



**Shire of Derby /  
West Kimberley**

# **MINUTES**

## **Ordinary Council Meeting**

**Thursday, 27 May 2021**

**Date: Thursday, 27 May 2021**

**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, 27 MAY 2021 AT 5:30PM**

- PRESENT:** Cr Geoff Haerewa (Shire President), Cr Paul White (Deputy Shire President)(phone), Cr Geoff Davis (phone), Cr Chris Kloss, Cr Andrew Twaddle, Cr Steve Ross, Cr Rowena Mouda, Cr Pat Riley (phone), Cr Keith Bedford (phone)
- IN ATTENDANCE:** Neil Hartley (Acting Chief Executive Officer/Director of Strategic Business), Wayne Neate (Director Technical and Development Services), Sarah Smith (Executive Services Coordinator)
- VISITORS:** Nil
- GALLERY:** Terrie Buckley
- APOLOGIES:** Nil
- APPROVED LEAVE OF ABSENCE:** Nil
- ABSENT:** Nil

**1 DECLARATION OF OPENING, ANNOUNCEMENTS OF VISITORS**

The meeting was opened at 5:30pm by Geoff Haerewa.

**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.

**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**

Neil Hartley – Item 18.2 - Fitzroy Crossing Airport Area 2 - Lease to Fitzroy Helicopters

**Nature:** He is the report writer and also (as a contractor) provides local government governance advice/services to Civic Legal, which provided legal advice on the subject of this report.

**3.2 Declaration of Proximity Interests**

Nil.

**3.3 Declaration of Impartiality Interests**

Cr Keith Bedford – Item 14.1 - Proposed Fitzroy River National Park - Request For Council Comment

**Nature:** He is claimant for Bunuba Native Title.

**4 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**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**

Nil.

**9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**RESOLUTION 46/21**

**Moved: Cr Chris Kloss**

**Seconded: Cr Rowena Mouda**

**That the Minutes of the Ordinary Meeting of the Shire of Derby/West Kimberley held at the Council Chambers, Clarendon Street, Derby, on 29 April 2021 be CONFIRMED.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

**CARRIED 9/0**

**10 RECOMMENDATIONS AND REPORTS OF COMMITTEES****10.1 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 20 MAY 2021****File Number: 4110****Author: Sarah Smith, Executive Services Coordinator****Responsible Officer: Amanda O'Halloran, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

For Council to receive the Audit Committee Minutes.

**ATTACHMENTS****1. Minutes of the Audit Committee Meeting held on 20 May 2021****RESOLUTION 47/21****Moved: Cr Rowena Mouda****Seconded: Cr Andrew Twaddle****THAT COUNCIL:**

1. Receive the Minutes of the Audit Committee Meeting held on 20 May 2021 and the recommendations therein be adopted.

**COMMITTEE RESOLUTION AC48/21****That the Audit Committee recommends that Council BY AN ABSOLUTE MAJORITY;**

1. Approves the removal of fees and charges related to the use of internet/email as set out in the Library Services section of the 2020/21 Schedule of Fees and Charges, thereby providing free public use of Wi-Fi, internet and computers at the Shire of Derby/West Kimberley Public Libraries.
2. Approves the removal of fees and charges related to faxing documents as set out in the Library Services section of the 2020/21 Schedule of Fees and Charges as this service is no longer provided.
3. Approves the advertising of these changes to its list of fees and charges in accordance with Section 6.19 of the Local Government Act 1995.

**COMMITTEE RESOLUTION AC49/21****That the Audit Committee recommends that Council BY AN ABSOLUTE MAJORITY;**

1. Approves a corporate discount of 10% for casual pool entry at the Derby Memorial Swimming Pool is made available to local businesses and community organisations.
2. Approves the advertising of these changes to its list of fees and charges in accordance with Section 6.19 of the Local Government Act 1995.

**COMMITTEE RESOLUTION AC50/21**

**That the Audit Committee recommends that Council:**

- 1. Notes the list of accounts for April 2021 paid under Delegated Authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 attached to this report, totalling \$1,765,700.71.**
- 2. Instruct administration to provide the list of accounts grouped in budgeted expenses and in alphabetical order.**

**COMMITTEE RESOLUTION AC51/21**

**That the Audit Committee recommends Council RECEIVES the Monthly Financial Management Report incorporating the Statement of Financial Activity for the period ending 30 April 2021.**

**COMMITTEE RESOLUTION AC52/21**

**That the Audit Committee recommends Council approves a \$5,000 (ex GST) contribution to the Mowanjum Aboriginal Art and Cultural Centre, as a contribution towards the cost of staging the 2021 Mowanjum Festival.**

**COMMITTEE RESOLUTION AC53/21**

**That the Audit Committee:**

- 1. Recommends that Council receives the information contained in the report detailing Sundry Debtors as at 30 April 2021.**

**COMMITTEE RESOLUTION AC54/21**

**That the Audit Committee recommends that Council:**

**Receives the report on outstanding rate and service charge debt by financial year to the end of April 2021.**

**COMMITTEE RESOLUTION AC55/21**

**That the Audit Committee recommends that Council by Absolute Majority:**

- 1. Note that the Derby Amateur Swimming Club is going through a process of change and needs assistance as an interim measure. Also that despite encountering a number of issues, the Club has been able to significantly increase participation rates.**
- 2. Donate to the Derby Amateur Swimming Club the estimated value of Derby Memorial Swimming Pool lane hire fees from 1 October 2019 to 30 November 2021. The estimated value being \$4,320. Donate to the Derby Amateur Swimming Club the estimated value of Derby Memorial Swimming Pool lane hire fees from 1 October 2019 to 30 November 2021. The estimated value being \$4,320.**

**In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford**

**Against: Nil**



**CARRIED 9/0**

## REPORTS

### 11 EXECUTIVE SERVICES

#### 11.1 DELEGATION OF AUTHORITY REGISTER - ANNUAL REVIEW

**File Number:** 0150

**Author:** Neil Hartley, Strategic Business Manager

**Responsible Officer:** Amanda O'Halloran, 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.

It is understood that the current Shire Delegation of Authority Register was in the main a "copy" of the then WALGA Model. This review has again taken the opportunity to utilise that WALGA resource. The revised Shire Delegation of Authority Register has a noticeably different appearance to the current version, but that is understood to only be the case because the WALGA Model Delegations has been updated/reformatted.

#### 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 adopted by Council at its 28 February 2019 Ordinary Council Meeting and the 2019/20 non-compliance with Section 5.46 (2) of the Local Government Act 1995 was reported as part of the 2020 Compulsory Compliance Return.

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, with either some being no longer required at all, or new ones being warranted to be introduced. So for example, the Delegation to appoint an Acting CEO has been removed because of changes to the Local Government Act.

The difference between the "old" and the "new" Register of Delegations is essentially:

1. More of the WALGA Model delegations are included in the new version; and
2. The following specific deletions have been proposed:

A2 - ACTING CHIEF EXECUTIVE OFFICER	Superseded by recent Local Government Act legislated changes.
A4 - INSURANCE	Not required as a delegation. Dealt with in the annual budget.
A5 - DISPOSING OF PROPERTY	Thought best for this decision to be made by Council.
A8 - SUB LETTING OF LEASES	Thought best for this decision to be made by Council.
A12 - LEASES FOR COUNCIL LAND	Thought best for this decision to be made by Council.
A15 - CEO Recruitment Committee	Superseded by Local Government Act legislated changes.
W4 - HOUSING AND WORKS COMMITTEE	Dealt with as part of annual budget and operationally.

The draft of all of the delegations was referred to the 22 April 2021 Councillors' Workshop to enable officers to provide an overview of the proposal, and for discussions to occur.

**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 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**

Council’s Policy Manual is also presently being reviewed. Some Delegations are linked to some of the Policies and might require complimentary modifications to occur. Likewise as the Policies are reviewed there might be occasions where relevant Delegations might need to be modified to ensure consistency.

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
Goal 4 – Good governance and an effective organisation.	Outcome 4.1 Effective governance and leadership.	4.1.4. Ensure governance policies and procedures are in accordance with legislative requirements.

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Legal &amp; Compliance:</b> Not completing the review prior to 30 June annually results in a non-compliance on the Annual Compliance Return.	Almost Certain	Moderate	High	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 would have ideally been completed prior to 30 June 2020, but due to resourcing limitations, that did not occur. A considerable effort has been made to undertake a comprehensive review on this occasion. A completely new document, and the introduction of the Corporate Compliance Calendar, should result in future reviews being completed with the 12 months annual legislative timeline.

The review has taken advantage of the WALGA Delegation Model, which provides a good range of delegations to select from. Except for a couple that were not relevant to Derby have been included in new SDWK Delegation Manual. 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.

**VOTING REQUIREMENT**

Absolute majority

**ATTACHMENTS**

- 1. Delegation of Authority Register**  

**RESOLUTION 56/21****Moved: Cr Geoff Davis****Seconded: Cr Rowena Mouda****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 2022; and**
- 2. Endorses the attached Shire of Derby/West Kimberley Delegations of Authority Register.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

**Against:** Nil

**CARRIED 9/0 BY ABSOLUTE MAJORITY**



## DELEGATION REGISTER

Current as at 27 May 2021

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## • **INTRODUCTION**

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 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 (CEO) and 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 CEO to Shire employees.

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

## **BACKGROUND TO DELEGATIONS AND AUTHORISATIONS**

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. Delegations and authorisations therefore, are the means by which Shire employees are provided with access to the required powers to undertake certain statutory functions.

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 authorisation is the designation of an officer as a person that is capable of exercising a statutory power or duty. An authorised person exercises a statutory function in their own right.

## **THE CONCEPT OF "ACTING THROUGH"**

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.

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.**

A decision to delegate a power or duty should be made by Council only after thorough consideration of whether the delegation will facilitate the effective operation of the local government. This will therefore accommodate on the particular circumstances of the Shire of Derby/West Kimberley.

The principal consideration for a Council 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**

In exercising delegation any and all Officers or Committees to whom authority has been delegated are subject to the following **Standard Conditions**:

1. comply with any and all laws and regulations in force in Western Australia;
2. comply with the requirements of relevant local laws of the Shire of Derby West Kimberley;
3. comply with the requirements of all relevant policies of the Shire of Derby West Kimberley (e.g. AF06 – Risk and Opportunity Management Policy);
4. exercise the delegation in accordance with any budget authority where applicable;
5. delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident (noting that for operational reasons, like a short term lack of available employees, the CEO may vary this requirement);
6. a delegated authority to enable the delegate to authorise an officer to act, cannot be exercised to authorise the delegate themselves to be authorised to act (noting that for operational reasons, like a short term lack of available employees, the CEO may vary this requirement);
7. the same person/position delegated/authorised to exercise delegated powers should not deal with any objection, appeal, or debt recovery determination relative to that decision (noting that for operational reasons, like a short term lack of available employees, the CEO may vary this requirement);
8. 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).
9. the requirements of point #4 shall be incorporated into the Shire record system (Synergy);

10. notices of decisions must (wherever it is applicable under s 9.4 of the Local Government Act) include advice as to the objection and review rights of the person(s) concerned;
11. 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; and
12. all relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.



## 1 Local Government Act 1995 Delegations

### 1.1 Council to CEO

#### 1.1.1 Performing Functions Outside the District

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government.
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	<p>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.</p> <p>b. "Standard Conditions" as outlined in this Register of Delegations.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	As outlined in Council Conditions for this Delegation.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  AF06 – 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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1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

#### 1.1.2 Compensation - Damage Incurred when Performing Executive Functions

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.22(1) Compensation; and s.3.23 Arbitration.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. 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)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Delegation is limited to settlements which do not exceed a material value of \$2,000.</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
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### 1.1.3 Powers of Entry to Perform Local Government Functions

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government Act 1995:</i></a> 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>AF06 – Risk and Opportunity Management Policy.</p> <p>Local Laws:</p> <ul style="list-style-type: none"> <li>• Local Government Property; and</li> <li>• Activities on Thoroughfares and Trading in Thoroughfares and Public Places.</li> </ul>
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Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
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1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

**1.1.4 Declare Vehicle is Abandoned Vehicle Wreck**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

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**1.1.5 Confiscated or Uncollected Goods (Disposing of)**

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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].</li> <li>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].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	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.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> : 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.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 1.1.6 Disposal of Sick or Injured Animals

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of; and s.3.48 Impounding expenses, recovery of.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	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.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 1.1.7 Close Thoroughfares to Vehicles/Extra Mass Permits

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine (with or without conditions) applications for extra mass permits for roads within the Shire.</li> <li>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)].</li> <li>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"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>4. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>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]</li> <li>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 [s3.51].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only).</li> <li>c. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	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.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 1.1.8 Control Reserves and Certain Unvested Facilities

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities; and s.3.54(1) Reserves under control of local government.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. 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)].</li> <li>2. 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 <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. 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.</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Local Government Property Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 1.1.9 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 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).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> <li>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].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in <i>the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></i>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that</li> </ol> </li> </ol>

	<p>may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p>c. "Standard Conditions" as outlined in this Register of Delegations.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.</p>

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	<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> <p>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)].</p> <p>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)].</p> <p>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)].</p>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places</p>
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	Local Laws. Shire Fees and Charges – Bond amount to be charged.
Record Keeping	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.1.10 Gates Across Public Thoroughfares

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the Shire’s statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> <li>c. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	No Sub-Delegates.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures.
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	<p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	



### 1.1.11 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> <li>c. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	<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>When determining to grant permission to for a dangerous excavation under this Delegated:</p> <ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>3. There is authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>.</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>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

**1.1.12 Crossing – Construction, Repair and Removal**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> 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).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>.</p> <p>Refer also Delegation 1.3.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i>.</p>
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	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

**1.1.13 Private Works on, over or under Public Places**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> <li>c. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe
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	<p>applicable statutory procedures.</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>.</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>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.1.14 Works Required for Supply of Water

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<b>Local Government Act 1995:</b> s.5.42 Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.20(1) Works required for supply of gas or water — Sch. 9.1 cl. 11.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To carry out works that are necessary for the purpose of providing, maintaining or modifying the supply system [ULP r.20(1)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Works may only be undertaken where there is an approved budget allocation.</li> <li>c. “Standard Conditions” as outlined in this Register of Delegations.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures.  Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 1.1.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	"Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures.  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a> .  Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	



### 1.1.16 Expressions of Interest for Goods and Services

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for; and r.23 Rejecting and accepting expressions of interest to be acceptable tenderer.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&amp;G r.21].</li> <li>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&amp;G r.23].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures.  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit.  Council Policies: <ul style="list-style-type: none"> <li>• AF33 – Regional Price Preference; and</li> <li>• AF1 – Procurement of Goods and Services.</li> </ul>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 1.1.17 Tenders for Goods and Services – Call Tenders

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services. <i>Local Government (Functions and General) Regulations 1996:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>3. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>4. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>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&amp;G r.14(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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"> <li>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</li> <li>ii. a current supply contract expiry is imminent; and</li> <li>iii. the value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>iv. the tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ol> </li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
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	Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	<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>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures.</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit.</p> <p>Council Policies:</p> <ul style="list-style-type: none"> <li>• AF3 – Asset Management;</li> <li>• AF33 – Regional Price Preference; and</li> <li>• AF1 – Procurement of Goods and Services.</li> </ul>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

**1.1.18 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services. <i>Local Government (Functions and General) Regulations 1996:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine whether or not to reject tenders that do not comply with requirements as specified in the invitation to tender [F&amp;G.r.18(2)].</li> <li>2. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>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.</li> <li>4. Authority to decline to accept any tender [F&amp;G r.18(5)].</li> <li>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&amp;G r.18(6) &amp; (7)].</li> <li>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 <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>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&amp;G r.20(2)].</li> <li>8. Authority to vary a tendered contract, <u>after</u> 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&amp;G r.21A(a)].</li> <li>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).</li> </ol>

<b>Council Conditions on this Delegation:</b>	<p>a. Exercise of authority under F&amp;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> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <p>i. The original tender accepted by Council decision has not been able to be finalised into a contract;</p> <p>ii. The expense is included in the adopted Annual Budget; and</p> <p>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</p> <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;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 <u>after</u> entry into the contract [F&amp;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>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.</p>

<b>Sub-Delegate/s:</b>	No Sub-Delegates.
<b>CEO Conditions on this Sub-Delegation:</b>	<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>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures.</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit.</p> <p>Council Policies:</p> <ul style="list-style-type: none"> <li>• AF3 – Asset Management;</li> <li>• AF33 – Regional Price Preference; and</li> <li>• AF1 – Procurement of Goods and Services.</li> </ul>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant

	location in Synergy records system.
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**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.1.19 Tenders for Goods and Services - Exempt Procurement

<b>Delegator:</b>	Local Government.												
<b>Express Power to Delegate:</b>	<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.												
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services. <i>Local Government (Functions and General) Regulations 1996:</i> r.11(2) When tenders have to be publicly invited ( <i>exemptions</i> ).												
<b>Delegate:</b>	Chief Executive Officer												
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to undertake tender exempt procurement, in accordance with the Procurement of Goods and Services Policy (AF1) requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>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&amp;G r.11(2)(f)].</li> </ol>												
<b>Council Conditions on this Delegation:</b>	<p>a. Tender exempt procurement under F&amp;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> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Category</th> <th>Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]</td> <td>&gt;\$250,000</td> </tr> <tr> <td>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&amp;G.r.11(2)(e)]</td> <td>&gt;\$250,000</td> </tr> <tr> <td>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&amp;G.r.(2)(f)]</td> <td>&gt;\$250,000</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)]</td> <td>&gt;\$250,000</td> </tr> <tr> <td>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</td> <td>&gt;\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i></td> </tr> </tbody> </table>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	>\$250,000	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	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	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	>\$250,000	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	>\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	>\$250,000												
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												
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												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	>\$250,000												
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	>\$250,000* <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>												

	the contract represents value for money. [F&G.r.11(2)(h)]	
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	>\$250,000
	<p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>v. The expense is included in the adopted Annual Budget.</li> </ul> <p>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.</p> <p>d. "Standard Conditions" as outlined in this Register of Delegations.</p>	
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.	

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	<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>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures.</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit.</p> <p>Council Policies:</p> <ul style="list-style-type: none"> <li>• AF33 – Regional Price Preference; and</li> <li>• AF1 – Procurement of Goods and Services.</li> </ul>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.



### 1.1.20 Application of Regional Price Preference Policy

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulations 1996::</i> r.24G Adopted regional price preference policy, effect of.
<b>Delegate:</b>	<b>Chief Executive Officer.</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	No Sub-Delegates.
<b>CEO Conditions on this Sub-Delegation:</b>	<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>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Council Policies: <ul style="list-style-type: none"> <li>• AF33 – Regional Price Preference; and</li> <li>• AF1 – Procurement of Goods and Services Policy.</li> </ul>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

**1.1.21 Payments from the Municipal or Trust Funds**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Council Conditions on this Delegation:</b>	a. Authority to make payments is subject to annual budget limitations. b. "Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services. Director – Technical & Development Services. Manager – Finance.
<b>CEO Conditions on this Sub-Delegation:</b>	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.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995.</a>  <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.  <a href="#">Local Government (Audit) Regulations 1996.</a>  Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards.</a>
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	Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a> . AF45 – Transaction Cards Policy.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

**1.1.22 Defer, Grant Discounts, Waive or Write Off Debts**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Debt to be not more than \$1,000.</li> <li>b. 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.</li> <li>c. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>1. Debt to be not more than \$500.</li> <li>2. Otherwise as outlined in Council Conditions for this Delegation.</li> </ol>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Collection of Rates Debts – refer Delegations:</p> <ul style="list-style-type: none"> <li>• 1.1.25 Agreement as to Payment of Rates and Service Charges;</li> <li>• 1.1.27 Recovery of Rates or Service Charges;</li> <li>• 1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent; and</li> <li>• 1.1.29 Recovery of Rates Debts – Actions to Take Possession of the Land.</li> </ul> <p>Council Policies:</p> <ul style="list-style-type: none"> <li>• AF18 – Sundry Debtors;</li> <li>• AF19 – Outstanding Rates Collection; and</li> <li>• COVID-19 Financial Hardship.</li> </ul>
<b>Record Keeping:</b>	<p>All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.</p> <p>File Locations in Synergy –</p>

	Rates Rebate/deferred 5172; and Accounts receivable 5112.
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**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.1.23 Power to Invest and Manage Investments

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest. <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C.</li> <li>b. All investment activity must comply with Council Policy FM8 Investments.</li> <li>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.</li> <li>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.</li> <li>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].</li> <li>f. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services. Manager – Finance.
<b>CEO Conditions on this Sub-Delegation:</b>	<ol style="list-style-type: none"> <li>1. A decision to invest must be jointly confirmed by two Delegates.</li> <li>2. As outlined in Council Conditions for this Delegation.</li> </ol>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)).</p> <p>FM8 Investments Policy.</p>
Record Keeping:	<p>All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.</p> <p>File location in Synergy – 5185.</p>

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

**1.1.24 Rate Record Amendment**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Delegates must comply with the requirements of s.6.40 of the Act. b. "Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services. Manager – Finance.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government Act 1995</a> – 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.
<b>Record Keeping:</b>	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.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	



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

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Council Conditions on this Delegation:</b>	<p>a. Decisions under this delegation must comply with Council Policies AF19 – Outstanding Rates Collection Policy; and COVID-19 Financial Hardship Policy.</p> <p>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).</p> <p>c. “Standard Conditions” as outlined in this Register of Delegations.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Council Policies <ul style="list-style-type: none"> <li>• AF18 – Sundry Debtors;</li> <li>• AF19 – Outstanding Rates Collection; and</li> <li>• COVID-19 Financial Hardship.</li> </ul>
<b>Record Keeping:</b>	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.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.



**1.1.26 Determine Due Date for Rates or Service Charges**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine the date on which rates or service charges become due and payable to the Shire [s.6.50].
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	No Sub-Delegates.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.1.27 Recovery of Rates or Service Charges

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court; and s.6.64(3) Actions to be taken.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Policies AF19 – Outstanding Rates Collection Policy; and COVID-19 Financial Hardship Policy.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Council Policies: <ul style="list-style-type: none"> <li>• AF18 – Sundry Debtors;</li> <li>• AF19 – Outstanding Rates Collection; and</li> <li>• COVID-19 Financial Hardship.</li> </ul>
<b>Record Keeping:</b>	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.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.1.28 Recovery of Rates Debts – Require Lessee to Pay Rent

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Policies AF19 – Outstanding Rates Collection Policy; and COVID-19 Financial Hardship Policy.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Corporate and Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.</p> <p>Council Policies</p> <ul style="list-style-type: none"> <li>• AF18 – Sundry Debtors;</li> <li>• AF19 – Outstanding Rates Collection; and</li> <li>• COVID-19 Financial Hardship.</li> </ul>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

**1.1.29 Recovery of Rates Debts - Actions to Take Possession of the Land**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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"> <li>i. lease the land, or</li> <li>ii. 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"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the Shire [s.6.71].</li> </ol> </li> </ol> </li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegation must comply with Council Policies AF19 – Outstanding Rates Collection Policy; and COVID-19 Financial Hardship Policy.</li> <li>b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, 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.</li> <li>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> <li>d. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Council Policies</p> <ul style="list-style-type: none"> <li>• AF18 – Sundry Debtors;</li> <li>• AF19 – Outstanding Rates Collection; and</li> <li>• COVID-19 Financial Hardship.</li> </ul>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.1.30 Rate Record – Objections

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	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.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	



### 1.1.31 Renewal or Extension of Contracts during a State of Emergency

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services. <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited'; and Tender exemption under subregulation 11(2)(ja).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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"> <li>• 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</li> <li>• contracts formed through a public tender.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<p>a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:</p> <ol style="list-style-type: none"> <li>i. It is exercised at the sole discretion of the Shire;</li> <li>ii. It is in the best interests of the Shire;</li> <li>iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;</li> <li>iv. It has potential to promote local and/or regional economic benefits.</li> </ol> <p>b. This authority may only be exercised where the total consideration for the renewal or extension is \$250,000 or less.</p> <p>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).</p> <p>d. The decision to extend or renew a contract must be made in accordance with the objectives of the Procurement of Goods and Services Policy (AF1).</p> <p>e. This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or</p>

	<p>less.</p> <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>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.</p>

<b>Sub-Delegate/s:</b>	<p>Director – Technical &amp; Development Services. Director – Corporate &amp; Community Services.</p>
<b>CEO Conditions on this Sub-Delegation:</b>	<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>

<b>Compliance Links:</b>	<p><a href="#">Local Government (Functions and General) Regulations 1996.</a> <a href="#">WALGA Subscription Service</a> – Procurement Toolkit.  AF1 – Procurement of Goods and Services Policy.</p>
<b>Record Keeping:</b>	<p>All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.</p>

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 1.1.32 Procurement of Goods or Services required to address a State of Emergency

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services. <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited'; Tender exemption under subregulation 11(2)(aa); and Associated definition under subregulation 11(3).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to: <ol style="list-style-type: none"> <li>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&amp;G r11(3)(b)].</li> <li>•</li> <li>2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&amp;G r.11(2)(aa)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. Compliance with Procurement of Goods and Services Policy (AF1) 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 Procurement of Goods and Services Policy (AF1) must be evidenced in accordance with the Record Keeping Plan.</li> <li>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.</li> <li>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.</li> <li>e. The CEO cannot sub-delegate this authority.</li> <li>f. "Standard Conditions" as outlined in this Register of</li> </ol>

	Delegations.
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Compliance Links:	<p><a href="#">Local Government (Functions and General) Regulations 1996.</a></p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit.</p> <p>Procurement of Goods and Services Policy (AF1).</p>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 1.1.33 Applying Common Seal

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s. 5.41 Functions of CEO
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Shire President and Chief Executive Officer are delegated to:  (a) executed 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.
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	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.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reviewed - Council Meeting 27 May 2021.

### 1.1.34 Minor Amendments to Policies and Delegations

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s. 2.7(2)(b) Role of council (policies)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To make minor amendments to the Policy Manual and Register of Delegations.
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reviewed - Council Meeting 27 May 2021.

## 1.1.35 Submissions

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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.</li> <li>•</li> <li>2. Responding to the Department of Mines, Industry and Regulation for proposed: <ol style="list-style-type: none"> <li>a. Exploration Licence pursuant to section 119 of the Mining Act 1978 and</li> <li>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.</li> </ol> </li> <li>3. Responding to the Department of Planning, Lands and Heritage for proposed: <ol style="list-style-type: none"> <li>a. Power to Lease pursuant to Section 46 of the Land Administration Act 1997; and</li> <li>b. Licence pursuant to section 91 Land Administration Act 1997.</li> </ol> </li> <li>•</li> <li>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.</li> </ol>
<b>Council Conditions on this Delegation:</b>	"Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide
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	<p>Primary and Annual Returns.</p> <p>Licence pursuant to section 91 Land Administration Act 1997.</p> <p>Exploration Licence pursuant to section 119 of the Mining Act 1978.</p> <p>Mining Licence pursuant to Sections 41,58,70C, 86 and 91 of the Mining Act 1978 and Regulation 64 of the Mining Regulations 1981</p> <p>Clearing Permit Applications pursuant to section 51E of the Environmental Protection Act 1986.</p> <p>AF06 – Risk and Opportunity Management Policy.</p>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation - Council Meeting 27 May 2021.
2	



## 1.2 CEO to Employees

### 1.2.1 Determine if an Emergency (for Emergency Powers of Entry)

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency.
<b>Delegate/s:</b>	Director – Corporate & Community Services. Director - Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>CEO Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Local Government Property Local Laws. AF06 – Risk and Opportunity Management Policy.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.2.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Delegate/s:</b>	Director – Technical and Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10: 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)].
<b>CEO Conditions on this Delegation:</b>	a. Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority 1.1.9 <i>Obstruction of Footpaths and Thoroughfares</i> . b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i> . c. “Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	This delegated authority is effective only in alignment with Delegated Authority 1.1.9 <i>Obstructions of Footpaths and Thoroughfares</i> . Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

2	New Delegation - Council Meeting 27 May 2021.
3	

### 1.2.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express Power or Duty Delegated:</b>	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
<b>Delegate/s:</b>	Director – Technical and Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.1.11: 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.
<b>CEO Conditions on this Delegation:</b>	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 <i>the Local Government (Uniform Local Provisions) Regulations 1996</i> . c. “Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	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 Public Thoroughfares – Dangerous Excavations. <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>  Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	New Delegation - Council Meeting 27 May 2021.
2	

### 1.2.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8.
<b>Delegate/s:</b>	Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	a. “Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Nil.
Compliance Links:	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 1.2.14 Private Works on, over or under Public Places.  Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	New Delegation - Council Meeting 27 May 2021.
2	

### 1.2.5 Appoint Persons (other than employees) to Open Tenders

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and Genera) Regulations 1996:</i> r.16(3) Receiving and opening tenders, procedure for.
<b>Delegate/s:</b>	To be allocated by the CEO on an “as required” basis.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>CEO Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

## 1.2.6 Electoral Enrolment Eligibility Claims and Electoral Roll

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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. <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31; and r.13(2) & (4) Register - s.4.32(6).
<b>Delegate/s:</b>	Director – Corporate & Community Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>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)].</li> <li>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)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>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)].</li> <li>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)].</li> <li>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].</li> <li>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.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>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)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	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: <a href="#">Returning Officer Manual</a> .
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 1.2.7 Destruction of Electoral Papers

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a).
<b>Delegate/s:</b>	Director – Corporate & Community Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>CEO Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	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: <a href="#">Returning Officer Manual</a> .
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	



### 1.2.8 Appoint Authorised Persons (Local Government and Various Acts)

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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.
<b>Delegate:</b>	Director – Technical & Development Services. Director – Corporate & Community Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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: <ol style="list-style-type: none"> <li>(a) <a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act;</li> <li>(b) <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>(c) <i>Cat Act 2011</i>;</li> <li>(d) <i>Cemeteries Act 1986</i>;</li> <li>(e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>(f) <i>Dog Act 1976</i>;</li> <li>(g) <a href="#">Graffiti Vandalism Act 2016</a> – refer s.15; and</li> <li>(e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ol> </li> <li>2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the <a href="#">Building Regulations 2012</a> and section 6(b) of the <i>Criminal Procedure Act 2004</i>.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>c. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>NIL.</i>

## Compliance Links:

Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

	<p>Local Laws:</p> <ul style="list-style-type: none"> <li>• Cemeteries;</li> <li>• Dogs;</li> <li>• Extractive Industries;</li> <li>• Local Government Property; and</li> <li>• Activities on Thoroughfares and Trading in Thoroughfares and Public Places.</li> </ul>
Record Keeping:	<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>

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

**1.2.9 Information to be Available to the Public**

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Administration) Regulations 1996:</i> 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). <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information.
<b>Delegate/s:</b>	Director – Corporate & Community Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>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].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	"Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant

	location in Synergy records system.
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**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 1.2.10 Financial Management Systems and Procedures

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management.
<b>Delegate/s:</b>	Director – Corporate & Community Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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"> <li>i. Collection of money owed to the Shire;</li> <li>ii. Safe custody and security of money collected or held by the Shire;</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>vi. Making of payments in accordance with Delegated Authority<sup>1</sup> .1.21 Payments from the Municipal or Trust Funds; and</li> <li>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ul>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>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.</li> <li>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].</li> <li>c. "Standard Conditions" as outlined in this Register of Delegations.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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	<p><a href="#"><u>Local Government Act 1995.</u></a></p> <p><a href="#"><u>Local Government (Financial Management) Regulations 1996.</u></a></p> <p><a href="#"><u>Local Government (Audit) Regulations 1996.</u></a></p> <p>Department of Local Government, Sport and Cultural Industries <a href="#"><u>Operational Guideline No.11 – Use of Corporate Credit Cards.</u></a></p>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 1.2.11 Audit – CEO Review of Systems and Procedures

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures.
<b>Delegate/s:</b>	Director – Corporate & Community Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to conduct the review of the appropriateness and effectiveness of the Shire’s systems and procedures in relation to: <ul style="list-style-type: none"> <li>i. risk management; and</li> <li>ii. internal controls; and</li> <li>iii. legislative compliance [r.17(1)].</li> </ul>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>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.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#"><i>Local Government (Audit) Regulations 1996.</i></a>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

**1.2.12 Infringement Notices (Local Government and Various Acts)**

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees.
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> 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. <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers.
<b>Delegate/s:</b>	Director – Corporate & Community Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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].</li> <li>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].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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 <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ol style="list-style-type: none"> <li>(i) Director – Technical &amp; Development Services.</li> <li>(ii) Director – Corporate &amp; Community Services.</li> </ol> <p><i>NOTE: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by the delegate under delegation 2.1.10.</i></p> </li> <li>c. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant



	location in Synergy records system.
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**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

## 1.3 Local Law Delegations to the CEO

### 1.3.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> 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
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p><b>1. General Activity Control</b></p> <p>1A. Authority, limit to permits subject of this delegation, to:</p> <ul style="list-style-type: none"> <li>a. determine the form of a permit application [cl.7.1(1)(a)];</li> <li>b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)];</li> <li>c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)];</li> <li>d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; and</li> <li>e. determine the form of the permit [cl.7.2(2)].</li> </ul> <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"> <li>a. Temporary vehicle crossing [cl.2.4(1)]</li> <li>b. Any activity described as requiring a permit under cl.2.2(1);</li> </ul>

	<ul style="list-style-type: none"> <li>i. dig or otherwise create a trench through or under a kerb or footpath;</li> <li>ii. throw, place or deposit anything on a verge;</li> <li>iii. cause any obstruction to a vehicle or person using a thoroughfare;</li> <li>iv. cause any obstruction to a water channel;</li> <li>v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;</li> <li>vi. damage a thoroughfare;</li> <li>vii. light any fire or burn anything on a thoroughfare;</li> <li>viii. fell any tree onto a thoroughfare;</li> <li>ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare;</li> <li>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;</li> <li>xi. use or do anything so as to create a nuisance;</li> <li>xii. place or cause to be placed in on a thoroughfare a bulk rubbish container; and</li> <li>xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare;</li> </ul> <p>c. Drive or take a vehicle on a closed thoroughfare [cl.2.19];</p> <p>d. Erect or place an advertising or directional sign [cl.3.2];</p> <p>e. Use of portable signs [cl.3.4];</p> <p>f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5]; and</p> <p>g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)].</p> <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><b>2. Use of Public Places</b></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><b>3. Crossings</b></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,</p>
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	<p>footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].</p> <p><b>4. Thoroughfares and Verges</b></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> <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"> <li>a. Alter the direction of a sprinkler or other watering equipment [cl.9.1]; and</li> <li>b. Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2];</li> </ul> <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> <ul style="list-style-type: none"> <li>Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3]; and</li> <li>Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</li> </ul> <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>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager Planning Service. Fitzroy Crossing Works Supervisor. Ranges (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. A register of all special environmental areas must be maintained under cl.5.8
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	<p>of the <i>Activities in Thoroughfares and Public Places and Trading Local Law</i>.</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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer CEO Delegations 1.3.3 and 1.3.4.</p> <p>Crossing permits are approved under Regulations 12 and 13 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p> <p>H2 – Traders and Stall Holders Permits Policy.</p>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 1.3.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<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.
<b>Express Power or Duty Delegated:</b>	<i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> 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.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p><b>1. Permits General</b></p> <p>1A. Authority, limited to the permit types listed below, to:</p> <ul style="list-style-type: none"> <li>a. determine the form of a permit application [cl.7.1(1)(a)];</li> <li>b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)];</li> <li>c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)];</li> <li>d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; and</li> <li>e. determine the form of the permit [cl.7.2(2)].</li> </ul> <p><b>2. Stallholder, Trading and Performing</b></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"> <li>a. Stallholder [cl.6.2];</li> <li>b. Trader [cl.6.3]; and</li> <li>c. Perform in a public place [cl.6.10].</li> </ul> <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><b>3. Outdoor Eating Facilities</b></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</p>

	<p>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>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.

<b>Sub-Delegate/s:</b>	<p>Director – Technical &amp; Development Services.                  Manager – Planning Services.                  Environmental Health Officers (as authorised).</p>
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Laws.</p> <p>H2 – Traders and Stall Holders Permits Policy.</p>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

## 2 Building Act 2011 Delegations

### 2.1 Council to CEO

#### 2.1.1 Grant a Building Permit

<b>Delegator:</b>	Permit Authority (Local Government).
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 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.  <i>Building Regulations 2012:</i> 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)).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>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</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
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<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.
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Compliance Links:	<p><a href="#">Building Act 2011</a>  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><a href="#">Building Regulations 2012</a> – r.25 <i>Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT.</i></p> <p><i>Building Services (Registration Act) 2011 – Section 7.</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2.</i></p> <p><i>Building and Construction Industry Training Levy Act 1990.</i></p> <p><i>Heritage Act 2018.</i></p> <p>Council Policies:</p> <ul style="list-style-type: none"> <li>• TP10 – Transportable-Relocated Dwellings;</li> <li>• TP7 Minimum Finished Floor Level of New Buildings;</li> <li>• TP5 – Radio Masts; and</li> <li>• TP1 – Light Industrial Area – Caretakers Residence.</li> </ul>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

## 2.1.2 Demolition Permits

<b>Delegator:</b>	Permit Authority (Local Government).
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 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.  <i>Building Regulations 2012</i> 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)).
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>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) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>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</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<a href="#">Building Act 2011</a>
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	<p>s.119 Building and demolition permits – application for review by SAT; and s.23 Time for deciding application for building or demolition permit.</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2.</i></p> <p><i>Building and Construction Industry Training Levy Act 1990.</i></p> <p><i>Heritage Act 2018.</i></p>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b>	Permit Authority (Local Government).
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 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).
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<p><a href="#"><i>Building Act 2011</i></a> 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><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2.</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018.</i></p> <p>Council Policies:</p>
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	<ul style="list-style-type: none"> <li>• TP10 – Transportable-Relocated Dwellings;</li> <li>• TP7 Minimum Finished Floor Level of New Buildings;</li> <li>• TP5 – Radio Masts; and</li> <li>• TP1 – Light Industrial Area – Caretakers Residence.</li> </ul>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 2.1.4 Designate Employees as Authorised Persons (Building)

<b>Delegator:</b>	Permit Authority (Local Government).
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.96(3) authorised persons; and s.99(3) Limitation on powers of authorised person.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>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)].</li> </ol> <p>NOTE: An <i>authorised person</i> for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<a href="#"><i>Building Act 2011:</i></a> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 2.1.5 Building Orders

<b>Delegator:</b>	Permit Authority (Local Government).
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work;</li> <li>b. Demolition work; and</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>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)].</li> </ol> </li> <li>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)].</li> <li>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 <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
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	Manager – Planning Services (but not including Functions 5, court action, and 6, to initiate a prosecution).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

Compliance Links:	<a href="#">Building Act 2011:</a> Section 111 Notice of proposed building order other than building order (emergency); Section 112 Content of building order; Section 113 Limitation on effect of building order; Section 114 Service of building order; and Part 9 Review - s.122 Building orders – application for review by SAT.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.



## 2.1.6 Inspection and Copies of Building Records

<b>Delegator:</b>	Permit Authority (Local Government).
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

Compliance Links:	<a href="#">Building Act 2011</a> - s.146 Confidentiality.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

### Version Control:

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 2.1.7 Referrals and Issuing Certificates (Building)

<b>Delegator:</b>	Permit Authority (Local Government).
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.145A Local Government functions.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	"Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

Compliance Links:	
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

## 2.1.8 Private Pool Barrier – Alternative and Performance Solutions

<b>Delegator:</b>	Permit Authority (Local Government).
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

### Version Control:

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 2.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval); and r.61 Local Government approval of battery powered smoke alarms.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

Compliance Links:	
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
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**2.1.10 Appointment of Approved Officers and Authorised Officers (Building)**

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government.
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A).  <i>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”;</i></li> <li>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).  <i>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).</i></li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
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### 3 Bush Fires Act 1954 Delegations

**NOTE:** Any reference to CEO in the Bush Fires Act 1954 means the CEO of the Department of Biodiversity, Conservation and Attractions. No powers/duties are assigned to a Local Government CEO in this Act.

#### 3.1 Council to CEO, Mayor and Bush Fire Control Officer

##### 3.1.1 Make Request to FES Commissioner – Control of Fire

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers.
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	As outlined in Council Conditions for this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

<b>Compliance Links:</b>	Bush Fire Brigades Local Laws. Council Policies: <ul style="list-style-type: none"> <li>• AF21 – Fire Control Authorities; and</li> <li>• AF06 – Risk and Opportunity Management Policy.</li> </ul>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

##### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 3.1.2 Prohibited Burning Times - Vary

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> 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)).
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> 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.
<b>Delegate:</b>	President and Chief Bush Fire Control Officer (jointly).
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Decisions under s.17(7) must be undertaken 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.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

<b>Compliance Links:</b>	Bush Fire Brigades Local Laws. AF06 – Risk and Opportunity Management Policy.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 3.1.3 Prohibited Burning Times – Control Activities

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 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. <i>Bush Fire Regulations 1954:</i> 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.
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>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].</li> <li>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)].</li> <li>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)].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>



Compliance Links:	Bush Fire Brigades Local Laws. AF06 – 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.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
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### 3.1.4 Restricted Burning Times – Vary and Control Activities

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<p><i>Bush Fires Act 1954:</i> 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.</p> <p><i>Bush Fire Regulations 1954:</i> 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.</p>
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> <li>5. 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)].</li> <li>6. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> <li>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)].</li> <li>4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>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)].</li> <li>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</li> </ol>

	<p>Control Officer is obtained [r.38C].</p> <p>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].</p> <p>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)].</p> <p>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)].</p> <p>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)].</p>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

<b>Compliance Links:</b>	<p>Bush Fire Brigades Local Laws.</p> <p>Council Policies:</p> <ul style="list-style-type: none"> <li>• AF21 – Fire Control Authorities; and</li> <li>• AF06 – Risk and Opportunity Management Policy.</li> </ul>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
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### 3.1.5 Control of Operations Likely to Create Bush Fire Danger

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954;</i> 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.
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)];</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)];</li> <li>c. a person using explosives [r.39D(2)]; and</li> <li>d. a person using fireworks [r.39E(3)];</li> </ol> </li> <li>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]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

<b>Compliance Links:</b>	Bush Fire Brigades Local Laws. Policy AF21 – Fire Control Authorities.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 3.1.6 Burning Garden Refuse/Open Air Fires

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> 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. <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of.
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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"> <li>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)].</li> <li>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].</li> </ol> </li> <li>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"> <li>a. camping or cooking [s.25(1)(a)]; and</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.

<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>
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Compliance Links:	Bush Fire Brigades Local Laws.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

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### 3.1.7 Firebreaks

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks.
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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"> <li>a. clearing of firebreaks as determined necessary and specified in the notice;</li> <li>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</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>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"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

<b>Compliance Links:</b>	Bush Fire Brigades Local Laws. Policy AF21 – Fire Control Authorities.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer.
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>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)].</li> <li>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"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

<b>Compliance Links:</b>	Bush Fire Brigades Local Laws. Policy AF21 – Fire Control Authorities.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 3.1.9 Control and Extinguishment of Bush Fires

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire.
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)]: <ol style="list-style-type: none"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Bush Fire Brigades Local Laws. Policy AF21 – Fire Control Authorities.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 3.1.10 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

<b>Compliance Links:</b>	Bush Fire Brigades Local Laws. Policy AF21 – Fire Control Authorities.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 3.1.11 Prosecution of Offences (Bush Fires)

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences; and s.59A Alternative procedure – infringement notices.
<b>Delegate:</b>	Chief Executive Officer; and Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> <li>3. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3).</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>• s.65 Proof of certain matters; and</li> <li>• s.66 Proof of ownership or occupancy.</li> </ul> Bush Fire Brigades Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

## 4 Cat Act 2011 Delegations

### 4.1 Council to CEO

#### 4.1.1 Cat Registrations

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.9 Registration; s.10 Cancellation of registration; and s.11 Registration numbers, certificates and tags. <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable .
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)].</li> <li>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)].</li> <li>3. Authority to cancel a cat registration [s.10].</li> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.

<b>Sub-Delegate/s:</b>	Director – Corporate & Community Services. Customer Services Officers (as authorised). Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.  Only Director – Corporate & Community 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)].
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<b>Compliance Links:</b>	<p>Cat Regulations 2012</p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration;</p> <p>r.12 Period of registration (s.9(7));</p> <p>r.11 Changes in registration;</p> <p>r.14 Registration certificate (s.11(1)(b)); and</p> <p>r.15 Registration tags (s.76(2)).</p> <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</p>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

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### 4.1.2 Cat Control Notices

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
<b>Council Conditions on this Delegation:</b>	"Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.

<b>Sub-Delegate/s:</b>	Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<i>Cat Regulations 2012 – r.20</i> Cat control notice [s.23(3)], prescribes the Form of the notice.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
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### 4.1.3 Approval to Breed Cats

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</li> <li>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)].</li> <li>3. Authority to cancel an approval to breed cats [s.38].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	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)).
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

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#### 4.1.4 Recovery of Costs – Destruction of Cats

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Director – Corporate & Community Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

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#### 4.1.5 Applications to Keep Additional Cats

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats; and r.9 Grant of approval to keep additional number of cats.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [r.8(3)].</li> <li>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)].</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Notices of decisions must include advice as to Review rights in accordance with r.11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>.</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 4.1.6 Reduce or Waiver a Cat Registration Fee

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
<b>Council Conditions on this Delegation:</b>	<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 <i>Local Government Act 1995</i>.</p> <p>b. “Standard Conditions” as outlined in this Register of Delegations.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Director – Corporate & Community Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	AF18 – Sundry Debtors Policy.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

## 4.2 Cat Act Delegations - CEO to Employees

### 4.2.1 Infringement Notices – Extensions and Withdrawals

<b>Delegator:</b>	Chief Executive Officer.
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government.
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.64 Extension of time; and s.65 Withdrawal of notice.
<b>Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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].</li> <li>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].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1)).
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

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2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

## 5 Dog Act 1974 Delegations

**GUIDANCE NOTE:** Note that any references to CEO in the Dog Act 1976 means the CEO of the Department of Local Government, Sporting and Cultural Industries. Therefore, no powers or duties are assigned to the CEO of a Local Government within this Act.

### 5.1 Dog Act Delegations Council to CEO

#### 5.1.1 Part Payment of Dog Sterilisation Costs/Directions to Veterinary Surgeons

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation .
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Director – Corporate & Community Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Dogs Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 5.1.2 Refuse or Cancel Registration of a Dog

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees; s.16(3) Registration procedure; s.17A(2) If no application for registration made; and s.17(4) and (6) Refusal or cancellation of registration.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>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"> <li>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 <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or</li> <li>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</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>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)].</li> <li>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"> <li>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)]</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ol>

<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
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<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

Compliance Links:	<i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3).  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6).  Dogs Local Laws.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 5.1.3 Dog Kennel Establishments

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>b. Application processing and decisions under this delegation are to comply with the Shire of Derby/West Kimberley Dogs Local Law.</li> <li>c. "Standard Conditions" as outlined in this Register of Delegations.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.  Dogs Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 5.1.4 Recovery of Moneys Due Under the Dog Act

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. "Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Director – Corporate & Community Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	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.  AF18 – Sundry Debtors Policy.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> <li>c. "Standard Conditions" as outlined in this Register of Delegations.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Dogs Local Laws.  AF06 – Risk and Opportunity Management Policy.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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### 5.1.6 Declare a Dog Dangerous

**GUIDANCE NOTE:** This delegation only has effect if there is not an Authorised Person appointed for this purpose (specified in the Certificate of Authorisation for the purposes of s.33E).

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. "Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services. Rangers (as authorised).
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.  Dogs Local Laws.  AF06 – Risk and Opportunity Management Policy.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> 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.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</li> <li>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"> <li>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)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	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.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  Dogs Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant

	location in Synergy records system.
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**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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.
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].  b. "Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation).

<b>Sub-Delegate/s:</b>	No Sub-Delegates.
<b>CEO Conditions on this Sub-Delegation:</b>	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.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.  Dogs Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
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### 5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties.
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. "Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Director – Corporate & Community Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.  Dogs Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

## 6 Food Act 2008 Delegations

### GUIDANCE NOTE:

1. Note that any references to CEO in the Food Act 2008 mean the CEO of the Department of Health. Therefore, no powers or duties are assigned to the CEO of a Local Government within this Act;
2. As there is no power of sub-delegation available, it is important for each delegation under the Food Act 2008 to be made to a Delegate or Delegates most suitable for fulfilling the power or duty.

### 6.1 Council to CEO

#### 6.1.1 Determine Compensation

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 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.
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances; and s.70(2) and (3) Compensation.
<b>Delegate:</b>	Chief Executive Officer. Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant



	location in Synergy records system.
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**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
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### 6.1.2 Prohibition Orders (Food Act)

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 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.
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders; s.66 Certificate of clearance to be given in certain circumstances; and s.67(4) Request for re-inspection.
<b>Delegate:</b>	Manager – Planning Services. Environmental Health Officers (as authorised)
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 6.1.3 Food Business Registrations

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 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.
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business; and s.112 Variation of conditions or cancellation of registration of food businesses.
<b>Delegate:</b>	Director – Technical & Development Services. Manager – Planning Services. Environmental Health Officers (as authorised).
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
<b>Council Conditions on this Delegation:</b>	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: <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA;</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1;</li> <li>• WA Priority Classification System; and</li> <li>• Verification of Food Safety Program Guideline.</li> </ul> b. “Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 6.1.4 Appoint Authorised Officers and Designated Officers (Food Act)

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 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.
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers; and s.126(6), (7) and (13) Infringement Officers.
<b>Delegate:</b>	Chief Executive Officer. Director – Technical & Development Services. Manager – Planning Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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: <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors;</li> <li>• Appointment of Authorised Officers;</li> <li>• Appointment of Authorised Officers – Designated Officers only; and</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer.</li> </ul> </li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers .</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed.</p>
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Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
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**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

### 6.1.5 Debt Recovery and Prosecutions (Food Act)

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 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.
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item; and s.125 Institution of proceedings.
<b>Delegate:</b>	Chief Executive Officer. Director – Technical & Development Services. Manager – Planning Services. Environmental Health Officers (as authorised).
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	AF18 – Sundry Debtors Policy.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 6.1.6 Abattoir Inspections and Fees

*GUIDANCE NOTE: Only applicable if an abattoir that sits within this legislation is established in the district.*

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 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.
<b>Express Power or Duty Delegated:</b>	<i>Food Regulations 2009:</i> r.43 Local government may require security; and r.45 Withdrawal of inspection services.
<b>Delegate:</b>	Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to:                         <ol style="list-style-type: none"> <li>i. require a person to provide security,</li> <li>ii. determine the form that security is to be provided, and</li> <li>iii. discharge a security held by the Shire [r.43].</li> </ol> </li> <li>2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	AF18 – Sundry Debtors Policy.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 6.1.7 Food Businesses List – Public Access

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Food Act 2008:</i> 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.
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> r.51 Enforcement agency may make list of food.
<b>Delegate:</b>	Director – Technical & Development Services. Manager – Planning Services. Environmental Health Officers (as authorised).
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	



## 7 Graffiti Vandalism Act 2016 Delegations

**GUIDANCE NOTE:** Government CEO, where the reference appears in Part 3 of the Act. In all other instances a reference to CEO in the Graffiti Vandalism Act will mean the CEO of the Public Sector Agency responsible for administration of the Act (i.e. Commissioner of Police).

### 7.1 Council to CEO

#### 7.1.1 Give Notice Requiring Obliteration of Graffiti

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti; and s.19(3) & (4) Additional powers when notice is given.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government.

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

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1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
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#### 7.1.2 Notices – Deal with Objections and Give Effect to Notices (Graffiti)

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged; and s.24(1)(b) & (3) Suspension of effect of notice.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s.22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>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</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. "Standard Conditions" as outlined in this Register of Delegations.</li> <li>b. The delegate that authorised the notice must not make the objection/appeal determination under this Delegation.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
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### 7.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Subject to exercising Powers of Entry. b. "Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

Compliance Links:	
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
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### 7.1.4 Powers of Entry (Graffiti Vandalism Act)

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government.
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry; and s.29 Entry under warrant.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government.

<b>Sub-Delegate/s:</b>	Director - Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

Compliance Links:	
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reformatted using WALGA Model - Council Meeting 27 May 2021.
2	

## 8 Public Health Act 2016 Delegations

### 8.1 Council to CEO

#### 8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos)

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices.
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices.
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [r.15D(5)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>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)].</li> <li>b. "Standard Conditions" as outlined in this Register of Delegations.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

<b>Compliance Links:</b>	<i>Criminal Procedure Act 2004 – Part 2</i> Health Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

#### Version Control:

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 8.1.2 Enforcement Agency Reports to the Chief Health Officer

<b>Delegator:</b>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Delegate:</b>	Environmental Health Officers (if authorised); or Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)]</li> <li>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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	"Standard Conditions" as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	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)].

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.  Health Local Laws.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

### 8.1.3 Designate Authorised Officers (Health)

<b>Delegator:</b>	Enforcement Agency (means Local Government vide s.4 definition).
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate .
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers.
<b>Delegate:</b>	Director – Technical & Development Services.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ol style="list-style-type: none"> <li>i. The Public Health Act 2016 or other specified Act</li> <li>ii. Specified provisions of the Public Health Act 2016 or other specified Act</li> <li>iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s.24(1) and (3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> <li>c. “Standard Conditions” as outlined in this Register of Delegations.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	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)].

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> 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; s.30 Certificates of authority;
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	<p>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><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i>.</p> <p><i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i>.</p> <p>Health Local Laws.</p>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.



**8.1.4 Determine Compensation for Seized Items (Health)**

<b>Delegator:</b>	Enforcement Agency (means Local Government vide s.4 definition).
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate.
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.264 Compensation.
<b>Delegate:</b>	Environmental Health Officers (if authorised); or Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	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)].

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> 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.
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
2	

## 9 Planning and Development Act 2005 Delegations

### 9.1 Council to CEO

#### 9.1.1 Illegal Development

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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.</li> <li>2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> <li>(a) to remove, pull down, take up, or alter the development; and</li> <li>(b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>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.</li> </ol>
<b>Council Conditions on this Delegation:</b>	“Standard Conditions” as outlined in this Register of Delegations.
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Director – Technical & Development Services. Manager – Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a> .
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Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.
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**Version Control:**

1	New Delegation using WALGA Model - Council Meeting 27 May 2021.
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## 9.2 Local Planning Scheme – Council to CEO

### 9.2.1 Town Planning Scheme No's 5 and 7: Determination of Applications

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	Local Government Act 1995: <ul style="list-style-type: none"> <li>• s.5.42(b) Delegation of some powers or duties to the CEO; and</li> <li>• s.5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	Planning and Development Act 2005 <ul style="list-style-type: none"> <li>• Planning and Development (Local Planning Schemes) Regulations 2075;</li> <li>• Division 2 Delegations cl 81 and 82;</li> <li>• Town Planning Scheme No's 5 and 7; and</li> <li>• Clause 9.8 "Delegation".</li> </ul>
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Determination of development and subdivision applications and the issue of formal Council notices in accordance with the Town Planning Scheme and Council Policies.
<b>Council Conditions on this Delegation:</b>	<p>Advice to Council through appropriate mechanism.</p> <p><b>Sub-Delegation Conditions:</b></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><b>1.0 Subdivision Applications</b></p> <p>1.1 Determine responses to the Western Australian Planning Commission (WAPC) in relation to:</p> <p>(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);</p> <p>(ii) Non-residential subdivision applications where:</p> <ul style="list-style-type: none"> <li>• vacant lots are proposed to be created; and</li> <li>• 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;</li> </ul> <p>(iii) subdivision applications where the application constitutes a minor variation to a plan already approved by the WAPC and in</p>

	<p>which no additional lots are proposed; and</p> <p>(iv) amalgamation applications.</p> <p>1.2 Issue subdivision clearance certificates where the relevant local government conditions have been satisfied.</p> <p><b>2.0 Notification of Planning Applications</b></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><b>2.2 Determine under what circumstances consultation with adjoining owners is required, under</b></p> <p>'Part 4 -Consultation' of the R-Codes and administer consultation accordingly.</p> <p><b>3.0 Applications for Planning Approval</b></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"><li>• not being in conflict with any specific direction of Council</li></ul>
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	<p>in relation to the aspects of the proposal the subject of Council consideration;</p> <ul style="list-style-type: none"> <li>• not increasing the impact of or degree of variation the subject of Council consideration; and</li> <li>• otherwise consistent with relevant provisions.</li> </ul> <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><b>4.0 Retrospective Applications</b></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><b>5.0 Renewal of Planning Approval</b></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>
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**6.0 Appeals**

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.

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.

**7.0 Compliance**

Issue formal notices to owners or occupiers of properties to cease unauthorised uses, remove unauthorised structures or comply with conditions of planning approval.

**8.0 Reporting**

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.

**9.0 Applications may still be referred to Council**

9.1 In applying this policy, a conservative approach shall be adopted.

9.2 An application shall be referred to Council for consideration where:

- 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.

**10.0 Procedures**

- Where an applicant or owner of land is aggrieved by a decision of the Manager Planning Services under delegated

	<p>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.</p> <p>- Where an application has been determined under the above delegation of authority the approval shall contain the following footnote:</p> <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> <p><b>10.0 Standard Conditions</b></p> <p>Compliance with “Standard Conditions” as outlined in this Register of Delegations.</p>
<b>Express Power to Sub-Delegate:</b>	<p>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).</p> <p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees.</p>

<b>Sub-Delegate/s:</b>	Manager Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

Compliance Links:	<p>Part 13 of the <a href="#">Planning and Development Act 2005</a></p> <p>Council Policies:</p> <ul style="list-style-type: none"> <li>• TP10 – Transportable-Relocated Dwellings;</li> <li>• TP7 Minimum Finished Floor Level of New Buildings;</li> <li>• TP5 – Radio Masts; and</li> <li>• TP1 – Light Industrial Area – Caretakers Residence.</li> </ul> <p>Extractive Industries Local Laws.</p>
Record Keeping:	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.



## 9.2.2 Interim Development Order No 9: Determination of Applications

<b>Delegator:</b>	Local Government.
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO; and s.5.43 Limitations on delegations to the CEO.
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5).
<b>Delegate:</b>	Chief Executive Officer.
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Determination of development and subdivision applications in accord with the Interim Development Order and Council Policies.
<b>Council Conditions on this Delegation:</b>	<p>Advice to Council through appropriate mechanism.</p> <p><b>Sub-Delegation Conditions:</b></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 8 as follows:</p> <p><b>1.0 Subdivision Applications</b></p> <p>1.1 Determine responses to the Western Australian Planning Commission (WAPC) in relation to: (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);</p> <p>(ii) non-residential subdivision applications where:</p> <ul style="list-style-type: none"> <li>• vacant lots are proposed to be created; and</li> <li>• 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</li> </ul> <p>(iv) amalgamation applications.</p> <p>1.2 Issue subdivision clearance certificates where the relevant</p>

	<p>local government conditions have been satisfied.</p> <p><b>2.0 Notification of Development Applications</b></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><b>3.0 Applications for Development Approval</b></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"> <li>• not being in conflict with any specific direction of Council in relation to the aspects of the proposal the subject of Council consideration;</li> </ul>
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	<ul style="list-style-type: none"> <li>• not increasing the impact of or degree of variation the subject of Council consideration; and otherwise consistent with relevant provisions.</li> </ul> <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><b>4.0 Retrospective Applications</b></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><b>5.0 Renewal of Planning Approval</b></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><b>6.0 Layout Plans</b></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><b>7.0 Appeals</b></p> <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>
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**8.0 Compliance**

Issue formal notices to owners or occupiers of properties to cease unauthorised uses, remove unauthorised structures or comply with conditions of planning approval.

**9.0 Reporting**

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.

**10.0 Applications may still be referred to Council**

10.1 In applying this policy, a conservative approach shall be adopted.

10.2 An application shall be referred to Council for consideration where:

- 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.

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.

**11.0 Procedures**

- 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

	<p>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> <p><b>12.0 Standard Conditions</b></p> <p>"Standard Conditions" as outlined in this Register of Delegations.</p>
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b>	Manager Planning Services.
<b>CEO Conditions on this Sub-Delegation:</b>	As outlined in Council Conditions for this Delegation.

<b>Compliance Links:</b>	<p>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).</p> <p>Local Government Act 1995</p> <ul style="list-style-type: none"> <li>• sS.42 Delegation of some powers or duties to the Chief Executive Officer sS.43 Limitations on delegations to the Chief Executive Officer; and</li> <li>• sS.44 Chief Executive Officer may delegate some powers and duties to other employees.</li> </ul> <p>Planning and Development Act 2005.</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <ul style="list-style-type: none"> <li>• Division 2 - Delegations clause 81 and 82.</li> </ul> <p>Council Policies:</p> <ul style="list-style-type: none"> <li>• TP10 – Transportable-Relocated Dwellings;</li> <li>• TP7 Minimum Finished Floor Level of New Buildings;</li> <li>• TP5 – Radio Masts; and</li> <li>• TP1 – Light Industrial Area – Caretakers Residence.</li> </ul> <p>Extractive Industries Local Laws.</p>
<b>Record Keeping:</b>	All relevant delegation material to be filed into hard-copy files or relevant location in Synergy records system.

**Version Control:**

1	Reviewed - Council Meeting 28 February 2019.
2	Reformatted using WALGA Model - Council Meeting 27 May 2021.

## 10 Statutory Authorisations and Delegations to Local Government from State Government Entities

### 10.1 Environmental Protection Act 1986

#### 10.1.1 Noise Control – Environmental Protection Notices [Reg.65(1)]

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
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No. 47. 19-Mar-2004  
Page: 919 [Pdf](#) - 476kb

**EV401**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

##### **Section 20**

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

All the powers and duties of the Chief Executive Officer, where any noise is being or is likely to be emitted from any premises not being premises 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.

Persons to whom delegation made—

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

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

## 10.1.2 Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Published by:  
Environment

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No. 232. 20-Dec-2013  
Page: 6282 [Pdf](#) - [3Mb](#)

**EV402**

### **ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to 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 *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

- (a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;
- (b) 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--
  - (i) Subregulation 18(13)(b) is not delegated.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

### 10.1.3 Noise Management Plans – Construction Sites

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
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No. 71. 16-May-2014  
Page: 1548 [Pdf](#) - [2Mb](#)

**EV405**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of:-

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

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

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.



## 10.2 Planning and Development Act 2005

### 10.2.1 Instrument of Authorisation – Local Government CEOs - Sign Development Applications for Crown Land as Owner

DoL FILE 1738/2002v8; 858/2001v9

#### PLANNING AND DEVELOPMENT ACT 2005

#### INSTRUMENT OF AUTHORISATION

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

Dated the 2<sup>nd</sup> day of June 2016



HON DONALD TERRENCE REDMAN MLA  
MINISTER FOR LANDS

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"> <li>a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> 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 45A), 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.</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> 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 <i>Planning and Development Act 2005</i> 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 <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p> <p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p> <p>(v) section 162 of the <i>Planning and Development Act 2005</i> 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 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p> <p>(vii) section 171A of the <i>Planning and Development Act 2005</i> 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 Bassen-Dean                      City of Baywater                      City of Belmont                      Shire of Beverley                      Shire of Boddington                      Shire of Boyup Brook                      Shire of Bridgetown-Greenbushes                      Shire of Brooking                      Shire of Broome                      Shire of Broomehill-Tambellup                      Shire of Bruce Rock                      City of Bunbury                      Shire of Busselton                      Town of Cambridge                      City of Cannington                      Shire of Capel                      Shire of Carnarvon                      Shire of Carnarvon                      Shire of Chapman Valley                      Shire of Chittaring                      Shire of Christmas Island                      Town of Clarendon                      City of Cockburn                      Shire of Cocos (Keeling) Islands                      Shire of Coile                      Shire of Coolgardie                      Shire of Coorow                      Shire of Corrigin                      Town of Cottesloe                      Shire of Cranbrook                      Shire of Cutballing                      Shire of Cue                      Shire of Cunderdin                      Shire of Dalwallinu                      Shire of Dandaragan                      Shire of Dardanup                      Shire of Denmark                      Shire of Derby/West Kimberley                      Shire of Donnybrook-Balingup                      Shire of Dowerin                      Shire of Dumbleyung                      Shire of Dundas                      Town of East Fremantle                      Shire of East Pilbara                      Shire of Esperance                      Shire of Exmouth                      City of Fremantle                      City of Greater Geraldton</p> <p>Shire of Gingin                      Shire of Gnowangerup                      Shire of Goomalling                      City of Goolwa                      Shire of Halls Creek                      Shire of Harvey                      Shire of Irwin                      Shire of Jerramungup                      City of Joondalup                      Shire of Katanning                      City of Katanning-Boulder                      Shire of Kalbarning                      Shire of Kellerberrin                      Shire of Kent                      Shire of Kojonup                      Shire of Kondinin                      Shire of Koorda                      Shire of Kulin                      City of Kwinana                      Shire of Lake Grace                      Shire of Laverton                      Shire of Leonora                      City of Mandurah                      Shire of Manjimup                      Shire of Maelkathara                      City of Melville                      Shire of Menzies                      Shire of Merredin                      Shire of Mingenew                      Shire of Moora                      Shire of Morawa                      Town of Meaman Park                      Shire of Mount Magnet                      Shire of Mt Marshall                      Shire of Mukinbudin                      Shire of Mundaring                      Shire of Murchison                      Shire of Murray</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 this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (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>

Shire of Nannup  
Shire of Narrobin  
Shire of Narragin  
Town of Narragin  
City of Newcastle  
Shire of Ngaanyatjaraku  
Shire of Northam  
Shire of Northampton  
Shire of Nungarin  
Shire of Peppermint Grove  
Shire of Perenjori  
City of Perth  
Shire of Pingelly  
Shire of Plantagenet  
Town of Port Hedland  
Shire of Quairading  
Shire of Ravensthorpe  
City of Rockingham  
Shire of Roebourne  
Shire of Sandstone  
Shire of Serpentine Jarrahdale  
Shire of Shark Bay  
City of South Perth  
City of Stirling  
City of Subiaco  
City of Swan

Shire of Tammin  
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 Wandering  
City of Warneeroo  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickiepin  
Shire of Williams  
Shire of Wiluna  
Shire of Wongan-Belliddu  
Shire of Woodanilling  
Shire of Wyalkatchem  
Shire of Wyndham-East Kimberley  
Shire of Yalgoo  
Shire of Yilgarn  
Shire of York



HON DONALD TERENCE REDMAN MLA  
MINISTER FOR LANDS

2<sup>nd</sup>  
..... day of June ..... 2016

## 10.2.2 WA Planning Commission – Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)

822

GOVERNMENT GAZETTE, WA

27 March 2020

PL402

### PLANNING AND DEVELOPMENT ACT 2005

#### INSTRUMENT OF DELEGATION

#### Del 2020/01 Powers of Local Governments

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 *Strata Titles Act 1985*.

#### Preamble

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

In accordance with section 16(4) of the Act, a reference in this instrument to a function or 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.

#### Resolution under section 16 of the Act (delegation)

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

#### Schedule 1

#### 1. Applications made under section 15 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (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—
  - i. a type of development; and/or
  - ii. land within an area,

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.

#### 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.

## 10.3 Main Roads Act 1930

### 10.3.1 Traffic Management - Events on Roads

A list of local governments authorised for Traffic Management for Events can be found on the Main Roads WA website [here](#)

**WESTERN AUSTRALIA**  
**ROAD TRAFFIC CODE 2000**  
**REGULATION 297(2)**  
**INSTRUMENT OF AUTHORISATION**

RELATING TO  
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises (Insert name of Local Government) (Authorised Body) by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Dated:

**THE COMMON SEAL OF THE** )  
**COMMISSIONER OF MAIN ROADS** )  
 )  
 WAS AFFIXED BY )  
 )  
 )  
**COMMISSIONER OF MAIN ROADS** )  
 )  
 FOR THE TIME BEING IN THE )  
 PRESENCE OF: )

\_\_\_\_\_  
*Signature of Witness*

\_\_\_\_\_  
*Name of Witness (please print)*

**ACKNOWLEDGMENT BY AUTHORISED BODY**

.....(*Insert name of Local Government*)..... agrees to unconditionally observe, perform and be bound by the above conditions.

**THE COMMON SEAL of** )  
 )  
 )  
 )  
 \_\_\_\_\_ )  
 [*Insert name of Local Government*] )  
 )  
 Was hereunto affixed pursuant to a )  
 resolution of the Council in the )  
 presence of. )  
 )

\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Signature of Witness*

\_\_\_\_\_  
*Name of Witness (please print)*

### 10.3.2 Traffic Management – Road Works

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](#)

**WESTERN AUSTRALIA  
ROAD TRAFFIC CODE 2000  
REGULATION 297(2)  
INSTRUMENT OF AUTHORISATION**

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads (“the Commissioner”) hereby authorises ..... (“Authorised Body”) by itself, its employees, consultants, agents and contractors (together “Representatives”) to, from the date indicated below, erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the “Traffic Management for Works on Roads Code of Practice” (as amended or replaced from time to time in consultation with the Traffic Management for Roadworks Advisory Group) issued by Main Roads Western Australia (“the Code”) referring to the version which is current at the time of the relevant works, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 297(2) of the Road Traffic Code 2000 between the Commissioner and the Authorised Body. The Commissioner’s delegation dated 17 July 1975 to a number of Local Governments outside the Perth metropolitan area, is not affected by this Instrument of Authorisation except that this Instrument of Authorisation prevails wherever roadworks are concerned. That 1975 delegation was made under Regulation 301 of the Road Traffic Code 1975 and related to non-regulatory signage.

Dated:

THE COMMON SEAL OF THE )  
 COMMISSIONER OF MAIN ROADS )  
 WAS AFFIXED BY )  
 )  
 )  
 COMMISSIONER OF MAIN ROADS )  
 FOR THE TIME BEING IN THE PRESENCE OF: )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness

**ACKNOWLEDGMENT BY AUTHORISED BODY**

..... agrees to observe, perform and be bound by the above conditions.

THE COMMON SEAL OF THE )  
 )  
 ..... )  
 WAS AFFIXED PURSUANT TO A RESOLUTION )  
 OF THE COUNCIL IN THE PRESENCE OF )

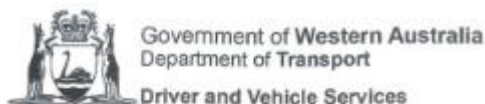
\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Witness



## 10.4 Road Traffic (Vehicles) Act 2012

### 10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles



#### **ROAD TRAFFIC (VEHICLES) ACT 2012**

*Road Traffic (Vehicles) Regulations 2014*

**RTVR-2017-202046**

#### **APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES**

Pursuant to the *Road Traffic (Vehicles) Regulations 2014* (the *Regulations*), 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:

- (a) the *Local Government Act 1995*;
- (b) regulations made under the *Local Government Act 1995*;
- (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 *Dog Act 1976*); or
- (e) any combination of the above paragraphs (a) to (d);

as special use vehicles for the purposes of paragraph "f" of the definition of "special use vehicle" in regulation 327(4) of the *Regulations*, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the *Regulations*, subject to the following conditions:

#### **CONDITIONS**

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:



Government of **Western Australia**  
 Department of **Transport**  
**Driver and Vehicle Services**

- (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
- (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.

This condition 7 is not intended to prevent the use of additional words on the vehicle.

\_\_\_\_\_  
 Christopher Davers  
 Assistant Director, Strategy and Policy  
 Driver and Vehicle Services  
 Department of Transport

Dated the 5<sup>th</sup> day of September 2017

*[Approval for ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](http://transport.wa.gov.au)  
 Extracted on line on 15 March 2021*

**11.2 SALE OF "DONGAS" - DERBY AIRPORT****File Number: 5115****Author: Neil Hartley, Director - Strategic Business****Responsible Officer: Amanda O'Halloran, Chief Executive Officer****Authority/Discretion: Executive****SUMMARY**

There have been several previous attempts made to dispose of disused temporary buildings from Curtin and Derby Airports. A number of the units have been allocated to local groups and other agencies within the Shire, but several remain in various stages of deterioration.

The organisation has no use of the units and they represent no value to the Shire. This item seeks Council approval to dispose of six accommodation "dongas" to Department of Biodiversity, Conservation and Attractions for \$10,000.

**DISCLOSURE OF ANY INTEREST**

Nil

**BACKGROUND**

The Shire initially received the transportable buildings from the Federal Government following the closure of the Curtin Detention Centre. Many of these transportable buildings were used to construct the new Derby Airport terminal. As the remaining units do not represent a monetary value to the Shire and the organisation has no operational use for them, those remaining units were offered to various local community groups.

Several public advertisements have been issued over that last few years, and this has resulted in Council being able to donate a number of the units to local community groups (e.g. 13/2018 (22/2/2018) Derby Rodeo Association; 122/2018 (10/12/2018) Derby Speedway; and 015/2019 (28/2/2019) Derby Turf Club). There have been no occasions where those past advertisements have drawn out offers of a payment in exchange for a "donga" unit.

The Department of Biodiversity, Conservation and Attractions has however, recently offered to purchase six of the remaining eight accommodation "dongas" for \$10,000 (in total).

Discussions with Councillors at the 20 May 2021 Briefing Session highlighted that the Department of Biodiversity, Conservation and Attractions should be encouraged to purchase all of the units (for the same price as has been offered for the six units) as this would resolve the situation of these unwanted structures being located at the Derby Airport and the Shire likely needing to (at its cost) dispose of them at some future time.

**STATUTORY ENVIRONMENT**

**Local Government Act 3.58 (Disposing of property)** applies for this disposal and generally requires the Shire to dispose of property to the highest bidder at public auction; or through a public tender, or alternatively, before agreeing to dispose of the property the Shire gives local public notice of the proposed disposition inviting submissions.

**Local Government (Functions and General) Regulations R. 3.58(3) (Dispositions of property excluded from Act s. 3.58)** does on this occasion however, provide an exemption if its market value is less than \$20 000.

**POLICY IMPLICATIONS**

**AF-14 Significant Accounting Policies** – valuation and treatment of disposal is in accordance with this policy.

**FINANCIAL IMPLICATIONS**

The indicative value of the units have been created as a donated asset to the Shire, and required to be treated as a loss on disposal of asset.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
4. Good governance and an effective organisation	4.1 Effective governance and leadership	4.1.1 Provide leadership in balancing the needs of the community, government, industry and the environment.

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Property:</b> Further damage will occur to the dongas if left at Derby Airport	Likely	Moderate	High	Move the buildings on as quickly as possible.
<b>Reputation:</b> If the buildings stay at the Derby Airport there may be reputational damage due to the lack of action being taken	Likely	Moderate	High	Dispose of and remove the buildings as quickly as possible.

**CONSULTATION**

Consultation has occurred between the Officers and Department of Biodiversity, Conservation and Attractions. No community consultation is suggested to be required.

**COMMENT**

The ex-Curtin dongas and buildings have been located at the Derby Airport for a number of years. They are progressively deteriorating due to their exposed environmental conditions and no maintenance is warranted on the units from the Shire's perspective.

The community and the general public/businesses have been provided with periodic advertised opportunity to lodge their interest in a unit and whilst that practice has been reasonably successful, there are still eight units left (vis. larger eight piece medical facility) that until now, were not wanted by anyone.

The eight unit medical facility was separately advertised in recent months but did not receive a bid.

These remaining eight units do not represent any value to the Shire and past advertising confirms that if they have any value at all, it comfortably sits beneath the \$20,000 limit that property must be publically advertised prior to disposal.

It would even be "good value" for the Shire if the purchase price was slightly lower, in order to achieve the goal of having all eight units taken by the Department of Biodiversity, Conservation and Attractions and the Derby Airport site cleared of these unwanted structures.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

Nil

**RESOLUTION 57/21**

**Moved: Cr Paul White**

**Seconded: Cr Andrew Twaddle**

**That Council;**

- 1. Accept the offer from Department of Biodiversity, Conservation and Attractions for up to \$10,000 to purchase six of the remaining eight surplus to requirements transportable buildings (currently located at the Derby Airport); and**
- 2. Authorise the CEO to negotiate with the Department of Biodiversity, Conservation and Attractions with the view to it also taking the remaining two units, and for those units to be relocated from the airport. Alternatively, if that cannot be agreed to, to dispose of the remaining two units if within a reasonable period of time a use cannot be found for them within the community, or a buyer is not forthcoming.**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

**Against:** Nil

**CARRIED 9/0 BY ABSOLUTE MAJORITY**

**12 CORPORATE SERVICES**

Nil

**13 TECHNICAL SERVICES**

**13.1 AWARDING OF TENDER T1-2021 MAINTENANCE GRADING**

**File Number: 0481**

**Author: Wayne Neate, Director Technical and Development Services**

**Responsible Officer: Amanda O'Halloran, Chief Executive Officer**

**Authority/Discretion: Executive**

**SUMMARY**

This item is for Council to consider the awarding of tender T01 -2021 being for the annual maintenance grading of the Shire’s unsealed road network for the period from 1 July 2021 to 30 June 2024.

**DISCLOSURE OF ANY INTEREST**

Nil

**BACKGROUND**

Council has been grading its network of roads for a number of years firstly using its own labour and machinery and of more recent times using contractors to complete the work. Overtime the contract has been refined to modify the amount of times each road is graded and when they are graded to try and give the best results to the users of the roads. The current contract being C1-2018 expires on the 30<sup>th</sup> June 2021.

**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 current budget for the annual grading maintenance program is \$1,583,661.37 this includes cleaning the grids on an annual basis. Under the proposed contract the Grid cleaning will be reduced to the last year of the contract.

The details in the confidential price summary includes the grid cleaning in the annual price to allow ease of comparison. If the contracts are awarded as proposed it will cost the Council the approximately the equivalent of the current contract or less due to the lower grid cleaning costs.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME	STRATEGY
------	---------	----------

4. Environment	4.2 Liveable Communities	4.2.3 Encourage and facilitate the maintenance and development of infrastructure that connects our communities
3. Economy	3.2 Strong economy	3.2.2 Endeavour to increase visitor numbers, length of stay, spend and return.

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Business Interruption:</b> Pastoralists unable to import fuel/fodder and export cattle.	Almost Certain	Severe	Extreme	Maintain roads to industry standards
<b>Community:</b> Access to communities restricted.	Likely	Moderate	High	Maintain roads to industry standards

**CONSULTATION**

The tender was advertised state wide for a minimum of 28 days with submissions closing at 2:00pm, 30 April 2021. Documents were downloaded by 17 companies with 3 submissions received.

Cleaning of the Grids has been changed to once off in the last year of the contract. The annual shoulder maintenance / drain cleaning beside the bitumen on Camballin-Myroodah and Geikie Gorge roads has been retained in the scope of works following previous and continual feedback from pastoralists and tourist operators.

**COMMENT**

For the purposes of ensuring that maintenance grading is completed in an acceptable timeframe, the scope of works was separated into four separate areas as follows:

AREA 1				
Road Number	Road Name	Grades	AADT	Length
125	Conway Street	O, M2, C	20	0.85
111	Dampier Drive	O, M2, C	100	0.62
043	Elder Street	O, M2, C	60	0.23
113	Fitzroy Street	O, M2, C	585	0.22
105	Forrest Street	O, M2, C	20	0.17
120	Le Lievre Street	O, M2, C	150	0.14
079	Lovegrove Street	O, M2, C	80	3.59
228	Knutsford Street	O, M2, C	10	0.80
229	Boab Prison Tree Access Road	O, M2, C	100	0.44
230	Worsley Road (Speedway Access)	O, M2, C	2	0.72
085	Steel Street	O, M2, C	60	0.44



167	Steel Street North	O, M2, C	80	0.43
242	Yates Street	O, M2, C	80	0.12
086	Bell Creek Way	O, M2, C	20	1.30
179	Birdwood Downs Access Road	O, M2, C	6	1.00
040	Windjana Road	O, M2, C	20	0.41
135	Galvans Way	O, M2, C	20	0.71
090	Lennard Road	O, M2, C	20	0.41
032	Bungarun Road (Leprosarium access)	O, M1, M2, C	40	8.59
039	Manning Road	O, M2, C	20	0.61
166	Savannah Way	O, M2, C	20	4.35
031	Blina Access Road (Great Northern Highway to Homestead)	O, M2	10	12.58
031	Blina Access Road (Gibb River Rd to Homestead)	O (drains M2)	2	50.39
010	Kimberley Downs Access Road	O, M2, C	10	6.44
088	Meda Access Road	O, M2, C	10	3.53
027	Debesa Road	O, M2, C	10	1.72
106	Langey Crossing (Yeeda Access) Road	O, M2	30	10.04
212	Nillibubbica Road (Colourstone)	M2	1	55.27

AREA 2				
Road Number	Road Name	Grades	AADT	Length
011	Napier Downs Road	O, M1, M2	10	1.24
015	Leopold Downs Road	O, M1, M2	195	30.65
025	Fairfield- Leopold Downs Road	O, M1, M2	220	95.33
186	Windjana Gorge Access	O, M1, M2	55	2.85
187	Tunnel Creek Access	O, M1, M2	67	0.45
013	Beverley Springs Road (Access to Charnley River)	O, M2	10	42.20
001	Mornington Road	O, M2	30	91.26
181	Marion Downs Road	O (Drains M2)	1	27.74
026	Tablelands Road	O (Drains M2)	1	100.00
110	Milliwindie Road	M1	1	75.57
099	Lennard Gorge Road	M1	40	5.85
012	Mount Hart Road	O, M2	40	49.78
235	Silent Grove-Bell Gorge Road	O, M1, M2	86	10.10
024	Silent Grove Road	O, M1, M2	90	18.99

AREA 3				
Road Number	Road Name	Grades	AADT	Length
165	Milligiddee Access Road	O, M2	15	32.27
184	Yakanarra Road	O, M2	28	2.65
185	Yungngora-Yakanarra Road	O, M2	40	12.55
175	Bulka Road	O, M2	6	28.00

176	Beefwood Park Road	O, M2	6	19.00
020	Cherrabun Road	O, M2, C	30	44.40
019	Christmas Creek Road	O, M2, C	60	19.40
017	Fossil Downs Road	O, M2, C	50	26.54
018	Gogo Road	O, M2, C	50	2.61
177	Laurel Downs Road	O (Drains M2)	2	10.19
009	Jubilee Downs Road	O, M2	20	5.25
030	Ellendale Access Road	O, M2	10	2.70
014	Calwynyardah-Noonkanbah Road	O, M2, C	50	72.93
008	Quanbun Downs Road	O, M2	20	48.35
178	Mangkurla Road (Fitzroy Crossing Cemetery access)	O, M2, C	10	1.95
102	Russ Road	O, M2, C	100	0.65
103	Skuthorp Road	O, M2, C	40	2.69
164	Yurabi Road	O, M2, C	60	3.56

**AREA 4**

Road Number	Road Name	Grades	AADT	Length
158	Camballin Road	O, M1, M2, C	150	23.75
022	Camballin-Myroodah Road	O, M1, M2, C	170	1.70
022	Camballin-Myroodah Road	O, M2, C	100	15.15
005	Camballin-Noonkanbah Road (Camballin to Fitzroy River Barrage turnoff only)	M1 (incl. drains)	10	42.48
004	GNH-Gee Gully Road (Great Northern Hwy to Dampier Downs turnoff)	O, M2	20	70.93
004	GNH-Gee Gully Road (Dampier Downs turnoff to Nerrima Rd)	O (Drains M2)	2	93.12
174	Kalyeeda Station Road	O, M2	5	38.48
021	Luluigui Road	O (Drains M2)	1	61.69
023	Mt Anderson Road	O, M2, C	30	26.64
003	Nerrima Road	O, M2	20	49.39
006	Manguel Creek-Udialla Road	O, M2	5	31.42
241	Mowla Bluff Road	O, M2	5	16.17
224	Dampier Downs Road	O, M2	5	40.88

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 <sup>o</sup> .	Address
Buckley's Earthworks & Paving (BEP)	C1	Derby / Mandurah
Ronileeh/Maramara (R/M)	C2	Port Hedland
Squires Resources Pty Ltd (SR)	C3	Derby

A score summary is included in the confidential attachments to the item. It also should be noted that area 4 is the only Area where all of the contractors submitted a price Area's 1, 2 and 3 had only single submissions.

It should be noted that BEP have nominated that can only do a combination of either areas 1 & 3 or 1 & 4.

As there is only one tenderer for Areas 1, 2 and 3 it will be proposed that these areas are awarded to the tenderers for each being;

Area 1 – BEP, Area 2 – R/M and Area 3 – BEP

As BEP are awarded 2 areas and do not wish to have a third area the choice of contractor comes down to a decision between R/M and Squires for Area 4. Taking into consideration the scores for both of these contractors it will be recommended that the contract for Area 4 be awarded to R/M as the preferred tenderer due to the company providing the best value for money result for the Shire of Derby/West Kimberley.

### VOTING REQUIREMENT

Simple majority

### ATTACHMENTS

1. Scoring against selection criteria - Confidential
2. Price Summary - Confidential
3. Grading Area Maps  

**RESOLUTION 58/21****Moved: Cr Chris Kloss****Seconded: Cr Steve Ross****That Council award tender T2021-01 Maintenance grading 1<sup>st</sup> July 2021 to 30<sup>th</sup> June 2024 for**

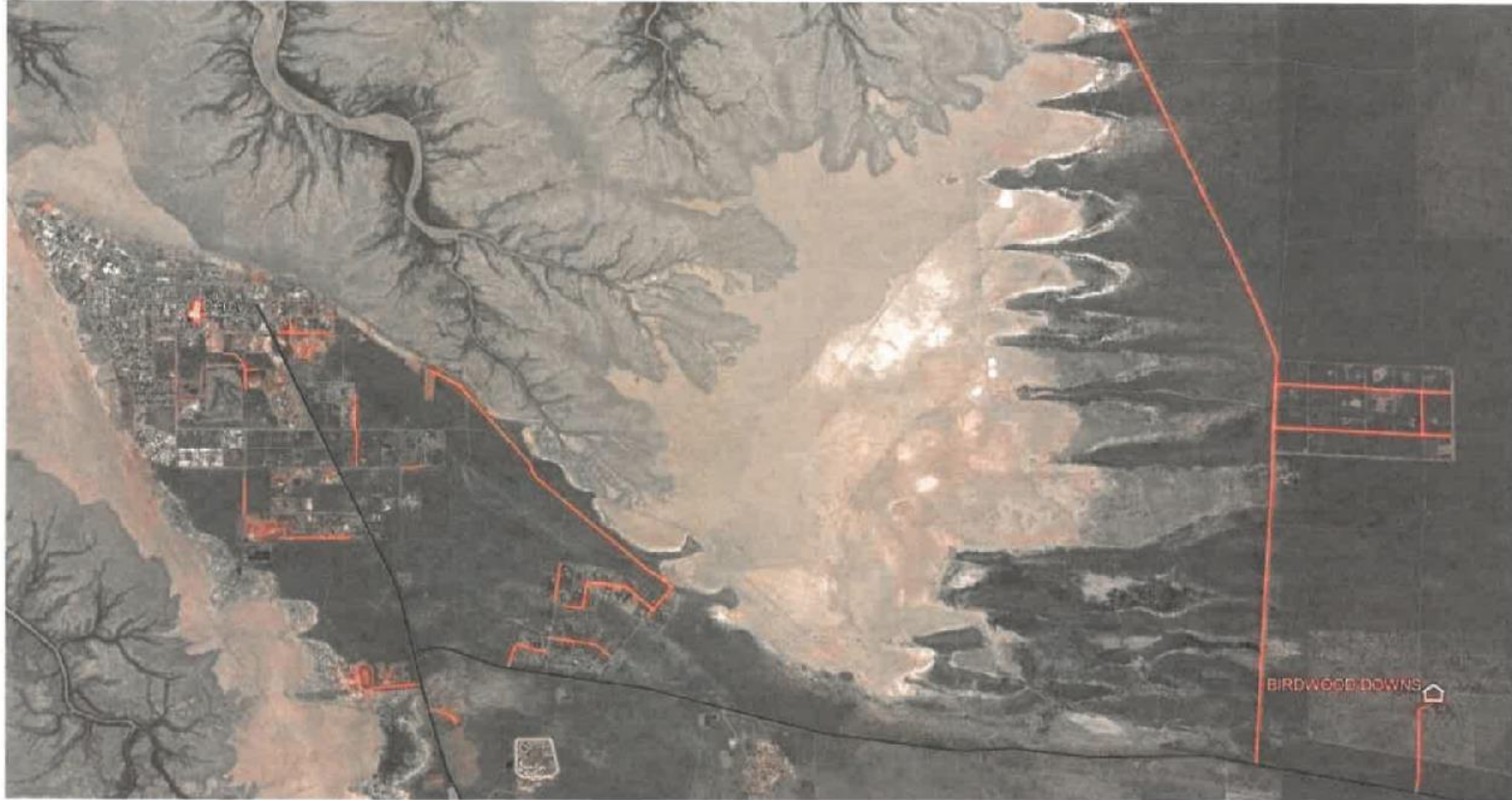
- 1. Area 1 to Buckley's Earthworks and Paving**
- 2. Area 2 to Ronileeh/Maramara**
- 3. Area 3 to Buckley's Earthworks and Paving**
- 4. Area 4 to Ronileeh/Maramara**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

**Against:** Nil

**CARRIED 9/0**

Appendix A-2: Area 1 – Urban Road Schedule Map



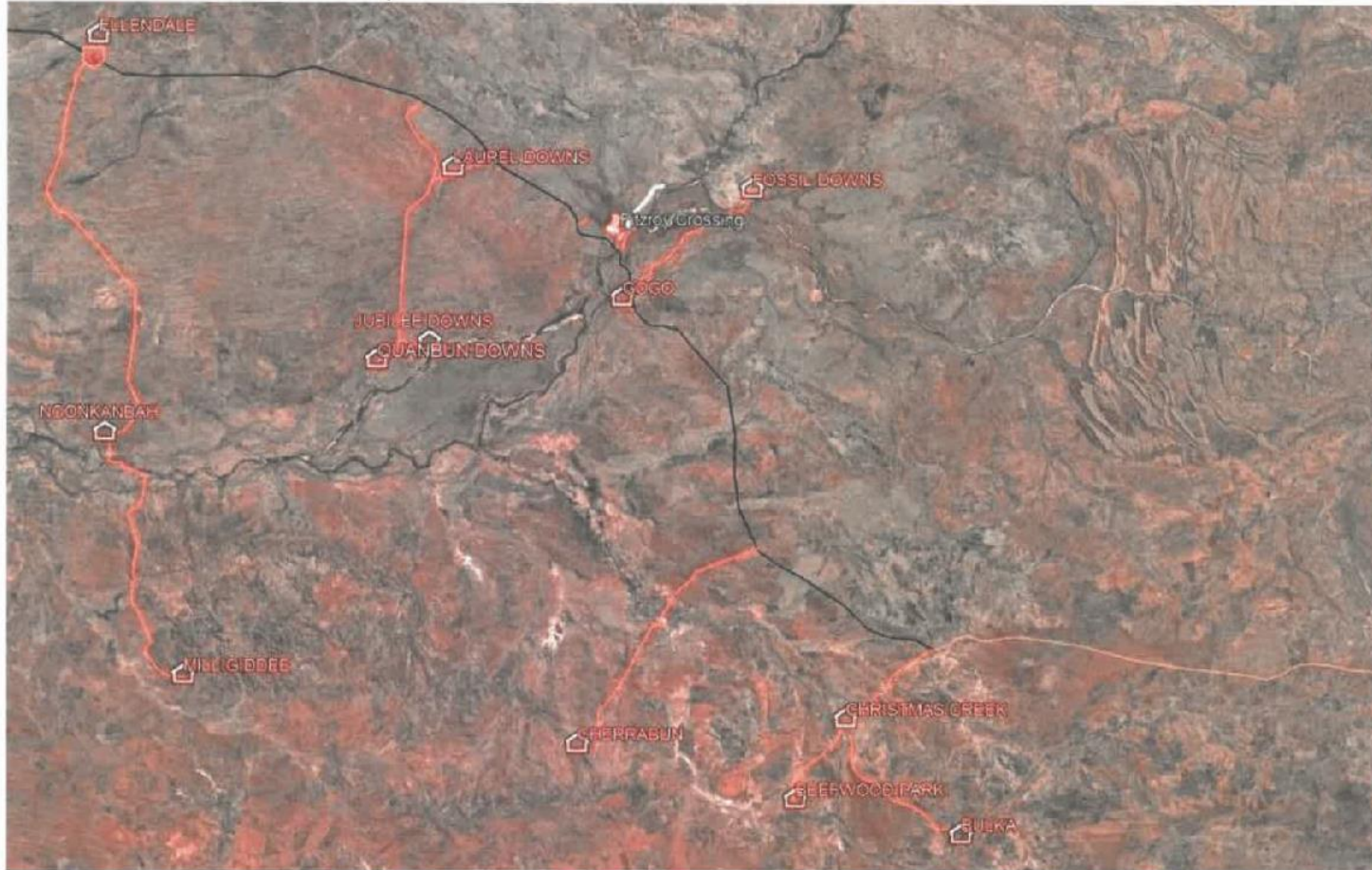
Appendix A-3: Area 1 Rural Road Schedule Map



Appendix B-2: Area 2 – Map

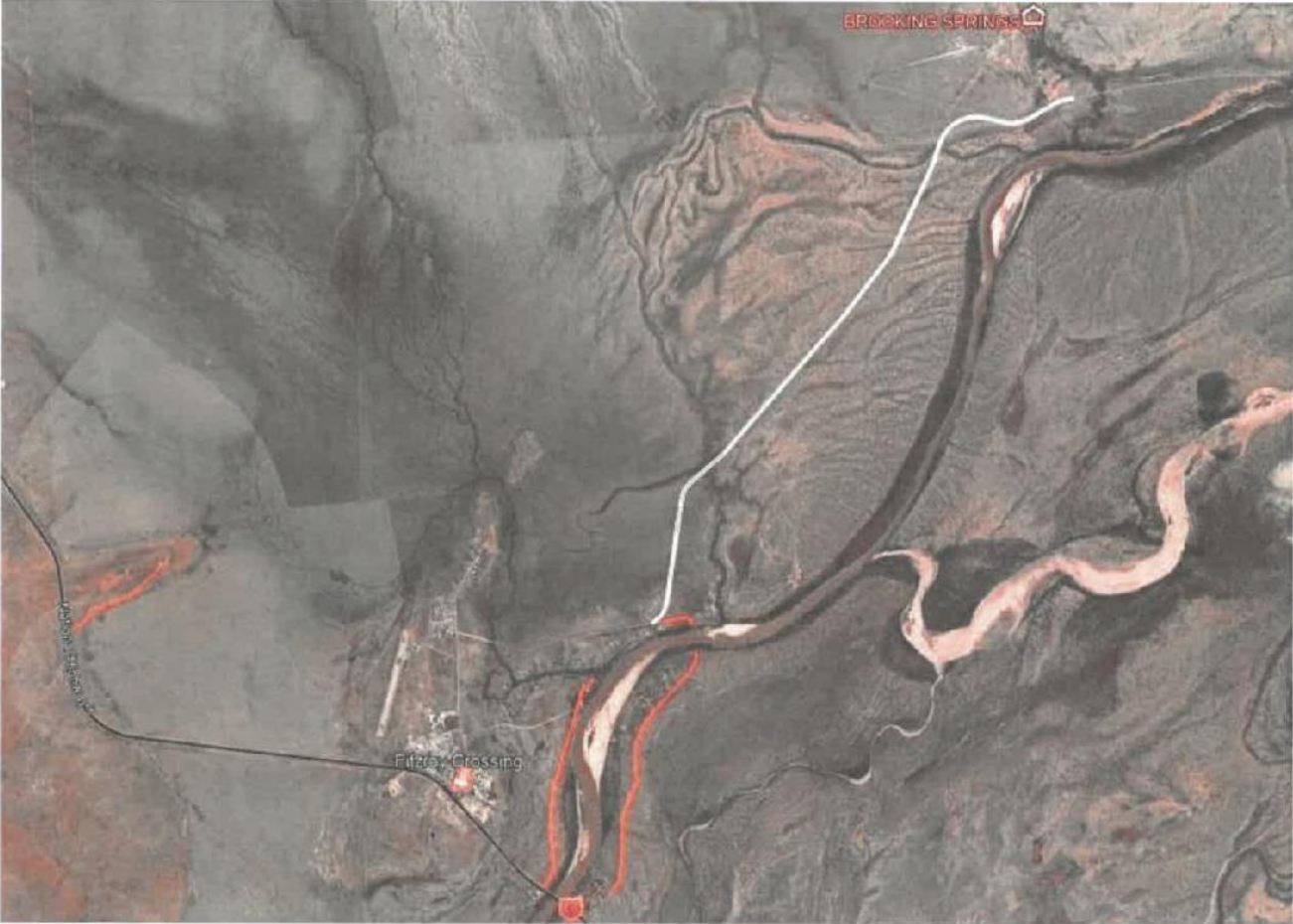


Appendix C-2: Area 3 Rural Areas – Map





Appendix C-3: Area 3 Fitzroy Crossing Urban Areas – Map



Appendix D-2: Area 4 – Map



**14 DEVELOPMENT SERVICES****14.1 PROPOSED FITZROY RIVER NATIONAL PARK - REQUEST FOR COUNCIL COMMENT**

**File Number:** 7060  
**Author:** Robert Paull, Manager Development Services  
**Responsible Officer:** Amanda O'Halloran, Chief Executive Officer  
**Applicant:** Department of Planning Lands and Heritage  
**Owner:** State of Western Australia  
**Proposal:** To create a jointly vested and jointly managed Class A Reserve for the National Park within the Bunuba native title lands  
**Location:** Fitzroy River Valley  
**Authority/Discretion:** Administrative

**SUMMARY**

Council to consider a request for comment from the Department of Planning, Lands and Heritage (DPLH) on the proposed Fitzroy River National Park.

**DISCLOSURE OF ANY INTEREST**

Nil

**BACKGROUND**

As part of the State Government's 2017 election commitments to create the Fitzroy River National Park in the Kimberley, the Department of Biodiversity, Conservation and Attractions (DBCA) is currently negotiating Indigenous Land Use Agreements (ILUAs) with the Bunuba Dawangarri Aboriginal Corporation (Bunuba). Bunuba are the representative native title body corporate who hold and manage native title on behalf of the Bunuba native title group.

The proposal is to create a jointly vested and jointly managed Class A Reserve for the National Park within the Bunuba native title lands. By letter dated 3 July 2020, DPLH sought comment from Council on the proposed Fitzroy River National Park (**Attachment 1**).

**STATUTORY ENVIRONMENT**

*Land Administration Act 1997 (Part 4-Reserves)*

*Conservation and Land Management Act 1984*

**POLICY IMPLICATIONS**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**STRATEGIC IMPLICATIONS**

GOAL	OUTCOME STRATEGY	STRATEGY
<b>Goal: 4.</b> Good governance.	<b>Outcome:</b> 4.1 Effective governance and leadership.	<b>Strategy:</b> 4.1.4 Ensure governance policies and procedures are in accordance with legislative requirements.

**RISK MANAGEMENT CONSIDERATIONS**

RISK	LIKELIHOOD	CONSEQUENCE	RISK ANALYSIS	MITIGATION
<b>Legal &amp; Compliance:</b> Failure to respond to the DPLH on the matter.	Possible	Minor	Low	Council to provide a response to DPLH.

**CONSULTATION**

Nil by the Shire, however DBCA is undertaking a consultation process as outlined below.

**COMMENT**

























The proposed Fitzroy River National Park will be spread across both, the Shire of Derby/West Kimberley and the Shire of Halls Creek along the Fitzroy and Margaret rivers, with the potential to impact several land parcels the creation of the proposed Park (**Attachments 2 – 14**).

DPLH advise that the DBCA is currently negotiation an Indigenous Land Use Agreement (ILUA) with the Gooniyandi Aboriginal Corporation who represent the native title group through which the two rivers, Fitzroy and Margaret River traverse. It is understood that negotiations are continuing and that DBCA is also consulting with the landowners potentially impacted by the creation of the Park.



**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. Letter - Department of Biodiversity Conservation and Attractions - 3 July 2020  
2. List of Land Parcels - Bunuba  
3. DP 419178  
4. DP 419014  
5. DP 419003  
6. DP 419002  
7. DP 418945  
8. DP 418931  
9. DP 410037  
10. DP 221293  
11. DP 195328  
12. DP 195326  

13. DP 74334  

14. DP 52596  

**RESOLUTION 59/21**

**Moved: Cr Paul White**

**Seconded: Cr Geoff Davis**

**That with respect to the Proposed Fitzroy River National Park that Council:**

- 1. Supports in principle, the creation of the Fitzroy River National Park subject to the traditional owners' approval; and**
- 2. Requests the Chief Executive Officer to advise the Department of Planning, Lands and Heritage of Council's position in 1 (above).**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

**CARRIED 9/0**



Department of **Planning,  
Lands and Heritage**

Our ref: 00033-2020; Case: 1902966  
Enquiries: Rebecca Roberts  
[Rebecca.roberts@dph.wa.gov.au](mailto:Rebecca.roberts@dph.wa.gov.au)  
(08) 6552 4628

The Chief Executive Officer  
Shire of Derby-West Kimberley  
PO Box 94  
Derby WA 6728

**By email only**

Dear Sir/Madam

**FITZROY NATIONAL PARK ELECTION COMMITMENTS PROJECT: PROPOSED NATIONAL  
PARK**

As part of the State Government's election commitments to create the Fitzroy River National Park in the Kimberley, the Department of Biodiversity, Conservation and Attractions (DBCA) is currently negotiating Indigenous Land Use Agreements (ILUAs) with the Bunuba Dawangarri Aboriginal Corporation (Bunuba). Bunuba are the representative native title body corporate who hold and manage native title on behalf of the Bunuba native title group. The proposal is to create a jointly vested and jointly managed Class A Reserve for the National Park within the Bunuba native title lands.

The ILUA for the creation of the national park is under negotiation and it is anticipated, based on the current scoping area, that Bunuba will agree to a substantial amount of exclusive possession and non-exclusive possession native title land being incorporated into the proposed national park. This comprises of a significant amount of land within the Leopold Downs (N050061) and Fairfield (N049621) Pastoral Leases held by Bunuba. It also includes portions of the Fitzroy River corridor, unallocated Crown land (UCL), unmanaged reserves and stock routes located in the vicinity.

Under the ILUA, the State will provide Bunuba tenure over land that is currently located over the Leopold Downs pastoral lease, UCL and a portion of stock route in the form of class C reserves for the purposes of the Bunuba people's social, cultural and/or benefit. Legal access to these reserves will be provided via access easements over the footprint of the existing Fairfield-Leopold Road (undedicated portion) that traverses across Fairfield and Leopold Downs pastoral leases and portions of existing informal tracks. Consent for future road dedication will also be sought.

We would be most grateful if you can please provide us with comments and any considerations that may be required for the implementation of this proposal.

For further inquiries please contact me on (08) 6552 4628 or at [rebecca.roberts@dph.wa.gov.au](mailto:rebecca.roberts@dph.wa.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rebecca Roberts'.

Rebecca Roberts  
A/Project Officer

3 July 2020

Encl. Shapefiles of Bunuba ILUA area; Relevant Deposited Plans and List of land parcels affected

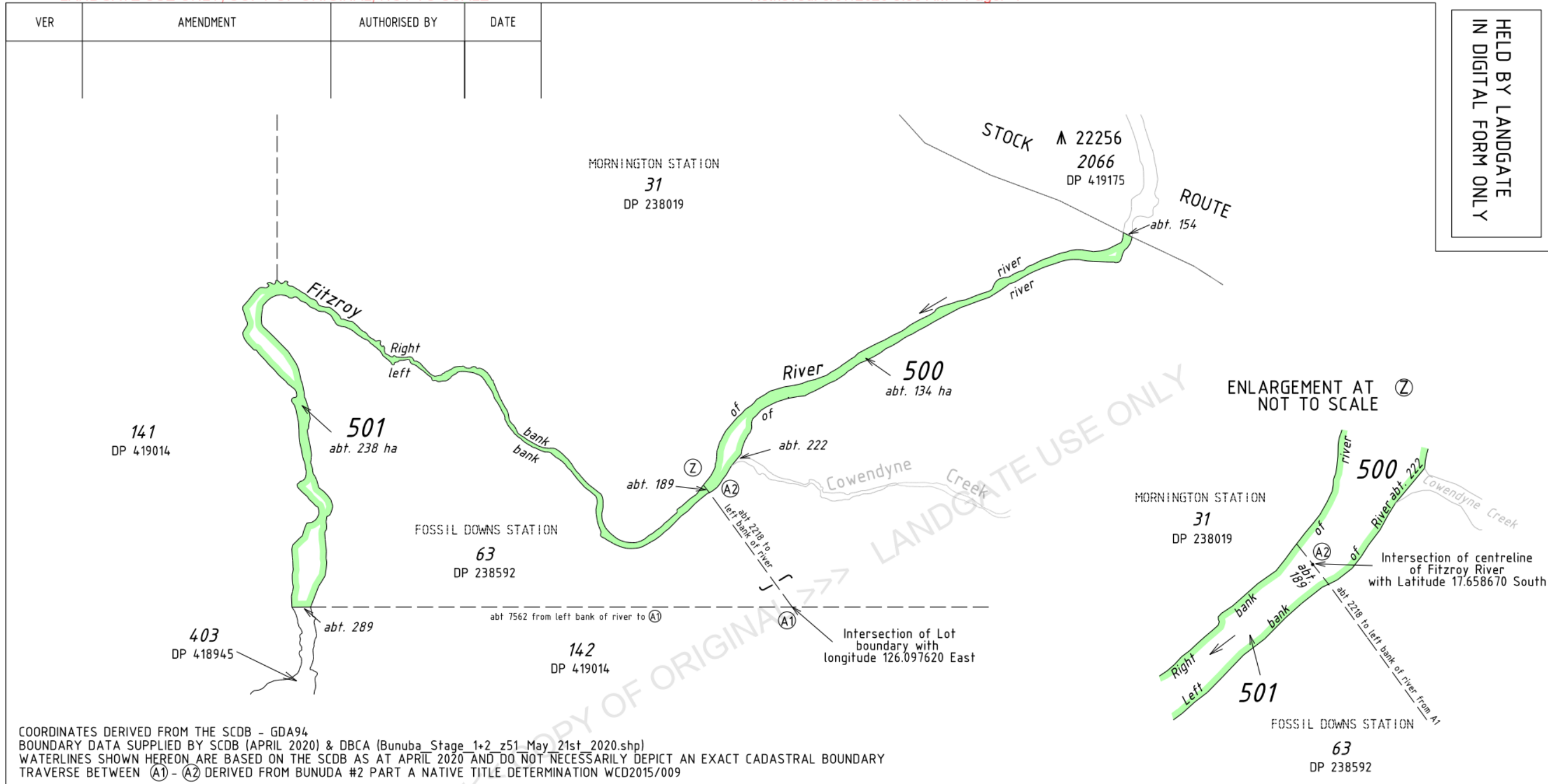
## List of Land Parcels associated with the creation of the Fitzroy River National Park - Bunuba Indigenous Land Use Agreement Area

<b>Land to be excised from existing Pastoral Leases to create Class C Conservation Park or Class A National Park, jointly vested in Department of Biodiversity, Conservation and Attractions (DBCA) &amp; Bunuba Dawangarri Aboriginal Corporation (BDAC)</b>
Leopold Downs Pastoral Lease (PL) N050061. Previously part Lot 1539 on Deposited Plan (DP) 66639 (LR3020/353). Now whole Lots 140 – 144, 155 on DP 419014.
Fairfield PL N049621. Previously part Lot 240 on DP 238177 (LR3010/531). Now whole Lots 200, 300, 401-407 on DP 419003.
<b>Creation of Class C Conservation Park/Class A National Park jointly vested in DBCA and BDAC from land that is currently UCL</b>
UCL. Part Lot 342 on DP 52596 (LR3150/490).
UCL. Whole Lot 343 on DP 52596 (3150/511)
UCL. Part Lot 370 on DP 74334 (LR3167/331).
UCL. Whole Lot 402 on DP 410002 (LR3026/158).
Fitzroy River Corridor. Part UCL Lot 402 on DP 418945 (LR3171/558). Now whole Lot 501 on DP 419178.
Fitzroy River Corridor. UCL. Whole Lots 403 - 406 on DP 418945 (LR3171/559-562).
<b>Creation of s41 Class C Conservation Park/Class A National Park jointly vested in DBCA and BDAC from land that is currently unmanaged reserve</b>
Unmanaged Reserve 10773 for Watering Place. Whole Lots 500 - 502 on DP 410037 (LR3168/150-152).
Unmanaged Reserve 1577 for Watering Place. Whole Lot 777 on DP 418931(LR3171/511).
Unmanaged Reserve 12474 for Stock route. New Bunuba school site. Part unnumbered Lot. Pending Survey.
<b>Creation of LAA s41 Class C Reserves vested in BDAC (s42) for the purposes of the Bunuba people's social, cultural and/or benefit from existing Pastoral Leases/UCL</b>
UCL. Whole Lots 335-336 on DP 221293. Biridi and Warrangarri Communities.
UCL. Whole Lot 337 on DP 195326. Galamunda Community.
UCL. Whole Lot 338 on DP 195328. Yiramalay School.
Leopold Downs PL N050061. Previously part Lot 1539 on DP 66639 (LR3020/353). Now whole Lots 155 - 159 on DP 419014. Bunuba Reserves A-E.
Unmanaged Reserve 12474 for Stock route. New Bunuba school site. Part unnumbered Lot. Pending Survey.
<b>Creation of s144 LAA Access Easements/Future Road Dedication over Pastoral Leases</b>
Leopold Downs PL N050061. Previously part Lot 1539 on DP 66639 (LR3020/353). Now whole Lot 160 DP 419014. Footprints of undedicated portion of Fairfield-Leopold Road.
Leopold Downs PL N050061. Previously part Lot 1539 on DP 66639 (LR3020/353). Now whole Lot 161 on DP 419014. Footprint of informal access track to Galamunda.
Leopold Downs PL N050061. Previously part Lot 1539 on DP 66639 (LR3020/353). Now whole Lot 162 on DP 419014. Footprint of informal access track to Warrangarri & Biridi.
Leopold Downs PL N050061. Previously part Lot 1539 on DP 66639 (LR3020/353). Now whole Lot 164 on DP 419014. Footprint of undedicated portion of Fairfield-Leopold Road.
Fairfield PL N049621. Previously part Lot 240 on DP 238177 (LR3010/531). Now whole Lot 408 on DP 419003.
Fairfield PL N049621. Previously part Lot 240 on DP 238177 (LR3010/531). Now whole Lot 409 on DP 419003.
Fairfield PL N049621. Previously part Lot 240 on DP 238177 (LR3010/531). Now whole Lot 410 on DP 419003.
Unmanaged Reserve 12474 for Stock route. Part unnumbered Lot. Pending Survey.

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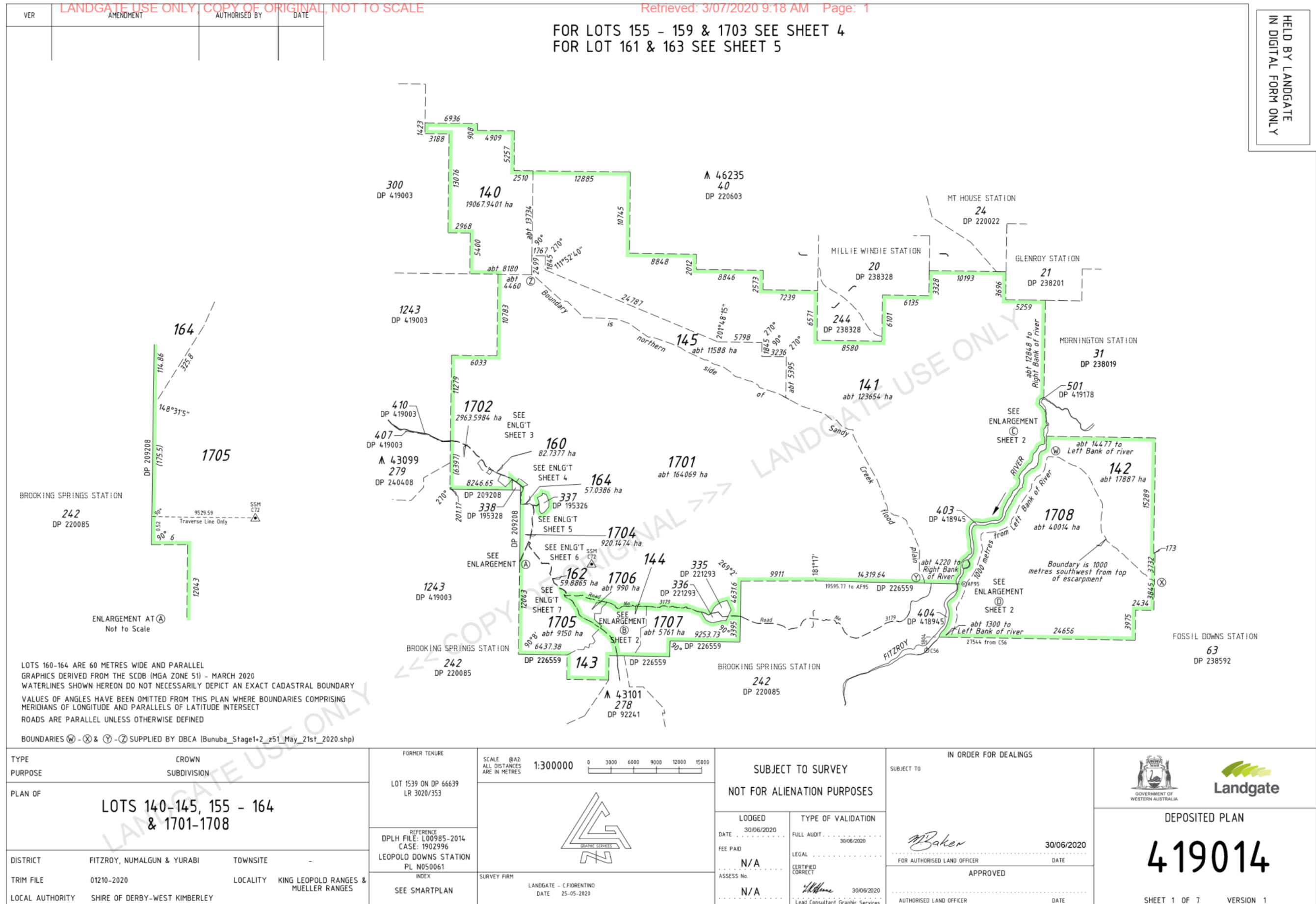
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COORDINATES DERIVED FROM THE SCDB - GDA94  
 BOUNDARY DATA SUPPLIED BY SCDB (APRIL 2020) & DBCA (Bunuba Stage 1+2 z51 May 21st 2020.shp)  
 WATERLINES SHOWN HEREON ARE BASED ON THE SCDB AS AT APRIL 2020 AND DO NOT NECESSARILY DEPICT AN EXACT CADASTRAL BOUNDARY  
 TRAVERSE BETWEEN (A1) - (A2) DERIVED FROM BUNUDA #2 PART A NATIVE TITLE DETERMINATION WCD2015/009

TYPE PURPOSE		CROWN SUBDIVISION		FORMER TENURE		SCALE @A3: ALL DISTANCES ARE IN METRES 1:60000		IN ORDER FOR DEALINGS		SUBJECT TO	
PLAN OF		LOTS 500 & 501		LOT 402 ON DP 418945 LR 3171/558				SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES			
DISTRICT		NUMALGUN TOWNSITE -		REFERENCE DPL FILE: L00985-2014 JOB: 1902996				LODGED DATE 30/06/2020 FEE PAID N/A ASSESS No. N/A		TYPE OF VALIDATION FULL AUDIT MB - 5/6/2020 LEGAL COMPONENT CERTIFIED CORRECT 01/07/2020 Lead Consultant Graphic Services	
TRIM FILE		01720-2020 LOCALITY MUELLER RANGES		INDEX SEE SMARTPLAN		SURVEY FIRM LANDGATE - Fei Fang DATE 24-04-2020		DEPOSITED PLAN <h1>419178</h1>		SHEET 1 OF 1 VERSION 1	
LOCAL AUTHORITY		SHIRE OF OERBY-WEST KIMBERLEY									



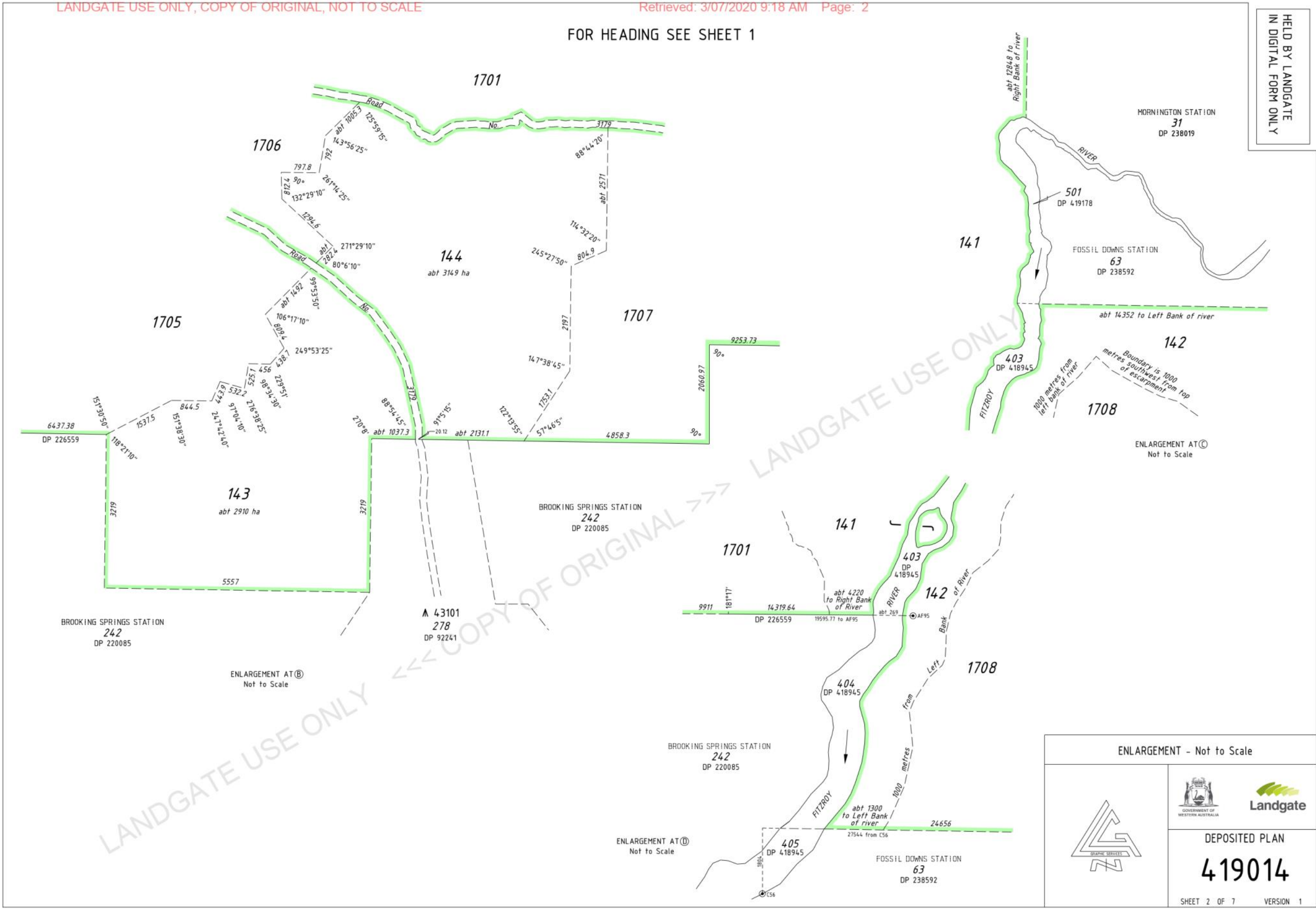


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FOR HEADING SEE SHEET 1

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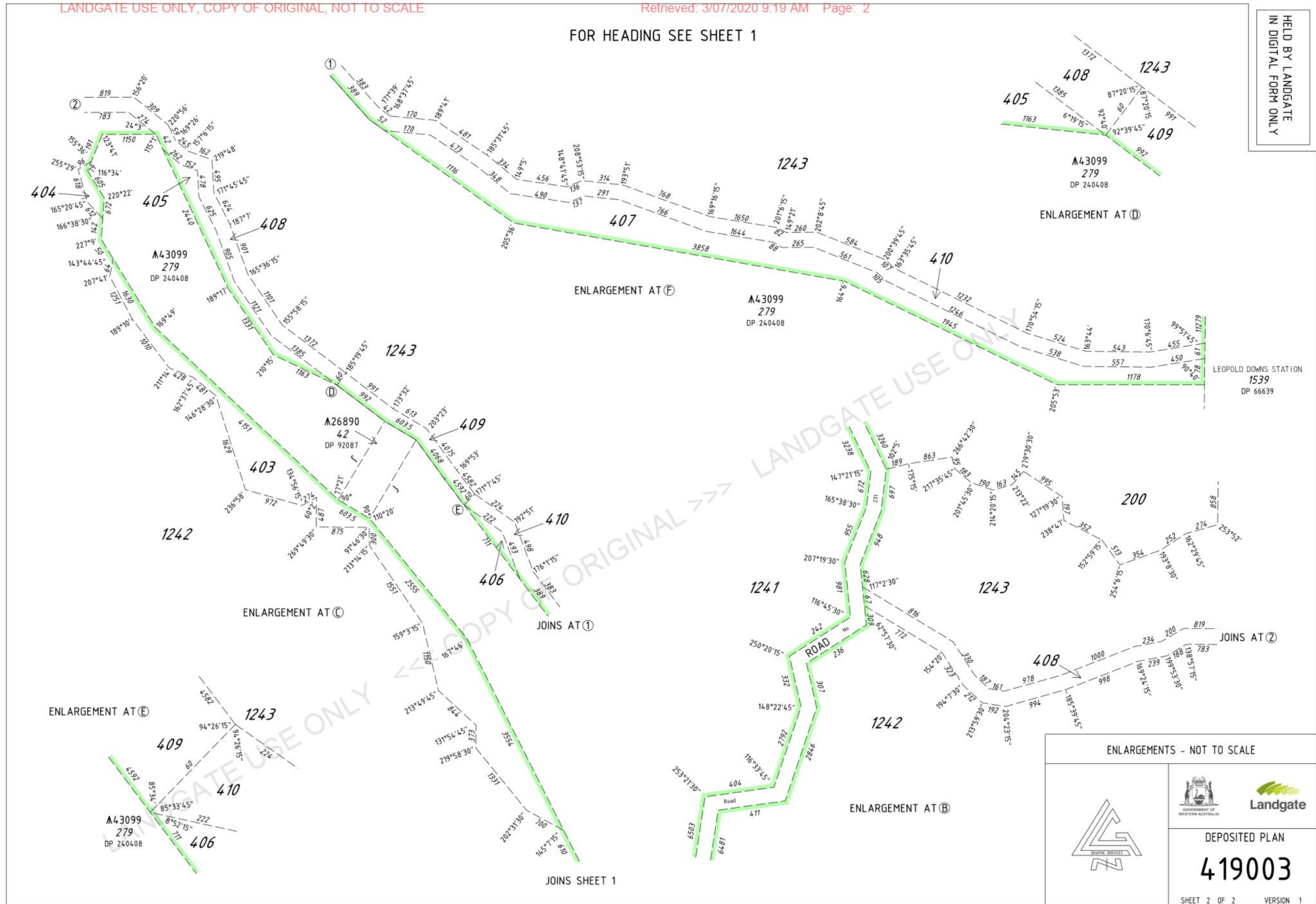




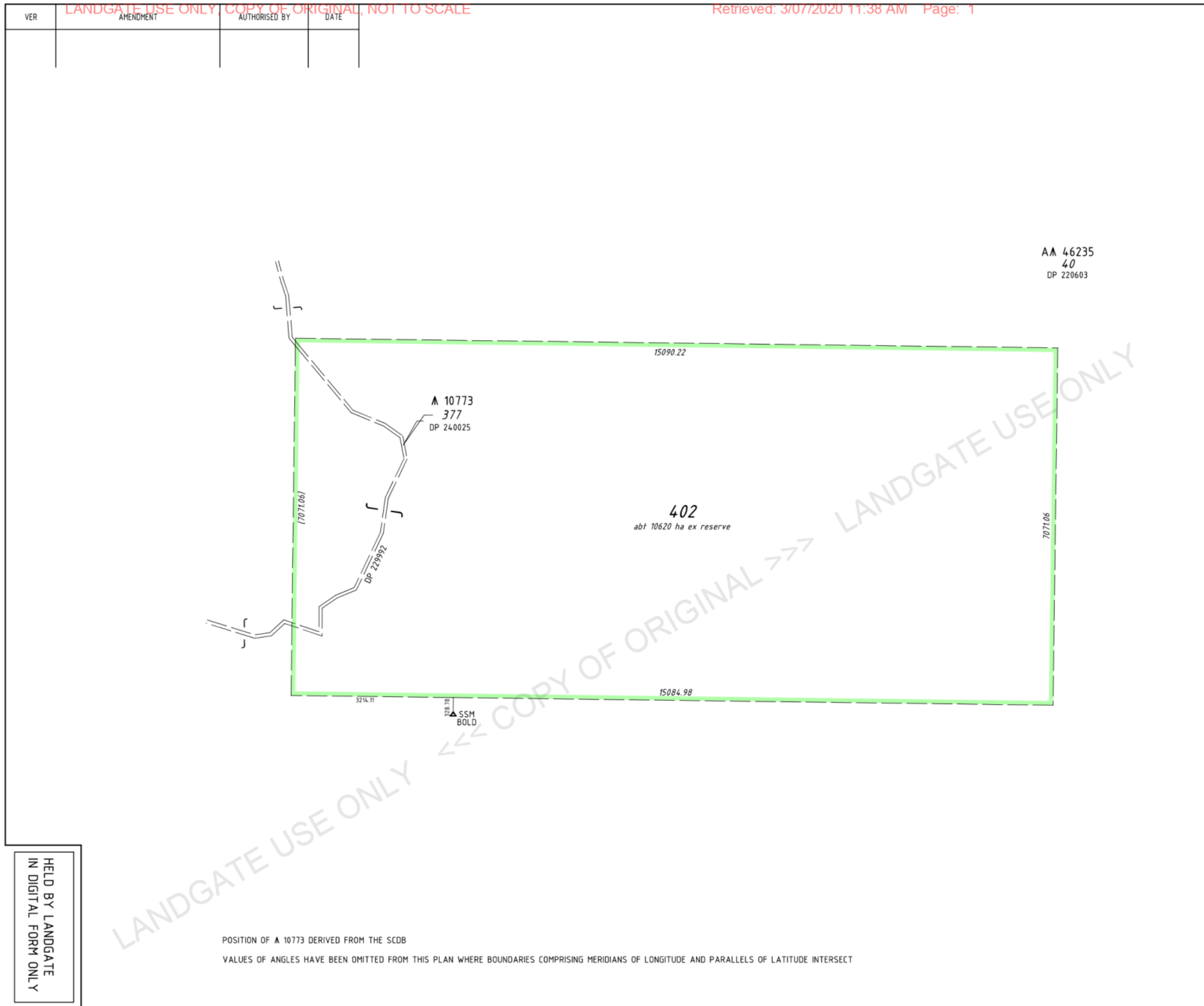








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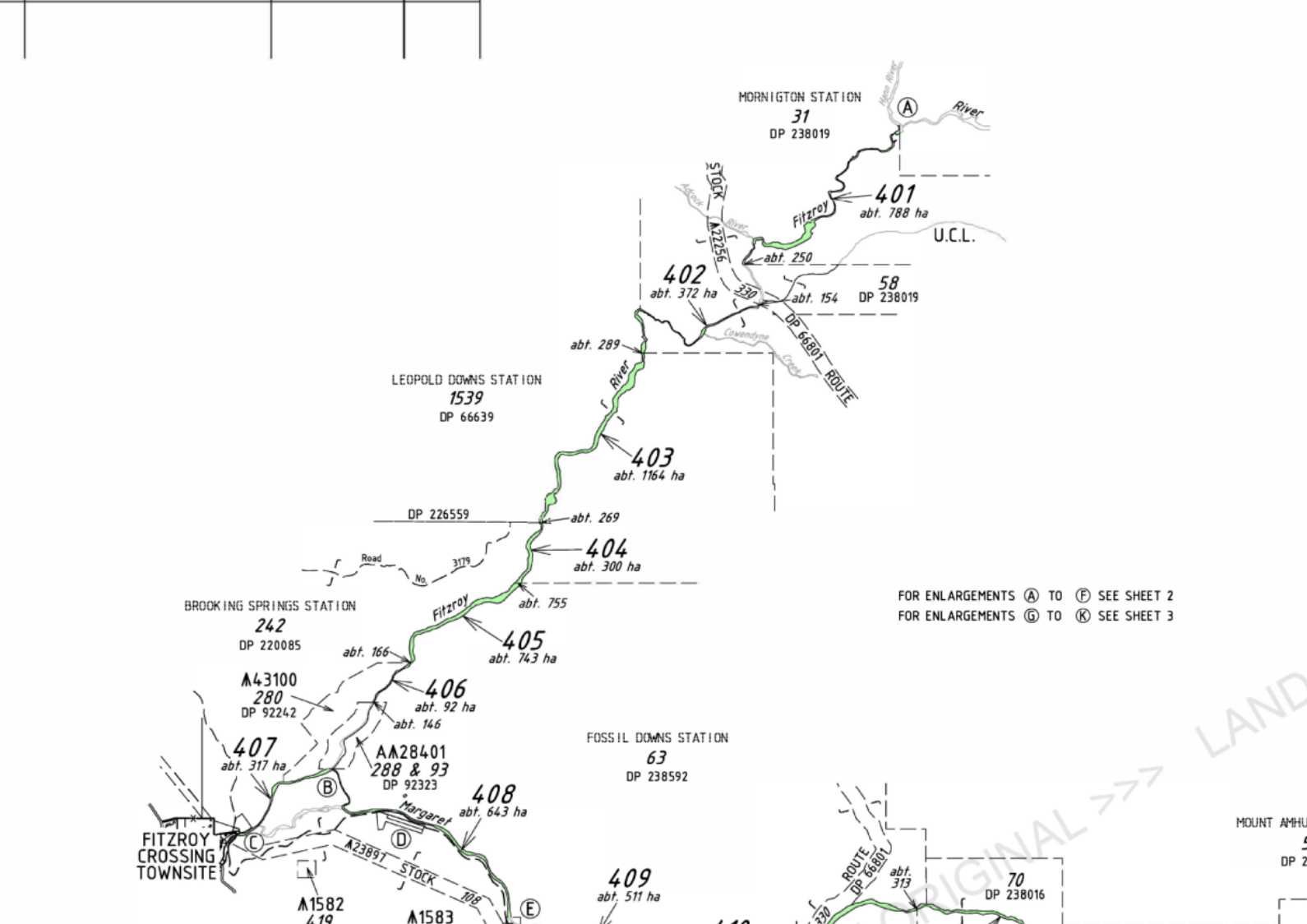
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TYPE		CROWN	
PURPOSE		SUBDIVISION	
PLAN OF			
LOT 402			
DISTRICT	NUMALGUN	FORMER TENURE	
TOWNSITE			
TRIM FILE	05356-2015		
LOCAL AUTHORITY	SHIRE OF DERBY-WEST KIMBERLEY		
LOCALITY	KING LEOPOLD RANGES		
ON	SEE SMARTPLAN	REFERENCE	U.C.L.
SCALE @A2: ALL DISTANCES ARE IN METRES	1:50000		
SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES			
SURVEY FIRM			
LANDGATE - C. FIORENTINO			
DATE 28-07-2016			
LODGED	TYPE OF VALIDATION		
DATE 28/07/2016	FULL AUDIT . . . RB . . .		
FEE PAID	LEGAL COMPONENT		
N/A	CERTIFIED CORRECT		
ASSES No.	28-7-2016 Lead Consultant Boundary Definition		
N/A			
IN ORDER FOR DEALINGS			
SUBJECT TO			
		28/7/2016	
FOR AUTHORISED LAND OFFICER		DATE	
		1/8/2016	
AUTHORISED LAND OFFICER		DATE	
DEPOSITED PLAN			
410002			
SHEET 1 OF 1		VERSION 1	

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VER	AMENDMENT	AUTHORISED BY	DATE		TYPE	CROWN
					PURPOSE	SUBDIVISION
					PLAN OF	
					LOTS 401 - 423	
					DISTRICT	FITZROY, NUMALGUN & YURABI
					TRIM FILE	00907-2020
					LOCAL AUTHORITY	SHIRE OF HALLS CREEK & SHIRE OF DERBY - WEST KIMBERLEY
					LOCALITY	KING LEOPOLD RANGES, MUELLER RANGES & ST GEORGE RANGES
				ON	SEE SMARTPLAN	REFERENCE DPLH FILE: JOB:
					APPROX SCALE @A2: ALL DISTANCES ARE IN METRES 1:430000	
					SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES	
					SURVEY FIRM	LANDGATE - V Herobin DATE 18-3-2020
				LODGED DATE	06/04/2020	TYPE OF VALIDATION FULL AUDIT MB 09/04/2020
				FEE PAID	N/A	 <small>GRAPHIC SERVICES</small>
				ASSESS No.	N/A	
					IN ORDER FOR DEALINGS	
				SUBJECT TO		
				FOR AUTHORISED LAND OFFICER	<i>Baker</i>	06/04/2020 DATE
					APPROVED	
				AUTHORISED LAND OFFICER	<i>Paul</i>	14-04-2020 DATE
					 <small>GOVERNMENT OF WESTERN AUSTRALIA</small>	 <small>Landgate</small>
					DEPOSITED PLAN	
					418945	
					SHEET 1 OF 3	VERSION 1



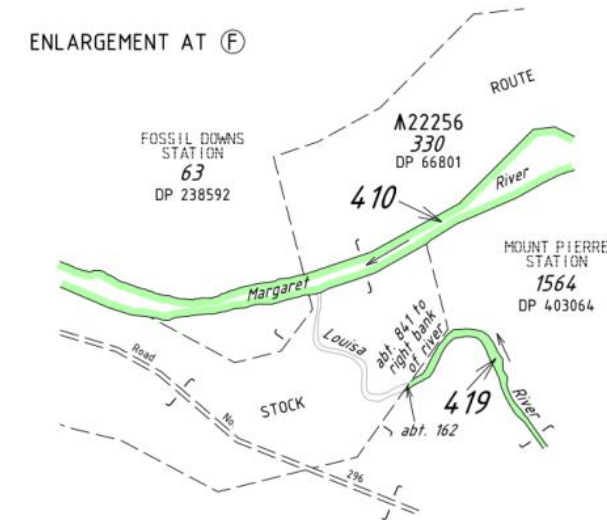
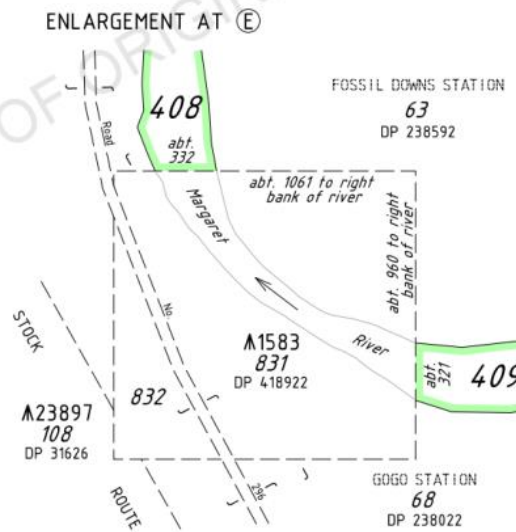
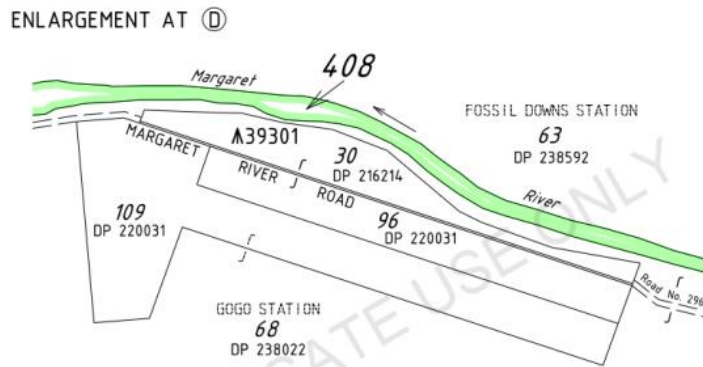
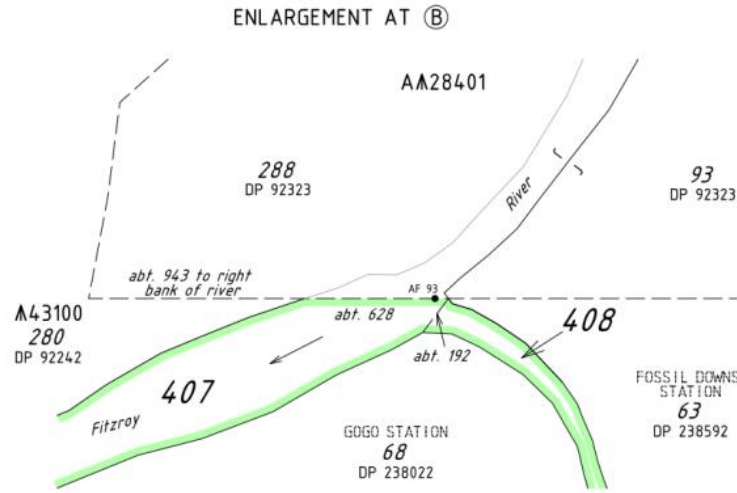
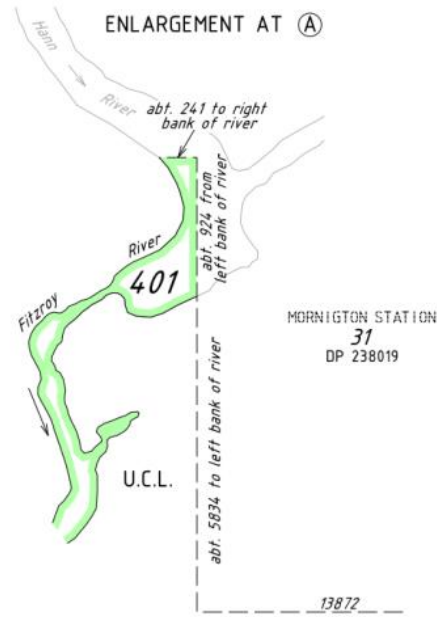
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DEPOSITED PLAN  
**418945**

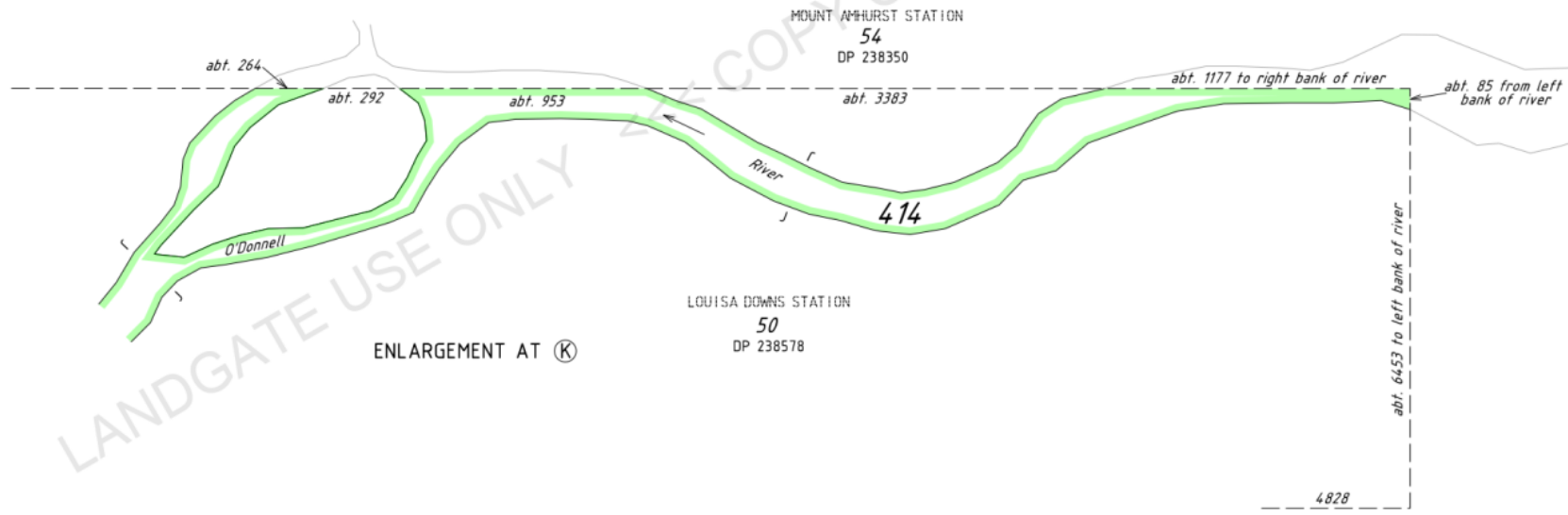
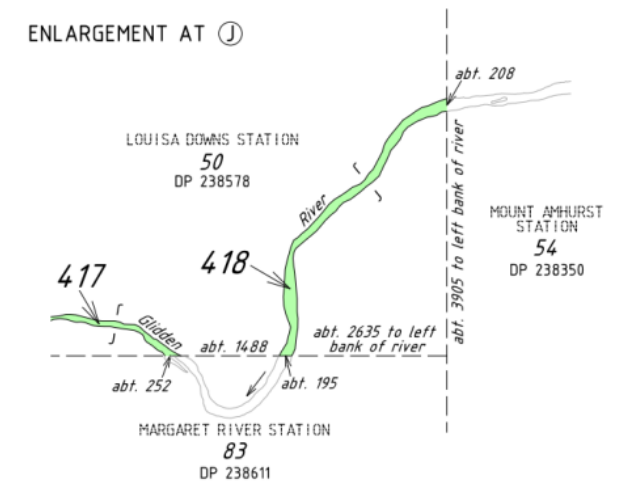
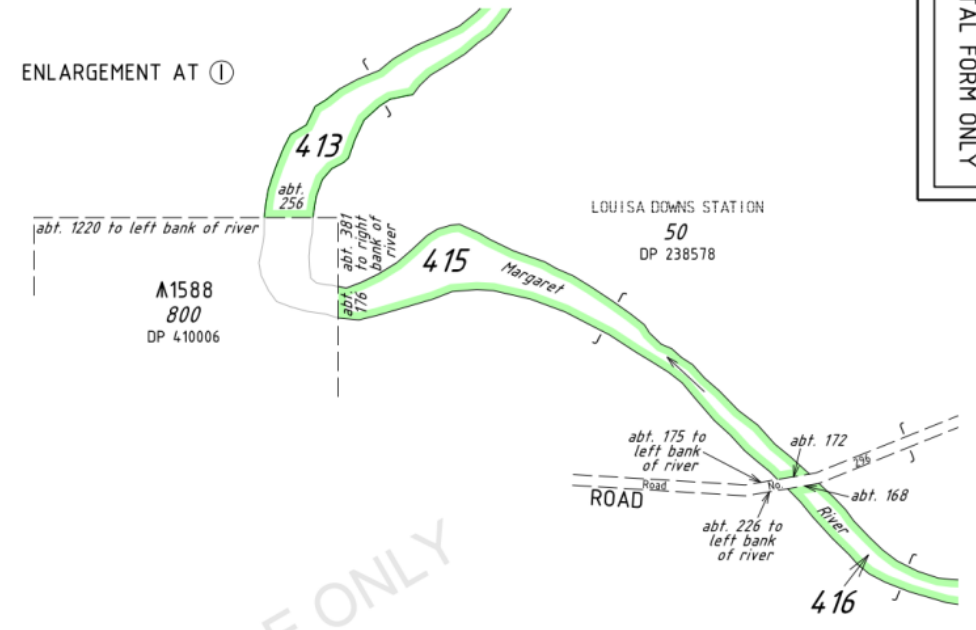
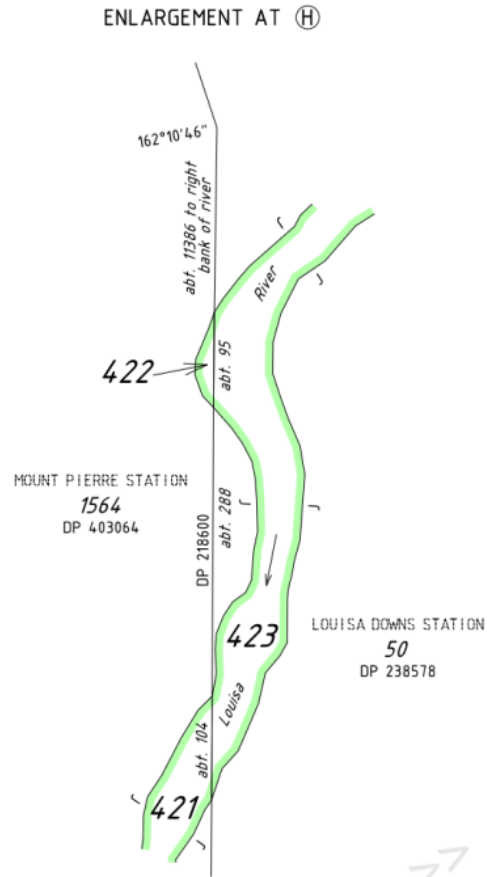
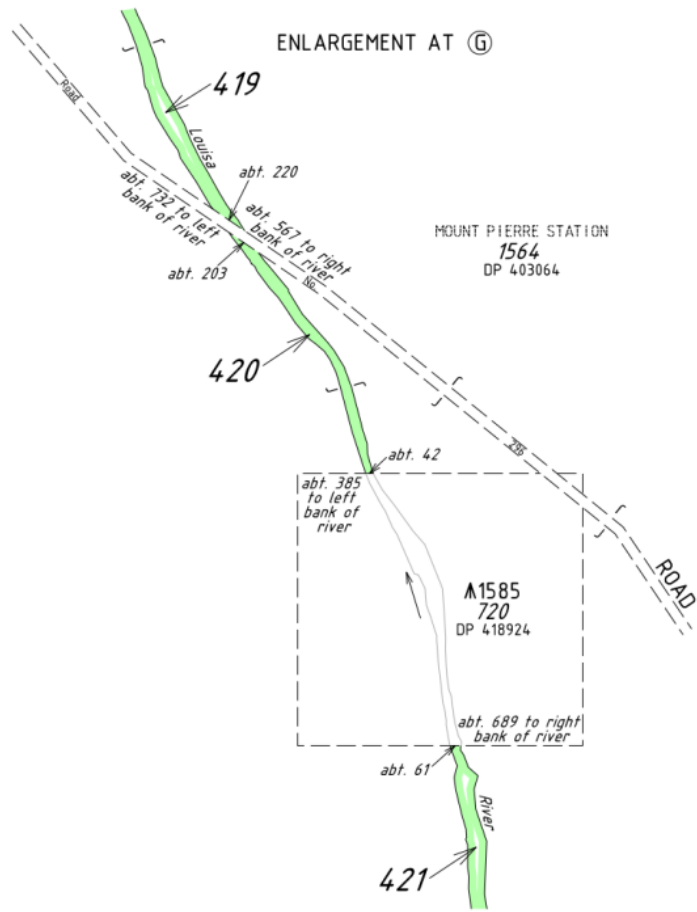
SHEET 2 OF 3 VERSION 1

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ENLARGEMENTS NOT TO SCALE

DEPOSITED PLAN  
**418945**  
SHEET 3 OF 3 VERSION 1

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Retrieved: 3/07/2020 11:39 AM Page: 1

VER	AMENDMENT	AUTHORISED BY	DATE		

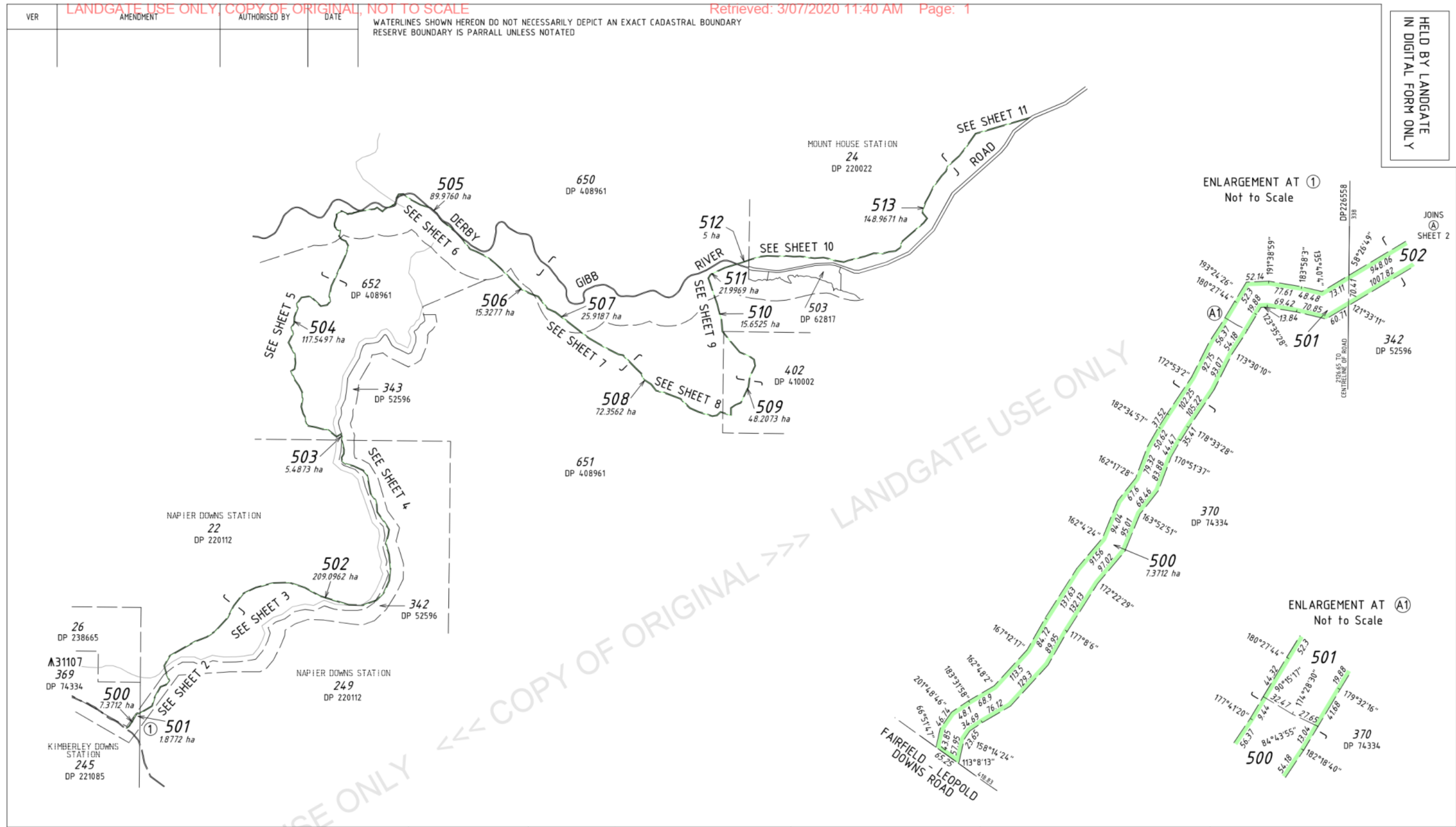
  

**A43099**  
279  
DP 240408

TYPE	CROWN	
PURPOSE	SUBDIVISION	
PLAN OF	<b>LOT 777</b>	
HELD BY LANDGATE IN DIGITAL FORM ONLY		
DISTRICT	FITZROY	
TOWNSITE		
TRIM FILE	00832-2020	
LOCAL AUTHORITY	SHIRE OF DERBY - WEST KIMBERLEY	
LOCALITY	KING LEOPOLD RANGES	
FORMER TENURE		
REFERENCE	INDEX	
A1577 GOV GAZ 15-05-1890 PG. 337	SEE SMARTPLAN	
SCALE @A3: ALL DISTANCES ARE IN METRES	1:15000	
SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES		
LODGED DATE	TYPE OF VALIDATION	SURVEY FIRM
04/03/2020	FULL AUDIT, VH 04/03/2020	LANDGATE - M. SULLIVAN DATE - 28-02-2020
FEE PAID	LEGAL COMPONENT	
N/A	CERTIFIED CORRECT	
ASSESS No.	04/03/2020	
N/A	Lead Consultant Graphic Services	
IN ORDER FOR DEALINGS		
SUBJECT TO		
		04/03/2020
FOR AUTHORISED LAND OFFICER		DATE
APPROVED		
		20-03-2020
AUTHORISED LAND OFFICER		DATE
DEPOSITED PLAN		
418931		
SHEET 1 OF 1		VERSION 1

APPROXIMATE POSITION OF 100 MILE POST DERIVED FROM FB C.E. MAY 6 PG. 60  
 COORDINATES DERIVED FROM THE SCDB - MGA ZONE 51 (GDA94)  
 VALUES OF ANGLES HAVE BEEN OMITTED FROM THIS PLAN WHERE BOUNDARIES COMPRISING MERIDIANS OF LONGITUDE AND PARALLELS OF LATITUDE INTERSECT

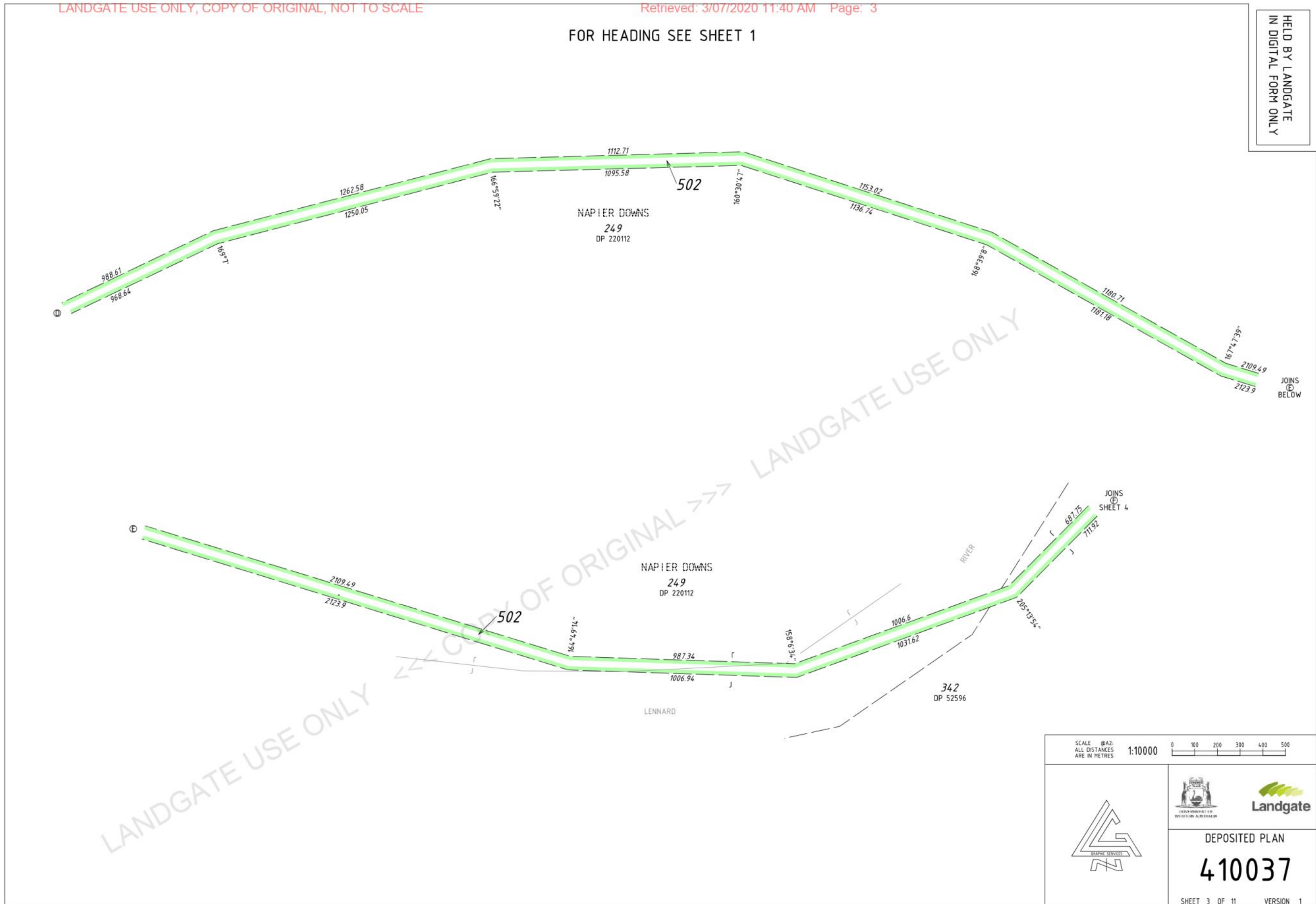


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TYPE: CROWN PURPOSE: SUBDIVISION		FORMER TENURE: A10773 LOT 377 ON DP 240025 LR 3010/605	SCALE @A2: ALL DISTANCES ARE IN METRES 1:175000	SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES	IN ORDER FOR DEALINGS RESERVE ACTION	DEPOSITED PLAN <h1>410037</h1> SHEET 1 OF 11 VERSION 1
PLAN OF: <h2>LOTS 500 TO 513</h2>		REFERENCE: DoL FILE: 02752-1903 JOB: 162022		LODGED DATE: 28/11/2016 TYPE OF VALIDATION: MCB FULL AUDIT: 28/11/2016 LEGAL: N/A CERTIFIED CORRECT: Baker 28/11/2016 ASSESS No.: N/A Lead Consultant Graphic Services	FOR AUTHORISED LAND OFFICER: Baker 28/11/2016 APPROVED: 6/4/2017 AUTHORIZED LAND OFFICER: [Signature]	
DISTRICT: NUMALGUN, FITZROY & MEDA TOWNSITE TRIM FILE: 05391-2015 LOCALITY: KING LEOPOLD RANGES LOCAL AUTHORITY: SHIRE OF DERBY-WEST KIMBERLEY		INDEX: SEE SMARTPLAN	SURVEY FIRM: LANDGATE - V Herobin DATE: 28-11-2016			





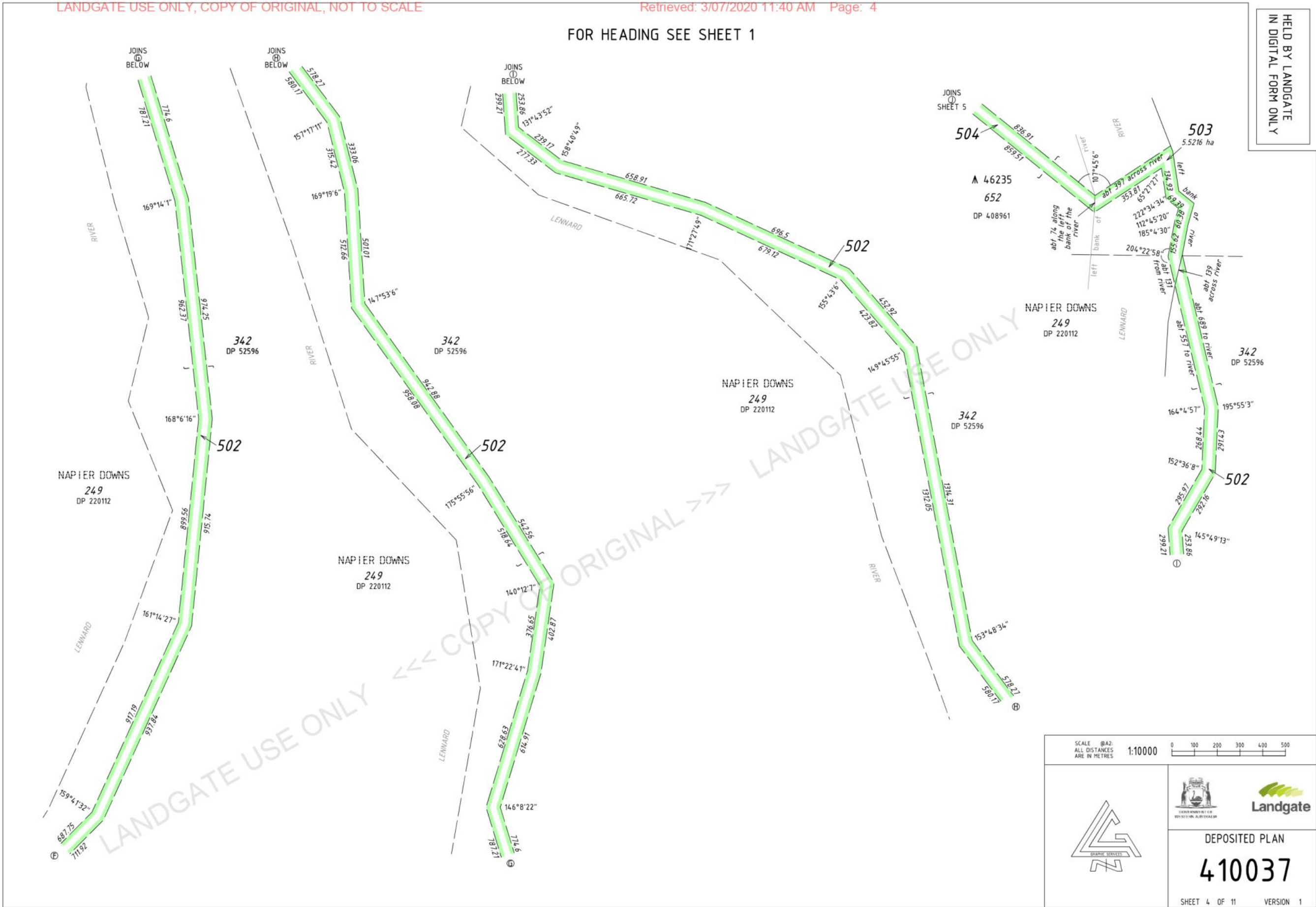


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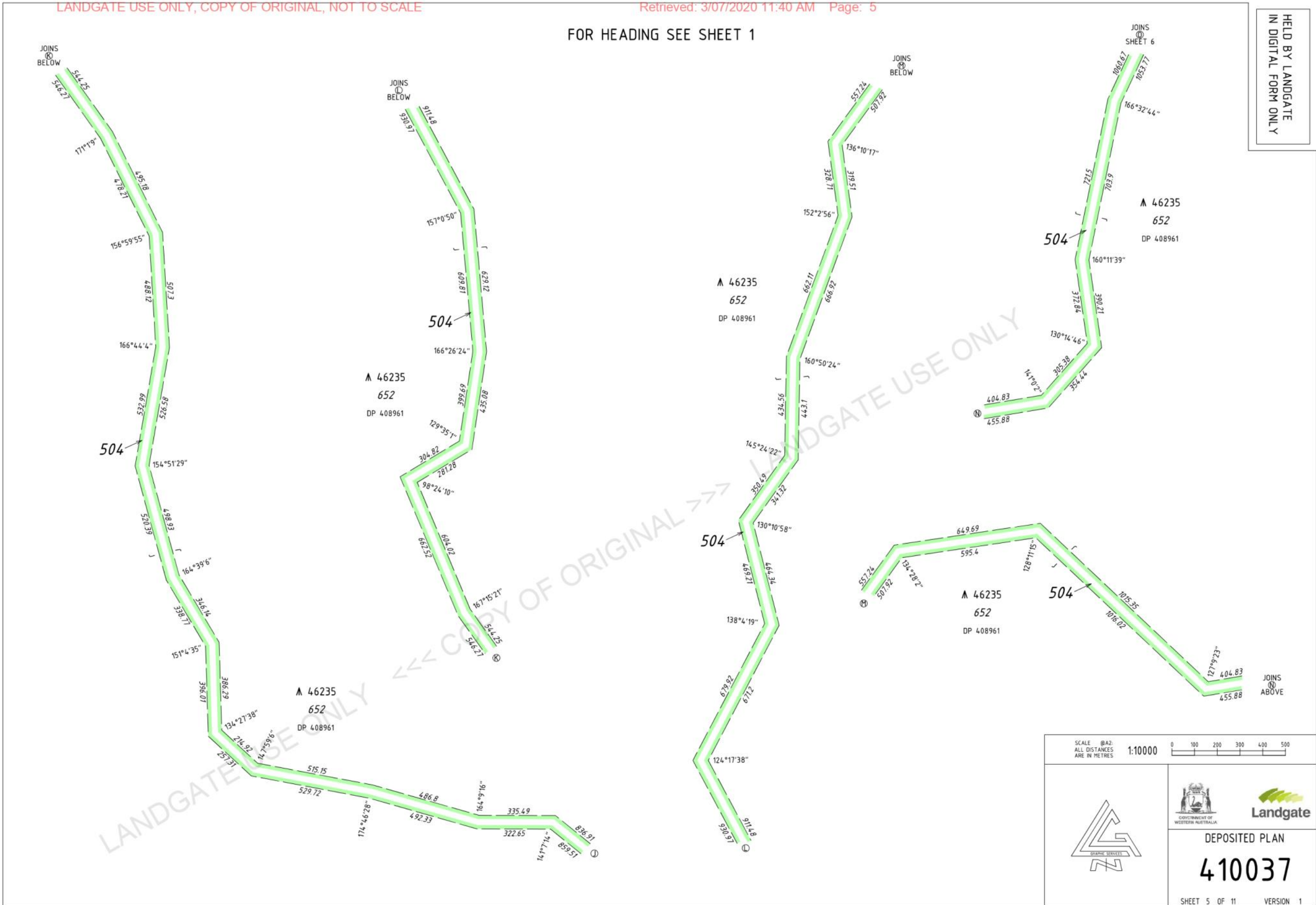


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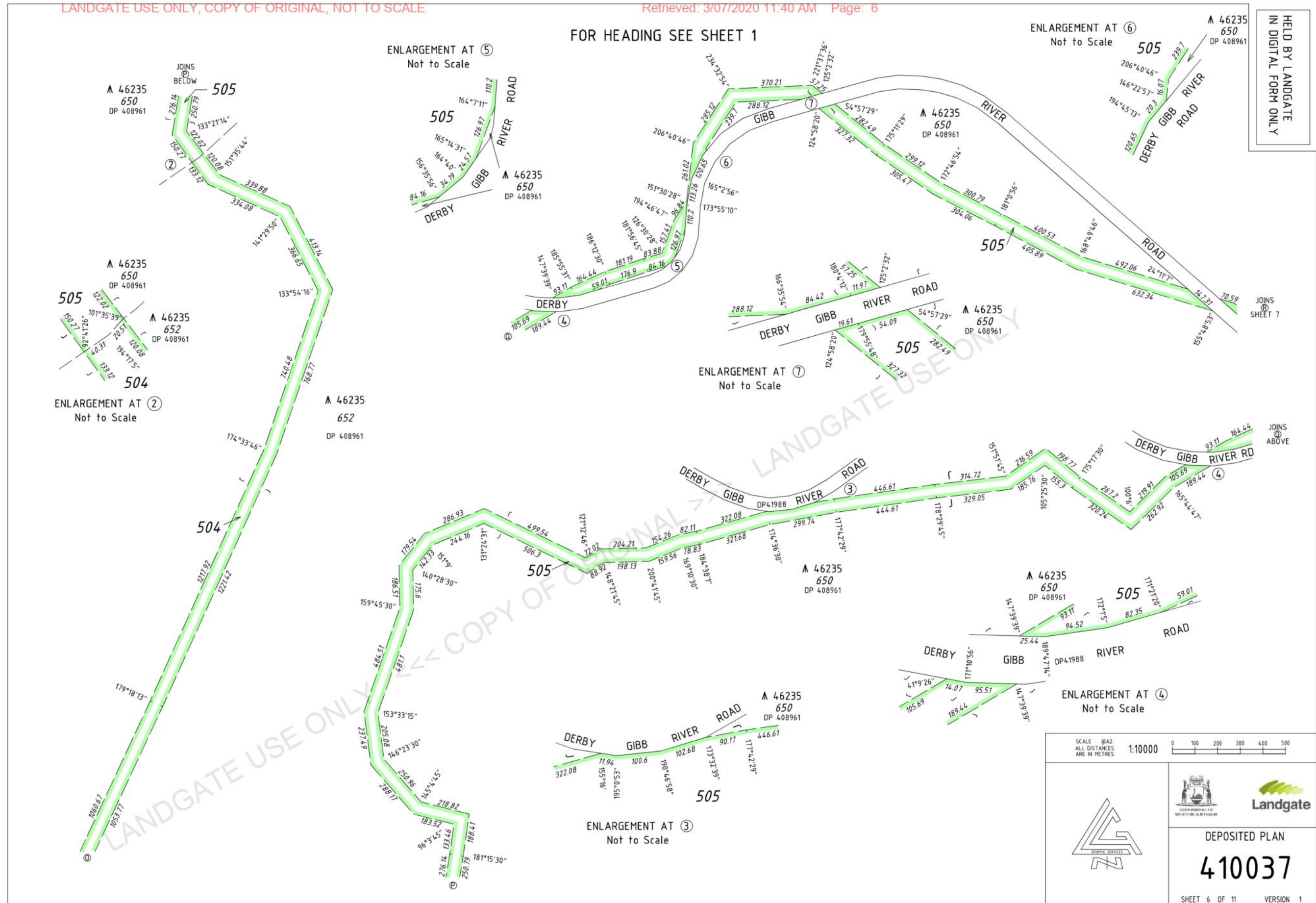


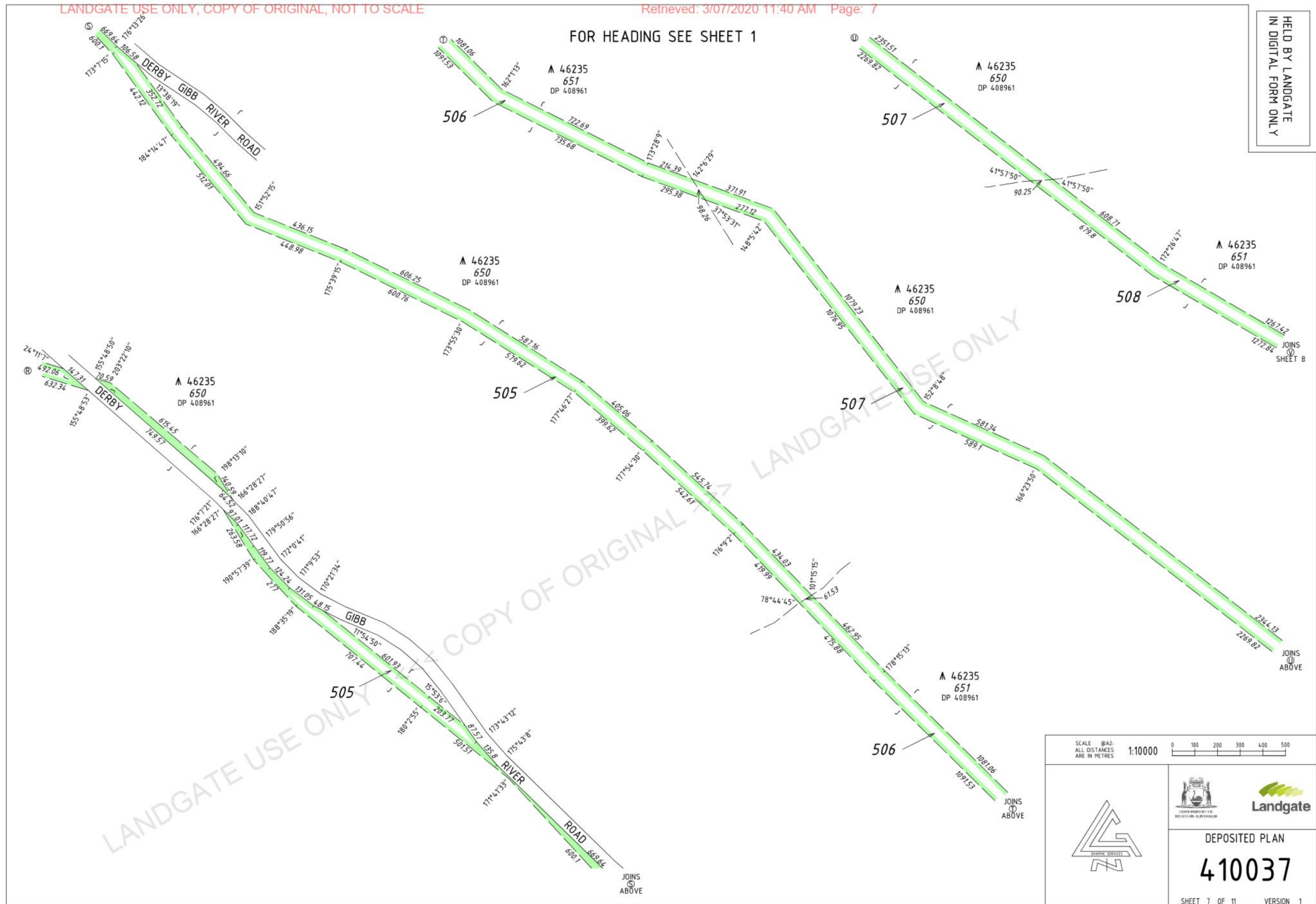
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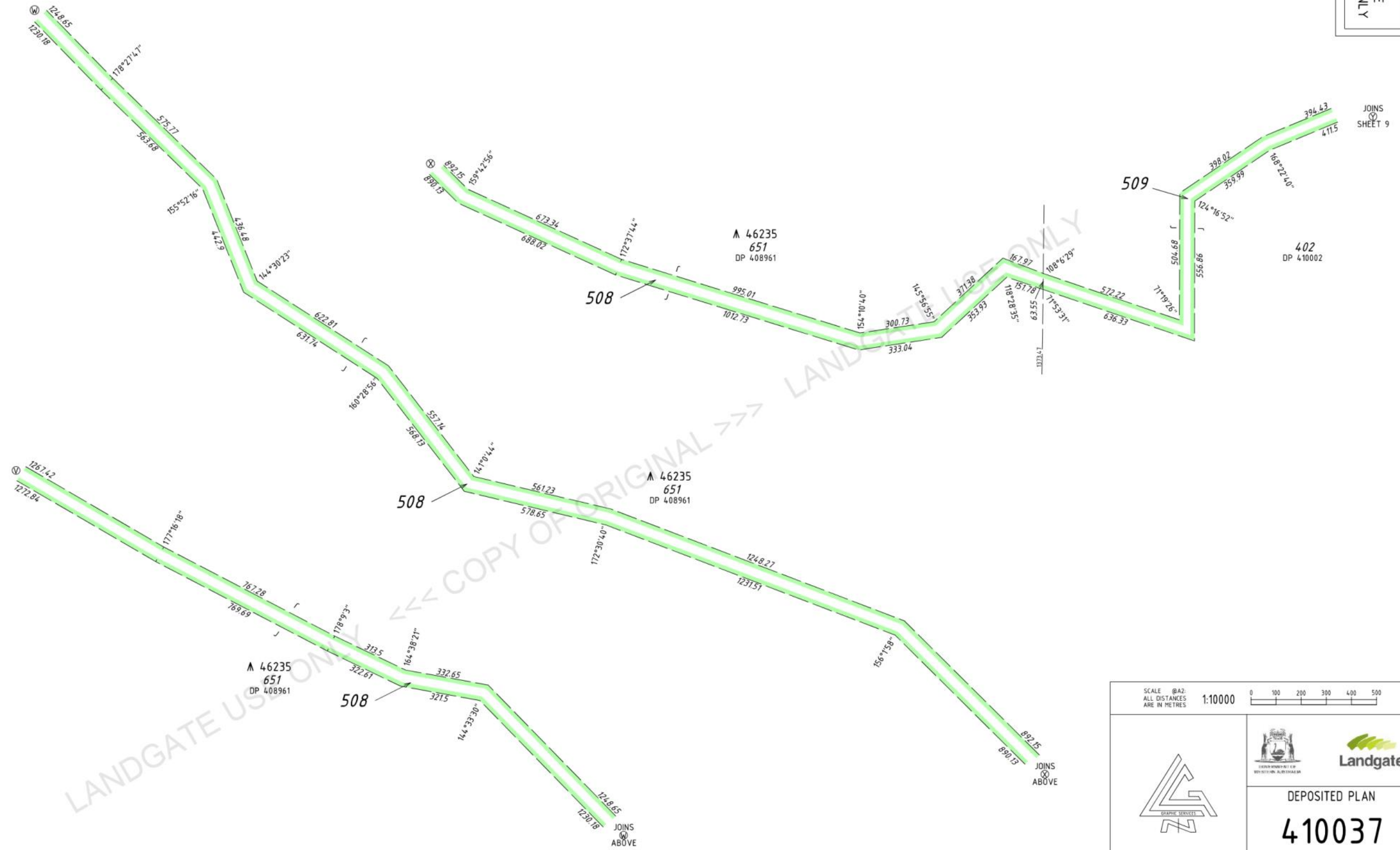


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SCALE @A2: ALL DISTANCES ARE IN METRES 1:10000

0 100 200 300 400 500

DEPOSITED PLAN  
**410037**

SHEET 8 OF 11 VERSION 1

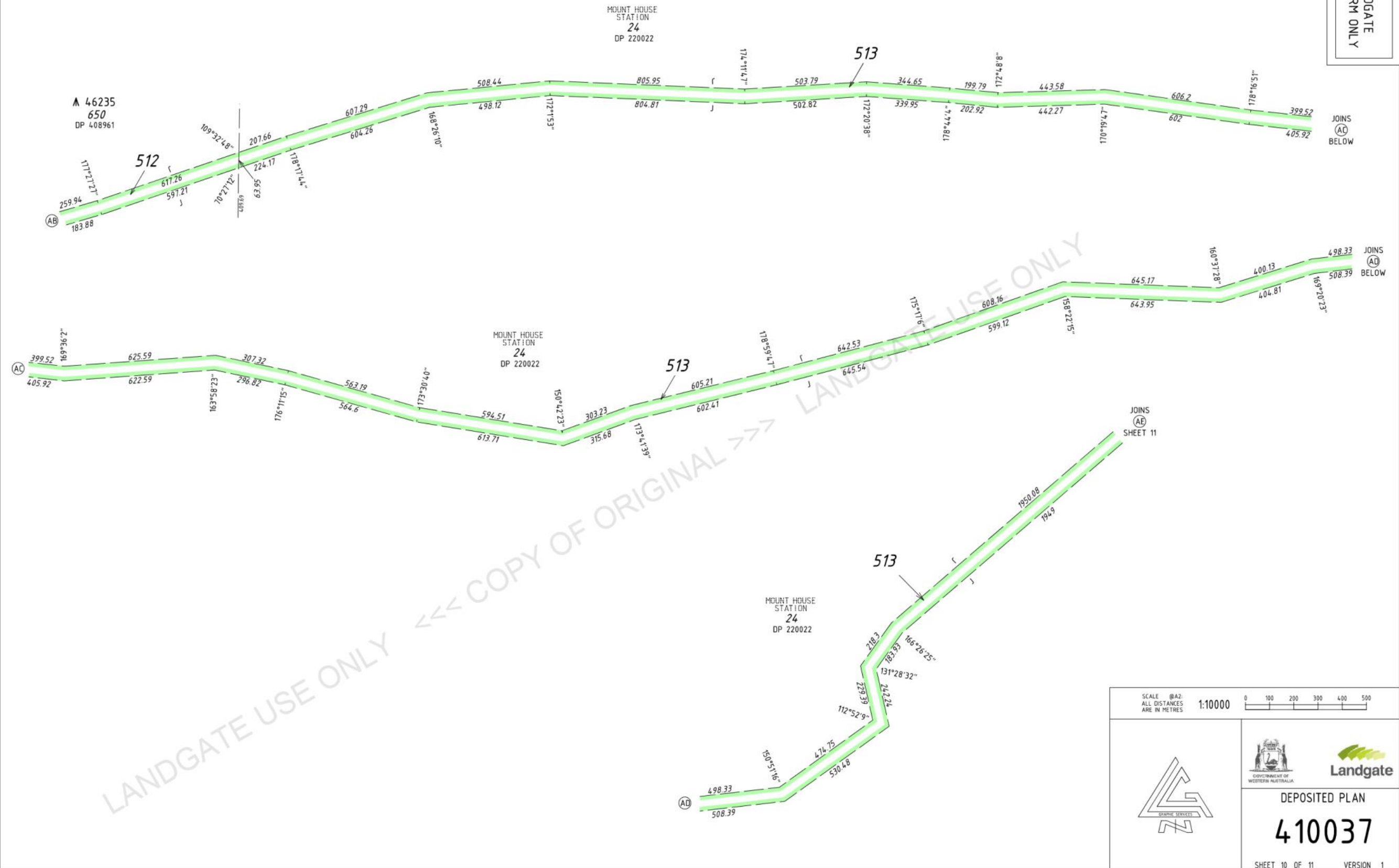


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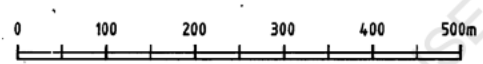
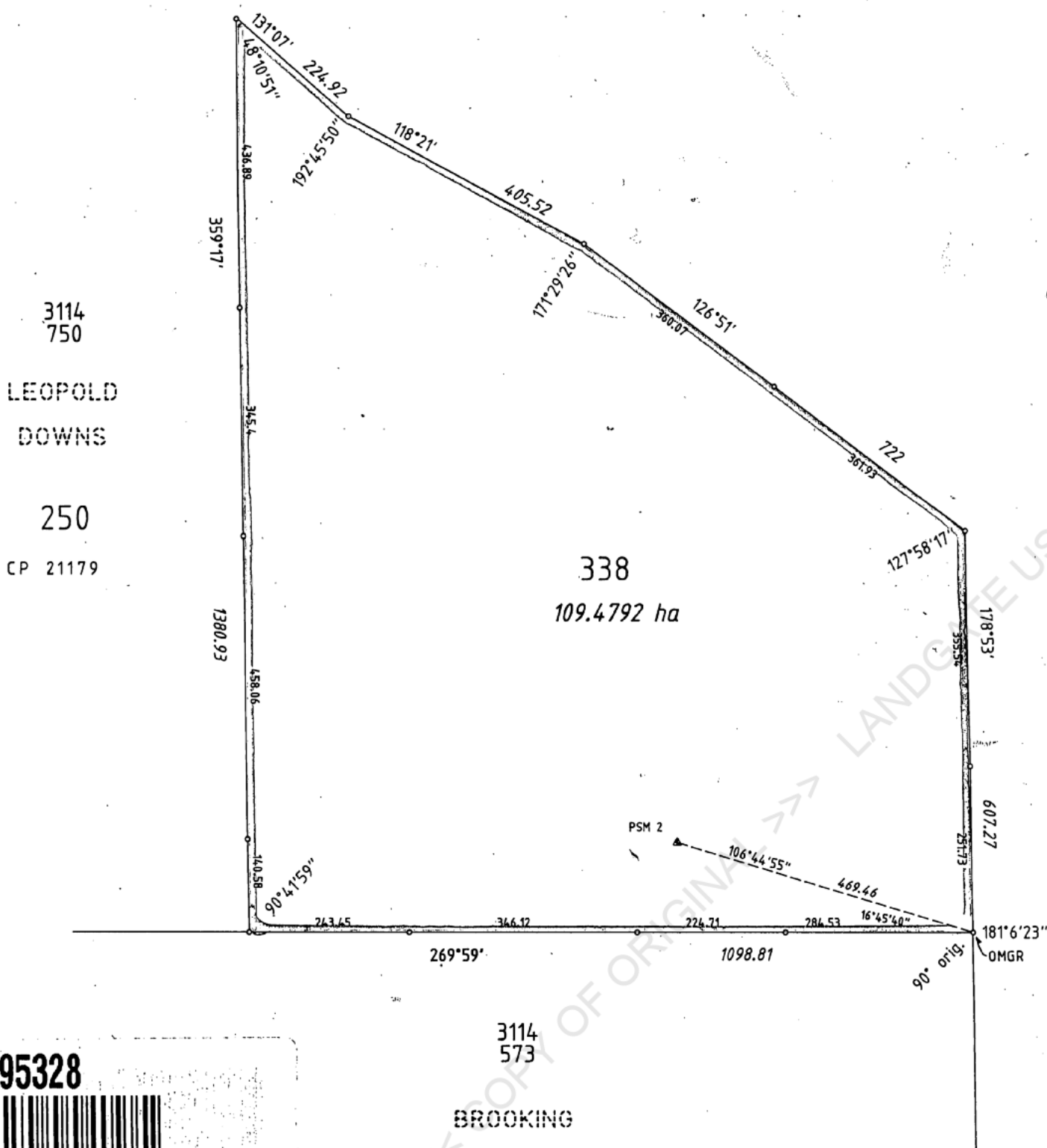


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FORMER TENURE CL/CLR/CLT ON PLANS/DIAGRAMS  
 PT FITZROY LOCATION 250 CL 412/1966

AMENDMENTS



BOUNDARIES ARE NOT CLEARED  
 DIMENSIONS ARE DERIVED FROM RTK GPS OBSERVATIONS.  
 AMG84 ZONE 51 COORDINATES FOR PSM 2 ADOPTED FROM PREVIOUS SURVEY  
 (LANDINFO STATIC BASELINE OBS, 751006.241 E, 8036203.616 N  
 FROM SSM C70 IN 1995)

751146.965 8056363.061

DISTRICT FITZROY	<b>LOCATION 338</b>		FILE 3030 / 983
TOWNSITE			SCALE 1: 7500 ALL DISTANCES ARE IN METRES
SURVEYOR'S CERTIFICATE - Reg. 54 I, <u>MAX G. HORE</u> , hereby certify that this plan is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purpose of this plan and that it complies with the relevant written law(s) in relation to which it is lodged. Date: <u>23/10/20</u> Licensed Surveyor	LOCAL AUTHORITY SHIRE OF WEST KIMBERLEY LOCALITY LEOPOLD DOWNS PUBLIC PLAN(S): LENNARD RIVER (250)	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE: <u>EXEMPT FROM SECTION 27(5) L.A.A. 1997</u> FOR CHAIRMAN Date	IN ORDER FOR DEALINGS SUBJECT TO (1) ACQUISITION (2) LEASE DEEDS Date: <u>5.10.01</u> FOR AUTHORIZED LAND OFFICER DATE
	SURVEY INDEX PLAN(S) LENNARD RIVER (250)	TYPE OF VALIDATION Full Audit: Date: <u>3.10.2001</u> Legal Component: <u>T. HANVILLE</u> Date: <u>3.10.2001</u> CERTIFIED CORRECT: <u>T. HANVILLE</u> Date: <u>3.10.2001</u>	APPROVED REG 21(1) <b>APPROVED 3.3.2011</b> AUTHORIZED LAND OFFICER DATE
SURVEYOR'S CERTIFICATE - Compiled I, <u>Max Hore</u> , hereby certify that this compiled plan - (a) is a correct and accurate representation of the survey (s) of the subject land; and (b) is in accordance with the relevant law in relation to which it is lodged. Date: <u>23/10/20</u> Licensed Surveyor	FIELD BOOK Page 83563 12 - 20 AZIMUTH FROM GPS OBS	EARLY ISSUE <input type="checkbox"/> F.S.C. No. _____ LODGED DATE 25.10.00 R.L.P.	LAND ADMINISTRATION ACT CROWN DIAGRAM <b>95328</b>

Prepared by: FUGRO SURVEY

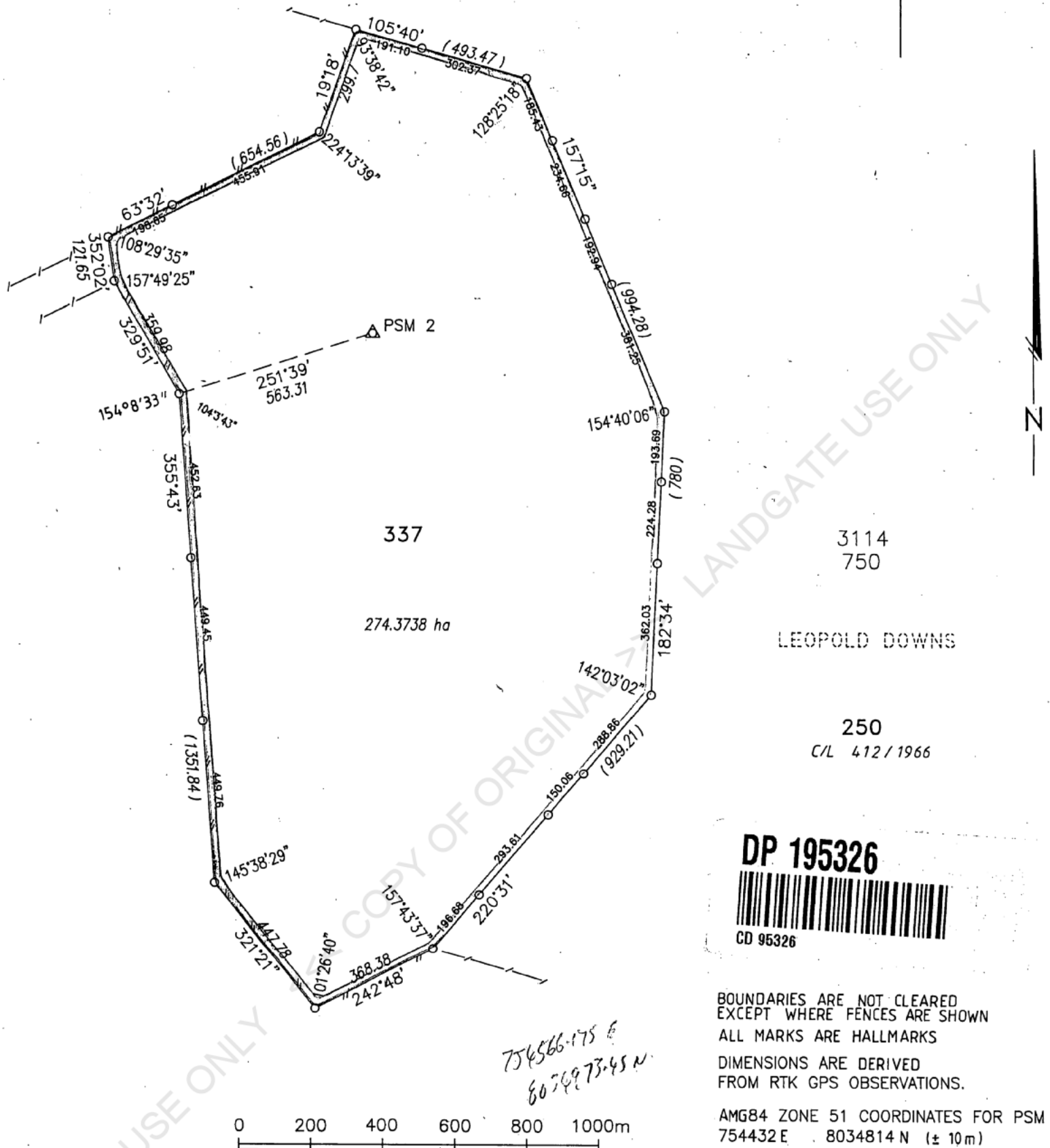
FUGRO PLAN 15891-3

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Retrieved: 3/07/2020 11:39 AM Page: 1

FORMER TENURE P/L 3114 / 750 (LOC 250)  
 CLT ON PLANS/DIAGRAMS C/L 412 / 1966

AMENDMENTS



DP 195326



CD 95326

BOUNDARIES ARE NOT CLEARED EXCEPT WHERE FENCES ARE SHOWN  
 ALL MARKS ARE HALLMARKS  
 DIMENSIONS ARE DERIVED FROM RTK GPS OBSERVATIONS.

AMG84 ZONE 51 COORDINATES FOR PSM 2  
 754432 E . 8034814 N (± 10m)

DISTRICT FITZROY	<b>LOCATION 337</b>		FILE 2010/999
TOWNSITE			SCALE 1: 12500 ALL DISTANCES ARE IN METRES
SURVEYOR'S CERTIFICATE - Reg. 54 I, <b>MAX HORE</b> , hereby certify that this plan is a correct representation of the survey and/or calculations from measurements recorded in the field book lodged for the purpose of this plan and that it complies with the relevant written law(s) in relation to which it is lodged. <i>Max Hore</i> 19/10/00 Licensed Surveyor Date	LOCAL AUTHORITY SHIRE OF DERBY-WEST KIMBERLEY LOCALITY LEOPOLD DOWNS PUBLIC PLAN(S): LENNARD RIVER (250)	APPROVED BY WESTERN AUSTRALIAN PLANNING COMMISSION FILE <b>EXEMPT FROM SECTION 27(5) L.A.A. 1997</b> FOR CHAIRMAN Date	IN ORDER FOR DEALINGS SUBJECT TO 1) Surrender from P/L 3114/750 2) Issue of lease <i>John Gourlay</i> 3.4.01 FOR AUTHORIZED LAND OFFICER DATE
	SURVEY INDEX PLAN(S) LENNARD RIVER (250) FIELD BOOK Page 83563 1-10 AZIMUTH FROM GPS OBSERVATIONS	TYPE OF VALIDATION Full Audit: <i>N.H.</i> Date: 5-12-00 Legal Component: <i>N.H.</i> Date: 5-12-00 CERTIFIED CORRECT EARLY ISSUE <input checked="" type="checkbox"/> YES / NO F.S.C. No. LODGED DATE	APPROVED REG 21(1) <b>APPROVED</b> 3.3.2011 AUTHORIZED LAND OFFICER DATE LAND ADMINISTRATION ACT <b>DIAGRAM 95326</b>

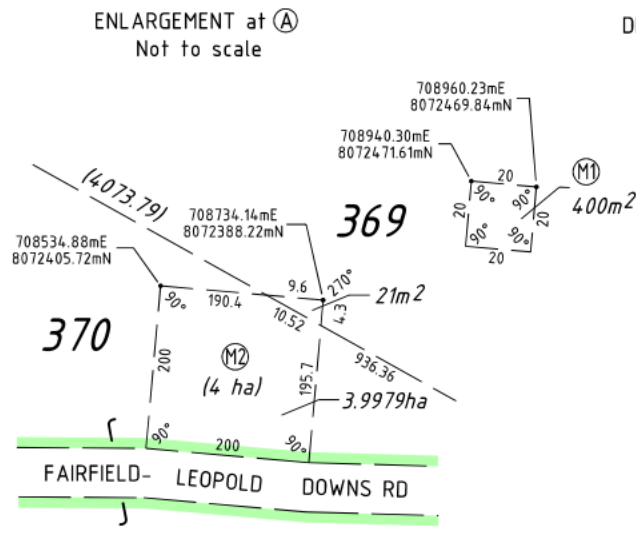
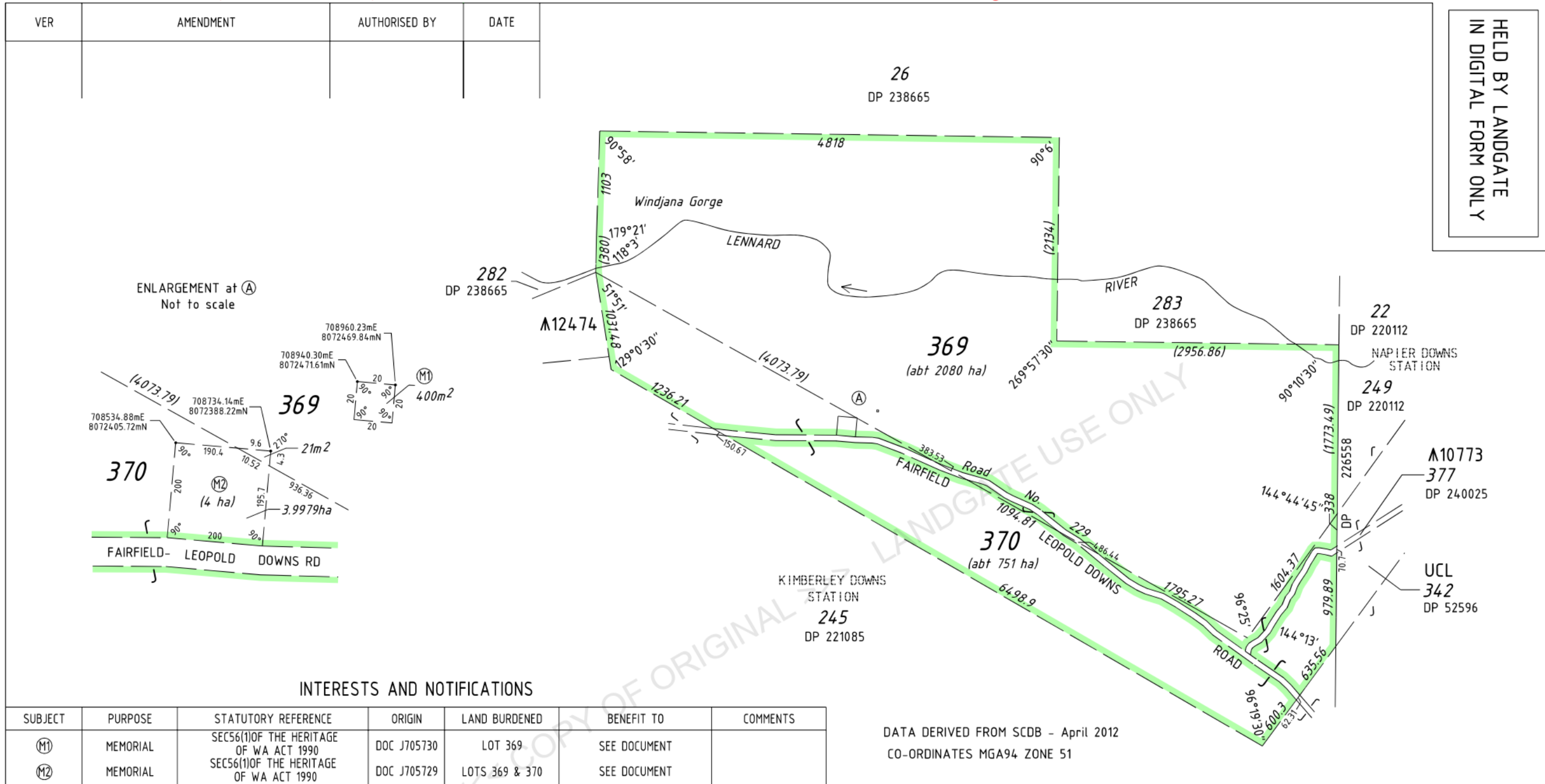
Prepared by: FUGRO SURVEY

FUGRO PLAN 15801-7

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INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
(M1)	MEMORIAL	SECS56(1) OF THE HERITAGE OF WA ACT 1990	DOC J705730	LOT 369	SEE DOCUMENT	
(M2)	MEMORIAL	SECS56(1) OF THE HERITAGE OF WA ACT 1990	DOC J705729	LOTS 369 & 370	SEE DOCUMENT	

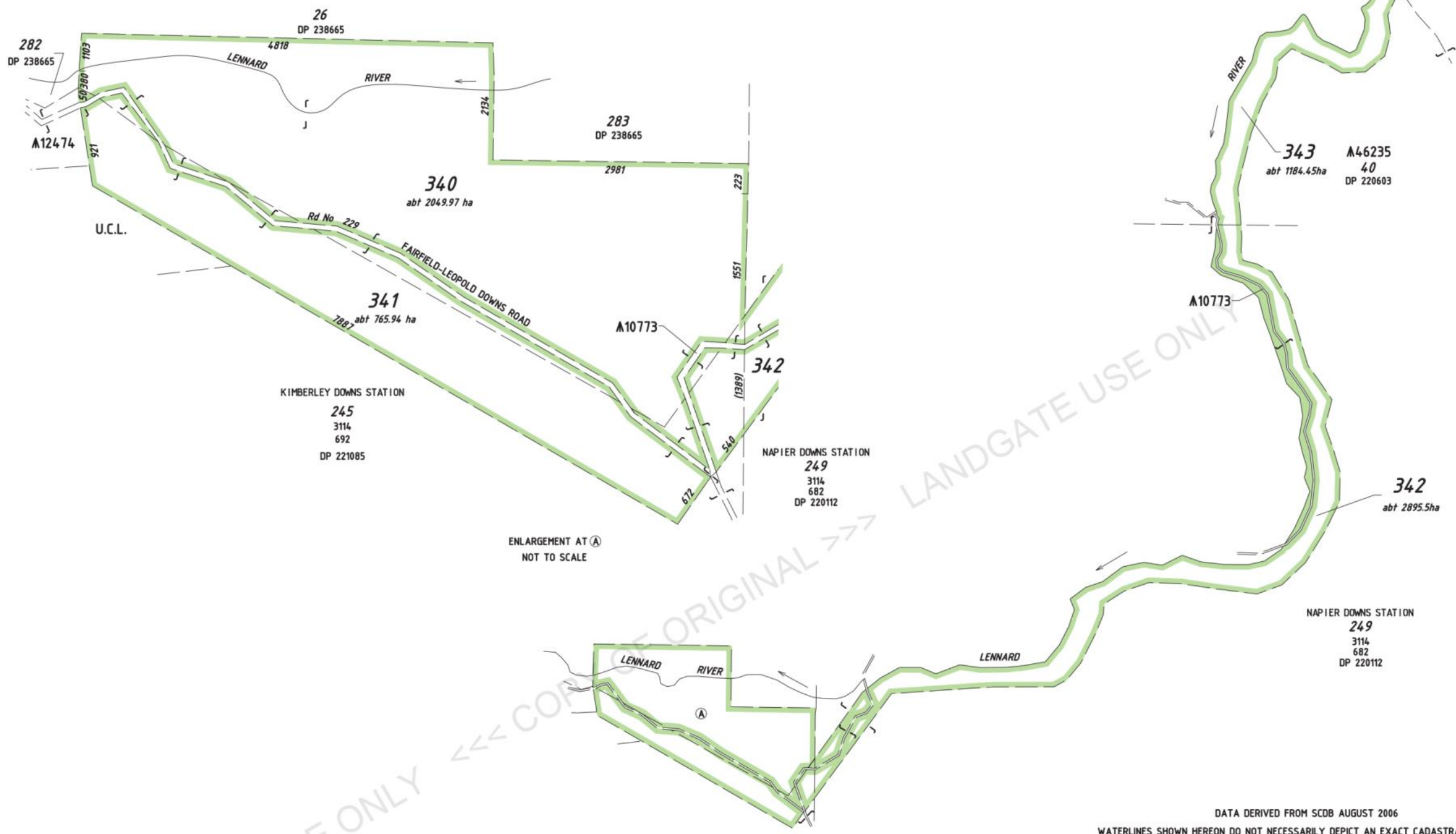
DATA DERIVED FROM SCDB - April 2012  
CO-ORDINATES MGA94 ZONE 51

TYPE PURPOSE CROWN SUBDIVISION		FORMER TENURE LOTS 340 & 341 DP 52596 LR's 3150/488 & 3150/489		SCALE @A3: ALL DISTANCES ARE IN METRES 1:40000		IN ORDER FOR DEALINGS SUBJECT TO Reserve action		WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY	
PLAN OF LOTS 369 & 370		REFERENCE RDL FILE 03030-1908/02 pages 86-91 AA31107		SURVEY FIRM LANDGATE - PWK DATE 26/4/2012		SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES			DEPOSITED PLAN 74334
DISTRICT MEDA & FITZROY TOWNSITE TRIM FILE 15476-2011 LOCALITY KING LEOPOLD RANGES LOCAL AUTHORITY SHIRE OF DERBY-WEST KIMBERLEY		INDEX		LODGED DATE 26/4/2012 FEE PAID N/A ASSESS No. N/A		TYPE OF VALIDATION FULL AUDIT GM LEGAL COMPONENT CERTIFIED CORRECT DATE 01/05/2012 Manager Boundary Definition		APPROVED DATE 9/9/2016 AUTHORIZED LAND OFFICER	

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VER	AMENDMENT	BY	DATE	APPROVED	DATE
2	addition of lot 343	M.Gouteff	Dec 2007	<i>[Signature]</i>	9/1/2008



ENLARGEMENT AT (A)  
NOT TO SCALE

DATA DERIVED FROM SCDB AUGUST 2006  
WATERLINES SHOWN HEREON DO NOT NECESSARILY DEPICT AN EXACT CADASTRAL BOUNDARY

TYPE PURPOSE		CROWN SUBDIVISION	FORMER TENURE	SCALE @A2: ALL DISTANCES ARE IN METRES 1:100000	LOGGED DATE: 24.11.2006	TYPE OF VALIDATION FULL AUDIT . . . . . P.W.K. . . . . LEGAL . . . . . CERTIFIED CORRECT . . . . . 27/11/2006 Manager Statutory Services	IN ORDER FOR DEALINGS SUBJECT TO Redescription of AA31107 (LOT 340)	 DEPOSITED PLAN <h1>52596</h1>
PLAN OF		LOTS 340, 341, 342 & 343		SUBJECT TO SURVEY NOT FOR ALIENATION PURPOSES	FEE PAID . . . . . N/A ASSESS NO. . . . . N/A	FOR AUTHORIZED LAND OFFICER . . . . . DATE 27/11/2006	SHEET 1 OF 1 EDITION 1 VERSION 2	
DISTRICT	FITZROY, MEDA & NUMALGUN	TOWNSITE	REFERENCE	SURVEY FIRM	DLI - M.GOUTEFF 26/09/2006	APPROVED DATE 23/1/2008	AUTHORIZED LAND OFFICER . . . . . DATE	

**15 COMMUNITY AND RECREATION SERVICES**

Nil

**16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**17 NEW BUSINESS OF AN URGENT NATURE****17.1 (LATE REPORT) URGENT WORKS - LIBRARY AND ADMINISTRATION CENTRE SECURITY****File Number: 8005****Author: Neil Hartley, Director - Strategic Business****Responsible Officer: Amanda O'Halloran, Chief Executive Officer****Authority/Discretion: Administrative****SUMMARY**

The Shire's Administration Centre, Council Chamber and Library have been regular targets of illegal forced entries over many years, with all of the above areas having been broken into several times over the last several months. The Library has however in more recent times, been broken into four times over four consecutive nights.

The report recommends that security screens be installed as a matter of urgency to selected civic Centre buildings, with the 2021/22 budget considering a similar treatment occur to other buildings as required next financial year.

**DISCLOSURE OF ANY INTEREST**

Nil applicable.

**BACKGROUND**

The Shire's Administration Centre and Library are regular targets of illegal forced entries with all of these sites having been broken into several times over the last 12 months. At the time of writing this report, the Library had been broken into four times, the Council Chamber has been broken into twice, and the Administration Centre has been broken into once, in a single four night period.

That unusually high number of break-ins is out of character with longer term averages, but does reinforce the need for some thought to be given to a better security solution to that which is currently in place.

The break-ins almost always commence with broke glass panes/windows in order to gain entry. The result of a break-in are detrimental, widespread, and can have adverse incremental effects on people's wellbeing. They include the following specific "costs" for the Shire of Derby/West Kimberley:

- Employee time to attend and secure the area (inevitably resulting in call-outs and out of normal work hours costs);
- Employee time to organise repairs;
- Employee time to call police, liaise with police officers, and secure the police reference number;
- Employee time to arrange list of stolen items for Police/insurance claim;
- Employee time to coordinate, prepare, and submit the insurance claim;
- Contractor costs to clean the site and make safe for community/customer/employee use;
- Contractor time to clean the site after Police have departed (so that finger prints can be gained from any subsequent break-ins);



- Contractor costs to repair the site;
- Employee time to manage contractor/supplier payments;
- Lost employee time to clean up administration building offices/Library/Council Chambers;
- Lost employee time to re-stock broken/stolen equipment/stocks;
- Adverse impact on employees’ well-being;
- Adverse impact on the Shire’s Occupational Safety & Health requirements;
- Adverse impact on the Shire’s ability to attract and retain staff;
- Adverse impact on tourism/economic development;
- Wasted ratepayer funds on repairs, cleaning, additional employee costs, and insurance premium increases, etc.

In particular, the safety and asset management considerations of this type of forced entry, damage and theft include the following:

- Potential of shards of glass being found inside childrens’ library books or other library stocks;
- Potential for broken glass to remain in the garden areas, on the floor, or in furniture or equipment, resulting on employee OSH or community safety repercussions; and
- Damage to or theft of expensive equipment (like the soon to be purchased new audio/visual equipment for the Council Chamber and Councillors’ Office) resulting in service interruptions and the requirement to await replacement through the insurance system.

**STATUTORY ENVIRONMENT**

**Local Government Act S 6.8 (Expenditure from municipal fund not included in annual budget)** outlines that a local government is not to incur expenditure for an additional purpose except where the expenditure is authorised in advance by resolution (by absolute majority).

The Shire’s budget does include budget allocations for building repairs, but what is being suggested to mitigate the impacts of the break-ins is considered to be outside of this parameter and so a Council decision is thought to be prudent.

**POLICY IMPLICATIONS**

Nil applicable.

**FINANCIAL IMPLICATIONS**

An estimate of costs is outlined below:

Item	Cost (up to)
<b>“Crim-Safe” security mesh for Council Chamber, Library, and Administration Building (based on past costs)</b>	<b>\$56,000</b>
<b>Security Lighting to external of three separate buildings (estimate)</b>	<b>\$5,000</b>
<b>Security Lighting within the immediate precinct area (estimate)</b>	<b>\$9,000</b>

<b>Alarm Systems for three separate buildings (Optic Security verbal quote)</b>	<b>\$15,000</b>
<b>Other enhanced security initiatives (if advised by security professionals)</b>	<b>\$5,000</b>
<b>TOTAL (up to)</b>	<b>\$90,000</b>

**STRATEGIC IMPLICATIONS**

<b>PRIORITY</b>	<b>STRATEGY</b>
<b>Safe Communities</b>	<b>Endeavour to provide safe, clean and well-lit streets and public places.</b>

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Financial: Unnecessarily incurred additional insurance premium costs; employee costs; and building repair expenses.</b>	<b>Almost Certain</b>	<b>Moderate</b>	<b>High</b>	<b>Undertake a mitigation action to eliminate future break-ins.</b>
<b>People Health &amp; Safety: Potential for employees and customers to suffer injuries from broken glass.</b>	<b>Likely</b>	<b>Major</b>	<b>High</b>	<b>Eliminate break-ins.</b>
<b>Business Interruption: Lost employee time due to the requirement to clean up after break-ins.</b>	<b>Almost Certain</b>	<b>Moderate</b>	<b>High</b>	<b>Eliminate break-ins/retain contractors to clean sites and charge to insurance claim.</b>

**CONSULTATION**

No community consultation is required at this point in time, but future consultation might be warranted if a broader antisocial behaviour approach is to be considered.

**COMMENT**

Whilst illegal forced entries to Shire buildings has periodically occurred over many years, as outlined in the Background there is currently a “spate” of break-ins occurring with the Library being broken into on four consecutive nights.

Officers have given consideration to the situation and it is apparent that there is no simple/easy solution available for us to adopt. The social situation is complex and has numerous stakeholders (including the Shire) already doing their best to improve overall community wellbeing. This does make a positive impact, but the Council also needs to consider how best to mitigate against the asset management and financial impacts of these break-ins.

It is suggested that a combination of actions, including protective screens for glassed areas (which have already been installed in several Shire buildings); improved lighting on the exterior of the civic buildings to light up the general surrounds; internal alarms with potential automatic Police notifications included; and any other initiatives that can enhance these measures (like the use of low volume but high impact audio speakers that make an area unpalatable to loiter in).

An option in light of the closeness to the end of the 2020/21 financial year would be to commit to the "Crim-Safe" security mesh (\$56,000) and the Alarm Systems (\$15,000) and to then include the remaining items (lighting and other initiatives - \$19,000) in the 2021/22 budget, which should be considered in August and would allow these additional security measures to be in place before the end of 2021.

#### **VOTING REQUIREMENT**

Absolute majority

#### **ATTACHMENTS**

Nil

#### **RESOLUTION 604/21**

**Moved: Cr Rowena Mouda**

**Seconded: Cr Andrew Twaddle**

**That Council:**

- 1. Authorises a budget allocation of up to \$90,000 for the purpose of improving security and community/employee safety at the Shire's Administration Building, Library, Council Chamber, and Councillors' Office;**
- 2. Authorises the funds to be secured from existing 2020/21 building maintenance allocations, with any remainder to be accommodated as part of the end of financial year (30 June 2021) municipal fund balance; and**
- 3. Requires that officers include for consideration in the 2021/22 budget, a suitable allocation to protect any other Shire buildings requiring similar treatment(s).**

**In Favour:** Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

**Against:** Nil

**CARRIED 9/0**

**SUSPENSION OF STANDING ORDERS****RESOLUTION 612/21****Moved: Cr Andrew Twaddle****Seconded: Cr Rowena Mouda**

A motion was moved that Council suspend standing orders.

**CARRIED 9/0****RESUMPTION OF STANDING ORDERS****RESOLUTION 623/21****Moved: Cr Chris Kloss****Seconded: Cr Andrew Twaddle**

A motion was moved that Council resume standing orders.

**CARRIED 9/0**

Note: An optional resolution for #2 above could be *"2. Authorises a budget allocation of up to \$71,000 for the purpose of improving security and community/employee safety at the Shire's Administration Building, Library, Council Chamber, and Councillors' Office (security screens and alarm systems) with a further \$19,000 allocation to be considered (lighting and other security initiative) as part of the 2021/22 budget;"*

**17.2 (LATE REPORT) NORTH WEST DEFENCE ALLIANCE - COUNCIL MEMBERSHIP AND ADVERTISING PROGRAM**

**File Number:** 4075  
**Author:** Neil Hartley, Director - Strategic Business  
**Responsible Officer:** Amanda O'Halloran, Chief Executive Officer  
**Authority/Discretion:**

**SUMMARY**

The Kimberley Regional Group intends to establish a North West Defence Alliance with membership of all Pilbara and Kimberley local governments, to enable a forum to discuss defence, community safety, economic development, and local infrastructure issues. To promote the Alliance, it is suggested that an advertising program be undertaken in the WA Defence Review.

The purpose of this report is for Council to consider supporting the membership of the Alliance and contributing to the funding of the advertising program.

**DISCLOSURE OF ANY INTEREST**

Nil applicable.

**BACKGROUND**

In June 2019, Lyn Craigie (then WALGA State President) contacted Shire Presidents across northern Western Australia to discuss concern in relation to the susceptibility of the north west of Australia to attack by a foreign aggressor and the potential for deployment of Defence personnel across the Kimberley and Pilbara. A meeting was held in conjunction with the Northwest Development Conference in Karratha, with attendees including Lynne Craigie, Geoff Haerewa, Amanda O'Halloran, Carl Askew, Sam Mastrolembo, Chris Mitchell, Harold Tracey, and Tony Chafer. The creation of a North West Defence Alliance (NWDA) was raised at that meeting.

The meeting discussed the opportunity to take advantage of the increasing Defence interest in North West Australia. Specifically, Defence support for road and infrastructure investment and the relocation of Defence units and/or assets to North West Australia. In regards to the latter, moving Defence units into a region was seen as providing positive economic benefits for regional communities, however was not seen as a priority for Defence at that time. A promotional campaign on the issues was discussed.

A second meeting was held in August 2019 and Terms of Reference for an unincorporated body to be titled the North West Defence Alliance (NWDA or the Alliance) were developed. The current version of the Terms of Reference (September 2020) is attached. The broad objectives of the NWDA are to:

- Promote the case for increased defence infrastructure and personnel expenditure across local governments in the North West;
- Act as a point of liaison for the Department of Defence and associated authorities;
- Communicate key defence priorities to all levels of government, relevant stakeholders and to the public; and

- Maintain effective communication and collaboration between the Alliance members and to promote one another's strategic objectives.

The governance structure is an unincorporated body with a voluntary committee comprising one councillor from each of the eight Pilbara and Kimberley local governments (although it is not compulsory that all eight local governments must be members as it is a voluntary grouping of the interested local governments in the North West of WA).

To progress the above and promote the existence of the Alliance, the Kimberley Regional Group (KRG) is seeking to progress the funding of an advertisement in the WA Defence Review, however it is concerned such an action could be seen that the KRG is binding shires to membership of the North West Defence Alliance (NWDA) without full consideration being given by individual Shires in relation to that membership. In essence, the KRG might as a consequence be operating outside of its Memorandum of Understanding which states: *"the [KRG] Board does not have the powers of a local government nor of a council of a local government and cannot make decisions which bind a local government in the exercise of its statutory functions."*

Those individual local governments that wish to endorse Alliance membership prior to the advertisement appearing can have their name included in the advertisement. Otherwise the KRG's proposal is that the advertisement will not list "unaligned" Shires (to avoid any perception of binding member Shires by KRG's actions).

#### **STATUTORY ENVIRONMENT**

**Local Government Act S 1.3 (Content and intent)** provides that in carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

**Local Government Act S 2.7 (Role of council)** outlines that the council amongst other things, governs the local government's affairs; and oversees the allocation of the local government's finances and resources.

**Local Government Act S 3.61 (Establishing regional local government)** allows two or more local governments to establish a regional local government.

#### **POLICY IMPLICATIONS**

Nil applicable.

#### **FINANCIAL IMPLICATIONS**

It is proposed that an advertisement in the WA Defence Review will be funded (\$8,000) across the eight Kimberley/Pilbara local governments.

Promotional material will include a 650 word article which will highlight the exposure of the region with enormous resources and incredible mining infrastructure investment, while being so close to the tensions of an unstable region in the northern Indian Ocean.

The KRG has an approval from Shire's member to fund the share for the Kimberley Shires, however under the MOU the KRG cannot make decisions which bind a local government in the exercise of its statutory functions as not all shires have formally considered membership of the NWDA. Payment could otherwise be seen as having the effect of binding a member Shire to membership of that organisation.

The Terms of Reference on membership and involvement with the Alliance is:

- The Alliance will take no membership fees from its constituent local governments;

- Individual councils must meet all the costs of their representatives to the Alliance, including travel, accommodation, stationery, telecommunications etc.;
- It is recognised that, as an unincorporated body, the Alliance does not qualify to be the recipient of Government grants to support Alliance initiatives;
- Where grants are sought by a member council to facilitate an Alliance initiative, appropriate close liaison will be maintained with the other members. However, the responsibility for the management of that grant must rest with the council that is the accountable grant recipient;
- Joint expenses such as advertising shall be equally distributed amongst the current NWDA members; and
- Joint costs will be paid by the Coordinator’s council and relevant proportions invoiced back to NWDA member councils.

The Shire of Derby/West Kimberley’s proportionate contribution towards the Alliance’s advertisement in the WA Defence Review will be met by the Kimberley Regional Group (as part of the Shire’s annual KRG subscription payment) and if Council formally endorses membership of the Alliance, the Shire’s name/branding will be included in the advertisement.

**STRATEGIC IMPLICATIONS**

<b>PRIORITIES</b>	<b>ACTIONS</b>
<b>1.1 Collaboration and Partnerships</b>	<b>1.1.3 Maximise regional opportunities that benefit the community.</b>
<b>2.1 Safe Communities</b>	<b>2.1.4 Manage and respond to emergency situations.</b>

**RISK MANAGEMENT CONSIDERATIONS**

<b>RISK</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	<b>RISK ANALYSIS</b>	<b>MITIGATION</b>
<b>Reputation: Not being involved could be seen as the Shire not playing a sufficiently strategic role in this area of north west Australian defence.</b>	<b>Possible</b>	<b>Moderate</b>	<b>Medium</b>	<b>Commit to taking a measured position that is relative to the Shire’s capacity and community expectations.</b>

**CONSULTATION**

No community consultation is proposed. Consultation has occurred between the Shire and the Kimberley Regional Group.

**COMMENT**

The role of local government does enable it to take a position as outlined in the background of this report and there is additional negotiating value achieved by also having the Pilbara local governments engaged in these discussions and representations.

**VOTING REQUIREMENT**

Simple majority

**ATTACHMENTS**

1. **NWDA Terms of reference** [↓](#) 

**RESOLUTION 63/21**

**Moved: Cr Steve Ross**

**Seconded: Cr Chris Kloss**

**That Council endorse its support of Shire of Derby/West Kimberley's membership of the North West Defence Alliance.**

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

**CARRIED 9/0**





## North West Defence Alliance

# Terms of Reference

This Terms of Reference is the single defining document of the North West Defence Alliance and is current from 30 September 2020.

### Preamble

There is concern at the susceptibility of north-west Australia to attack or even invasion by a foreign aggressor, due to the enormous mineral wealth of the region and the hundreds of billions of dollars of heavy industry processing, transport and export infrastructure located along the coast, inland and on islands of the NW Shelf.

The Pilbara Regiment is an observational force only, with less than 50 personnel across the region. While the nation has air force bases at Exmouth (Learmonth) and Derby (Curtin), these are unmanned and a sudden attack could readily disable them.

In fact, a surprise attack by a foreign aggressor could result in tens of billions of dollars of infrastructure being destroyed in a very short time and before any defensive force could arrive.

For this reason it is believed that a more proactive defence posture is required and that increased numbers of personnel and defence infrastructure is necessary along the north-west coast.

### The North West Local Governments

There are eight local governments with coastlines on the Indian Ocean between the Shires of Exmouth in the south and Wyndham/East Kimberley in the north.

These local governments are in agreement that an informal alliance would assist in lobbying the Federal Government to increase its investment in defence-related infrastructure and personnel in the northern half of Western Australia.

It is proposed to call this informal group, the North West Defence Alliance.

### Objectives

- To promote the case for increased defence infrastructure and personnel expenditure across local governments in the North West
- To act as a point of liaison for the Department of Defence and associated authorities

- To communicate key defence priorities to all levels of government, relevant stakeholders and to the public
- To maintain effective communication and collaboration between the Alliance members and to promote one another's strategic objectives.

### **Governance Structure**

- The unincorporated body shall be called the North West Defence Alliance (NWDA or the Alliance)
- The Alliance is an unincorporated voluntary grouping of the interested local governments in the North West of WA and may or may not include all eight councils
- The relevant local governments include:
  - Wyndham/East Kimberley
  - Derby/West Kimberley
  - Broome
  - East Pilbara
  - Port Hedland
  - Karratha
  - Ashburton
  - Exmouth
- The Alliance will be governed by a voluntary Committee which shall nominally include one councillor from each local government, generally but not necessarily the Mayor or Shire President
- Individual local governments may co-opt other councillors, their CEO or senior staff as necessary to attend Committee Meetings, but if a vote is required, each local government will have only one vote
- The Alliance will have a Co-ordinator whose tasks shall include:
  - Arranging Committee meetings when requested by a member
  - Taking minutes and distributing them to all members when necessary
  - Taking a lead role in initiating and managing lobbying activities, inter- or intra-state trips, advertisements etc
  - Writing and sending off letters on behalf of the Alliance
  - Talking to the press and delivering media statements on behalf of and only with the approval of the Committee
- The Co-ordinator shall be voted in by a majority of Committee members for a term of one year beginning 30 September.

### **Meetings**

- Meetings shall be held to discuss upcoming lobbying activities, correspondence, advertising, new government defence initiatives, funding options or any other topic relevant to the Alliance Objectives
- There is no predefined meeting schedule
- Meetings shall occur when requested by a Committee member
- Meetings may be face to face or through the use of electronic media such as Zoom
- A quorum is not necessary unless a decision is to be made affecting all members, in which case that shall be a majority of the current NWDA councils
- Secretarial support will be provided by the local government organisation of the Co-ordinator and shall include making arrangements for meetings, and taking and distributing minutes where necessary.

### **Communications and Correspondence**

- The Alliance will report through its Committee to the CEO and Council of each member local government after any meeting where a significant decision is made
- Press releases and other public documents shall only be made by the Co-ordinator and only with the approval of member councils
- Member council Mayors/Shire Presidents may nevertheless provide informal updates on Alliance activities
- If a document distributed to members is not approved or otherwise by a council within one week of issue, it will be assumed that council approves the document
- Members must keep abreast of pertinent issues within their own local government area and provide information to the other Alliance members where relevant
- Members are responsible for updating other councils of any key issues on the Alliance agenda, including arising topical issues/incidents, activities, risks, and opportunities, when appropriate.

### **Finances**

- The Alliance will take no membership fees from its constituent local governments
- Individual councils must meet all the costs of their representatives to the Alliance, including travel, accommodation, stationery, telecommunications etc
- It is recognised that, as an unincorporated body, the Alliance does not qualify to be the recipient of Government grants to support Alliance initiatives
- Where grants are sought by a member council to facilitate an Alliance initiative, appropriate close liaison will be maintained with the other members. However, the responsibility for the management of that grant must rest with the council that is the accountable grant recipient
- Joint expenses such as advertising shall be equally distributed amongst the current NWDA members

- Joint costs will be paid by the Coordinator's council and relevant proportions invoiced back to NWDA member councils.

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

*The gallery left the meeting at 6:20pm.*

**RESOLUTION 64/21**

**Moved:** Cr Rowena Mouda

**Seconded:** Cr Steve Ross

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, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

**Against:** Nil

**CARRIED 9/0**

**18.1 Derby Port Development Lease with WGPL Property No 3 Pty Ltd and ACE Infrastructure Pty Ltd - Milestone Modification****RESOLUTION 65/21**

**That Council:**

- 1. Supports the development of Derby's port precinct in the form proposed by Warburton/ACE, and the continuation of the agreement, and, subject the below points, agrees in principle that Milestone #1 is considered to have been "suitably satisfied":**
  - a. That the Chief Executive Officer seek legal advice: (i) confirming the appropriate and legally compliant process to follow, to progress the request made by WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD; and (ii) that consistent with previous legal and insurance advice received, to offer options that the Shire can take to suitably lessen its risk;**
  - b. That WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD agrees to take responsibility for all Shire costs relating to its new proposal, and that prior to progressing any agreement/changes further, that the estimated Shire costs of \$12,000 must be paid by Warburton/ACE to the Shire;**
- 2. That conditional upon the Chief Executive Officer being satisfied with the outcomes/conclusions of the above, that the Chief Executive Officer confirm to WGPL Property No 3 PTY LTD and ACE Infrastructure SPV PTY LTD that Milestone #1 is considered to have been suitably satisfied; and**
- 3. Notes that Kimberley Ports Authority will undertake to keep the Shire of Derby/West Kimberley apprised of the progress and likely outcomes of the negotiations and any eventual land lease entered into between it and the joint venturers.**

**CARRIED 9/0 BY ABSOLUTE MAJORITY**

**18.2 Fitzroy Crossing Airport Area 2 - Lease to Fitzroy Helicopters****RESOLUTION 66/21**

That Council;

1. Supports the leasing of Fitzroy Crossing Area 2 to Fitzroy Helicopters Pty Ltd, for 10+10 year lease with a commencing annual lease fee of \$8,059.28 (the valuation will be included in the advertisement once received), and authorises the Chief Executive officer to progress the Section 3.58 (Local Government Act) process;
2. Notes that Aviar will be specifically invited to comment on the proposed lease as part of the community consultation process;
3. Supports the leasing of Fitzroy Crossing (to be designated as) Area 6 to Fitzroy Helicopters Pty Ltd, for 10+10 year lease with a commencing annual lease fee equal to the recently secured Opteon square meterage valuation for Area 2 (but to be at least \$8,059.28), and authorises the Chief Executive officer to progress the Section 3.58 (Local Government Act) process, subject to:
  - (a) Approvals being secured from the relevant airport control bodies that the site and proposed operations are appropriate; and
  - (b) A \$5,000 deposit being paid by Fitzroy Helicopters to meet lease establishment costs;
4. Conditional on there being no submissions received opposing the leases (in which case the matter will be referred back to Council) authorises the Chief Executive Officer to finalise the leases; and
5. Authorise the President and Chief Executive Officer to execute the Leases and apply the Shire's Common Seal (if required).

**CARRIED 9/0**

**RESOLUTION 67/21**

**Moved: Cr Chris Kloss**

**Seconded: Cr Rowena Mouda**

That Council moves out of Closed Council into Open Council.

In Favour: Crs Geoff Haerewa, Paul White, Geoff Davis, Chris Kloss, Andrew Twaddle, Steve Ross, Rowena Mouda, Pat Riley and Keith Bedford

Against: Nil

**CARRIED 9/0**

**19 CLOSURE**

**19.1 Date of Next Meeting**

The next ordinary meeting of Council will be held Thursday, 24 June 2021 in the Jarlmadangah Community.

**19.2 Closure of Meeting**

The Presiding Member closed the meeting at 6:31pm.

**These minutes were confirmed at a meeting on**

.....

**Signed:** .....

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

**Date:** .....