intersection No B&W signs permitted in CBD	No Action	Operational	Operations Manager
	Traffic management at road works is best practice	Customer feedback		Majority of road users consider work sites to be safe to pass through	No crashes occur at work sites Traffic Management Plans are documented and implemented Traffic Management plans on contractor sites are assessed by qualified Shire Officer	Monitor incidents at work sites through OSH process	Operational	Manager Engineering Services / Operations Manager
	Safe driving education programs are well supported by the Shire		Publicity & promotion campaigns	Majority of community agree that road safety is promoted	Support a RoadWise project annually	Continued involvement on Derby RoadWise Committee	Funding grant	Director Technical & Development Services
	Adequate street lighting to enhance safety for road users and pedestrians through visibility and security	Customer feedback	Liveable Neighbourhoods standards being met in new subdivisions No improvement plan for older areas	Increase in perception of safety through customer survey Improved visibility on urban roads to Australian Standards	Staged improvement of residential lighting to Liveable Neighbourhoods standards	Audit and implementation plan for retrospective improvement of street lighting	Funding of joint project with Horizon Power	Director Technical & Development Services / Manager Engineering Services

APPENDIX 5 – DEFECT INTERVENTION LEVEL & RECTIFICATION TIME



Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

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Defect And Intervention Level	Rectification Action	Maintenance Category / Response Time
<p>Potholes Pothole ≥300mm diameter & ≥100mm depth</p>	<p>Patch potholes <1 m², in travelled path using bituminous and other appropriate materials to restore the riding surface to a smooth condition</p>	<p>Within 2 business days of customer complaint / report / notification</p>
<p>Depression / Wheel Rut / Dig-out / Crocodile Cracks Ruts or depression >50mm below the surrounding pavement surface; Area affected <5 m²</p>	<p>Apply a regulating / levelling course of bituminous materials to depressed or rutted areas.</p>	<p>Within 5 business days of report / notification</p>
<p>Cracking All Cracks > 20mm width</p>	<p>Seal and fill cracks and joints using liquid bituminous sealants</p>	<p>Within 5 business days of report / notification</p>
<p>Tree Root Damage – When pavement is raised >150mm (as measured 2m from base of tree).</p>	<p>Ramping out displacement Permanent repair</p>	<p>Within 2 business days of notification Within 6 months of initial repair</p>

Shire of Derby/West Kimberley Road Management Plan – Sealed Roads

Revision 1

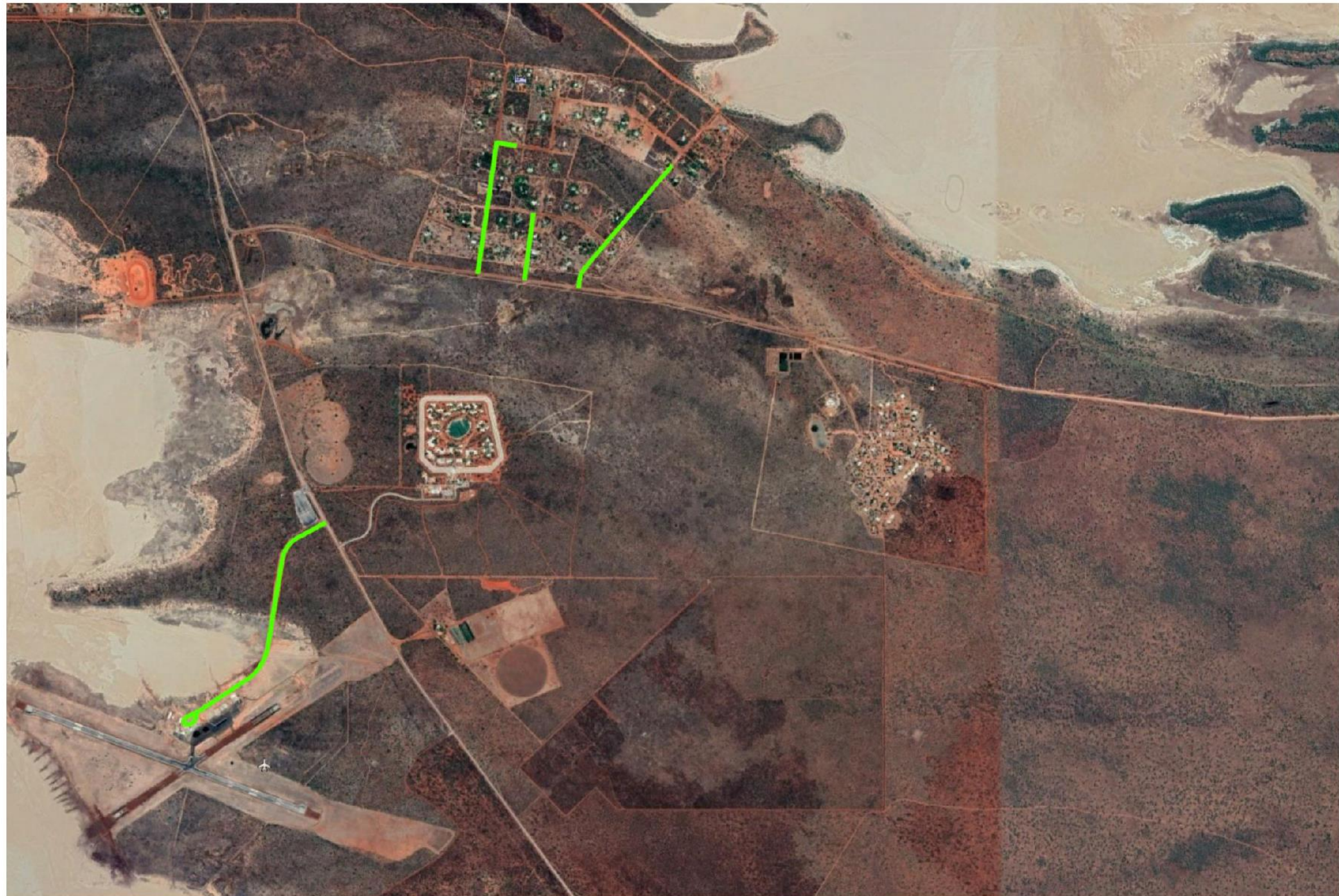
**APPENDIX 6 – MAPS SHOWING LOCATION OF SHIRE OF DERBY/WEST
KIMBERLEY SEALED ROAD NETWORK**



Shire Sealed Roads – Map 1, Derby Townsite



Shire Sealed Roads – Map 2, Derby Jetty



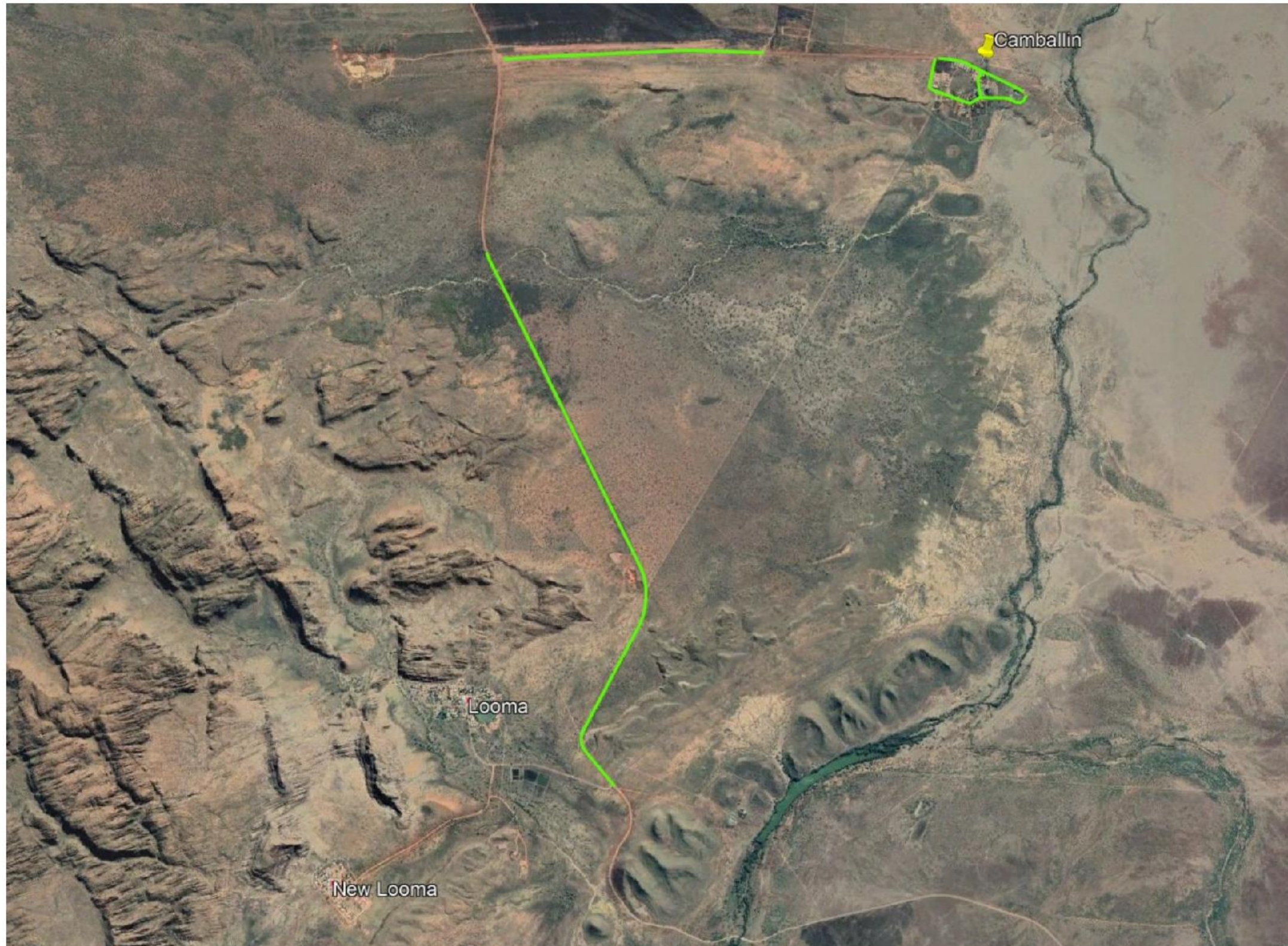
Shire Sealed Roads – Map 3, Derby Airport & Hamlet Grove



Shire Sealed Roads – Map 4, Fitzroy Crossing Townsite

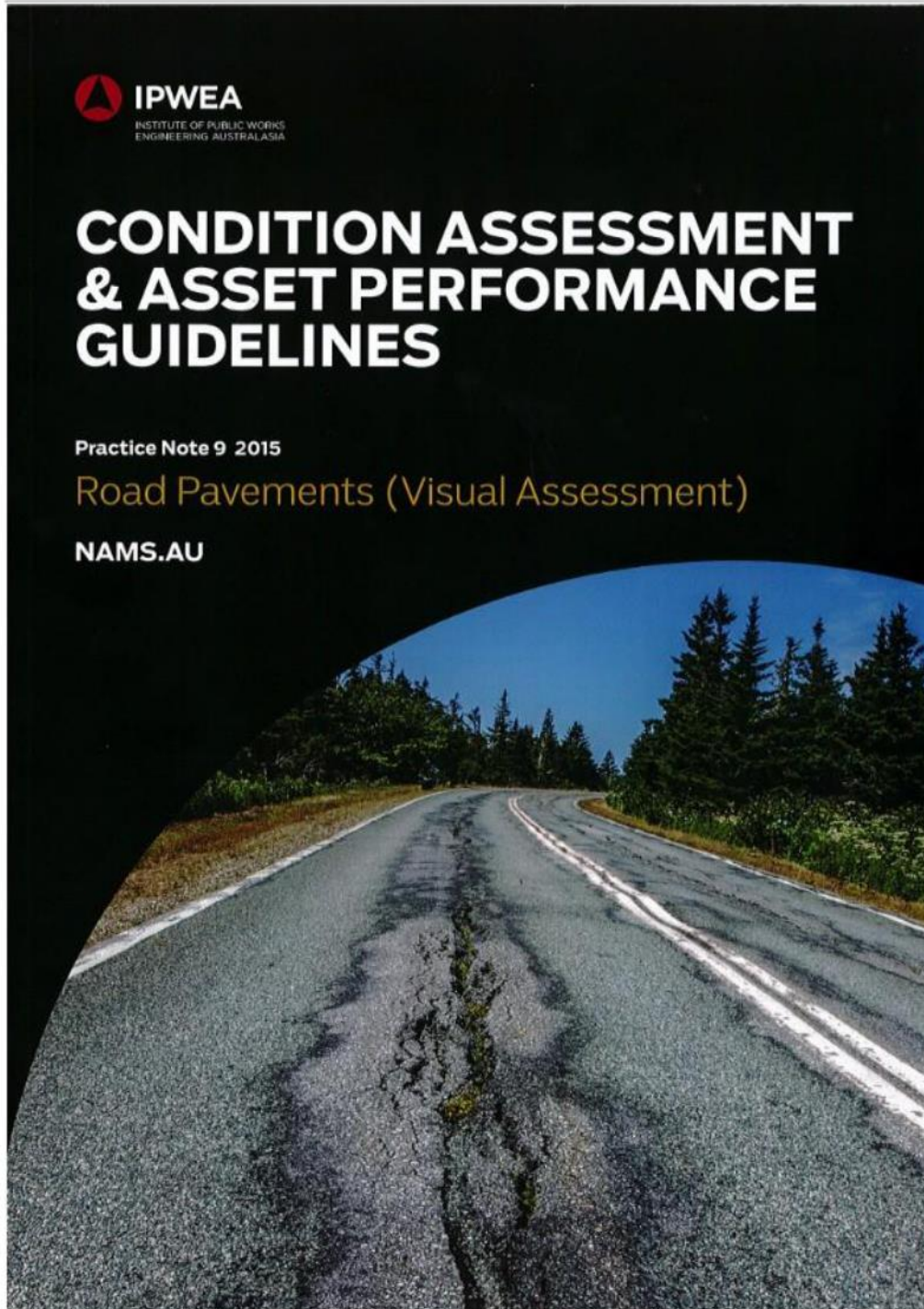


Shire Sealed Roads – Map 5, Geikie Gorge Rd / Russ Rd intersection showing communities' private access roads



Shire Sealed Roads – Map 6, Camballin Area

**APPENDIX 7 – VISUAL ASSESSMENT OF ROAD PAVEMENT
MANUAL**

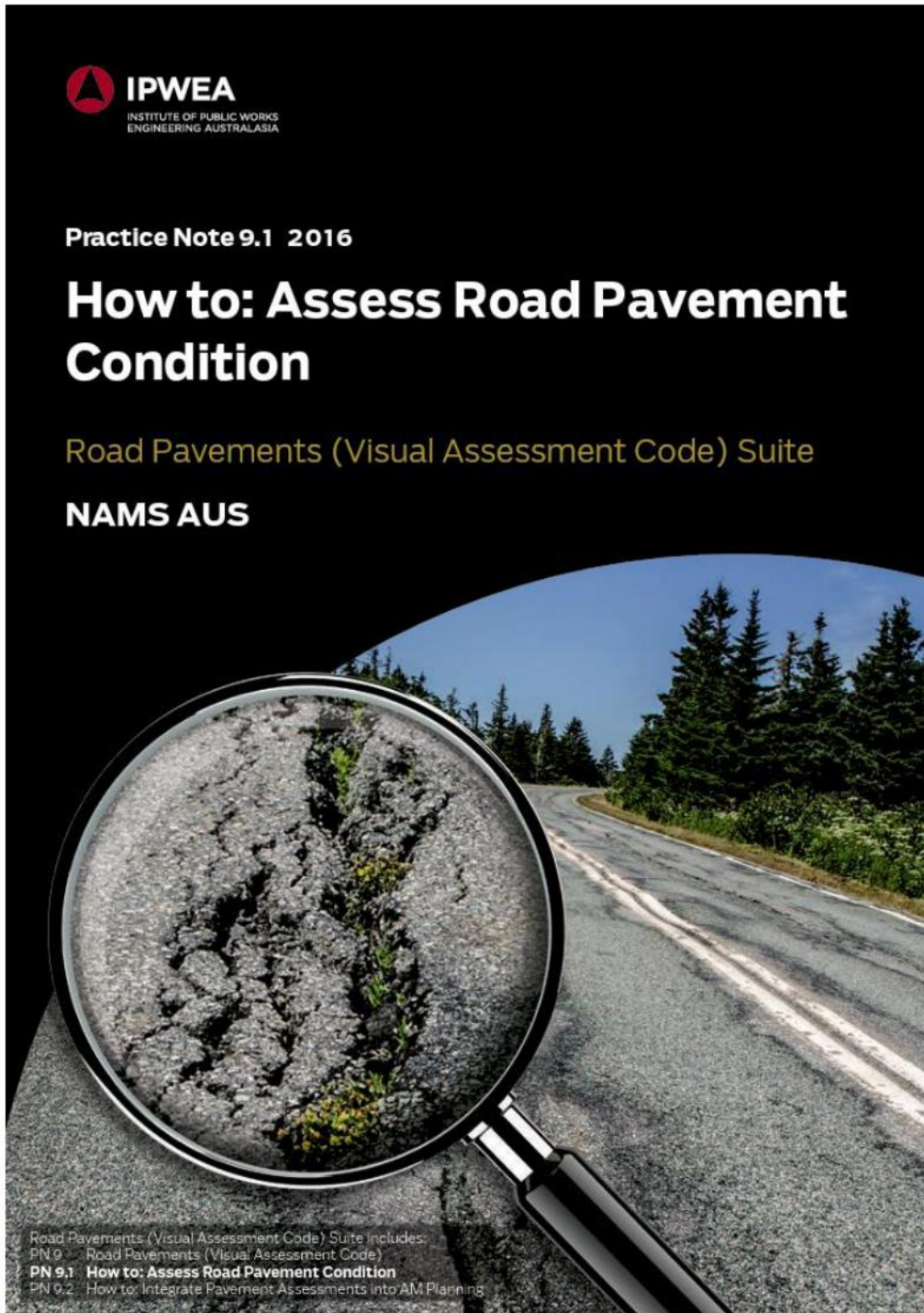


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Crocodile Cracking, Granville St – Condition 5, Very Poor



Transverse Cracking, Wodehouse St – Condition 5, Very Poor



Block Cracking, Fitzroy St – Condition 3, Fair



Edge Break, Jetty Rd – Condition 4, Poor



Edge Drop Off, Rodgers St – Condition 4, Poor



Deformation (rutting), Jetty Rd – Condition 4, Poor



Ravelling (fretting), Curtin Access Rd – Condition 5, Very Poor



Stripping, Rowell Crt – Condition 5, Very Poor



Potholing, Jetty Boat Ramp Access Road – Condition 5, Very Poor



Polishing, Short St – Condition 5, Very Poor



Flushing (bleeding), Jetty Boat Ramp Access Road – Condition 5, Very Poor



Deformation (shoving), Jetty Access Road – Condition 4, Poor

13.3 AWARD OF TENDER T3-2022 FLOOD DAMAGE REINSTATEMENT AGRN 951**File Number: 0481****Author: Wayne Neate, Director Technical and Development Services****Responsible Officer: Amanda Dexter, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider the awarding of tender T03 -2022 being for the reinstatement of roads following event AGRN 951. This tender has been split into two areas to expedite the work. The following tenderers are proposed to be awarded the contract, for Area 1 - Buckley's Earthworks and Paving and for Area 2 - Young's Earthmoving.

DISCLOSURE OF ANY INTEREST

Nil Interest – Wayne Neate – Director of Technical and Development Services

Nil Interest – Amanda Dexter – Chief Executive Officer

BACKGROUND

On the 28th January to the 2nd February 2021 a Tropical Low passed across the Shire of Derby/West Kimberley. During this period high rainfall numbers were received across the Shire of Derby/West Kimberley (the Shire) in most locations and damage to the road network was being reported on a constant basis. Some areas receiving in excess of 400mm of rainfall over a few days with peaks of daily falls over 200mm.

Event AGRN 951 Ex-TC Esther was declared on the 10th February 2021 for flooding damage caused by the Tropical Low on the 28th January to the 2nd February 2021. The Shire then sought the services of a suitably qualified engineering firm to undertake a damage pick up of the road network to ascertain the damage and work up a claim as per the Disaster Recovery Funding Arrangements of Western Australia (DRFAWA), Greenfields Technical Services (GTS) were selected to undertake the pickup and manage the opening up works. As soon as the roads were able to be driven on without causing further damage the Shire's Grading contractors at the time undertook repairs of the network to make it "trafficable" for vehicles.

The final report of the damage was submitted to the Department of Fire and Emergency Services (DFES) mid 2021 for their assessment. The new process as per the DRFAWA guidelines is that this report is then referred from DFES to the local office of Main Roads Western Australia (MRWA) as they are the subject matter experts before DFES make a definitive repose to the Shire. The Shire's initial claim was for in excess of 4 million dollars.

MRWA then hired an external consultant to carry out an investigation of our claim during July and August. Shire staff and GTS then corresponded with the MRWA staff and consultant several times during the latter half of 2021.

There were then many discussions over standards and treatment methods first with the consultant who then was removed from the project. Numerous discussions were held between GTS, MRWA and DFES staff over the next few months which then culminated in an unofficial revised cost estimate being provided to the Shire on the 24th February 2022.

By the time this initial estimate was given to the Shire, it had already been impacted by another event AGRN 1013 which occurred earlier this year. The tender has since been worked up and put to the market. This tender is designed to provide company rates to then be project managed across the various work sites to get the best outcome for the Shire which does vary from previous tenders which have stipulated the set bill of quantities.

STATUTORY ENVIRONMENT

- Local Government Act 1995–3.57 Tenders for the provision goods or services; and
- Local Government (Functions and General) Regulations 1996 part 4: tenders for the provision of goods or services.

POLICY IMPLICATIONS

- AF1–Procurement of Goods and Services
- AF33–Regional Price Preference Policy – two tenderers qualified for application of this policy.

FINANCIAL IMPLICATIONS

The proposed current budget and previous budget made allowances for this work to occur which is for the reinstatement of many roads from event 951. The Shire is liable for the first \$154,300 of the work which is estimated to be around the \$4 million.

All costs in excess of the \$154,300 of reinstatement works are claimable back from the State government.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: These works need to be completed by the 30 th June 2023 otherwise the Shire will lose the opportunity to claim for the work	Unlikely	Major	Medium	Ensure work is undertaken in a timely manner

CONSULTATION

The tender was advertised state wide for a minimum of 14 days with submissions closing at 2:00pm, 27th April 2022. Documents were downloaded by 10 companies with 3 submissions received.

COMMENT

For the purposes of ensuring that reinstatement work is completed in an acceptable timeframe, the scope of works was separated into two (2) separate areas as follows:

Flood Damage Reinstatement Package 1

- Beefwood Park Road
- Calwynyardah Noonkanbah Road
- Camballin Myroodah Road
- Camballin Noonkanbah Road
- Camballin Road
- Cherrabun Road
- Dampier Downs Road
- Fossil Downs Road
- Galvans Way
- GNH Gee Gully Road
- Mowla Bluff Road
- Gogo Road
- Kalyeeda Road
- Langey Crossing Road
- Leopold Downs Road
- Mangkurla (Cemetery) Road
- Manguel Creek Udialla Road
- Milligiddee Access Road
- Manning Road
- Mt Anderson Road
- Nerrima Road
- Qumabun Downs Road
- Savannah Way

Flood Damage Reinstatement Package 2

- Beverley Springs Road
- Birdwood Downs Road
- Blina Road

- Bungarun Road
- Fairfield Leopold Road
- Kimberley Downs Road
- Marion Downs Road
- Meda Access Road
- Milliewindie Road
- Mornington Road
- Mt Hart Road
- Napier Downs Road
- Silent Grove and Bell Gorge Road
- Sutherland Street
- Tablelands Road.
- Windjana Access Road

It is recommended that the tender for each Area be awarded to the contractor that provides the best value for money, using the Approved Tender Scoring Criteria. The Regional Price Preference Policy AF33 was applied to the prices submitted by the Derby based Contractors as detailed in the table below.

The criteria and weighting for this tender were as follows:

Criteria	Weighting
Relevant Experience	15%
Key Personnel Skills and Experience	15%
Tender Resources	20%
Demonstrated Understanding	15%
Local Supplier Details	10%
Quality Management System	15%
Risk	10%

The three companies that provided a submission are as per the table below:

Contractor Name	Contractor N ^o .	Address
AK Evans	C1	Port Hedland/Derby
Buckley's Earthworks & Paving (BEP)	C2	Derby/Mandurah
Young's Earthmoving	C3	Cottesloe/Derby

The scores for each contractor are contained within the confidential Attachment.

The contractors that have submitted tenders are currently all contracted to undertake works from event AGRN 907 and it must be stated that all of the contractors are more than capable of undertaking the work to a good standard. However only two companies can be chosen to undertake the work.

The decision to choose Buckley's Earthworks and Paving for package 1 is the company's familiarity with most of the roads within the network they manage for maintenance grading and that they have scored the highest of all proponents.

The decision to choose Young's Earthmoving over AK Evans is purely based on score as either contractor is suitable to undertake the works listed in package 2. AK Evans via Mara Mara (a subsidiary company) undertake the maintenance grading for the majority of the roads and Young's are undertaking the AGRN 907 remediation works on most of the roads, so both are familiar and more than capable

VOTING REQUIREMENTS

Absolute majority

ATTACHMENTS

1. Confidential Scoring T3-2022 - Confidential

RESOLUTION 67/22

Moved: Cr Linda Evans

Seconded: Cr Paul White

That Council award tender T3-2022 Flood Damage Re-instatement work for event AGRN 951 as follows;

- 1. Buckley's Earthworks and Paving for package Area 1;**
- 2. Young's Earthmoving for package Area 2; and**
- 3. Should either Buckley's Earthworks and Paving or Young's Earthmoving not be able to undertake the work or not sign a contract due to other commitments that the Chief Executive Officer be authorised to award either package to AK Evans.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED BY ABSOLUTE MAJORITY 9/0

13.4 AWARD OF TENDER T1-2022 - VARIOUS ROAD RE-SEALING WORKS - DERBY TOWNSITE**File Number: 0481****Author: John Dyer, Manager of Infrastructure****Responsible Officer: Wayne Neate, Director Technical and Development Services****Authority/Discretion: Executive****SUMMARY**

This item is for Council to consider the awarding of Tender T1-2022 being the contract works required to Re-seal various Derby town site streets. It is proposed that the Tender be awarded to Buckley's Earthworks and Paving Pty Ltd.

DISCLOSURE OF ANY INTEREST

Nil Interest – Wayne Neate – Director of Technical and Development Services

Nil Interest – John Dyer – Manager of Infrastructure

BACKGROUND

As proposed in Council's 2021-2022 budget, funding has been allocated for improvement works to Re-seal various Derby townsite streets. Following the tender advertisement, 4 tenders were received in compliance with the applicable tender document time frames.

At the close of advertising, submitted tender documents were received from;

- Bitumen Sealing Services Pty Ltd;
- Buckley's Earthworks and Paving Pty Ltd;
- Downer EDI Limited; and
- KEE Management Pty Ltd.

There are numerous streets requiring sealing works throughout Derby and Fitzroy Crossing. The work contained within this tender is only located within Derby and the program of work was expanded to include an increased number of streets for economy of scale and to ensure the Shire's assets are being preserved.

STATUTORY ENVIRONMENT

Local Government Act 1995 – 3.57 Tenders for the providing goods or services and *Local Government (Functions and General) Regulations 1996* Part 4 Tenders for providing goods or services.

POLICY IMPLICATIONS

- Section 8 - Purchase of Goods and Services
- Regional Price preference Policy AF33

FINANCIAL IMPLICATIONS

Funds for the undertaking of this contract are contained within the proposed 2021-2022 budget for the Derby town site reseals.

Derby Townsite Street Re-seals	
Original Allocation	\$292,000
Repurpose Remote Signs	\$150,000
Repurpose Curbing Repairs	\$80,000
LCRI Program and Employee Wages Surplus	\$121,000.00
*Which will be reported to Council for Endorsement at the June Council Meeting	

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Community: Access to communities restricted.	Likely	Moderate	High	Maintain roads to industry standards

CONSULTATION

Tender T1-2022 was advertised for a minimum of fourteen days and included the opportunity to view and inspect the construction sites. Shire staff carried out several inspections on the sections of road concerned to ascertain the most appropriate methods of treatment.

COMMENT

It is recommended that the tender be awarded to the contractor with the highest average score given by three assessors, using the Approved Tender Scoring Criteria that falls within the allocated budget. The Regional Price Preference Policy AF33 was applied to the prices submitted by the two Tenderers.

The criteria and weighting for this tender were as follows:

Criteria	%
Related Experience	15
Key Personnel and Experience	15
Tenderer's Resources	15
Demonstrated Understanding	15
Local Supplier Details	10
Quality Management Systems	20
Risk	10

The four companies that provided a submission are as per the table below:

Contractor Name	Contractor N^o.	Address
KEE Management Pty Ltd	C1	36 Murray Road, North Welshpool WA 6818
Downer EDI Limited	C2	5 Marion Road, Maddington WA 6109
Buckleys Earthworks and Paving Pty Ltd	C3	4 Wells Street, Derby WA 6728
Bitumen Sealing Services Pty Ltd	C4	21 Warrgamburu Drive, Broome WA 6728

The scores for each contractor are contained within the confidential Attachment.

Bitumen Sealing Services Pty Ltd are not being considered for this contact as they have only priced approximately half of the work and are therefore non-compliant.

The other three contractors are more than capable of undertaking the work to a good standard. However, Buckley’s Earthworks and Paving Pty Ltd has been chosen to undertake the work for two reasons, they have obtained the highest score and provide the best value for money for the Shire of Derby/West Kimberley.

As seen in the table above, total criteria scores are very similar in the Assessment Criteria for T1-2022 Derby townsite reseals. It is recommended that this contract be awarded to Buckley’s Earthworks and Paving Pty Ltd.

VOTING REQUIREMENTS

Absolute majority

ATTACHMENTS

- 1. Confidential Pricing and Scoring - T1-2022 - Confidential**

RESOLUTION 68/22**Moved: Cr Peter McCumstie****Seconded: Cr Paul White****That Council;**

- 1. Award Tender T1-2022 Reseal various Derby townsite Streets to Buckley's Earthworks and Paving Pty Ltd.**
- 2. Reallocate the \$150,000 set aside for the Remote controlled road condition signage to the Derby Re-seal roads project;**
- 3. Reallocate the \$80,000 set aside for Various Kerbing repairs to the Derby Re-seal roads project**
- 4. Request the CEO to report back to Council at the June 2022 meeting regarding the reallocation of funds from either the Local Community and Road Infrastructure funding arrangement or from surplus Salary and Wages for the short fall of the \$121,000.00.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

14 DEVELOPMENT SERVICES

Nil

15 COMMUNITY AND RECREATION SERVICES**15.1 REQUEST FOR ASSISTANCE - WEST KIMBERLEY STRONGER WOMEN'S BUSINESS GATHERING****File Number:** GS/045/5**Author:** Christie Mildenhall, Acting Director of Community Services**Responsible Officer:** Amanda Dexter, Chief Executive Officer**Authority/Discretion:** Executive**SUMMARY**

This report is to consider a request from Winun Ngari Aboriginal Corporation (WNAC) for financial and in-kind assistance towards the West Kimberley Strong Women Business Gathering (SWBG) being held at Birdwood Downs on 24 and 25 June 2022.

DISCLOSURE OF ANY INTEREST

Nil by author. Authoriser, Amanda Dexter, is an adviser to the organising committee of the event which is the subject of this funding request and therefore may be deemed to have an impartiality interest.

BACKGROUND

Winun Ngari submitted an application for funding through the Shire's Quick Grant program on the 26th April 2022. Upon assessment the application was deemed to not be eligible to be funded through the Quick Grants program due to the value of the request. All other eligibility criteria was met. Currently the Shire has no other funding streams accepting applications.

Under policy F19 – Community Funding Scheme funding requests can be present to Council for consideration where they do not meet the funding programs guidelines.

STATUTORY ENVIRONMENT

Part 6 – Financial Management of the *Local Government Act 1995* applies to this report in that each year Council allocates an annual budget to donate to community organisations through the Community Funding Scheme.

POLICY IMPLICATIONS

Policy F19 – Community Funding Scheme provides guidance as to the provision of financial and non-monetary assistance to community groups and not-for-profit organisations by the Shire.

Generally, funding is distributed through various grants programs. However, the policy stipulates that funding requests received which are not eligible for the grants programs are to be presented to Council. Currently only applications for the Quick Grants programs are being accepted. This grant program awards grants of up to \$500 ex GST per annum and therefore this request is not able to be processed through that grant program.

FINANCIAL IMPLICATIONS

Funding awarded through the Community Funding Scheme is usually provided at the time the funding request is approved. Therefore if funds are awarded it will be attributed to the 2021/22 financial year budget.

In the current year’s budget \$30,000 was allocated for ‘MEMEBERS - Donations to Community Groups’ for projects funded through the *Community Funding Scheme*.

To date \$24,582.99 has been expended or committed, leaving \$5,417.01 unallocated. The cash component of Winun Ngari’s funding request is \$6,200 (ex GST). It will be recommended that Council approve a donation of \$5,000.00 (ex GST) which can be accommodated in the current budget.

If approved, the budget expenditure for this financial year will exceed the budget by \$82.99. This discrepancy can be covered by savings made across other areas of the ‘members’ budget which is under budget.

The in-kind funding request is also likely to have financial implications. The majority of the event time where volunteers are required occurs outside standard work hours as identified in the Shire’s Indoor Enterprise Bargaining Agreement (EBA). In accordance with the EBA staff who work on behalf of Shire are likely to attract the payment of overtime for time spent assisting at the event.

STRATEGIC IMPLICATIONS

GOAL	OUR PRIORITIES	WE WILL
1. Leadership and Governance	1.1 Collaboration and partnership	1.1.2 Maximise local opportunities
2. Community	2.3 Vibrant and culturally rich communities	2.3.1 Support the growth and development of arts and cultural programs, services, places and spaces
2. Community	2.3 Vibrant and culturally rich communities	2.3.2 Facilitate and/ or contribute to community events, cultural activities and festivals
2. Community	2.4 Sustainable Communities	2.4.1 Support and assist volunteer, community and sporting groups
3. Economy	3.1 Industry and business development and growth	3.1.2 Value and support small to medium-sized businesses
3. Economy	3.2 Strong economy	3.2.1 Recognise and promote the economic potential of the district

RISK MANAGEMENT CONSIDERATIONS

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
Financial: Potential for misuse of funding	Unlikely	Minor	Low	WNAC will be required to provide an acquittal following the event.
Reputation: If the request is refused there may be come negative perception of the Shire	Possible	Moderate	Medium	Council to provide funding as requested.

CONSULTATION

Community Development Officers have consulted with Kate Williams, Winun Ngari's Project Officer, in relation to the application.

Shire officers Amanda Dexter (CEO) and Rebekah O'Meara (Youth Support Officer) are advisers to the organising team and provide feedback into the event. Evie Molson (Senior Environmental Health Officer) has been in consultation with organisers and the facility manager in relation to safety assessments, permits and events approvals.

COMMENT

The Strong Women Business Gathering is a two-day gathering offering a space for around 300 women and girls from across the Kimberley to deepen connections, support skill building, enable collaborations, foster community strengthening initiatives and socio-economic opportunities. The first event gathering was held in 2021.

This year's event is being held on the 24th and 25th of June at Birdwood Downs Station (Gibb River Road).

During the event around 20 hands-on workshops will be held. Each workshop fits with one of the four forum streams:

1. Health and wellbeing;
2. Employment and enterprise;
3. Caring for Country; and
4. Creative arts and crafts.

Other activities happening during the gathering include:

- Film Screening and Camp-Fire Stories;
- Indigenous Fashion Showcase will exhibit throughout the event with special showcase Saturday evening; and
- A Celebration Event (open to the all people) on Saturday evening including: Night markets featuring local female-owned enterprises; Indigenous Fashion Showcase with Kimberley girls appearing in wearable art produced by female Kimberley artists; and music performed by female artists from across the region.

The SWBG aims to:

- Strengthening and wealth-building initiatives;
- Stimulate local enterprise through show-casing women-owned businesses from the region;
- Showcase girls and women who are leaders and role-models in their community;
- Elaborate and share Kimberley women's cultural heritage through the arts, enterprise, ecosystem regeneration and health and healing; and
- Increase collaboration across individuals, groups, and organisations working in the Kimberley region.

The event is expected to cost \$180,000. This cost includes approximately \$70,000 of in-kind support from event volunteers, the planning group and advisory group. WNAC and National Indigenous Australians Agency (NIAA) are both contributing \$50,000 in cash towards the event.

Additional funding is also being sought from LotteryWest and several local businesses and Aboriginal Corporations have also provided smaller donations to the event.

Following the receipt of the application the Shire and WNAC had further discussions regarding the contribution being requested from the Shire. Many of the in-kind donations requested we were unable to assist with, including the provision of tables, chairs and the large projection screen in the Civic Centre.

As a result of the discussion the request differs from the application (Attachment 1) and is reflected in Attachment 2. WNAC is requesting the following:

- \$6,200.00 cash (ex GST) – For hire of tables, chairs, security fencing and two lighting towers from Kimberley Hire. This price includes the cost of hire, fuel, delivery and set-up/pack down of the light towers.
- In-kind staffing support, as follows (total 285 hours);
 - Thursday 23 June - 15 staff for 4 hours: Volunteer induction and set-up.
 - Friday 24 June – 10 staff for 7 hours (10am to 5pm) and 5 staff for 5 hours (5pm to 10pm).
 - Saturday 25 June – 10 staff for 8 hours (9am to 5pm) and 5 staff for 5 hours (5pm to 10pm).
 - Sunday 26 June – 5 staff for 5 hours (8am to 1pm).

The volunteers will assist with set-up, pack down and welcome volunteers. During their down time they are able to participate in the event.

It is recommended that a cash donation of \$5,000.00 (ex GST) be provided this financial year. The Shire will continue to assist Winun Ngari with in-kind support where possible in the lead up to the event.

The in-kind staffing request is more difficult to accommodate due to the Shire's organisational capacity. It has been requested that all volunteers at the event identify as female. At the time of writing this report the Shire has 34 female staff based in Derby who could possibly be utilised. However, to ensure the Shire's daily operations and services are not affected, it would not be possible to release all staff at the same time during standard working hours.

Several of the customer involved teams consist entirely or predominately of female staff so it would not be possible to release staff without impacting services. The event is being held during the last full week of the financial year where teams experience an increased workload trying to complete projects to meet end of year reporting requirements. Staff resourcing has been a challenge given the level of Shire vacancies and COVID-19 impacts.

At the time of writing the report several teams are operating below capacity due to these impacts.

A large portion of the event is held in the evening and over the weekend as it is outside staff members standard working hours the Shire could not compel them to volunteer.

In addition to service impacts there will be a financial cost to providing these volunteers. Generally, staff who are working at events outside of standard work hours are given the choice of being able to take the additional hours as time in lieu (which could further impact service delivery) or can get paid overtime. With the exception of Community Services staff, any staff member working after 6pm on Friday and up until 12 noon on Saturday will be awarded overtime rates of time and a half for the first two hours and double time for additional hours. Any work on Saturday

afternoon / evening and Sunday is paid at double time. The cost of providing volunteers to the extent requested could be reasonably substantial.

Whilst recognising the value and importance of volunteers for events it is equally important to ensure Shire services are not impacted. It is therefore recommended that CEO be authorised to negotiate with Winun Ngari as to how many volunteers are provided for the event, allowing for consultation with interested staff and management closer to then event to ensure minimal organisational impact.

VOTING REQUIREMENT

Absolute majority

ATTACHMENTS

1. **Quick Grant Application Form - Strong Women Business Gathering**  
2. **Amended Funding Request - Strong Women Business Gathering**  

RESOLUTION 69/22

Moved: Cr Peter McCumstie

Seconded: Cr Rowena Mouda

That Council;

1. **Approves a \$5,000.00 (ex GST) contribution to Winun Ngari Aboriginal Corporation as a contribution towards the cost of staging the 2022 Strong Women Business Gathering subject to;**
 - (a) **Relevant event approvals being obtained;**
 - (b) **Submission of an acquittal at the conclusion of the event;**
 - (c) **Suitable promotional recognition of the Shire's contribution being secured;**
2. **Supports the provision of volunteers to the event, however requests the CEO to liaise with Winun Ngari Aboriginal Corporation on the number of volunteers, to ensure only minimal organisation and service impact results.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0 BY ABSOLUTE MAJORITY



Quick Grant Application Form

Organisation Details

Organisation Name:	Winun Ngari Aboriginal Corporation (WNAC0)		
Organisation Type: (Please select one)	<input checked="" type="checkbox"/>	Community and Non-Government	<input type="checkbox"/> Commercial and Government
Is your organisation not-for-profit?	Yes <input checked="" type="checkbox"/>	Is your organisation incorporated? (Please attach your Certificate of Incorporation)	Yes <input checked="" type="checkbox"/>
What is the primary purpose of the organisation?	WNAC is dedicated to ensuring that Aboriginal communities in the West Kimberley continue to have a purpose to live; that they are healthy, educated, employed, living on their land and practicing their culture.		

Contact Details

Name of Applicant:	Kate Williams		
Position:	Project Officer		
Address:	145 Loch St	Suburb: Derby	Postcode: 6728
Postal Address:	PO Box 500	Suburb: Derby	Postcode: 6728
Mobile Number:	0468 953 597	Home:	Work:
Email Address:	kate.williams@winunngari.org.au		
Website:	https://www.winunngari.org.au/		
Contact During Activity:	Name: Kate Williams	Contact:	0468 953 597

(if different to applicate)

Auspecting Agency Details. Please provide if your corporation is not incorporated.

Auspecting agency name:			
Contact Name:			
Position:			
Address:	Suburb:	Postcode:	
Postal Address:	Suburb:	Postcode:	
Mobile Number:	Home:	Work:	
Email Address:			
Website:			

*Please attach a copy of Certificate of Incorporation for the Auspecting agency.

Derby

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Fitzroy Crossing

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ABN: 99 934 203 062

www.sdwk.wa.gov.au



Payment Information

Please complete information below in relation to you organisation or the organisation who is auspicing your application if you are not incorporated.

<p>Is the organisation registered for GST? If yes, what is your Australian Business Number? (ABN):</p> <div style="border: 1px solid black; padding: 2px; width: 300px;">17 643 250 585</div> <p>If no, please complete and attach a copy of the Statement by Supplier form.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

Payment Details

EFT	
Account Name:	N/A
BSB:	
Account Number:	

Project Details

<p>Please tell us about your project. What are you planning to do?</p>
<p>The SWBG is a two day on-country gathering offering a shared space for over 300 women and girls from across the Kimberley to deepen connections, support skill-building, and enable collaborations, and foster community strengthening initiatives and economic-opportunities through: SWBG will provide a shared space for learning, skill-sharing, connection and collaboration through: Hands-on Workshops over the two-days across four themes: Health and Wellbeing; Employment and Enterprise; Caring for Country; and Creative Arts and Crafts. Film Screening and Camp-Fire Stories on Friday evening; Indigenous Fashion Showcase will exhibit throughout the event with</p>
<p>When are you planning on doing it?</p>
<p>The 2022 SWBG is a 2-day Gathering held on June 24th and 25th at Birdwood Downs Station (Gibb River Road, Derby). By hosting the Gathering over 2-days and covering participants' costs – inclusive of catering, camping, and transport –we hope to facilitate greater participation from girls and women across the region. The Gathering also intends to attract tourists to Derby, providing them a positive experience through exposure to local culture, arts, and enterprise. WNAC will look to provided transport to tourists staying at the Dumba Burru Caravan Park to the Gathering.</p>
<p>What are you trying to achieve? What is the benefit to and impact on the community?</p>
<p>The aim of SWBG are to: deepen participants' connections, support skill-building and idea-sharing; foster intergenerational and intercultural relationships, knowledge and skills exchange; seed local and regional community strengthening and wealth-building initiatives; stimulate local enterprise through show-casing women-owned businesses from the region; showcase girls and women who are leaders and role-models in their community; celebrate and share Kimberley women's cultural heritage through the arts, enterprise, eco-system regeneration and health and healing; and increase collaboration across individuals, groups, and organisations working in the Kimberley region.</p>
<p>How will you know if you have been successful in achieving your project aim?</p>
<p>WNAC will evaluate this through a variety processes capturing both quantitative and qualitative data. Examples of quantitative data includes: Number of participants registered (KPI is 300 participants); Number of participants that identify as Aboriginal and Torres Strait Islander (KPI 60% or over); Number of people registered at celebration event (KPI 800); Number of workshops held (KPI 20 workshops); Number of communities represented (KPI 8); Number of Dumba Burru Caravan Park guests attending event (KPI 50) . Examples of qualitative data collection include: Individual interviews (varn-ups) with participants; Interactive activities; Evaluation forms; and group harvestina process</p>

Derby
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ABN: 99 934 203 062

🌐 www.sdwk.wa.gov.au



Does your event require any licenses, permits and approvals? If yes, have you already applied for these?
***Please attach copies of these applications.**

Diana Larkin (WNAC Project Manager) is in conference with the SDWK Senior Environmental Health Officer (Evie Molson) and Birdwood Downs Station regarding safety assessment, permits, and approvals for the event.

Budget

How much is the total project going to cost?

Approximately AUD180,000 including in-kind support from event volunteers, planning group, and advisory group.

How much funding are you requesting from the Shire?

WNAC is requesting in-kind support including:
 - Volunteers to support the event on June 23rd (set-up/briefing) 24th and 25th.
 - Bi-fold tables (40)

How will you use this contribution?

Contributions will go towards the operations of the event - tables and seats for workshops and meals, as well as a projector for screening films. Volunteers will also take a key role in welcoming and hosting volunteers, as well as supporting workshop facilitators.

The facilitator would support the development of plans/strategies based on locally identified assets, gaps, opportunities and priorities. These initiatives could also feed into SDWK's strategic plans.

How will you fund the cost difference for this project?

WNAC is investing AUD50,000, NIAA is investing AUD50,000, WNAC has also submitted grant applications to funding bodies such as LotteryWest. Additionally local businesses and Aboriginal Corporations are sponsoring the event. There is also an estimated AUD70,000 in in-kind support from volunteers.

Promotion

How will you promote this event / activity?

The event will be promoted through the Derby Visitors Center, social media and radio (ABC Kimberley and 6DBY) as well as through the SWBG website:
 - SWBG Facebook Group: <https://www.facebook.com/strongwomenbusinessgathering>
 - SWBG Website: <https://www.westkimberleystrongwomen.org.au/>

How will you acknowledge the Shires contribution?

The Shire CEO (Amanda Dexter) and Youth Officer (Bekah O'Meera) are on the SWBG Advisory Group and will be featured on the website and social media. In addition, the Shire would be featured on the event website as well as printed promotional material.

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Other details

<p>Has your organisation, or auspicing organisation, previously received funding from the Shire of Derby/West Kimberley? If yes, please provide date funding was received.</p>
<p>N/A</p>

Checklist

<input checked="" type="checkbox"/>	I have attached a copy of the Certificate of Incorporation of my group or the group auspicing the application.
<input checked="" type="checkbox"/>	I have included the organisations ABN or if not registered for GST I have completed and attached the Statement by Supplier Form.
<input checked="" type="checkbox"/>	I have included all licenses, permits and approvals needed for the application.
<input checked="" type="checkbox"/>	I have discussed my project with another team member of the Shire's Community Delopment team.

Declaration

<p>Important: Please read and sign this declaration for your application to be processed</p> <ol style="list-style-type: none"> I acknowledge that I am authorised to make this application on behalf of the organisation. I acknowledge that the information in this application is true and correct I acknowledge that I may be required to supply further information prior to consideration of this application by the Shire of Derby/West Kimberley. I acknowledge that I will complete the requested acquittal report and submit it within one month of project / event completion. I provide permission for the Shire of Derby/West Kimberley to promote this Quick Grant as part of any communications and public relations activities. I acknowledge I have allowed for eight weeks notice before my event. 	
<p>Signature of Applicant:</p>	<p>Kate Williams</p>
<p>Date:</p>	<p>22/02/2022</p>

SHIRE ADMINISTRATION USE ONLY

Date application received:		Date assessed:	
All requirements received:		Post-inspection date:	
Officer Name:		Approved/Not Approved:	
Officer Signature:		Synergy Ref No:	
Date:			

Derby

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ABN: 99 934 203 062

www.sdwk.wa.gov.au

Below are the requests from Kate to assist with this event. Kate would like to apply for the full amount of \$10k. With the staff request below the line in red is the maximum hours we can dedicate to Kates event to stay under the requested \$10k

Kimberley Hire Quote – Total \$5610

Kimberley Hire Quote No KHQ361. Date 04/05/2022. Womens Convention 24th 25th June

As discussed and confirmed numbers for quotation.

Supply 60 Tables and 300 Chairs and 2 Light Towers. TOTAL \$5610.00 incl GST

Total price includes Hire, Delivery/Pick-up of all equipment to Birdwood Downs Station.

Also includes set-up and Pack-down of Light towers and fuel supplied.

Delivery 23/06/2022 Collect 26/06/2022. Birdwood Downs Station

In Kind Staff support request

**We can offer Sam 54.88 hours of staff time @\$80 (SDWK fees and charges call out fee) = \$4390
Kate has requested the below hours and staff numbers but is happy with any assistance we can provide.**

Hi Mick - this is our *dream situation* with staffing / hours. Preference for on the ground support is Friday/Saturday - and staff would need to identify as female.

Thursday 23rd June : Volunteer induction / set up (4 hours x 15? staff)

= 60 hours

Friday 24th June: 10 staff x 7 hours (10am - 5pm)

5 staff x 4 (5pm -9pm)

=90 hours

Saturday 25th June: 10 staff x 9 hours (9am - 5pm)

5 staff x 5 hours (5pm-10pm)

= 115 hours

Sunday 26th June: 5 staff x 5 hours (8am-1pm)

=25 hours

Total: 290 hours or \$11,600 (at A\$40/hr)

I'd be placing staff during the day (see draft program):

2x workshop site

1 x yarning space

1 x weaving space

Really, we just need people to welcome workshop facilitators - and help them to set-up or pack down their workshop space, so staff would be able to chill and enjoy workshops in-between.

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

17 NEW BUSINESS OF AN URGENT NATURE

18 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (CONFIDENTIAL MATTERS)

The gallery left the meeting at 6:06pm.

Wayne Neate left the meeting at 6:06pm.

RESOLUTION 70/22

Moved: Cr Peter McCumstie

Seconded: Cr Paul White

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

Wayne Neate returned to the meeting at 6:09pm

18.1 Derby Port - Kimberley Mineral Sands Lease Modifications (Major Land Transaction) - Negotiation Update

This matter is considered to be confidential under Section 5.23(2) - c and d of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

RESOLUTION 71/22

Moved: Cr Paul White

Seconded: Cr Linda Evans

That Council by Absolute Majority:

- 1. Notes that the Business Case was advertised in accordance with S. 3.59 of the Local Government Act, but that no submissions were received by the 31 January 2022 closing date;**
- 2. Notes the numerous modified positions from the positions taken at the 9 December 2021 Council Meeting;**
- 3. Accepts the changes as referred to in #2 and in particular, to road refurbishment/maintenance responsibilities (vis. that the Shire will retain responsibility for this infrastructure), and considers these changes to be a “not significantly different” from the position taken at the 9 December 2021 Council Meeting, or as conditionally outlined in the advertised Business Case;**
- 4. Resolves to proceed with the transaction as modified;**
- 5. Directs the CEO acts expeditiously in consultation with the Shire’s legal advisors, to prepare the necessary legal documentation to suitably modify the existing lease, including addressing any legal matters or other variations that need to be resolved**

between the parties as part of that re-drafting process;

- 6. Authorises the President and the CEO to execute the documents on the Shire’s behalf, an apply the Common Seal if required;**
- 7. Notes that the matter of transitioning the insurance for the Derby Jetty from “replacement” to “removal of debris only” is still subject to the sub-lease’s outcomes and in particular, Kimberley Mineral Sands’ decision on whether to utilise the Derby Port, and that implementation be deferred in accordance with the new lease position on insurance; and**
- 8. Notes that a draft Derby Port Masterplan is currently being finalised for presentation to the 16 June Councillors’ Forum, to facilitate Councillor input on the document’s strategic direction.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0 BY ABSOLUTE MAJORITY

RESOLUTION 72/22

Moved: Cr Paul White

Seconded: Cr Peter McCumstie

That Council moves out of Closed Council into Open Council.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Andrew Twaddle, Rowena Mouda, Pat Riley, Keith Bedford, Linda Evans and Peter McCumstie

Against: Nil

CARRIED 9/0

19 CLOSURE

19.1 Date of Next Meeting


The next ordinary meeting of Council will be held Thursday, 30 June 2022 in the Remote Aboriginal Community (TBA).

19.2 Closure of Meeting

The Presiding Member closed the meeting at 6:16pm.

These minutes were confirmed at a meeting on

30 June 2022
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Signed: 

Presiding Person at the meeting at which these minutes were confirmed.

30 June 2022
Date: