



CHIEF EXECUTIVE OFFICER ATTACHMENTS
ORDINARY MEETING OF COUNCIL
WEDNESDAY 18 FEBRUARY 2026

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| CEO02 – 02/26 | Ferguson House Lease – Bindoon Family Chiropractic Attachments 1. Proposal – Bindoon Family Chiropractic | 05 – 13 |
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WORK HEALTH SAFETY REPORTING – DECEMBER 2025 AND JANUARY 2026

COUNCIL KPI'S – MONTHLY REPORT – WORK, HEALTH AND SAFETY

| Reporting month | Drug tests performed | Alcohol tests performed | Positive drug test and bac exceedance | Workers' compensation claims | Current workers compensation claims | Near misses and incident | Medically treated injuries | Restricted work injuries | Lost time injuries |
|-----------------|----------------------|-------------------------|---------------------------------------|------------------------------|-------------------------------------|--------------------------|----------------------------|--------------------------|--------------------|
| Dec and Jan | 11 | 21 | 0 | 0 | 2 | 13 | 0 | 0 | 0 |

NEAR MISS, INCIDENT AND DAMAGE REPORT

| Number | Date | Department and Location | Type of Injury / Incident / Near Miss |
|--------|------------|-------------------------|--|
| 320 | 5/12/2025 | Technical Services | Incident - Exit post at landfill has been knocked down |
| 321 | 6/12/2025 | Technical Services | Incident - Rate payer trailer damaged when loading mulch |
| 322 | 11/12/2025 | Technical Services | Incident – CH10099 Smashed windscreen |
| 323 | 17/12/2025 | Technical Services | Incident – Landfill – Contractor locked in after closing |
| 324 | 19/12/2025 | Development Services | Incident – IPAD screen cracked, placed on roof and drove off |
| 325 | 7/01/2026 | Technical Services | Incident – Break in at Muchea Landfill, batteries stolen |
| 326 | 16/01/2026 | Development Services | Injury – Bee sting to head |
| 327 | 19/01/2026 | Technical Services | Incident – Damage to rear gate on truck |
| 320 | 5/12/2025 | Technical Services | Incident – Exit post at landfill has been knocked down |

MINOR REGISTER

| Number | Date | Department and Location | Type of Injury / Incident / Near Miss |
|--------|------------|-------------------------|---------------------------------------|
| MR2 | 18/12/2025 | Lower Chittering | Minor – Cut to head |
| MR3 | 7/01/2026 | Bindoon | Minor – Bee sting to head and fingers |
| MR4 | 6/01/2026 | Lower Chittering | Minor – Dust in eyes while chipping |

BUSH FIRE VOLUNTEERS

| Number | Date | Department and Location | Type of Injury / Incident / Near Miss |
|--------|------------|-------------------------|--|
| FB1 | 1/12/2026 | Development Services | Incident - Putting out fire, dropped glasses and drove over them |
| FB2 | 15/12/2025 | Development Services | Injury - Cracked tooth -shackle hit volunteer in mouth |

WHS TRAINING AND DEVELOPMENT- COMMENCING FEBRUARY

| Date | Training | Training Organisation |
|------|----------|-----------------------|
| | | |

SITE INSPECTIONS

| Areas |
|--|
| Landfill and Shire yard scheduled for February – Prompt Safety Solutions |

SAFETY OBSERVATIONS

| Areas |
|---|
| Landfill – 20lt Jerry can to heavy to lift, replaced with smaller Jerry can |
| Sharps kits – 5 ordered and delivered to Landfill, Cleaners, Building Coordinator and Parks and Gardens |

WORK HEALTH SAFETY REPORTING – DECEMBER 2025

COUNCIL KPI'S – QUARTERLY REPORT – WORK, HEALTH AND SAFETY THIRD QUARTER – OCTOBER - DECEMBER 2025

| Report Month | Working hours (total workforce) | Average overtime per person by department (Minutes) | Training hours |
|---------------------------------|------------------------------------|---|----------------|
| October (3 Pay Periods) | | | |
| Technical | 3,904 | 36 | |
| Office of the DCEO | 2,819 | | |
| Development | 2,720 | 64 | |
| Office of the CEO | 843 | | |
| November (2 Pay Periods) | | | |
| Technical | 2,595 | 13 | |
| Office of the DCEO | 2,117 | | |
| Development | 1,801 | 25 | |
| Office of the CEO | 696 | | |
| December (2 Pay Periods) | | | |
| Technical | 1,769 | 21 | |
| Office of the DCEO | 1,484 | | |
| Development | 1,194 | | |
| Office of the CEO | 507 | | |

| Safety audits and inspections | Safety observations | Toolbox talks Technical Services | Equipment breakdowns |
|-------------------------------|---------------------|----------------------------------|----------------------|
| October | | | |
| 1 | 3 | 1 | 1 |
| November | | | |
| | 5 | 1 | 1 |
| December | | | |
| 5 | 2 | 1 | 5 |



**Bindoon
Family
Chiropractic**

**PROPOSAL FOR SHIRE OF CHITTERING
RE: FERGUSON HOUSE PREMISES ENTIRE LEASE
WITH BINDOON FAMILY CHIROPRACTIC
TO COMMENCE FEBRUARY 2026**

OUR BACKGROUND:

We live locally with our 2 children and have enjoyed living in the town of Bindoon for over 9 years now. We love the sense of community and the people we interact with and our roots have been put down here!

For over 20 years, we have owned and operated chiropractic clinics (suburban and country locations)- currently in Two Rocks and in Bindoon, an online business (offering sustainable equine products) and a magnesium salts business (all currently run) and also a western suburbs beauty salon (sold in 2015).

We believe that being honest and transparent always, is the key to a long-lasting and sustainable business.

THE CLINIC:

We opened Bindoon Family Chiropractic on the 17th April 2023, with the goal of providing evidence-based, holistic, honest and transparent healthcare to the community of Bindoon and surrounds. Since then, we have grown into a busy clinic and we are proud of the services we offer and as such now require further space within Ferguson House to expand.

We currently operate from 2 rooms within Ferguson House (1 consultation & treatment room and 1 reception area). The treatment room is working well overall, however we have outgrown the reception area. In order to offer a comfortable, relaxing and inviting reception, we require the extra open space at the opposite end of the premises. We currently operate with chiropractic services on Mondays/Thursdays (2pm-6pm) and alternating Saturdays (8am-11:30am). On Tuesdays, we offer Acupuncture/Traditional Chinese Medicine (9am-4pm). Our aim is to become more available in 2026 once our expansion is approved by the Shire.

DEMOGRAPHICS:

Patient Overview:

We have looked into our appointment book metrics and can advise that we have patients travelling in from suburbs/locations that are outside the Shire of Chittering boundaries.

We can confirm that we have had patients travel in from:

South of Bindoon:

- Safety Bay, Beckenham, Gidgegannup, Middle Swan, Ellenbrook, Aveley and Bullsbrook;

West of Bindoon:

- Clarkson, Alkimos, Yanchep, Two Rocks, Gabbadah, Muckenburra, Coonabidgee and Bambun and Gingin;

North/East of Bindoon

- Old Plains, New Norcia, Calingiri, Wongan Hills, Coondle and Toodyay.

Patient Location by Postcode:

We have looked into our appointment book metrics between 17/04/23-31/12/25 noting the location of the most frequently attending patients and can advise that using a pool of 250 patients (by total invoiced amounts for services and products), 192 patients (77.8%) are from inside the Shire of Chittering and 58 patients (23.2%) are from outside the Shire of Chittering. Of the top 100 (out of this 250-patient pool), 73/100 (73%) are from Bindoon, Chittering or Mooliabeeenee postcodes.

Ages of patients:

This metric is not captured specifically on our appointment book statistics charts. After searching though, the age range of our patient base is between 7mnths old and 91 years old.

Number of Patients seen at the clinic:

The clinic became consistently booked from approximately 7 months after opening our doors. Of course, with all business, this is not the case 100% of the time. In 2025, we noted the largest shift in growth (particularly between June and November).

We currently schedule standard consultations at 15 minutes duration. Our extended consultations are 30 minutes duration. Each shift on average is generally completely booked with the hours of the clinic currently as they are. This is another reason why expansion into the open space in Ferguson House for us is so important.

PRACTITIONER PERFORMANCE:

The clinic has never done very much advertising since opening. We believe that word-of-mouth has always been the best form of advertising for our profession. Aside from the front clinic signage and some Facebook posts, we have grown as a clinic. We acknowledge that extra time spent (by us) to facilitate future advertising/marketing will further increase the reach of our services and products.

The performance of the chiropractor (Dr. Peter Theilade) at Bindoon Family Chiropractic is demonstrated below with the dates of: 17/04/23 - 31/12/25 and 01/01/25-30/06/25 being included to demonstrate the growth of the clinic. This metric is often utilised in our profession to gauge how well a practitioner is tracking with patient retention. All new and existing clinics look at these metrics to see what requires changing to improve the retention rate and therefore lead to a consistently busy clinic.

It's widely considered that if a chiropractor has a rebooking rate greater than 85%, they are serving their communities very well. To exceed 90% rebooking rates (consistently) means the chiropractor is performing exceptionally in almost all metrics measured. The rebooking rate average in our Bindoon clinic is between **91%-93%** since opening.

To note, Dr. Peter Theilade currently also serves over in Two Rocks (and has done since 06/06/15). He currently has an average rebooking rate of **95%** over the period.

No chiropractor has ever been noted to have had a 100% (consistent) rebooking rate.

Bindoon patients have the option to rebook with online bookings. Two Rocks patients don't have this option. This may account for the slight difference in rebooking rate seen above between the clinics. Aside from that, the Bindoon clinic has been open for less than 3 years. The Two Rocks clinic has been in operation since 2012.

Below is the comparison of Bindoon clinic metrics used:

- 17/04/23 - 31/12/25: 91% rebook rate; 12% cancellation rate; 2% non-attendance rate; with an average number of new patients at 1.95 p/week or 8.45 p/mnth.
- 01/01/25 - 30/06/25: 92% rebook rate; 13% cancellation rate; 2% non-attendance rate; with an average number of new patients at 2.31 p/week or 10 p/mnth.

THE PROPOSAL:

We are seeking to take over the entire premises of Ferguson House and this will allow us to expand our clinic and commence offering new services and products. We have occupied the premises since February 2023 and to our knowledge the remainder of the premises have not been rented otherwise.

We are proposing that by offering a stable income (higher than currently being paid by us) to the Shire in the form of rent for the entire premises, not only makes economic sense for the Shire but business-sense to us to allow the expansion of our business.

Through our email communications with Emilie McAulliffe (Community Facility Officer), we have set forward our lease request and associated rental proposal.

We have summarised it below for your perusal:

- We agree to continue to pay full rental on the current space we occupy in Ferguson House (both consultations room of 19.52 sq/m total area).
- We propose the following: **12 month rent-free period (Feb 2026-Feb 2027) followed by a 6 month period of ½ rental (Feb 2027-Aug 2027)** for the remainder of Ferguson House (total of 113.46 sq/m – 19.52 sq/m = **93.94 sq/m**). This will allow us to completely transform the premises into the wellness hub we wish to offer and absorb all costs associated with this and the large increase in rental outlay. At 18 months, we agree to pay full rental on the entire Ferguson House premises (as stated above).

THE RENTAL FIGURES EXPLAINED:

- Feb 2026-Feb 2027 = \$3045.12 + GST = **\$3349.63** (as per current lease arrangement). The remainder of Ferguson House = **\$0**.
- Feb 2027-Aug 2027 = \$1522.56 + GST = **\$1674.82** (current space for 6months). The remainder of Ferguson House = \$7327.32 + GST = \$8060.05 @ 50% = \$3663.66 + GST = **\$4030.03**. Total rental for Ferguson House in this period = \$5186.22 + GST = **\$5704.84**.
- Aug 2027-Feb 2028 = \$1522.56 + GST = **\$1674.82** (current lease at 50%) plus the remainder of Ferguson House = \$7327.32 + GST = **\$8060.05**. Total rental for Ferguson House in this period = \$8849.88 + GST = **\$9734.87**.
- Feb 2028-Feb 2029 = \$17,699.76 + GST = **\$19,469.74** total rental.
- Feb 2029-Feb 2030 = \$17,699.76 + GST = **\$19,469.74** total rental.
- Feb 2030-Feb 2031 = \$17,699.76 + GST = **\$19,469.74** total rental.
- We also propose an option to be included with this lease. We are happy to look at a 5 year lease + 4/5 year option.

TOTAL RENTAL OVER 5 YEARS:

Year 1- \$3349.63

Year 2- \$15,439.71

Year 3- \$19,469.74

Year 4- \$19,469.74

Year 5- \$19,469.74

TOTAL- \$77,198.56 (incl. GST or \$70,180.51 excl. GST).

NEW SERVICES AND PRODUCTS TO BE OFFERED IN 2026:

We have decided after careful deliberation and from discussions with community members, that, we intend to transform Ferguson House into a natural wellness and recovery hub that offers services and products that the community has previously had to commute long distances from Bindoon for.

Below is a list of what we are considering so far. Please note this is not an exhaustive list however:

- We will package our pure magnesium bath salts and have those available for purchase by the general public (not just patients of the clinic);
- We will install a Mineral Soaking Bath (freestanding and with a self-cleaning filter and pump system with a drain hose for the shower drain in order to enable water changes). This is designed to assist and promote muscle recovery, decrease joint pain, promote skin hydration and detoxification, improve or promote better sleep and lower stress levels. We intend to use our Levitate Wellness pure magnesium salts in the bath and it will be located in the bathroom with the shower and toilet;

- We will install a 1-person Infrared Sauna to assist and promote detoxification and improve muscle recovery, improve circulation and skin health and help provide stress relief. We intend to install it in the smaller bathroom (opposite the current chiropractic treatment room). At the beginning, we will install only 1 Infrared sauna, however if popular enough- we will install another 1-person sauna or a 2-person sauna. Location not determined yet.
- We have also considered a traditional sauna as well to assist with the same health benefits as the infrared sauna. Location not determined yet.
- We will look to install an ice bath/cold plunge bath to assist with decreasing inflammation, enhancing recovery after exercise/activity and for improving mood and alertness. Location is considered to be on the patio next to the carport. If we do this, we intend to use privacy screening for people using this service. We will also look to provide extra security to protect children at the premises by ensuring no access to the area by any children.
- We are looking to put out advertisements for other allied health practitioners such as: remedial massage therapists, reflexologists, yoga instructors, pilates instructors, exercise physiologists etc to join our wellness hub. We would be open to other practitioners not mentioned here as well.

ESTIMATING THE NUMBER OF SESSIONS TO BE PERFORMED WITH THE INTRODUCTION OF NEW THERAPIES:

We would only be guessing if we put a number to this. We have no data to go on as it's the first time we have offered it. It is also the first time some of these therapies have been offered in Bindoon as well. We are not concerned about this, we believe the therapies and services will be well-received, much as the chiropractic services have been since opening on 17/04/23.

SUMMARY:

We believe that the town of Bindoon will widely accept and welcome the expansion of our chiropractic clinic. With the introduction of the newly offered natural health and wellness services, and addition of other allied health practitioners becoming available for the community of Bindoon and surrounds, we see this as a big step forward for the town and rural health.

Bindoon is evolving into a much busier town with the influx of more young, hard-working families, leading hectic and stressful lives and as such we respectfully ask that the Shire of Chittering approve our proposal.

Thank you for your time and consideration in this matter. We will eagerly await the outcome of this proposal.

Regards,

Dr. Peter Theilade (Chiropractor/Owner)

Mrs. Sharee Theilade (Owner)

29th January 2026.



Delegation Register

Adopted 21 August 2019

Reviewed 19 June 2024

DELEGATION REGISTER

Current as at 16 July 2025

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Introduction

Councils have certain functions and duties that they must perform, and certain powers which they may exercise pursuant to the Local Government Act 1995 (the Act) and other legislation. Generally, the relevant legislation grants those obligations and powers directly on the Council as a body.

Council's power to delegate is provided for in Section 5.42 and 5.43 of the Local Government Act 1995 (the Act). This section provides that the Council may delegate any of its functions, other than those specified in Section 5.43 to the CEO. Council cannot however, delegate directly to another Officer of the City unless the statute allows for that Delegation.

The CEO must be delegated the necessary functions to be able to then sub-delegate those functions to an Officer. This is provided for in Section 5.44 of the Act, whereby the CEO may delegate any of the functions of the CEO, other than the power of Delegation.

When a decision making power has been delegated by Council, both Council and the Delegate are authorised to exercise that power.

A register of delegations, being this manual, relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation.

This delegated authority register will be reviewed in accordance with the Act on an annual basis

Definitions

The terms used throughout this register are defined below:

Delegate the person (named by position title or office) or entity 'appointed' by the delegator, to act in place of the delegator for the purpose of exercising an express power or duty.

Delegation the process, prescribed in legislation, for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the Delegate).

Delegator the person (named by position title or office) or entity in which the written law vests an Express Power or Duty whom delegates that Express Power or Duty.

Express Power or Duty a power or duty written (expressly) in legislation.

Express Power to Delegate a power (procedure) written (expressly) in legislation that enables the devolution of an Express Power or Duty from a Delegator to a Delegate.

Instrument of Delegation the written form of a delegation. Legislation requires delegation be provided in writing. The instrument of delegation communicates the delegation from the Delegator to the Delegate.

Sub-delegate the person (named by position or title or office) or entity to which a Delegate has sub-delegated a power or duty, which has been delegated to that Delegate by the Delegator.

Delegations

1 Local Government Act 1995

1.1 Council to Committees of Council

1.1.1 Behaviour Complaints Committee

| | |
|--|---|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees |
| Express Power or Duty Delegated | <i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint |
| Function <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"> Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> take no further action [MCC.cl.12(4(a))]; or prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)]. |
| Delegate | Behaviour Complaints Committee |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 4.9 Code of Conduct Behaviour Complaints Management. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance. <p>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p> |
| Express Power to Sub-Delegate | Nil. |
| Compliance links | Committee Handbook - Behaviour Complaints Committee Terms of Reference 4.1 Code of Conduct - Elected Members, Committee Members and Candidates |

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| | 4.9 Code of Conduct - Behaviour Complaints Management |
| Record Keeping: | Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19. |

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1.2 Council to CEO

1.2.1 Authorise a Persons to Perform Specified Functions under the Local Government Act 1995

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995:</i></p> <p>s.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing</p> <p><i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 Pounds, establishing; poundkeepers and rangers, appointing</p> |
| Function: <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"> 1. Authority to authorise persons for the purposes of <i>Part 3, Division 3, Subdivision 2 – Certain provisions about land</i> - to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be done by owner or occupier of land [s.3.24] 2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)] 3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)]. 4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 [s.9.24(1)(c) and (2)(b)]. 5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)]. 6. Authority to appoint fit and proper persons as poundkeepers or rangers [Misc. Prov. s.449]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation noting the function(s) that the person is authorised to perform. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates Appointed by CEO | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance Links: | <i>Financial Interests Returns Required - Yes.</i> Local public notice is to be given of the appointment or removal of poundkeepers and rangers [Misc. Prov.s.450]. |
| Record Keeping: | A register of Authorisations is to be maintained as a Local Government Record. |

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1.2.2 Performing Functions Outside the District

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district |
| Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | 1. 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)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget 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. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance links | <i>Financial Interests Returns Required - Yes</i> Financial Interest Register |
| Record Keeping | Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting. |

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1.2.3 REPEALED - Compensation for Damage Incurred when Performing Executive Functions

1.2.4 Powers of Entry

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated | <p><i>Local Government Act 1995:</i></p> <p>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 s.3.36 Opening fences</p> |
| Function <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"> 1. Authority to exercise powers of entry to enter onto land to perform any local government functions under the <i>Local Government Act 1995</i>, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | 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. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Development Services Executive Manager Technical Services Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance links | <i>Financial Interests Returns Required – Yes</i> <u>Local Government Act 1995</u> : Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO to Employee Delegation |
| Record Keeping | Details of the notice must be recorded in the appropriate record. |

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| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |
| 4 | 21 June 2022 – Ref N233106 |

1.2.5 Declare Vehicle is Abandoned Vehicle Wreck

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken |
| Function <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 Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]. Note: An abandoned vehicle wreck is as defined by [s.3.40A(4)] and up to a value that has been calculated in accordance with regulation 29A of the Local Government (Function and General) Regulations 1996. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance links | <i>Financial Interests Returns Required – Yes</i> |
| Record Keeping | The declaration is to be recorded in appropriate record to meet legislative requirements. |

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| 1 | 17 June 2020 - N202548 |
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1.2.6 Confiscated or Uncollected Goods

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|--|---|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of |
| Function <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"> 1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <p>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.</p> |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance | <p><i>Local Government Act 1995:</i> Part 3, Division 3, Subdivision 3</p> <p>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.</p> <p><i>Financial Interests Returns Required – Yes</i></p> |
| Record Keeping | The sale or disposal of goods or vehicles is to be recorded in appropriate record. |

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| 1 | 17 June 2020 - N202548 |
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1.2.7 Disposal of Sick or Injured Animals

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|--|---|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of |
| Function <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"> 1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | . Nil |

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| Compliance | <i>Financial Interests Returns Required – Yes</i> |
| Record Keeping | The details of the sick and/or injured animal's disposal are to be recorded in the appropriate record. |

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1.2.8 Close Thoroughfares to Vehicles

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|--|---|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <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 s.3.51 Affected owners to be notified of certain proposals |
| Function <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"> 1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> • give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. 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] 5. 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]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only). |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance | <i>Financial Interests Returns Required – Yes</i> |
| Record Keeping: | Action taken to close thoroughfares (not partial closures for repairs or maintenance) must be recorded in the appropriate register and elected members advised accordingly. Details of partial closures for repairs or maintenance to be recorded on the appropriate record. |

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1.2.9 Control Reserves and Certain Unvested Facilities

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government |
| Function <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"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s.5 of the <u>Parks and Reserves Act 1895</u>. [s.3.54(1)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> 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. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance | Parks and Reserves Act 1895 Land Administration Act 1997 <i>Financial Interests Returns Required – Yes</i> |
| Record Keeping: | Details of actions taken are to be recorded on the appropriate file or record. |

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1.2.10 Obstruction of Footpaths and Thoroughfares

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <p>r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left r.7A Obstruction of public thoroughfare by fallen things) r.7 Encroaching on public thoroughfare</p> |
| Function <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"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove anything that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate | <p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services |
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| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |
| Compliance | <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p><u>Local Government (Uniform Local Provisions) Regulations 1996</u></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <u>Local Government Act 1995</u></p> <p><i>Financial Interests Returns Required – Yes</i></p> |
| Record Keeping | Details of actions taken are to be recorded on the appropriate file or record. |

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1.2.11 Gates Across Public Thoroughfares

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare |
| Function <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"> 1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates Appointed by CEO | Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | nil |

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| Compliance | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures</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>Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</p> <p><i>Financial Interests Returns Required – Yes</i></p> |
| Record Keeping: | Details of actions taken are to be recorded on the appropriate file or record. |

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1.2.12 Public Thoroughfare – Dangerous Excavations

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated | <p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <p>r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare</p> |
| Function <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"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> a. Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate | <p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates Appointed by CEO | Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance | <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures</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><i>Financial Interests Returns Required – Yes</i></p> |
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| Record Keeping: | The permission and notice issued to be in writing and recorded on the appropriate record. |
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1.2.13 Crossing – Construction, Repair and Removal

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare r.13(1) Requirement to construct or repair crossing) |
| Function <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"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates Appointed by CEO | Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance L | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> <i>Financial Interests Returns Required – Yes</i> |
| Record Keeping: | The approval is to be in writing and recorded on the appropriate record. |

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1.2.14 Private Works on, over or under Public Places

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places |
| Function <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"> 1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> a. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance | <p><u>Local Government (Uniform Local Provisions) Regulations 1996</u> – prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3 - Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <u>Local Government Act 1995</u></p> <p><i>Financial Interests Returns Required – Yes</i></p> |
| Record Keeping | The approval is to be in writing and recorded on the appropriate record. |

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1.2.15 Expressions of Interest for Goods and Services

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated | <p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer</p> |
| Function <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"> 1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. |
| Express Power to Sub-Delegate | <p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services Deputy CEO |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | nil |

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| Compliance | <p><i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</p> <p><i>WALGA Subscription Service</i> – Procurement Toolkit</p> <p>Council Finance Policy - <i>Purchasing & Procurement Policy</i></p> <p><i>Financial Interests Returns Required – Yes</i></p> |
| Record Keeping | Details of the expression of interest sought, received and accepted must be recorded in the appropriate record and in the Tender Register as required by Regulation 17 of the Local Government (Functions and General) Regulations 1996. |

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1.2.16 Tenders for Goods and Services

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated | <p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services</p> |
| Function <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"> 1. Authority to call tenders [F&G r.11(1)]. 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 a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing & Procurement Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget [F&G.r.11(2)]. 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r.18(2) and (4)]. 10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$250,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer <u>before</u> entering into a contract [F&G r.20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline any tender [F&G r.18(5)]. 13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)] 14. Authority to: |

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| | <ul style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%. ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].</p> |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ul style="list-style-type: none"> a. Sole supplier arrangements may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; b. 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 and where the: <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and • The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates Appointed by CEO | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance | <u>Local Government (Functions and General) Regulations 1996</u> <u>WALGA Subscription Service</u> – Procurement Toolkit <u>Council Finance Policy - Purchasing & Procurement Policy</u> <u>Financial Interests Returns Required – Yes</u> |
| Record Keeping | The determination is to be recorded in the appropriate record. |

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1.2.17 Payments from the Municipal or Trust Funds

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making |
| Function <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 make payments from the municipal or trust funds [r.12(1)(a)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | a. Authority to make payments is subject to annual budget limitations. b. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Deputy Chief Executive Officer Executive Manager Development Services Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | 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. |

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| Compliance Link | <u>Local Government Act 1995</u> <u>Local Government (Financial Management) Regulations 1996</u> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <u>Local Government (Audit) Regulations 1996</u> Department of Local Government, Sport and Cultural Industries <u>Operational Guideline No.11 – Use of Corporate Credit Cards</u> Department of Local Government, Sport and Cultural Industries: <u>Accounting Manual</u> <i>Financial Interest Return required - Yes</i> |
| Record Keeping | As per the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996. |

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1.2.18 Defer, Grant Discounts, Waive or Write Off Debts

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive or write off debts |
| Function <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"> Waive a debt which is owed to the Shire [s.6.12(1)(b)]. Grant a concession in relation to money which is owed to the Shire [s.6.12(1)(b)]. Write off an amount of money which is owed to the Shire [s.6.12(1)(c)] |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> Write-off a rates or service charge debt up to \$100 in accordance with s.6.12(1)(c) &(2)] A debt may only be written off where all necessary measures have 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. <ol style="list-style-type: none"> Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$500. Write off of debts greater than these values must be referred for Council decision. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Deputy Chief Executive Officer Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance | Collection of Rates Debts – refer Delegations: 12.21 - Agreement as to Payment of Rates and Service Charges 1.2.23 - Recovery of Rates or Service Charges 12.24 - Recovery of Rates Debts – Actions to Take Possession of the Land <i>Financial Interest Return required - Yes</i> |
| Record Keeping | The full details of the waiver, concession or write off to be recorded on the appropriate financial record. |

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1.2.19 Power to Invest and Manage Investments

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <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 |
| Function <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"> 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)]. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> All investment activity must comply with the Financial Management Regulation 19C and the Council Policy– Investment of Funds. 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. 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. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17] |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | <p>. Nil</p> <ol style="list-style-type: none"> A decision to invest must be jointly confirmed by two Delegates. Investment decisions are limited to a maximum of \$<<value>> per transaction on the short term money market and up to a value of \$<<value>> per transactions for other markets. Where exposure to a single market or investment type will exceed \$<<value>>, the decision must be referred to the CEO. |

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| Compliance | <i>Local Government (Financial Management) Regulations 1996</i> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a)) Council Policy – Investment of Funds <i>Financial Interest Return required - Yes</i> |
| Record Keeping | The details are to be included in the Monthly Financial Statements, presented to Council in the Ordinary Council Agenda; and recorded on the appropriate financial record. |

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1.2.20 Rate Record Amendment

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record |
| Function <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 determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | a. Delegates must comply with the requirements of s.6.40 of the Act. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance Links: | <u>Local Government Act 1995</u> – 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 <i>Financial Interest Return required - Yes</i> |
| Record Keeping: | The full details of the determination to be recorded in the appropriate rate record. |

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1.2.21 Agreement as to Payment of Rates and Service Charges

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges |
| Function <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 make an agreement with a person for the payment of rates or service charges [s.6.49]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | a. Decisions under this delegation must comply with the Financial Hardship – Collection of Rates and Service Charges Policy. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance Links: | Council Policy 2.2 – Rating Council Policy 2.8 - Financial Hardship Policy <i>Financial Interests Returns Required - Yes</i> |
| Record Keeping: | The full details of the determination to be recorded in the appropriate rate record. |

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1.2.22 Determine Due Date for Rates or Service Charges

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.6.50 Rates or service charges due and payable |
| Function <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 determine the date on which rates or service charges become due and payable to the Shire [s.6.50]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <p>a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget.</p> <p>NOTE - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget.</p> <p>b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only.</p> |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance | Council Policy 2.2 – Rating Council Policy 2.8 - Financial Hardship Policy <i>Financial Interests Returns Required - Yes</i> |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record. |

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| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |
| 4 | 21 June 2023 – Ref N233106 |

1.2.23 Recovery of Rates or Service Charges

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken |
| Function <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"> 1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | a. Decisions under this delegation must comply with Council Policy: Financial Hardship – Collection of Rates and Service Charges Policy. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance | Council Policy 2.2– Rating Council Policy 2.8 - Financial Hardship Policy <i>Financial Interests Returns Required - Yes</i> |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record. |

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| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |
| 4 | 21 June 2023 – Ref N233106 |

1.2.24 Recovery of Rates Debts - Actions to Take Possession of the Land

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated | <p><i>Local Government Act 1995:</i></p> <p>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 s.6.74 Power to have land revested in Crown if rates in arrears 3 years</p> |
| Function <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"> 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"> i. lease the land, or 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"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire [s.6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> a. Decisions under this delegation must comply with Council Financial Hardship – Collection of Rates and Service Charges Policy. 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 3-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. |
| Express Power to Sub-Delegate | <p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p> |
| Subdelegates Appointed by CEO | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |
| Compliance | <p><i>Local Government Act 1995</i> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><i>Local Government (Financial Management) Regulations 1996</i> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Council Policy 2.2 – Rating Council Policy 2.8 - Financial Hardship Policy <i>Financial Interests Returns Required - Yes</i></p> |
| Record Keeping: | The full details of the determination to be recorded in the appropriate rate record. |

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| 1 | 17 June 2020 - N202548 |
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| 2 | 16 June 2021 - Ref N212768 |
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1.2.25 Rate Record – Objections

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.6.76 Grounds of objection |
| Function <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"> 1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person who made the objection [s.6.76(5)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | 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. |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates Appointed by CEO | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <i>Financial Interests Returns Required - Yes</i> |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record. |

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| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
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1.2.26 Appointment of an Acting Chief Executive Officer

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.5.36 Local Government Employees s.5.39 Contracts for CEO and Senior Employees |
| Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | 1. Appointment of an Acting Chief Executive Officer. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | a. Appointments must be in accordance with Council Staff Policy – Appointment of an Acting Chief Executive Officer |
| Express Power to Sub-Delegate | Nil. |

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| Subdelegates <i>Appointed by CEO</i> | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance | Council Staff Policy – Appointment of an Acting Chief Executive Officer <i>Financial Interests Returns Required - Yes</i> |
| Record Keeping | Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting. |

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| 1 | 21 October 2020 - N 202613 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |
| 4 | 21 June 2023 - Ref N233106 |

1.2.27 Disposing of Property

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate <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 s.5.43 Limits on delegations to the CEO |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of property |
| Function <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"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> (a) the highest bidder at public auction [s.3.58(2)(a)]. (b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)]. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> a. disposal of land to an adjoining owner, where the market value is less than \$5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G.r.30(2)(a)] b. disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G.r.30(2)(d)]. c. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G.r.30(20)(e)] d. disposal of land, by lease, of a residential property to a person for residential purposes [F&G.r.30(2)(f)]. e. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice [F&G.r.(2A)] f. disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&G.r.30(3)(a)] g. disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&G.r.30(3)(b)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | <ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$75,000. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ◦ Reserve price has been set giving due regard for current market values and trends. ◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: |

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| | <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>d. For a disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome including, where the property is determined as having a nil market value, the disposal of the property.</p> |
| Express Power to Sub-Delegate | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | 1. Sub-delegates are only provided with authority to execute dispose of property in relation to plant and equipment in accordance with annual budget provisions. |

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| Compliance Links: | Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995</i> – s.3.58 Disposal of Property <i>Local Government (Functions and General) Regulations 1995</i> – r.30 Dispositions of property excluded from Act s. 3.58 <i>Financial Interests Returns Required - Yes</i> |
| Record Keeping: | Items disposed of under this delegation are to be recorded in the Monthly Statement of Financial Activity. |

Version Control:

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| 1 | 13 December 2023 |
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1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Chief Executive Officer |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency |
| Function <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 determine that an emergency exists for the purposes of not complying with the requirements for obtaining entry to land to perform local government functions appropriate to deal with the emergency [s.3.34(2)]. |
| Delegate | Executive Manager Development Services Executive Manager Technical Services Deputy CEO |
| CEO conditions on this Delegation | Nil |
| Express Power to Sub-Delegate: | Nil. |

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| Compliance | <i>Financial Interests Returns Required - Yes</i> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate record |

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| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |

1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Chief Executive Officer |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated | <i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left |
| Function <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 1.2.8: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)]. |
| Delegate | Executive Manager Technical Services |
| CEO conditions) . | <ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. |

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| Compliance | This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares. <u>Local Government (Uniform Local Provisions) Regulations 1996</u> Financial Interests Returns Required – Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
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1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Chief Executive Officer |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated | Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c), (7)(c) and (7)(e) Dangerous excavation in or near public thoroughfare |
| Function <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 for a dangerous excavation under Delegated Authority 1.2.8: <ol style="list-style-type: none"> 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)]. 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)]. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily [r.11(7)(e)]. |
| Delegate | Executive Manager Technical Services |
| CEO conditions | a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. |

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| Compliance | This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. <u>Local Government (Uniform Local Provisions) Regulations 1996</u> Financial Interests Returns Required – Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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|---|----------------------------|
| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |

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

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Chief Executive Officer |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated | <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 |
| Function <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"> 1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)]. |
| Delegate | Executive Manager Technical Services Executive Manager Development Services |
| CEO conditions | |

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| Compliance | This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places Financial Interests Returns Required - Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

Version Control:

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|---|----------------------------|
| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |

1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Chief Executive Officer |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p> |
| Express Power or Duty Delegated | <p><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 s.4.37 New roll for each election</p> <p><i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)</p> |
| Function <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"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their family's safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)]. |
| Delegate | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | <ol style="list-style-type: none"> 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). |
| Compliance | Department of Local Government, Sport and Cultural Industries: Returning Officer Manual Financial Interests Returns Required - Yes |
| Record Keeping | All documentation relative to the claim is to be retained as required by legislation. |

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| 4 | 21 June 2023 – Ref N233106 |

1.3.6 Information to be Available to the Public

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Chief Executive Officer |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated | <i>Local Government (Administration) Regulations 1996:</i> r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information |
| Function <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"> 1. 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 [s5.94(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]. 2. 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 [s5.95(1)(b)]. |
| Delegate | Deputy Chief Executive Officer |
| CEO conditions | <ol style="list-style-type: none"> a. Subject to section 5.95 of the Local Government Act 1995 and the Freedom of Information Act 1992 |

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| Compliance | Financial Interests Returns Required - Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register and all documentation relative to the decision to deny the person the right to inspect information is to be retained on the appropriate file and the CEO informed. |

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1.3.7 Appoint Authorised Persons

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Chief Executive Officer |
| Express Power to Delegate <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated | <i>Local Government Act 1995:</i> s.9.10 Appointment of authorised persons |
| Function <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | <p>1. Authority to appoint persons or classes of persons as authorised persons [s.9.10(2)] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ul style="list-style-type: none"> (a) <i>Local Government Act 1995</i> 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. (b) <i>Caravan Parks and Camping Grounds Act 1995</i>; (c) <i>Cat Act 2011</i>; (d) <i>Cemeteries Act 1986</i>; (e) <i>Control of Vehicles (Off-road Areas) Act 1978</i>; (f) <i>Dog Act 1976</i>: (g) <i>Graffiti Vandalism Act 2016</i> – refer s.15; and (e) any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>. <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i>.</p> |
| Delegate | Executive Manager Development Services |
| CEO conditions | <ul style="list-style-type: none"> a. Only persons who are appropriately qualified and trained may be appointed as authorised persons. b. A person to be appointed as authorised officer in accordance with Regulation 70(2) of the <i>Building Regulations 2012</i> and section 6(b) of the <i>Criminal Procedure Act 2004</i> MUST first be appointed as an authorised person for the purposes of section 9.16 of the <i>Local Government Act 1995</i>. |

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| Compliance | A register of Authorised Persons is to be maintained as a Local Government Record. Financial Interests Returns Required - Yes |
| 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> |

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| 3 | 15 June 2022 - Ref N222918 |

2 Building Act 2011

2.1 Council to CEO

2.1.1 Grant a Building Permit

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| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated | <p>Building Act 2011:</p> <p>s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit</p> <p>Building Regulations 2012:</p> <p>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)) r.26 Approval of new responsible person (s.35(c))</p> |
| Function <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"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil |
| Express Power to Sub-Delegate | Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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| Subdelegates <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance Links: | <p><u>Building Act 2011</u> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p><u>Building Regulations 2012</u> r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p>Building Services (Registration Act) 2011 – Section 7</p> <p>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage Act 2018</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire's records system. |

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2.1.2 Demolition Permits

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| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated | <i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application 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)) r.26 Approval of new responsible person (s.35(c)) |
| Function <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"> Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)]. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> 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)]. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil |
| Express Power to Sub-Delegate | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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| Subdelegates Appointed by CEO | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance Links: | <u>Building Act 2011</u> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit Building Services (Complaint Resolution and Administration) Act 2011 |
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| | Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage Act 2018 Financial Interests Returns Required - No |
| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system. |

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2.1.3 Occupancy Permits or Building Approval Certificates

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|--|--|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated | <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 s.65(4) Extension of period of duration <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65) |
| Function <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"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil |
| Express Power to Sub-Delegate | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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|--|-----------------------------|
| Subdelegates <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance Links: | <p><i>Building Act 2011</i></p> <p>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 s.121 Occupancy permits and building approval certificates – application for review by SAT</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011</i></p> <p>Part 7, Division 2</p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p>Financial Interests Returns Required - No</p> |
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| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system. |
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2.1.4 Designate Employees as Authorised Persons

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person |
| Delegate: | Chief Executive Officer |
| Function: <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 designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)]. |
| Council Conditions on this Delegation: | a. Decisions under this delegated authority must be consistent with r.5 of the <i>Building Regulations 2012</i> . b. 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. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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| Subdelegates Appointed by CEO | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance Links: | <u>Building Act 2011</u> : s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

Version Control:

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| 1 | |
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2.1.5 Designate Employees of Contracted Service Provider as Authorised Persons (Inspectors)

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Regulations 2012:</i> r.4A Authorised persons |
| Function: <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"> Authority to designate a person contracted, or employed by an entity contracted, by the Shire of Chittering as an authorised person [r.4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. Authority to revoke designation as an authorised person [r.4A(4)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s.93(2)(d). |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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| Subdelegates Appointed by CEO | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance Links: | <i>Building Act 2011:</i> r.4B Identity cards Financial Interest Return Required - No |
| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

Version Control:

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| 1 | |
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2.1.1 Building Orders

| | |
|--|---|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated | <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 |
| Function <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"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]. 3. Authority to revoke a building order [s.117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil |
| Express Power to Sub-Delegate | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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| Subdelegates Appointed by CEO | Executive Manager Development Services Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance | <p><i>Building Act 2011:</i></p> <p>Section 111 Notice of proposed building order other than building order (emergency)</p> <p>Section 112 Content of building order</p> <p>Section 113 Limitation on effect of building order</p> <p>Section 114 Service of building order</p> <p>Part 9 Review - s.122 Building orders – application for review by SAT</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.6 Inspection and Copies of Building Records

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

| | |
|--|---|
| Subdelegates <i>Appointed by CEO</i> | Executive Manager Development Services Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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|-----------------------|---|
| Compliance | <i>Building Act 2011 - s.146 Confidentiality</i> Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.7 Authorise persons to commence proceedings

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011:</i> s.133(1) A permit authority may commence a prosecution for an offence against this Act |
| Delegate: | Chief Executive Officer |
| Function: <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 authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)]. |
| Council Conditions on this Delegation: | Nil. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

| | |
|--|------|
| Subdelegates <i>Appointed by CEO</i> | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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|--------------------------|---|
| Compliance Links: | <u>Building Act 2011</u> - s.146 Confidentiality Financial Interests Returns Required - No |
| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

Version Control:

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2.1.8 Referrals and Issuing Certificates

| | |
|--|--|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated | <i>Building Act 2011:</i> s.145A Local Government functions |
| Function <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"> 1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil |
| Express Power to Sub-Delegate | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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|--|------------------------------------|
| Subdelegates Appointed by CEO | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|-----------------------|---|
| Compliance | <i>Building Act 2011:</i> s.145A Local Government functions Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system. |

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2.1.9 Private Pool Barrier – Alternative and Performance Solutions

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|--|---|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated | <i>Building Regulations 2012:</i> r.51 Approvals by permit authority |
| Function <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"> 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 compliance with AS 1926.1 [r.51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil |
| Express Power to Sub-Delegate | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

| | |
|--|------------------------------------|
| Subdelegates Appointed by CEO | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

| | |
|--------------------------|---|
| Compliance Links: | <i>Building Regulations 2012:</i> Financial Interests Returns Required - No |
| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.10 Smoke Alarms – Alternative Solutions

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|--|---|
| Delegator <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated | <i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms |
| Function <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"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61]. |
| Delegate | Chief Executive Officer |
| Council Conditions on this Delegation | Nil |
| Express Power to Sub-Delegate | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

| | |
|--|------------------------------------|
| Subdelegates <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

| | |
|--------------------------|---|
| Compliance Links: | <i>Building Regulations 2012:</i> Financial Interests Returns Required - No |
| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.11 Appoint approved officers and authorised officers

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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> 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> |
| Council Conditions on this Delegation: | Nil. |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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| Subdelegates Appointed by CEO | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

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| Compliance Links: | <i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment. Financial Interests Returns Required - No |
| Record Keeping: | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

Version Control:

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3 Bush Fires Act 1954

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers |
| Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | 1. Authority to request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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| Compliance | <i>Financial Interests Returns Required - No</i> |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.2 Prohibited Burning Times - Vary

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Bush Fires Act 1954:</i> s.48 Delegation by local government 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))</p> |
| Express Power or Duty Delegated: | <p><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 r.39B Crop dusters etc., use of in restricted or prohibited burning times</p> |
| Function: <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"> 1. 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)]. |
| Delegate: | Shire President and Chief Bush Fire Control Officer (Jointly) |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> 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). |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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| Compliance | <i>Financial Interests Returns Required - No</i> |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.3 Prohibited Burning Times – Control Activities

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions 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 r.39B Crop dusters etc., use of in restricted or prohibited burning times |
| Function: <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"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15]. 2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | a. Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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| Compliance | <i>Financial Interests Returns Required - No</i> |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.4 Restricted Burning Times – Vary and Control Activities

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <p><i>Bush Fires Act 1954:</i></p> <p>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 s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>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 r.39B Crop dusters etc., use of in restricted or prohibited burning times</p> |
| Function: <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"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. 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)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. 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)]. 5. 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]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)]. 7. 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)]. 8. 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)]. 9. 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)]. |

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|---|---|
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |
| Compliance | <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | All actions taken must be recorded in the appropriate file or record. |

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3.1.5 Control of Operations Likely to Create Bush Fire Danger

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <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 r.39E Fireworks, use of |
| Function: <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"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)] 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <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> |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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|------------------------|---|
| Compliance | <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | All actions taken must be recorded in the appropriate file or record. |

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3.1.6 Burning Garden Refuse / Open Air Fires

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <p><i>Bush Fires Act 1954:</i></p> <p>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 s.25A Power of Minister to exempt from provisions of section 25</p> <p><i>Bush Fires Regulations 1954:</i></p> <p>r.27(3) Permit, issue of</p> |
| Function: <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"> 1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].<ol style="list-style-type: none"> a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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|------------------------|---|
| Compliance | <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | All actions taken must be recorded in the appropriate file or record. |

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3.1.7 Firebreaks

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks |
| Function: <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"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)]. d. determine that these matters have been acted upon to the satisfaction of the Shire. 2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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| Compliance | <i>Financial Interests Returns Required - No</i> |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer |
| Function: <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"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s.38(5A)] 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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|------------------------|--|
| Compliance | An appointment made under s.38(1) shall cause a local public notice to be published [s.38(2A)]. Records of names, addresses and usual occupations are to be maintained for all Bush Fire Control Officers appointed. [s.50(1)(b)]. Financial Interests Returns Required - No |
| Record Keeping: | All actions taken must be recorded in the appropriate file or record. |

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3.1.9 Control and Extinguishment of Bush Fires

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | <p>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)].</p> <p>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 officer 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)].</p> |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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|------------------------|---|
| Compliance | Financial Interests Returns Required - No |
| Record Keeping: | All actions taken must be recorded in the appropriate file or record. |

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3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred |
| Function: <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 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]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

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|------------------------|---|
| Compliance | Financial Interests Returns Required - No |
| Record Keeping: | All actions taken must be recorded in the appropriate file or record. |

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3.1.11 Prosecution of Offences

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices |
| Function: <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"> Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. Authority to serve an infringement notice for an offence against this Act [s.59A(2)]. |
| Delegate: | Chief Executive Officer Chief Bush Fire Control Officer Bushfire Risk & Ranger Coordinator Ranger(s) |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |
| Compliance | <i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | All actions taken must be recorded in the appropriate file or record. |

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3.1.12 Withdrawal of Infringement Notices

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954:</i> s.48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954:</i> s.59A(5) Alternative procedure – infringement notices |
| Function: <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 withdraw an infringement notice for an offence against this Act [s.59A(5)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>NIL – Sub-delegation is prohibited by s.48(3)</i> |

| | |
|------------------------|--|
| Compliance | <i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy |
| Record Keeping: | All actions taken must be recorded in the appropriate file or record. |

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4 Cat Act 2011

4.1 Council to CEO

4.1.1 Cat Registrations

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011:</i> s.44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable |
| Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | <ol style="list-style-type: none"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Reg. Sch. 3 cl.1(4)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | 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> . |
| Express Power to Sub-Delegate | <i>Cat Act 2011:</i> s.45 Delegation by CEO of local government |

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|--|--|
| Subdelegates <i>Appointed by CEO</i> | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Rangers |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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|-------------------|---|
| Compliance | Cat Regulations 2012 <ul style="list-style-type: none"> r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2)) <i>Cat Act 2011.</i> |
|-------------------|---|

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|-----------------|---|
| | Part 4, Division 5 Decisions are subject to Objection and Review by the State Administration Tribunal rights Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.2 Cat Control Notices

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011:</i> s.44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner |
| Function: <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 give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s.26]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate | <i>Cat Act 2011:</i> s.45 Delegation by CEO of local government |

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|--|--|
| Subdelegates <i>Appointed by CEO</i> | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Rangers |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance | <i>Cat Regulations 2012</i> r.20 Cat control notice [s.23(3)], prescribes the Form of the notice. Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.3 Approval to Breed Cats

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011:</i> s.44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder |
| Function: <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"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the <i>Cat Act 2011</i>. |
| Express Power to Sub-Delegate | <i>Cat Act 2011:</i> s.45 Delegation by CEO of local government |

| | |
|--|---|
| Subdelegates Appointed by CEO | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Rangers |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|------------------------|--|
| Compliance | <p>Cat Regulations 2012:</p> <p>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)) r.25 Certificate given to approved cat breeder (s.39(1))</p> <p>Shire of Chittering – Keeping and Control of Cats Local Law 2023</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.4 REPEALED Appoint Authorised Persons

4.1.5 Recovery of Costs – Destruction of Cats

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011:</i> s.44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed |
| Function: <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 the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate | <i>Cat Act 2011:</i> s.45 Delegation by CEO of local government |

| | |
|--|-----|
| Subdelegates <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|------------------------|---|
| Compliance | Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.6 Applications to Keep Additional Cats

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011:</i> s.44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats |
| Function: <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"> 1. Authority to require any document or additional information required to determine an application [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> 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>. |
| Express Power to Sub-Delegate | <i>Cat Act 2011:</i> s.45 Delegation by CEO of local government |

| | |
|--|--|
| Subdelegates Appointed by CEO | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|------------------------|---|
| Compliance | Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.7 Reduce or Waiver Registration Fee

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011:</i> s.44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4) |
| Function: <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 reduce or waive a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> 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> . |
| Express Power to Sub-Delegate | <i>Cat Act 2011:</i> s.45 Delegation by CEO of local government |

| | |
|--|-----|
| Subdelegates Appointed by CEO | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|------------------------|---|
| Compliance | Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.2 CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Chief Executive Officer |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011:</i> s.45 Delegation by CEO of local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice |
| Function: <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"> 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]. 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]. |
| Delegate/s: | Executive Manager Development Services |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil. |

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| Compliance Links: | <i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1)) Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5 Dog Act 1974

5.1 Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation |
| Function: <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"> 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 \$100 [s.10A(1)(a) and (3)]. 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)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> The Chief Executive Officer is permitted to sub-delegate) to employees [s.10AA(3)].. |
| Express Power to Sub-Delegate | <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) |

| | |
|--|-----|
| Subdelegates <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|--------------------------|--|
| Compliance Links: | Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.2 Refuse or Cancel Registration

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <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 s.17(4) and (6) Refusal or cancellation of registration |
| Function: <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"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ul style="list-style-type: none"> i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept iv. the dog is required to be microchipped but is not microchipped; or v. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ul style="list-style-type: none"> i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)] |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. The Chief Executive Officer is permitted to sub-delegate to employees [s.10AA(3)].. |
| Express Power to Sub-Delegate | <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) |

| | |
|--|---|
| Subdelegates Appointed by CEO | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Ranger(s) |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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|--------------------------|---|
| Compliance Links: | <p><i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p> <p>Shire of Chittering – Dogs Local Law 2023</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.3 REPEALED Appoint Authorised Persons

5.1.4 Recovery of Moneys Due Under this Act

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> s.29(5) Power to seize dogs |
| Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | 1. 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)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| Express Power to Sub-Delegate | <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) |

| | |
|--|-----|
| Subdelegates Appointed by CEO | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
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| Compliance Links: | <p>Includes recovery of expenses relevant to:</p> <ul style="list-style-type: none"> 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 r.31 Local government expenses as to dangerous dogs (declared) <p>Shire of Chittering – Dogs Local Law 2023</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> s.29(11) Power to seize dogs |
| Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | 1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. |
| Express Power to Sub-Delegate | <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) |

| | |
|--|---|
| Subdelegates Appointed by CEO | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Ranger(s) |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|--------------------------|--|
| Compliance Links: | Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.6 Declare Dangerous Dog

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared) |
| Function: <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 declare an individual dog to be a dangerous dog [s.33E(1)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| Express Power to Sub-Delegate | <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) |

| | |
|--|---|
| Subdelegates Appointed by CEO | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Ranger(s) |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|--------------------------|--|
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | Dog Act 1976: s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | Dog Act 1976: s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy |
| Function: <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"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] <ul style="list-style-type: none"> i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| Express Power to Sub-Delegate | Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation) |

| | |
|--|---|
| Subdelegates Appointed by CEO | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|--------------------------|---|
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy |
| Function: <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 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. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| Express Power to Sub-Delegate | <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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| Subdelegates Appointed by CEO | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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2.1.2 Determine Recoverable Expenses for Dangerous Dog Declaration

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable |
| Function: <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 determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the 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)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. |
| Express Power to Sub-Delegate | <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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| Subdelegates Appointed by CEO | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.9 Grant Exemption as to Number of Dogs Kept at Premises

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976:</i> s.26(3) Limitation as to numbers |
| Delegate: | Chief Executive Officer |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | <p>1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].</p> |
| Council Conditions on this Delegation: | <p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. Decisions under this delegation must comply with the relevant provisions of the Dog Act 1976 and the Shire of Chittering Dogs Local Law 2023, including:</p> <ul style="list-style-type: none"> • Consider and be satisfied that for any particular premises the provisions of the Dog Act 1976 relating to kennel establishments need not be applied in the circumstances [s.26(3)]. • Apply the provisions of s.26(4). <p>c. Conditions that must be applied to an approved exemption, include, but not limited to:</p> <ul style="list-style-type: none"> • Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO. • Registrations for each dog subject of the approved exemption must be current and maintained. • An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog. <p>d. This delegation applies if an application raises no significant issues with neighbouring properties during a 21 day advertising period. If significant issues are raised with neighbouring properties that cannot be resolved, the application shall be referred to Council for determination.</p> |
| Express Power to Sub-Delegate: | <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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| Subdelegates Appointed by CEO | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Shire of Chittering – Dogs Local Law 2023</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6 Food Act 2008

6.1 Council to CEO

6.1.1 Determine Compensation

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008:</i></p> <p>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] (4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <p>s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation</p> |
| Function: <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"> 1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$2,000. Compensation requests above this value are to be reported to Council. |
| Express Power to Sub-Delegate: | NIL – Food Regulations 2009 do not provide for sub-delegation. |

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| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.2 Prohibition Orders and Certificates of Clearance

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008:</i></p> <p>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] (4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <p>s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection</p> |
| Function: <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"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)]. |
| Delegate: | Chief Executive Officer Executive Manager Development Services Principal Environmental Health Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | NIL – Food Regulations 2009 do not provide for sub-delegation. |

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| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.3 Food Business Registrations

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008:</i></p> <p>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] (4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <p>s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses</p> |
| Function: <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"> 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]. |
| Delegate: | Chief Executive Officer Executive Manager Development Services Principal Environmental Health Officer |
| Council Conditions on this Delegation: | <p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline |
| Express Power to Sub-Delegate: | NIL – Food Regulations 2009 do not provide for sub-delegation. |
| Compliance Links: | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p><i>Financial Interests Returns Required - No</i></p> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.4 Appoint Authorised Officers and Designated Officers

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008:</i></p> <p>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] (4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <p>s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers</p> |
| Function: <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"> 1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <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)]. 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)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time , including but not limited to:</p> <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer. |
| Express Power to Sub-Delegate: | NIL – Food Regulations 2009 do not provide for sub-delegation. |

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| Compliance Links: | s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.5 Debt Recovery and Prosecutions

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|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008:</i></p> <p>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] (4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <p>s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings</p> |
| Function: <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"> 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]. |
| Delegate: | Chief Executive Officer Principal Environmental Health Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | NIL – Food Regulations 2009 do not provide for sub-delegation. |

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| Compliance Links: | <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.6 Food Businesses List – Public Access

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008:</i></p> <p>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] (4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008:</i></p> <p>r.51 Enforcement agency may make list of food</p> |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | <p>1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].</p> |
| Delegate: | Chief Executive Officer Principal Environmental Health Officer |
| Council Conditions on this Delegation: | <p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> |
| Express Power to Sub-Delegate: | NIL – Food Regulations 2009 do not provide for sub-delegation. |

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| Compliance Links: | Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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7 Graffiti Vandalism Act 2016

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given |
| Function: <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"> 1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate | <i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government |

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| Subdelegates <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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7.1.2 Notices – Deal with Objections and Give Effect to Notices

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and ii. to give notice to the affected person, before taking the necessary actions [s.24(3)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate | <i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government |

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| Subdelegates Appointed by CEO | Nil. |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil. |

| | |
|--------------------------|--|
| Compliance Links: | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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7.1.3 Obliterate Graffiti on Private Property

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.25(1) Local government graffiti powers on land not local government property |
| Function: <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 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)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | a. Subject to exercising Powers of Entry. |
| Express Power to Sub-Delegate | <i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government |

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|--|--|
| Subdelegates <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

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| Compliance Links: | <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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7.1.4 Powers of Entry

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|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s.28 Notice of entry s.29 Entry under warrant |
| Function: <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"> 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]. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government |

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|--|--|
| Subdelegates Appointed by CEO | Executive Manager Technical Services Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|--------------------------|--|
| Compliance Links: | Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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8 Public Health Act 2016

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices |
| Express Power or Duty Delegated: | <i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices |
| Function: <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 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)]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | 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)]. |
| Express Power to Sub-Delegate: | Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate. |

| | |
|--------------------------|--|
| Compliance Links: | <i>Criminal Procedure Act 2004 – Part 2</i> Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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8.1.2 Enforcement Agency Reports to the Chief Health Officer

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | <i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies |
| Function: <i>This is a precis only.</i> <i>Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | <ol style="list-style-type: none"> 1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)]. |
| Delegate: | Principal Environmental Health Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | 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)]. |

| | |
|--------------------------|---|
| Compliance Links: | <i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. <i>Financial Interests Returns Required - No</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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| 1 | 17 June 2020 - N202548 |
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8.1.3 Designate Authorised Officers

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

| | |
|--------------------------|---|
| Compliance Links: | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> 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 s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority <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>Financial Interests Returns Required - No</p> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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8.1.4 Dealing with Seized Items

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | <i>Public Health Act 2016</i> s.260 Return of seized item s.262 Cost of destruction or disposal of forfeited items s.263 Return of forfeited items s.264 Compensation |
| Function: <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"> 1. Authority to determine if no contravention of the Public Health Act 2016 has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s.260 and 263]. 2. Authority to recover the cost of destruction or disposal of forfeited items [s.262]. 3. 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]. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. Compensation is limited to a maximum value of \$2,000 with any proposal for compensation above this value to be referred for Council's determination. |
| Express Power to Sub-Delegate: | 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)]. |

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| Compliance Links: | <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 Financial Interests Returns Required - No |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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8.1.5 REPEALED Commence Proceedings

9 Planning and Development Act 2005

9.1 Council to CEO

9.1.1 Illegal Development

| | |
|---|--|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5) |
| Function: <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"> 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; Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> to remove, pull down, take up, or alter the development; and to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 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. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees |

| | |
|--|--|
| Subdelegates Appointed by CEO | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | Nil |

| | |
|--------------------------|---|
| Compliance Links: | Part 13 of the Planning and Development Act 2005 <i>Financial Interests Returns Required - Yes</i> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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9.1.2 Determination of various applications for development approval under the Shire's Local Planning Scheme

| | |
|---|---|
| Delegator: <i>Power / Duty assigned in legislation to:</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Regulations 81-84 of the Planning and Development (Local Planning Schemes) Regulations 2015</i> |
| Express Power or Duty Delegated: | <i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5) |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i> | <p>Determination of an application for development approval under clause 68 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015; and subsection 31(2) of the State Administrative Tribunal Act 2004.</p> <p>Advertising of applications and proposals under Clauses 18, 50 and 64 and subclauses 66(1) and 77(3) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under Clauses 11, 63 and 85 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 for minor amendments and temporary works or use, under Clause 77 and subclauses 61(1)(a) and (b) (Item 17), and 61(2)(f) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Determining accompanying material requirements for Local Development Plans under Clause 49 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>The Chief Executive Officer is delegated the power to:</p> <ul style="list-style-type: none"> • Exercise discretion, determine and apply conditions to all applications for development approval made under the Shire of Chittering Local Planning Scheme No.6, except where exempted under Council Conditions on this Delegation; • Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under section 31 of the State Administrative Tribunal Act 2004; • Determine the requirement for and extent of advertising of applications and proposals made under Shire of Chittering Local Planning Scheme No.6; • Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the Shire of Chittering Local Planning Scheme No.6 and whether an application should be accepted or rejected; • Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval; |

| | |
|---|--|
| | <ul style="list-style-type: none"> Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced; Exercise discretion, determine and apply conditions to all applications made under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to amend or cancel a development approval made by a Development Assessment Panel; Waive or vary a requirement in Part 8 or Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015 in respect of an application where that application is considered to relate to a minor amendment to the development approval; and Determine the type and extent of accompanying material requirements, and any modifications required by Council in respect to a Local Development Plan under Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015. |
| Delegate: | Chief Executive Officer |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> This delegation does not extend to applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use; This delegation does not extend to applications for development approval that have received one or more substantiated objections (meaning an objection that, in the opinion of the Chief Executive Officer, specifically or generally relates to a contention of discretion within an application for Development Approval); This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendments proposed; <ol style="list-style-type: none"> meet all equivalent acceptable or deemed-to-comply standards, or does not propose any further departure to previously approved variations to acceptable or deemed-to-comply standards, set out in the Shire's Local Planning Policies; meet all of the deemed-to-comply standards or element objectives and acceptable outcomes, or does not propose any further departure to previously approved variations to deemed-to-comply standards, or element objectives and acceptable outcomes, as set out in State Planning Policy 7.3 Residential Design Codes; would not change the impact of any condition imposed; and relates to a modification, or modifications, imposed on a Local Structure Plan by the Western Australian Planning Commission pursuant to Pt 4 Cl.22(b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. This delegation does not extend to requests from the State Administrative Tribunal for a reconsideration of a Council decision under section 31 of the State Administrative Tribunal Act 2004; |
| Express Power to Sub-Delegate | Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees |

| | |
|--|--|
| Subdelegates Appointed by CEO | Executive Manager Development Services Principal Planning Officer |
|--|--|

| | |
|--|--|
| | Senior Planning Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations.</i> | <p>a. This sub- delegation does not extend to applications for development approval that have received one or more substantiated objections (meaning an objection that, in the opinion of the Executive Manager Development Services, specifically or generally relates to a contention of discretion within an application for Development Approval);</p> |

| | |
|-------------------|--|
| Compliance Links: | <u>Financial Interests Returns Required - Yes</u> |
| Record Keeping: | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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| 1 | 15 June 2022 - Ref N222918 |
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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
[Previous](#) [Close](#) [Next](#)

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 9th 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

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

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
[Previous](#) [Close](#) [Next](#)

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 - 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 2nd 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 |
|--|---|--|
| The power to sign as owner in respect of Crown land that is: | | In accordance with and subject to approved Government Land policies. |
| <ul style="list-style-type: none"> • 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 • 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, | | |
| in respect of development applications being made under or referred to in: | | |
| (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); | City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater City of Belmont Shire of Beverley Shire of Boddington Shire of Boyup Brook Shire of Bridgetown-Greenbushes Shire of Brookton Shire of Broome Shire of Broomehill-Tambellup Shire of Bruce Rock City of Bunbury Shire of Busselton Town of Cambridge City of Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Coogee Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dardanup 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 | 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. |
| (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); | | |
| (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); | | |
| (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); | | |
| (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); | | |
| (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; | Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnells Shire of Hale Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgan-Boulder Shire of Katanning 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 Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin Shire of Mundaring Shire of Mundaring Shire of Murchison Shire of Murray | |
| (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). | | |

Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjarraku
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 Wagerup
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickupin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
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

2nd day of June 2016

10.2.2 WA Planning Commission – Powers of Local Governments – Section 25 of the *Strata Titles Act 1985* (DEL.2020/01)

29 January 2021

GOVERNMENT GAZETTE, WA

449

Schedule 1

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

Power to determine applications 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) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) 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. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided 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 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 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 5th day of September 2017

Approval for ranger vehicles to fit and use yellow flashing lights (transport.wa.gov.au)
Extracted on line on 15 March 2021



Delegation Register

Adopted 18 February 2026

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Introduction

Councils have certain functions and duties that they must perform, and certain powers which they may exercise pursuant to the *Local Government Act 1995* (the *Act*) and other legislation. Generally, the relevant legislation grants those obligations and powers directly on the Council as a body.

Council's power to delegate is provided for in s5.42 and s5.43 of the *Act*. This section provides that the Council may delegate any of its functions, other than those specified in s5.43 to the Chief Executive Officer (CEO). Council cannot however, delegate directly to another Officer of the City unless the statute allows for that Delegation.

The CEO must be delegated the necessary functions to be able to then sub-delegate those functions to an Officer. This is provided for in s5.44 of the *Act*, whereby the CEO may delegate any of the functions of the CEO, other than the power of Delegation.

When a decision-making power has been delegated by Council, both Council and the Delegate are authorised to exercise that power.

A register of delegations, being this manual, relevant to the CEO and other employees is to be kept and reviewed at least once every financial year.

Each instrument of delegation describes the function being delegated and the relevant statutory reference which is the source of power for the exercise of the function. Also included is a reference to related documents such as policies of the Council which may provide guidance in the exercise of the delegation.

This delegated authority register will be reviewed in accordance with the *Act* on an annual basis.

Definitions

The terms used throughout this register are defined below:

Delegate the person (named by position title or office) or entity 'appointed' by the delegator, to act in place of the delegator for the purpose of exercising an express power or duty.

Delegation the process, prescribed in legislation, for assigning authority to exercise an express power or duty from the delegate to another person (named by position title or office) or an entity (the Delegate).

Delegator the person (named by position title or office) or entity in which the written law vests an Express Power or Duty whom delegates that Express Power or Duty.

Express Power or Duty a power or duty written (expressly) in legislation.

Express Power to Delegate a power (procedure) written (expressly) in legislation that enables the devolution of an Express Power or Duty from a Delegator to a Delegate.

Instrument of Delegation the written form of a delegation. Legislation requires delegation be provided in writing. The instrument of delegation communicates the delegation from the Delegator to the Delegate.

Sub-delegate the person (named by position or title or office) or entity to which a Delegate has sub-delegated a power or duty, which has been delegated to that Delegate by the Delegator.

DELEGATIONS

1 Local Government Act 1995

1.1 Council to Committees of Council

1.1.1 Behaviour Complaints Committee

| | |
|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.16 Delegation of some powers and duties to certain committees</p> |
| Express Power or Duty Delegated: | <p><i>Local Government (Model Code of Conduct) Regulations 2021</i></p> <p>clause 12 Dealing with a complaint</p> <p>clause 13 Dismissal of complaint</p> |
| Delegate: | Behaviour Complaints Committee |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i> | <p>1. Authority to make a finding as to whether an alleged breach the subject of a complaints has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCCcl12(1) and (3)].</p> <p>In making any finding the Committee must also determine reasons for the finding [MCCcl12(7)].</p> <p>1. Where a finding is made that a breach has occurred, authority to:</p> <ol style="list-style-type: none"> take no further action [MCCcl12(4)(a)]; or prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCCcl12(4)(b), (5) and (6)]. <p>2. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCCcl12(1) and (2)].</p> |
| Council Conditions on this Delegation: | <p>a. The Committee will make decisions in accordance with the principles and specified requirements established in <i>Council Policy 4.9 Code of Conduct Behaviour Complaints Management</i>.</p> <p>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s5.23(2)(b) of the Act.</p> <p>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</p> <p>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee member is in attendance.</p> <p><i>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</i></p> |
| Express Power to Sub-Delegate: | Nil |
| Compliance Links | <p>Committee Handbook – Behaviour Complaints Committee Terms of Reference</p> <p>4.1 Code of Conduct – Elected Members, Committee Members and Candidates</p> <p>4.9 Code of Conduct – Behaviour Complaints Management</p> |
| Record Keeping | Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of <i>Administration Regulation 19</i> . |

Version Control:

| | |
|---|------------------------|
| 1 | 16 June 2021 – N212768 |
| 2 | 15 June 2022 – N222918 |

1.2 Council to CEO

1.2.1 Authorise a Persons to Perform Specified Functions under the *Local Government Act 1995*

| | |
|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995</i></p> <p>s3.24 Authorises persons under this Subdivision</p> <p>s3.31(2) General Procedure for entering property</p> <p>s3.39(1) Power to remove and impound</p> <p>s3.40A(1) Abandoned vehicle wreck may be taken</p> <p>s9.24(1)(c) and (2)(b) Prosecutions, commencing</p> <p><i>Local Government (Miscellaneous Provisions) Act 1960</i></p> <p>s449 Pounds, establishing; poundkeepers and rangers, appointing</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> Authority to authorise persons for the purposes of <i>Part 3, Division 3, Subdivision 2 – Certain provisions about land</i> – to exercise the Local Government's powers under s3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be done by owner or occupier of land [s3.24]. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s3.31(2)]. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s3.39(1)]. Authority to authorise persons to commence prosecutions for offences under the <i>Local Government Act 1995</i> and any Local Laws made under the <i>Local Government Act 1995</i> [s9.24(1)(c) and (2)(b)]. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s3.40A(1)]. Authority to appoint fit and proper persons as poundkeepers or rangers. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> A register of Authorisations is to be maintained as a Local Government Record. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions. Authorisations are to be provided in writing by issuing a Certificate of Authorisation noting the function(s) that the person is authorised to perform. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |
| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <p>Financial Interests Returns Required – Yes</p> <p>Local public notice is to be given of the appointment or removal of poundkeepers and rangers [Misc Prov s450].</p> |
| Record Keeping | A register of Authorisations is to be maintained as a Local Government Record. |



Version Control:

| | |
|---|--|
| 1 | |
|---|--|

1.2.2 Performing Functions Outside the District

| | |
|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995</i></p> <p>s3.20(1) Performing functions outside district</p> |
| Delegate: | Chief Executive Officer |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i> | <p>1. 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 landowners/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s3.20(1)]</p> |
| Council Conditions on this Delegation: | <p>a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget 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> |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |
| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | Financial Interest Returns Required – Yes |
| Record Keeping | Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting. |
| Version Control: | |
| 1 | 17 June 2020 – N202548 |
| 2 | 16 June 2021 – N212768 |
| 3 | 15 June 2022 – N222918 |



1.2.3 REPEALED Compensation for Damage Incurred when Performing Executive Functions

1.2.4 Powers of Entry

| | |
|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s3.28 When this Subdivision applies s3.32 Notice of entry s3.33 Entry under warrant s3.34 Entry in an emergency s3.36 Opening fences |
| Delegate: | Chief Executive Officer |
| Function: <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 exercise powers of entry to enter onto land to perform any local government functions under the <i>Local Government Act 1995</i> , other than entry under a Local Law [s3.28]. 2. Authority to give notice of entry [s3.32]. 3. Authority to seek and execute an entry under warrant [s3.33]. 4. Authority to execute entry in an emergency, using such force as is reasonable [s3.34(1) and (3)]. 5. Authority to give notice and effect entry by opening a fence [s3.36]. |
| Council Conditions on this Delegation: | a. Delegated authority under s3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Executive Manager Technical Services Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | Financial Interests Returns Required – Yes <i>Local Government Act 1995:</i> Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Power of Entry s3.34(2) Entry in an emergency – Refer to CEO to Employee Delegation |
| Record Keeping | Details of the notice must be recorded in the appropriate record. |

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| 4 | 21 June 2022 – N233106 |

1.2.5 Declare Vehicle is Abandoned Vehicle Wreck

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995</i></p> <p>s3.40A(4) Abandoned vehicle wreck may be taken</p> |
| Delegate: | Chief Executive Officer |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i> | <p>1. Authority to Declare that an impounded vehicle is an abandoned vehicle wreck [s3.40A(4)].</p> <p><i>Note: An abandoned vehicle wreck is as defined by [s3.40A(4)] and up to a value that has been calculated in accordance with regulation 29A of the Local Government (Function and General) Regulations 1996</i></p> |
| Council Conditions on this Delegation: | <p>a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.</p> |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Financial Interests Returns Required – Yes |
| Record Keeping | The declaration is to be recorded in appropriate record to meet legislative requirements. |

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| 2 | 16 June 2021 – N212768 |
| 3 | 15 June 2022 – N222918 |

1.2.6 Confiscated or Uncollected Goods

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995</i></p> <p>s3.46 Goods May be withheld until costs paid</p> <p>s3.47 Confiscated or uncollected goods, disposal of</p> <p>s3.48 Impounding expenses, recovery of</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to refuse to allow goods impounded under s3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s3.46]. 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s3.43 [s3.47]. 3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s3.48]. |
| Council Conditions on this Delegation: | <p>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.</p> |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <p><i>Local Government Act 1995</i></p> <p>Part 3, Division 3, Subdivision 3</p> <p>s3.58 Disposing of Property – applies to the sale of goods under s3.47 as if they were property referred to in that section.</p> <p>Financial Interests Returns Required – Yes</p> |
| Record Keeping | The sale or disposal of goods or vehicles is to be recorded in appropriate record. |

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| 1 | 17 June 2020 – N202548 |
| 2 | 16 June 2021 – N212768 |
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1.2.7 Disposal of Sick or Injured Animals

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s3.47A Sick or injured animals, disposal of s3.48 Impounding expenses, recovery of |
| Delegate: | Chief Executive Officer |
| Function: <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 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 [s3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s3.48]. |
| Council Conditions on this Delegation: | a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Financial Interests Returns Required – Yes |
| Record Keeping | The details of the sick and/or injured animal's disposal are to be recorded in the appropriate record. |

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1.2.8 Close Thoroughfares to Vehicles

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s3.50 Closing certain thoroughfares to vehicles s3.50A Partial closure of thoroughfare for repairs or maintenance s3.51 Affected owners to be notified of certain proposals |
| Delegate: | Chief Executive Officer |
| Function: <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"> Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s3.50(1)]. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so, to: <ul style="list-style-type: none"> give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and consider submissions relevant to the road closure/s proposed [s3.50(1a), (2) and (4)]. Authority to revoke an order to close a thoroughfare [s3.50(6)]. 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 [s3.50A]. Before doing anything to which s3.51 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]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> If, under s3.50(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 [s3.50(8)]. Maintain access to adjoining land [s3.52(3)] (relevant to a Townsite only). |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Financial Interests Returns Required – Yes |
| Record Keeping | Action taken to close thoroughfares (not partial closures for repairs or maintenance) must be recorded in the appropriate register and elected members advised accordingly. Details of partial closures for repairs or maintenance to be recorded on the appropriate record. |

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1.2.9 Control Reserves and Certain Unvested Facilities

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995</i></p> <p>s3.53(3) Control of certain unvested facilities</p> <p>s3.54(1) Reserves under control of local government</p> |
| Delegate: | Chief Executive Officer |
| Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i> | <ol style="list-style-type: none"> 1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire that the Shire could do under s5 of the <i>Parks and Reserves Act 1895</i>. [s3.54(1)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> 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. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <p><i>Parks and Reserves Act 1895</i></p> <p><i>Land Administration Act 1997</i></p> <p>Financial Interests Returns Required – Yes</p> |
| Record Keeping | Details of actions taken are to be recorded on the appropriate file or record. |

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1.2.10 Obstruction of Footpaths and Thoroughfares

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| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p>r5(2) Interfering with, or taking from, local government land</p> <p>r6 Obstruction of public thoroughfare by things placed and left</p> <p>r7A Obstruction of public thoroughfare by fallen things)</p> <p>r7 Encroaching on public thoroughfare</p> |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | <ol style="list-style-type: none"> 1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: <ol style="list-style-type: none"> a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r6(2) and (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r6(6)]. 4. Authority to require an owner or occupier of land to remove anything that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r7A]. 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 r7]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |
| Subdelegates: <small>Appointed by CEO</small> | <p>Executive Manager Technical Services</p> <p>Executive Manager Development Services</p> |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |



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| Compliance Links | <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p>Penalties under the <i>Uniform Local Provisions Regulations</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p> <p>Financial Interests Returns Required – Yes</p> |
| Record Keeping | Details of actions taken are to be recorded on the appropriate file or record. |

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1.2.11 Gates Across Public Thoroughfares

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p>r9 Permission to have gate across public thoroughfare</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 r9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r9(2)]. 3. Authority to impose conditions on granting permission [ULP r9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r9(5)]. 5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r9(6)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures</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>Each approval provided must be recorded in the Shire's statutory Register of Gates in accordance with <i>Uniform Local Provisions Regulation 8</i>.</p> <p>Financial Interests Returns Required – Yes</p> |
| Record Keeping | Details of actions taken are to be recorded on the appropriate file or record. |

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1.2.12 Public Thoroughfare – Dangerous Excavations

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p>r11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 r11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r11(4)]. 3. Authority to impose conditions on granting permission [ULP r11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r11(8)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures</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>Financial Interests Returns Required – Yes</p> |
| Record Keeping | The permission and notice issued to be in writing and recorded on the appropriate record. |

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1.2.13 Crossing – Construction, Repair and Removal

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> r12(1) Crossing from public thoroughfare to private land or private thoroughfare r13(1) Requirement to construct or repair crossing) |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 r12(1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r13(2)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> Financial Interests Returns Required – Yes |
| Record Keeping | The approval is to be in writing and recorded on the appropriate record. |

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1.2.14 Private Works on, over or under Public Places

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| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> r17 Private works on, over, or under public places |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | 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 r17(3)]. 2. Authority to impose conditions on permission including those prescribed in r17(5) and (6) [ULP r17(5)]. |
| Council Conditions on this Delegation: | a. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> 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. 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. Provided evidence of sufficient Public Liability Insurance. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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|---|---|
| Subdelegates: <small>Appointed by CEO</small> | Executive Manager Technical Services |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |

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| Compliance Links | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.2.3 - Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> Financial Interests Returns Required – Yes |
| Record Keeping | The approval is to be in writing and recorded on the appropriate record. |

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1.2.15 Expressions of Interest for Goods and Services

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r21 Limiting who can tender, procedure for r23 Rejecting and accepting expressions of interest to be acceptable tenderer |
| Delegate: | Chief Executive Officer |
| Function: <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 determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r23]. |
| Council Conditions on this Delegation: | a. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit Council Finance Policy - Purchasing & Procurement Policy Financial Interests Returns Required – Yes |
| Record Keeping | Details of the expression of interest sought, received and accepted must be recorded in the appropriate record and in the Tender Register as required by r17 of the <i>Local Government (Functions and General) Regulations 1996</i> . |

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1.2.16 Tenders for Goods and Services

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> r11 When tenders have to be publicly invited r13 Requirements when local government invites tenders though not required to do so r14 Publicly inviting tenders, requirements for r18 Rejecting and accepting tenders r20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to call tenders [F&G r11(1)]. 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 a sole supplier arrangement [F&G r11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing & Procurement Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget [F&G.r11(2)]. 4. Authority to invite tenders although not required to do so [F&G r13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r18(4)]. 9. Authority to accept, or reject tenders, only within the \$value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&G r18(2) and (4)]. 10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 10% variation and within the \$250,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&G r20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r18(4a)]. 12. Authority to decline any tender [F&G r18(5)]. 13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r20(2)]. |

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| | <p>14. Authority to:</p> <ul style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10%. ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r11(2)(j). [F&G r21A]. <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r18(6) & (7)].</p> |
| Council Conditions on this Delegation: | <p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; <p>b. 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 and where the:</p> <ul style="list-style-type: none"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent, • value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and • The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. <p>c. In accordance with s5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</p> |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |
| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <p><i>Local Government (Functions and General) Regulations 1996</i></p> <p>WALGA Subscription Service – Procurement Toolkit</p> <p>Council Finance Policy - Purchasing & Procurement Policy</p> <p>Financial Interests Returns Required – Yes</p> |
| Record Keeping | The determination is to be recorded in the appropriate record. |

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1.2.17 Payments from the Municipal or Trust Funds

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government (Financial Management) Regulations 1996</i></p> <p>r12(1)(a) Payments from municipal fund or trust fund, restrictions on making</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to make payments from the municipal or trust funds [r12(1)(a)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. Authority to make payments is subject to annual budget limitations. |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |
| Subdelegates: <i>Appointed by CEO</i> | <p>Deputy Chief Executive Officer</p> <p>Executive Manager Development Services</p> <p>Executive Manager Technical Services</p> |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | <ol style="list-style-type: none"> 1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management r5. 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. |
| Compliance Links | <p><i>Local Government Act 1995</i></p> <p><i>Local Government (Financial Management) Regulations 1996</i> - refer specifically r13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><i>Local Government (Audit) Regulations 1996</i></p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p> <p>Financial Interest Return required - Yes</p> |
| Record Keeping | As per the requirements of r13 of the <i>Local Government (Financial Management) Regulations 1996</i> . |

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1.2.18 Defer, Grant Discounts, Waive or Write Off Debts

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s6.12 Power to defer, grant discounts, waive or write off debts |
| Delegate: | Chief Executive Officer |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i> | 1. Waive a debt which is owed to the Shire [s6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire [s6.12(1)(b)]. 3. Write off an amount of money which is owed to the Shire [s6.12(1)(c)]. |
| Council Conditions on this Delegation: | a. Write-off a rates or service charge debt up to \$100 in accordance with [s6.12(1)(c) & (2)]. b. A debt may only be written off where all necessary measures have 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. <ul style="list-style-type: none"> i. Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$500. Write off debts greater than these values must be referred for Council decision. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Deputy Chief Executive Officer Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Collection of Rates Debts – refer Delegations: 1.2.21 Agreement as to Payment of Rates and Service Charges 1.2.23 Recovery of Rates or Service Charges 1.2.24 Recovery of Rates Debts – Actions to Take Possession of the Land Financial Interest Return required - Yes |
| Record Keeping | The full details of the waiver, concession or write off to be recorded on the appropriate financial record. |

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1.2.19 Power to Invest and Management Investments

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996</i> r19 Investments, control procedures for |
| Delegate: | Chief Executive Officer |
| Function: <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 invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r19]. |
| Council Conditions on this Delegation: | a. All investment activity must comply with the Financial Management r19C and the Council Policy– Investment of Funds. b. 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. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r17] |
| Express Power to Sub-Delegate: | Local Government Act 1995 s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Local Government (Financial Management) Regulations 1996</i> – refer r19C Investment of money, restrictions on (Act s6.14(2)(a)) Council Policy – Investment of Funds Financial Interest Return required - Yes |
| Record Keeping | The details are to be included in the Monthly Financial Statements, presented to Council in the Ordinary Council Agenda; and recorded on the appropriate financial record. |

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1.2.20 Rate Record Amendment

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| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s6.39(2)(b) Rate record |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | 1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s6.39(2)(b)]. a. Delegates must comply with the requirements of s6.40 of the Act. |
| Council Conditions on this Delegation: | |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <small>Appointed by CEO</small> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |

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| Compliance Links | <i>Local Government Act 1995</i> – s6.40 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 Financial Interest Return required - Yes |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record. |

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1.2.21 Agreement as to Payment of Rates and Service Charges

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s6.49 Agreement as to payment of rates and service charges |
| Delegate: | Chief Executive Officer |
| Function: <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 make an agreement with a person for the payment of rates or service charges [s6.49]. a. Decisions under this delegation must comply with the Financial Hardship – Collection of Rates and Service Charges Policy. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Council Policy 2.2– Rating Council Policy 2.8 - Financial Hardship Policy Financial Interests Returns Required - Yes |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record. |

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1.2.22 Determine Due Date for Rates or Service Charges

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s6.50 Rates or service charges due and payable |
| Delegate: | Chief Executive Officer |
| Function: <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 determine the date on which rates or service charges become due and payable to the Shire [s6.50]. a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget. <i>NOTE - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget.</i> b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Council Policy 2.2– Rating Council Policy 2.8 - Financial Hardship Policy Financial Interests Returns Required - Yes |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record. |

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1.2.23 Recovery of Rates or Service Charges

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s6.56 Rates or service charges recoverable in court s6.64(3) Actions to be taken |
| Delegate: | Chief Executive Officer |
| Function: <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 rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)]. 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)]. |
| Council Conditions on this Delegation: | a. Decisions under this delegation must comply with Council Policy: Financial Hardship – Collection of Rates and Service Charges Policy. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Council Policy 2.2– Rating Council Policy 2.8 - Financial Hardship Policy Financial Interests Returns Required - Yes |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record |

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1.2.24 Recovery of Rates Debts – Actions to Take Possession of the Land

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|--|--|
| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s6.64(1) Actions to be taken s6.69(2) Right to pay rates, service charges and costs, and stay proceedings s6.71 Power to transfer land to Crown or local government s6.74 Power to have land repossessed in Crown if rates in arrears 3 years |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | 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 [s6.64(1)], including: <ol style="list-style-type: none"> lease the land, or 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"> cause the land to be transferred to the Crown [s6.71 and s6.74]; or cause the land to be transferred to the Shire [s6.71]. 2. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s6.69(2)]. |
| Council Conditions on this Delegation: | a. Decisions under this delegation must comply with Council Financial Hardship – Collection of Rates and Service Charges Policy. b. In accordance with s6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s6.56, as s6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <small>Appointed by CEO</small> | Nil |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |

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| Compliance Links | <i>Local Government Act 1995</i> – Part 6, Division 6 Subdivision 6 and Schedule 6.3 prescribe procedures relevant to exercise of authority under this delegation. <i>Local Government (Financial Management) Regulations 1996</i> – r72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation. Council Policy 2.2 – Rating Council Policy 2.8 - Financial Hardship Policy Financial Interests Returns Required - Yes |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record. |

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1.2.25 Rate Record – Objections

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO s5.43 Limitations on delegations to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s6.76 Grounds of objection |
| Delegate: | Chief Executive Officer |
| Function: <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 extend the time for a person to make an objection to a rate record [s6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person who made the objection [s6.76(5)]. |
| Council Conditions on this Delegation: | 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. |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |

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| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Financial Interests Returns Required - Yes |
| Record Keeping | The full details of the determination to be recorded in the appropriate rate record. |

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1.2.26 Appointment of an Acting Chief Executive Officer

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.42 Delegation of some powers or duties to the CEO |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s5.36 Local Government Employees s5.39 Contracts for CEO and Senior Employees |
| Delegate: | Chief Executive Officer |
| Function: <i>This is a précis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i> | 1. Appointment of an Acting Chief Executive Officer. |
| Council Conditions on this Delegation: | a. Appointments must be in accordance with Council Staff Policy – Appointment of an Acting Chief Executive Officer |
| Express Power to Sub-Delegate: | Nil |

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| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Council Staff Policy – Appointment of an Acting Chief Executive Officer Financial Interests Returns Required - Yes |
| Record Keeping | Details of actions taken are to be recorded on the appropriate file or record and a report presented to Council at its next ordinary meeting. |

Version Control:

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| 1 | 21 October 2020 - N202613 |
| 2 | 16 June 2021 - N212768 |
| 3 | 15 June 2022 - N222918 |
| 4 | 21 June 2023 - N233106 |

1.2.27 Disposing of Property

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42 Delegation of some powers or duties to the CEO</p> <p>s5.43 Limits on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Local Government Act 1995</i></p> <p>s3.58(2) & (3) Disposing of property</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to dispose of property to: <ol style="list-style-type: none"> a. the highest bidder at public auction [s3.58(2)(a)]. b. the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with s3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s3.58(3)]. 3. Authority to dispose of property, that is prescribed as exempt from the provisions of s3.58: <ol style="list-style-type: none"> a. disposal of land to an adjoining owner, where the market value is less than \$5000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&G r30(2)(a)] b. disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&G r30(2)(d)]. c. disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&G r30(20)(e)] d. disposal of land, by lease, of a residential property to a person for residential purposes [F&G r30(2)(f)]. e. disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice [F&G r(2A)] f. disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&G r30(3)(a)] g. disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&G r30(3)(b)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required. b. In accordance with s5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$75,000. c. When determining the method of disposal: <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> ◦ Reserve price has been set giving due regard for current market values and trends. ◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. |



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| | <ul style="list-style-type: none"> • Where a private treaty is determined [s3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ○ Negotiate the sale of the property up to a -10% variance on the valuation; and ○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded. <p>d. For a disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome including, where the property is determined as having a nil market value, the disposal of the property.</p> |
| Express Power to Sub-Delegate: | <i>Local Government Act 1995</i> |
| | s5.44 CEO may delegate some powers and duties to other employees |
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services Deputy Chief Executive Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Sub-delegates are only provided with authority to execute dispose of property in relation to plant and equipment in accordance with annual budget provisions. |
| Compliance Links | Delegates are designated employees under s5.74 and are required to provide Primary and Annual Returns. <i>Local Government Act 1995 – s3.58 Disposal of Property</i> <i>Local Government (Functions and General) Regulations 1995 – r30</i> Dispositions of property excluded from Act s3.58 Financial Interests Returns Required - Yes |
| Record Keeping | Items disposed of under this delegation are to be recorded in the Monthly Statement of Financial Activity. |

Version Control:

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| 1 | 13 December 2023 |
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1.3 CEO to Employees

1.3.1 Determine if an Emergency for Emergency Powers of Entry

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Chief Executive Officer |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s3.34(2) Entry in emergency |
| Delegate: | Executive Manager Development Services Executive Manager Technical Services Deputy Chief Executive Officer |
| Function: <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 determine that an emergency exists for the purposes of not complying with the requirements for obtaining entry to land to perform local government functions appropriate to deal with the emergency [s.3.34(2)]. |
| CEO Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil |
| Compliance Links | Financial Interests Returns Required - Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate record |

Version Control:

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|---|------------------------|
| 1 | 17 June 2020 – N202548 |
| 2 | 16 June 2021 – N212768 |
| 3 | 15 June 2022 – N222918 |

1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare

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| Delegator: <small>Power / Duty assigned in legislation to</small> | Chief Executive Officer |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> r6(4)(d) Obstruction of public thoroughfare by things placed and left |
| Delegate: | Executive Manager Technical Services |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.8: <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r6(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 r6(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 r6(5)(d)]. |
| CEO Conditions on this Delegation: | <ol style="list-style-type: none"> a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>. |
| Compliance Links | This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares. <u>Local Government (Uniform Local Provisions) Regulations 1996</u> Financial Interests Returns Required – Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

Version Control:

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|---|------------------------|
| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - N212768 |
| 3 | 15 June 2022 - N222918 |

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

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Chief Executive Officer |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> r11(6)(c), (7)(c) and (7)(e) Dangerous excavation in or near public thoroughfare |
| Delegate: | Executive Manager Technical Services |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i> | <p>When determining to grant permission for a dangerous excavation under Delegated Authority 1.2.8:</p> <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r11(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 [r11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily [r11(7)(e)]. |
| CEO Conditions on this Delegation: | <p>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations</p> |
| Compliance Links | <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Financial Interests Returns Required – Yes</p> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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|---|------------------------|
| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - N212768 |
| 3 | 15 June 2022 - N222918 |

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

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Chief Executive Officer |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | <i>Local Government (Uniform Local Provisions) Regulations 1996</i> r17(5)(b) and r17(6)(c) Private works on, over, or under public places |
| Delegate: | Executive Manager Technical Services Executive Manager Development Services |
| Function: <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"> 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 [r17(5)(b)]. 2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r17(6)(c)]. |
| Compliance Links | This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places Financial Interests Returns Required - Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

Version Control:

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|---|------------------------|
| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - N212768 |
| 3 | 15 June 2022 - N222918 |

1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Chief Executive Officer |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s4.32(4), (5A) & (5) Eligibility to enrol under s4.30, how to claim s4.34 Accuracy of enrolment details to be maintained s4.35 Decision that eligibility to enrol under s4.30 has ended s4.37 New roll for each election <i>Local Government (Elections) Regulations 1995</i> r11(1a) Nomination of co-owners or co-occupiers — s4.31 r13(2) & (4) Register - s4.32(6) |
| Delegate: | Deputy Chief Executive Officer |
| Function: <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"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s4.30(1)(a) and (b) and accept or reject the claim accordingly [s4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their family's safety at risk [Elections r13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s4.34]. 8. Authority to decide that a person is no longer eligible under s4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s4.35(1)] and to give notice [s4.35(2)] and consider submissions [s4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s4.37(3)]. |
| CEO Conditions on this Delegation: | <ol style="list-style-type: none"> 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). |

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| Compliance Links | Department of Local Government, Sport and Cultural Industries: Returning Officer Manual Financial Interests Returns Required - Yes |
| Record Keeping | All documentation relative to the claim is to be retained as required by legislation. |

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| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |
| 4 | 21 June 2023 - Ref N233106 |

1.3.6 Information to be Available to the Public

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Chief Executive Officer |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | <i>Local Government (Administration) Regulations 1996</i> r9B Copies of certain information not to be provided (Act s5.96) <i>Local Government Act 1995</i> s5.95(1)(b) & (3)(b) Limits on right to inspect local government information |
| Delegate: | Deputy Chief Executive Officer |
| Function: <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"> 1. Authority to determine the manner and form by which a person may request copies of rates record information [s5.94(m)] or owners and occupiers register and electoral rolls [s5.94(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 r29B]. 2. 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 [s5.95(1)(b)]. |
| CEO Conditions on this Delegation: | <ol style="list-style-type: none"> a. Subject to s5.95 of the <i>Local Government Act 1995</i> and the <i>Freedom of Information Act 1992</i>. |
| Compliance Links | Financial Interests Returns Required - Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register and all documentation relative to the decision to deny the person the right to inspect information is to be retained on the appropriate file and the CEO informed. |

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| 1 | 17 June 2020 - N202548 |
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| 4 | 21 June 2023 - N233106 |

1.3.7 Appoint Authorised Persons

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Chief Executive Officer |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Local Government Act 1995</i> s5.44 CEO may delegate some powers and duties to other employees |
| Express Power or Duty Delegated: | <i>Local Government Act 1995:</i> s9.10 Appointment of authorised persons |
| Delegate: | Executive Manager Development Services |
| Function: <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"> 1. Authority to appoint persons or classes of persons as authorised persons [s9.10(2)] 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"> a. <i>Local Government Act 1995</i> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the <i>Local Government Act</i>. b. <i>Caravan Parks and Camping Grounds Act 1995</i>; c. <i>Cat Act 2011</i>; d. <i>Cemeteries Act 1986</i>; e. <i>Control of Vehicles (Off-road Areas) Act 1978</i>; f. <i>Dog Act 1976</i>: g. <i>Graffiti Vandalism Act 2016</i> – refer s15; and h. any other legislation prescribed for the purposes of s9.10 of the <i>Local Government Act 1995</i>. 2. Authority to appoint authorised persons for the purposes of s9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with reg70(2) of the <i>Building Regulations 2012</i> and s6(b) of the <i>Criminal Procedure Act 2004</i>. |
| CEO Conditions on this Delegation: | <ol style="list-style-type: none"> a. Only persons who are appropriately qualified and trained may be appointed as authorised persons. b. A person to be appointed as authorised officer in accordance with reg70(2) of the <i>Building Regulations 2012</i> and s6(b) of the <i>Criminal Procedure Act 2004</i> MUST first be appointed as an authorised person for the purposes of s9.16 of the <i>Local Government Act 1995</i>. |
| Compliance Links | <p>A register of Authorised Persons is to be maintained as a Local Government Record.</p> <p>Financial Interests Returns Required - Yes</p> |
| 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:

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|---|----------------------------|
| 1 | 16 June 2021 - Ref N212768 |
| 2 | 16 June 2021 - Ref N212768 |
| 3 | 15 June 2022 - Ref N222918 |

2 Building Act 2011

2.1 Council to CEO

2.1.1 Grant a Building Permit

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s.127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011</i> s18 Further Information s20 Grant of building permit s22 Further grounds for not granting an application s27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012</i> r23 Application to extend time during which permit has effect (s32) r24 Extension of time during which permit has effect (s32(3)) r26 Approval of new responsible person (s35(c)) |
| Delegate: | Chief Executive Officer |
| Function: <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"> Authority to require an applicant to provide any documentation or information required to determine a building permit application [s18(1)]. Authority to grant or refuse to grant a building permit [s20(1) & (2) and s22]. Authority to impose, vary or revoke conditions on a building permit [s27(1) and (3)]. Authority to determine an application to extend time during which a building permit has effect [r23]. 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 [r24(1)] Authority to impose any condition on the building permit extension that could have been imposed under s27 [r24(2)]. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r26]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates: <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <i>Building Act 2011</i> s119 Building and demolition permits – application for review by SAT s23 Time for deciding application for building or demolition permit s17 Uncertified application to be considered by building surveyor <i>Building Regulations 2012</i> r25 Review of decision to refuse to extend time during which permit has effect (s32(3)) – reviewable by SAT <i>Building Services (Registration Act) 2011 – Section 7</i> |



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| | <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i> Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire's records system |

Version Control:

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|---|------------------------|
| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - N212768 |
| 3 | 15 June 2022 - N222918 |

2.1.2 Demolition Permits

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <p><i>Building Act 2011</i></p> <p>s18 Further Information</p> <p>s21 Grant of demolition permit</p> <p>s22 Further grounds for not granting an application s27(1) and (3) Impose Conditions on Permit</p> <p><i>Building Regulations 2012</i></p> <p>r23 Application to extend time during which permit has effect (s32)</p> <p>r24 Extension of time during which permit has effect (s32(3))</p> <p>r26 Approval of new responsible person (s35(c))</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s21(1) requirements have been satisfied [s20(1) & (2) and s22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s27(1) and (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r23]. <ol style="list-style-type: none"> i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r24(1)]. ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s27 [r24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r26]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011:</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates: <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <p><i>Building Act 2011</i></p> <p>s119 Building and demolition permits – application for review by SAT</p> <p>s23 Time for deciding application for building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011</i></p> <p>Part 7, Division 2</p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p>Financial Interests Returns Required - No</p> |



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| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system. |
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Version Control:

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|---|------------------------|
| 1 | 17 June 2020 - N202548 |
| 2 | 16 June 2021 - N212768 |
| 3 | 15 June 2022 - N222918 |

2.1.3 Occupancy Permits or Building Approval Certificates

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011</i> s55 Further information s58 Grant of occupancy permit, building approval certificate s62(1) and (3) Conditions imposed by permit authority s65(4) Extension of period of duration <i>Building Regulations 2012</i> r40 Extension of period of duration of time limited occupancy permit or building approval certificate (s65) |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s65(4) and r40]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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| Subdelegates: <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Building Act 2011</i> s59 time for granting occupancy permit or building approval certificate s60 Notice of decision not to grant occupancy permit or grant building approval certificate s121 Occupancy permits and building approval certificates – application for review by SAT <i>Building Services (Complaint Resolution and Administration) Act 2011</i> Part 7, Division 2 <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i> Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system. |

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2.1.4 Designate Employees as Authorised Persons

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011</i> s96(3) authorised persons s99(3) Limitation on powers of authorised person |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to designate an employee as an authorised person [s96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s99(3)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. Decisions under this delegated authority must be consistent with r5 of the <i>Building Regulations 2012</i>. <i>NOTE: An authorised person for the purposes of s96(3) and 99(3) is not an approved officer or authorised officer for the purposes of Building reg70.</i> |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Building Act 2011</i> s97 each designated authorised person must have an identity card. r5A Authorised persons (s3) – definition Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.5 Designate Employees of Contracted Service Provider as Authorised Persons (Inspectors)

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Regulations 2012</i> r4A Authorised persons |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to designate a person contracted, or employed by an entity contracted, by the Shire of Chittering as an authorised person [r4A(2)] for the purposes of monitoring whether Part 8 provisions are being complied with. 2. Authority to revoke designation as an authorised person [r4A(4)]. |
| Council Conditions on this Delegation: | a. Designation of authorised persons under this delegation is limited to performing Authorised Person functions under s93(2)(d). |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <i>Building Act 2011</i> r4B Identity cards Financial Interest Return Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.6 Building Orders

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011</i> s110(1) A permit authority may make a building order s111(1) Notice of proposed building order other than building order (emergency) s117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s118(2) and (3) Permit authority may give effect to building order if non-compliance |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> a. Building work b. Demolition work c. An existing building or incidental structure [s110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s111(1)(c)]. 3. Authority to revoke a building order [s117]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s118(2)]. 5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s118(3)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <i>Building Act 2011</i> s111 Notice of proposed building order other than building order (emergency) s112 Content of building order s Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.7 Inspection and Copies of Building Records

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011</i> s131(2) Inspection, copies of building records |
| Delegate: | Chief Executive Officer |
| Function: <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 determine an application from an interested person to inspect and copy a building record [s131(2)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <i>Building Act 2011</i> s146 Confidentiality Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |
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2.1.8 Authorise persons to commence proceedings

| | |
|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011</i> s133(1) A permit authority may commence a prosecution for an offence against this Act |
| Delegate: | Chief Executive Officer |
| Function: <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 authorise a person to commence a prosecution for an offence against the Building Act 2011 [s.133(1)(b)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <i>Building Act 2011</i> s146 Confidentiality Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.9 Referrals and Issuing Certificates

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Act 2011</i> s145A Local Government functions |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to refer uncertified applications under s17(1) to a building surveyor who is not employed by the local government [s145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s145A(2)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates: <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <i>Building Act 2011</i> s145A Local Government functions Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the central records system. |

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2.1.10 Private Pool Barrier – Alternative and Performance Solutions

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Regulations 2012</i> r51 Approvals by permit authority |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 compliance with AS 1926.1 [r51(2)] 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r51(3)] 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [51(5)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

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|---|------------------------------------|
| Subdelegates: <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Building Regulations 2012</i> Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.11 Smoke Alarms – Alternative Solutions

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Regulations 2012</i> r55 Terms Used (alternative building solution approval) r61 Local Government approval of battery powered smoke alarms |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r61]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |

| | |
|---|------------------------------------|
| Subdelegates: <i>Appointed by CEO</i> | Principal Building Surveyor |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Building Regulations 2012</i> Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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2.1.12 Appoint approved officers and authorised officers

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|--|--|
| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Building Act 2011</i> s127(1) & (3) Delegation: special permit authorities and local government |
| Express Power or Duty Delegated: | <i>Building Regulations 2012</i> r70 Approved officers and authorised officers |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | <ol style="list-style-type: none"> 1. Authority to appoint an approved officer for the purposes of s6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <small>NOTE: Only employees delegated under s5.44(1) of the Local Government Act 1995 with power under s9.19 or 9.20 may be appointed as "approved officers".</small> 2. Authority to appoint an authorised officer for the purposes of s6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2). <small>NOTE: Only employees appointed under s9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</small> |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Building Act 2011</i> s127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO) |
| Subdelegates: <small>Appointed by CEO</small> | Nil |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |
| Compliance Links | <i>Building Regulations 2012</i> r70(3) each authorised officer must be issued a certificate of appointment. Financial Interests Returns Required - No |
| Record Keeping | Details of actions taken under this delegation are to be retained on the appropriate file or record, in the Shire records system. |

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3 Bush Fire Act 1954

3.1 Council to CEO, Mayor and Bush Fire Control Officer

3.1.1 Make Request to FES Commissioner – Control of Fire

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s13(4) Duties and powers of bush fire liaison officers |
| Delegate: | Chief Executive Officer |
| Function: <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 request on behalf of the Shire that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s13(4)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |

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| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record |

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3.1.2 Prohibited Burning Times – Vary

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Bush Fires Act 1954</i> s48 Delegation by local government</p> <p>s17(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 s17(7) and (8))</p> |
| Express Power or Duty Delegated: | <p><i>Bush Fires Act 1954</i> s17(7) Prohibited burning times may be declared by Minister</p> <p><i>Bush Fire Regulations 1954</i> r15 Permit to burn (Act s18), form of and apply for after refusal etc.</p> <p>38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r39B Crop dusters etc., use of in restricted or prohibited burning times</p> |
| Delegate: | Shire President and Chief Bush Fire Control Officer (Jointly) |
| Function: <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"> 1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s17(7)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. Decisions under s17(7) must be undertaken jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s17(7B) and (8). |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |

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| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.3 Prohibited Burning Times – Control Activities

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954</i> r15 Permit to burn (Act s18), form of and apply for after refusal etc. r38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r39B Crop dusters etc., use of in restricted or prohibited burning times |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r15]. 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 [r38C]. 3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r39B(2)]. 4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r39B(3)]. 5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s27(2) and (3)]. 6. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s28(1) to take all possible measures to extinguish a fire the land they occupy [s28(4)], including authority to recover expenses in any court of competent jurisdiction [s28(5)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |
| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.4 Restricted Burning Times – Vary and Control Activities

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <p><i>Bush Fires Act 1954</i></p> <p>s18(5), (11) Restricted burning times may be declared by FES Commissioner</p> <p>s22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954</i></p> <p>r15 Permit to burn (Act s18), form of and apply for after refusal etc.</p> <p>r15C Local Government may prohibit burning on certain days</p> <p>r38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r39B Crop dusters etc., use of in restricted or prohibited burning times</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s18(5)]. 2. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r15C]. 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 [s18(11)]. 4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r15]. 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 [s22(6) and (7)]. 6. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r38C]. 7. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r39B(2)]. 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 [r39B(3)]. 9. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s27(2) and (3)]. 10. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s28(1) to take all possible measures to extinguish a fire the land they occupy [s28(4)], including authority to recover expenses in any court of competent jurisdiction [s28(5)]. |
| Council Conditions on this Delegation: | Nil |



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| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |
| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.5 Control of Operations Likely to Create Bush Fire Danger

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954</i> r39C Welding and cutting apparatus, use of in open air r39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r39D Explosives, use of r39E Fireworks, use of |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r39CA(5)]. b. a person operating welding apparatus, a power operated abrasive cutting disc [r39C(3)]. c. a person using explosives [r39D(2)]. d. a person using fireworks [r39E(3)]. 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |
| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.6 Buring Garden Refuse / Open Air Fires

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s24F Burning garden refuse during limited burning times s24G Minister or local government may further restrict burning of garden refuse s25 No fire to be lit in open air unless certain precautions taken s25A Power of Minister to exempt from provisions of s25 <i>Bush Fires Regulations 1954</i> r27(3) Permit, issue of |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 [s24F(2)(b)(ii) and (4)]. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s24F [s24G(2)]: <ol style="list-style-type: none"> 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 [r27(3) and r33(5)]. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r34]. 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"> camping or cooking [s25(1)(a)]. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s25(1)(b)]. 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 [s25(1a) and (1b)]. Authority to serve written notice on a person to whom an exemption has been given under s25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s25A(5)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |
| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.7 Firebreaks

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s33 Local government may require occupier of land to plough or clear fire-breaks |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions [s33(1)]. d. determine that these matters have been acted upon to the satisfaction of the Shire. 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 [s33(4)]. <ol style="list-style-type: none"> a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s33(5)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |

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| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 195</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s38 Local Government may appoint bush fire control officer |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s38(1)]. 2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire [s38(5A)]. 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s38(17). [s38(8) and (9)]. <ol style="list-style-type: none"> a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s38(10)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |
| Compliance Links | An appointment made under s38(1) shall cause a local public notice to be published [s.38(2A)]. Records of names, addresses and usual occupations are to be maintained for all Bush Fire Control Officers appointed. [s50(1)(b)]. Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.9 Control and Extinguishment of Bush Fires

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s46 Bush fire control officer or forest officer may postpone lighting fire |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 [s46(1A)]. <ol style="list-style-type: none"> 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 officer 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 [s46(1B)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |

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| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.10 Recovery of Expenses Incurred through Contraventions of this Act

| | |
|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s58 General penalty and recovery of expenses incurred |
| Delegate: | Chief Executive Officer |
| Function: <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 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 [s58]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |

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| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.11 Prosecution of Offences

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s59 Prosecution of offences s59A(2) Alternative procedure – infringement notices |
| Delegate: | Chief Executive Officer Chief Bush Fire Control Officer Bushfire Risk & Ranger Coordinator Ranger(s) |
| Function: <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"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s59]. 2. Authority to serve an infringement notice for an offence against this Act [s59A(2)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |
| Compliance Links | <i>Bush Fires Act 1954</i> s65 Proof of certain matters s66 Proof of ownership or occupancy Financial Interests Returns Required - No |
| Record Keeping | All actions taken must be recorded in the appropriate file or record. |

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3.1.12 Withdrawal of Infringement Notices

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Bush Fires Act 1954</i> s48 Delegation by local government |
| Express Power or Duty Delegated: | <i>Bush Fires Act 1954</i> s59A(5) Alternative procedure – infringement notices |
| Delegate: | Chief Executive Officer |
| Function: <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 withdraw an infringement notice for an offence against this Act [s59A(5)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Sub-delegation is prohibited by s48(3) |

| | |
|------------------|---|
| Compliance Links | <i>Bush Fires Act 1954</i> s65 Proof of certain matters s66 Proof of ownership or occupancy |
| Record Keeping | All actions taken must be recorded in the appropriate file or record |

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4 Cat Act 2011

4.1 Council to CEO

4.1.1 Cat Registrations

| | |
|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011</i> s44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011</i> s9 Registration s10 Cancellation of registration s11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl1(4) Fees Payable |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s9(1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s9(6)]. 3. Authority to cancel a cat registration [s10]. 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 [s11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire's District [Reg. Sch. 3 cl1(4)]. |
| Council Conditions on this Delegation: | 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> . |
| Express Power to Sub-Delegate: | <i>Cat Act 2011</i> s45 Delegation by CEO of local government |
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Rangers |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <p><i>Cat Regulations 2012</i></p> <p>r11 Application for registration (s8(2)), prescribes the Form of applications for registration.</p> <p>r12 Period of registration (s9(7))</p> <p>r11 Changes in registration</p> <p>r14 Registration certificate (s11(1)(b))</p> <p>r15 Registration tags (s76(2))</p> <p><i>Cat Act 2011</i></p> <p>Part 4, Division 5 Decisions are subject to Objection and Review by the State Administration Tribunal rights</p> <p>Shire of Chittering – Keeping and Control of Cats Local Law 2023</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.2 Cat Control Notices

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011</i> s44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011</i> s26 Cat control notice may be given to cat owner |
| Delegate: | Chief Executive Officer |
| Function: <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 give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire's District [s26]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Cat Act 2011</i> s45 Delegation by CEO of local government |
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Rangers |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | <i>Cat Regulations 2012</i> r20 Cat control notice [s23(3)], prescribes the Form of the notice. Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.3 Approval to Breed Cats

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011</i> s44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011</i> s37 Approval to Breed Cats s38 Cancellation of approval to breed cats s39 Certificate to be given to approved cat breeder |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s37(4)]. 3. Authority to cancel an approval to breed cats [s38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s39(2)]. |
| Council Conditions on this Delegation: | 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> . |
| Express Power to Sub-Delegate: | <i>Cat Act 2011</i> s45 Delegation by CEO of local government |

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|---|--|
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Rangers |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Cat Regulations 2012</i> r21 Application for approval to breed cats (s36(2)) r22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r23 Person who not be refused approval to breed cats (s.37(5)) r24 Duration of approval to breed cats (s37(6)) r25 Certificate given to approved cat breeder (s.39(1)) Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.4 REPEALED Appoint Authorised Persons

4.1.5 Recovery of Costs – Destruction of Cats

| | |
|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011</i> s44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011</i> s49(3) Authorised person may cause cat to be destroyed |
| Delegate: | Chief Executive Officer |
| Function: <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 the amount of the costs associated with the destruction and the disposal of a cat [s49(3)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Cat Act 2011</i> s45 Delegation by CEO of local government |
| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |
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4.1.6 Applications to Keep Additional Cats

| | |
|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011</i> s44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat (Uniform Local Provisions) Regulations 2013</i> r8 Application to keep additional number of cats r9 Grant of approval to keep additional number of cats |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to require any document or additional information required to determine an application [r8(3)]. 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r8(4)]. 3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r9]. |
| Council Conditions on this Delegation: | a. Notices of decisions must include advice as to Review rights in accordance with r11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> . |
| Express Power to Sub-Delegate: | <i>Cat Act 2011</i> s45 Delegation by CEO of local government |

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|---|---|
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

| | |
|------------------|---|
| Compliance Links | Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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4.1.7 Reduce or Waiver Registration Fee

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011</i> s44 Delegation by local government |
| Express Power or Duty Delegated: | <i>Cat Regulations 2012</i> Schedule 3 Fees clause 1(4) |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat. |
| Council Conditions on this Delegation: | a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995. |
| Express Power to Sub-Delegate: | <i>Cat Act 2011</i> s45 Delegation by CEO of local government |
| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |
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4.2 CEO to Employees

4.2.1 Infringement Notices – Extensions and Withdrawals

| | |
|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Chief Executive Officer |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Cat Act 2011</i> s45 Delegation by CEO of local government |
| Express Power or Duty Delegated: | <i>Cat Act 2011</i> s64 Extension of time s65 Withdrawal of notice |
| Delegate: | Executive Manager Development Services |
| Function: <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"> 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 [s64]. 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 [s65]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil |
| Compliance Links | <i>Cat Regulations 2012</i> r28 Withdrawal of infringement notice (s65(1)) Shire of Chittering – Keeping and Control of Cats Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5 Dog Act 1974

5.1 Council to CEO

5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s10A Payments to veterinary surgeons towards costs of sterilisation |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 \$100 [s10A(1)(a) and (3)]. 2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s10A(1)(b) and (2)]. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer is permitted to sub-delegate) to employees [s10AA(3)]. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i> |

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| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.2 Refuse or Cancel Registration

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s15(2) and (4A) Registration periods and fees s16(3) Registration procedure s17A(2) If no application for registration made s17(4) and (6) Refusal or cancellation of registration |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to determine to refuse a dog registration and refund the fee, if any [s16(2)]. 2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> a. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept d. the dog is required to be microchipped but is not microchipped; or e. the dog is a dangerous dog [s16(3) and s17A(2)]. 3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire's District [s15(4A)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s17(4)]. 5. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s17(6)] |
| Council Conditions on this Delegation: | a. The Chief Executive Officer is permitted to sub-delegate to employees [s10AA(3)]. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Ranger(s) |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <i>Dog Act 1976</i> s17A If no application for registration made – procedure for giving notice of decision under s16(3) <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</i> Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
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| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |
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5.1.3 REPEALED Appoint Authorised Persons

5.1.4 Recovery of Moneys Due Under this Act

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| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s29(5) Power to seize dogs |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | <ol style="list-style-type: none"> 1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s29(5)]. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s10AA(3)]. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i> |

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| Subdelegates: <small>Appointed by CEO</small> | Nil |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |

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| Compliance Links | <p>Includes recovery of expenses relevant to:</p> <p>s30A(3) Operator of dog management facility may have dog microchipped at owner's expense</p> <p>s33M Local government expenses to be recoverable.</p> <p>s47 Veterinary service expenses recoverable from local government</p> <p>r31 Local government expenses as to dangerous dogs (declared)</p> <p>Shire of Chittering – Dogs Local Law 2023</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.5 Dispose of or Sell Dogs Liable to be Destroyed

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s29(11) Power to seize dogs |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to dispose of or sell a dog which is liable to be destroyed [s29(11)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Ranger(s) |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.6 Declare Dangerous Dog

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|--|---|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s33E(1) Individual dog may be declared to be dangerous dog (declared) |
| Delegate: | Chief Executive Officer |
| Function: <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 declare an individual dog to be a dangerous dog [s33E(1)]. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s10AA(3)]. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Bushfire Risk & Ranger Coordinator Ranger(s) |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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

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| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s33F(6) Owners to be notified of making of declaration s33G(4) Seizure and destruction s33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | <ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s33H(1)] 4. 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 [s33H(2)]. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s10AA(3)]. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i> |

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| Subdelegates: <small>Appointed by CEO</small> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |

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| Compliance Links | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s33H(5) Local government may revoke declaration or proposal to destroy |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s33H(5)]:<ol style="list-style-type: none"> a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s10AA(3)]. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i> |

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| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s33M(1)(a) Local Government expenses to be recoverable |
| Delegate: | Chief Executive Officer |
| Function: <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 determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s33H(5)]. |
| Council Conditions on this Delegation: | a. The Chief Executive Officer permitted to sub-delegate to employees [s10AA(3)]. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <i>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</i> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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5.1.10 Grant Exemption as to Number of Dogs Kept at Premises

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|--|--|
| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Dog Act 1976</i> s10AA Delegation of local government powers and duties |
| Express Power or Duty Delegated: | <i>Dog Act 1976</i> s26(3) Limitation as to numbers |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | <ol style="list-style-type: none"> 1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s26(3)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. The Chief Executive Officer permitted to sub-delegate to employees [s10AA(3)]. b. Decisions under this delegation must comply with the relevant provisions of the <i>Dog Act 1976</i> and the Shire of Chittering Dogs Local Law 2023, including: <ul style="list-style-type: none"> • Consider and be satisfied that for any particular premises the provisions of the <i>Dog Act 1976</i> relating to kennel establishments need not be applied in the circumstances [s26(3)]. • Apply the provisions of s26(4). c. Conditions that must be applied to an approved exemption, include, but not limited to: <ul style="list-style-type: none"> • Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO. • Registrations for each dog subject of the approved exemption must be current and maintained. • An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog. d. This delegation applies if an application raises no significant issues with neighbouring properties during a 21 day advertising period. If significant issues are raised with neighbouring properties that cannot be resolved, the application shall be referred to Council for determination. |
| Express Power to Sub-Delegate: | <i>Dog Act 1976</i> s10AA(3) Delegation of local government powers and duties <small>NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation</small> |

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| Subdelegates: <small>Appointed by CEO</small> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |

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| Compliance Links | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Shire of Chittering – Dogs Local Law 2023 Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6 Food Act 2008

6.1 Council to CEO

6.1.1 Determine Compensation

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008</i></p> <p>s118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s119] and guidelines adopted [s120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008</i></p> <p>s56(2) Compensation to be paid in certain circumstances</p> <p>s70(2) and (3) Compensation</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 [s56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s70(2) and (3)]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$2,000. Compensation requests above this value are to be reported to Council. |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation. |

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| Compliance Links | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Financial Interests Returns Required - No</p> |

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6.1.2 Prohibition Orders and Certificates of Clearance

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008</i></p> <p>s118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s119] and guidelines adopted [s120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008</i></p> <p>s65(1) Prohibition orders</p> <p>s66 Certificate of clearance to be given in certain circumstances</p> <p>s67(4) Request for re-inspection</p> |
| Delegate: | <p>Chief Executive Officer</p> <p>Executive Manager Development Services</p> <p>Principal Environmental Health Officer</p> |
| Function: <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"> 1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s65 of the <i>Food Act 2008</i> [s65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s66]. 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 [s67(4)]. |
| Council Conditions on this Delegation: | <p>a. In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| Compliance Links | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.3 Food Business Registrations

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008</i></p> <p>s118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s119] and guidelines adopted [s120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008</i></p> <p>s110(1) and (5) Registration of food business</p> <p>s112 Variation of conditions or cancellation of registration of food businesses</p> |
| Delegate: | <p>Chief Executive Officer</p> <p>Executive Manager Development Services</p> <p>Principal Environmental Health Officer</p> |
| Function: <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"> 1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s112]. |
| Council Conditions on this Delegation: | <p>a. In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • <i>Food Act 2008</i> Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation. |

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| Compliance Links | <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.4 Appoint Authorised Officers and Designated Officers

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008</i></p> <p>s118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s119] and guidelines adopted [s120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008</i></p> <p>s122(1) Appointment of authorised officers</p> <p>s126(6), (7) and (13) Infringement Officers</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s122(2)]. Authority to appoint an Authorised Officer appointed under s122(2) of this Act or the s24(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> [s126(13)]. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s126(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 [s126(6)] and determining withdrawal of an infringement notice [s126(7)]. |
| Council Conditions on this Delegation: | <p>a. In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> Appointment of Authorised Officers as Meat Inspectors Appointment of Authorised Officers Appointment of Authorised Officers – Designated Officers only Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer. |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation. |
| Compliance Links | <p>s122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p> <p>Financial Interests Returns Required - No</p> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.5 Debt Recovery and Prosecutions

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008</i></p> <p>s118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s119] and guidelines adopted [s120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008</i></p> <p>s54 Cost of destruction or disposal of forfeited item</p> <p>s125 Institution of proceedings</p> |
| Delegate: | <p>Chief Executive Officer</p> <p>Principal Environmental Health Officer</p> |
| Function: <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"> 1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s54(3)]. 2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s125]. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation. |

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| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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6.1.6 Food Business List – Public Access

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Food Act 2008</i></p> <p>s118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s119] and guidelines adopted [s120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p> |
| Express Power or Duty Delegated: | <p><i>Food Act 2008</i></p> <p>r51 Enforcement agency may make list of food</p> |
| Delegate: | <p>Chief Executive Officer</p> <p>Principal Environmental Health Officer</p> |
| Function: <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</i> | <p>1. Authority to decide to make a list of food businesses maintained under s115(a) or (b) publicly available [r51].</p> |
| Council Conditions on this Delegation: | <p>a. In accordance with s118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</p> |
| Express Power to Sub-Delegate: | NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation. |

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| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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7 Graffiti Vandalism Act 2016

7.1 Council to CEO

7.1.1 Give Notice Requiring Obliteration of Graffiti

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Graffiti Vandalism Act 2016</i> s16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s18(2) Notice requiring removal of graffiti s19(3) & (4) Additional powers when notice is given |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 [s18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s19(4)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016</i> s17 Delegation by CEO of local government |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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7.1.2 Notices – Deal with Objections and Give Effect to Notices

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Graffiti Vandalism Act 2016</i> s16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s22(3) Objection may be lodged s24(1)(b) & (3) Suspension of effect of notice |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to deal with an objection to a notice [s22(3)]. 2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> a. 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 [s24(1)(b)] and b. to give notice to the affected person, before taking the necessary actions [s24(3)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016</i> s17 Delegation by CEO of local government |

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| Subdelegates: <i>Appointed by CEO</i> | Nil |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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7.1.3 Obliterate Graffiti on Private Property

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|--|---|
| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Graffiti Vandalism Act 2016</i> s16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s25(1) Local government graffiti powers on land not local government property |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | 1. 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 [s25(1)]. |
| Council Conditions on this Delegation: | a. Subject to exercising Powers of Entry |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016</i> s17 Delegation by CEO of local government |
| Subdelegates: <small>Appointed by CEO</small> | Executive Manager Technical Services Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |
| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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7.1.4 Powers of Entry

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Graffiti Vandalism Act 2016</i> s16 Delegation by local government |
| Express Power or Duty Delegated: | <i>Local Government Act 1995</i> s28 Notice of entry s29 Entry under warrant |
| Delegate: | Chief Executive Officer |
| Function: <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"> 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 [s28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s29]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <i>Graffiti Vandalism Act 2016</i> s17 Delegation by CEO of local government |
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Technical Services Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |
| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |
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8 Public Health Act 2016

8.1 Council to CEO

8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Health (Asbestos) Regulations 1992</i> r15D(7) Infringement Notices |
| Express Power or Duty Delegated: | <i>Health (Asbestos) Regulations 1992</i> r15D(5) Infringement Notices |
| Delegate: | Chief Executive Officer |
| Function: <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 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 [r15D(5)]. |
| Council Conditions on this Delegation: | 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 [r15D(6)]. |
| Express Power to Sub-Delegate: | Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate |

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| Compliance Links | <i>Criminal Procedure Act 2004 – Part 2 Financial Interests Returns Required - No</i> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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8.1.2 Enforcement Agency Reports to the Chief Health Officer

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|--|--|
| Delegator: <i>Power / Duty assigned in legislation to</i> | Enforcement Agency (means Local Government vide s4 definition) |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Public Health Act 2016</i> s21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | <i>Public Health Act 2016</i> s22 Reports by and about enforcement agencies |
| Delegate: | Principal Environmental Health Officer |
| Function: <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"> 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 [s22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s22(2)]. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s21(4)]. |
| Compliance Links | <i>Public Health Act 2016</i> s20 Conditions on performance of functions by enforcement agencies. Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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8.1.3 Designate Authorised Officers

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|--|---|
| Delegator: <small>Power / Duty assigned in legislation to</small> | Enforcement Agency (means Local Government vide s4 definition) |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Public Health Act 2016</i> s21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | <i>Public Health Act 2016</i> s24(1) and (3) Designation of authorised officers |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | <p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> a. The <i>Public Health Act 2016</i> or other specified Act b. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act c. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> • an environmental health officer or environmental health officers as a class; OR • a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR • a mixture of the two. [s24(1) and (3)]. |
| Council Conditions on this Delegation: | <p>a. Subject to each person so appointed being;</p> <ul style="list-style-type: none"> • Appropriately qualified and experienced [s25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s30 and 31]. <p>b. A Register (list) of authorised officers is to be maintained in accordance with s27.</p> |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s21(4)]. |
| Compliance Links | <p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> s20 Conditions on performance of functions by enforcement agencies. s25 Certain authorised officers required to have qualifications and experience. s26 Further provisions relating to designations s27 Lists of authorised officers to be maintained s28 When designation as authorised officer ceases s29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s30 Certificates of authority s31 Issuing and production of certificate of authority for purposes of other written laws s32 Certificate of authority to be returned. s136 Authorised officer to produce evidence of authority <p><i>Criminal Investigation Act 2006</i></p> <ul style="list-style-type: none"> Parts 6 and 13 – refer s245 of the <i>Public Health Act 2016</i> <p><i>The Criminal Code</i></p> <ul style="list-style-type: none"> Chapter XXVI – refer s252 of the <i>Public Health Act 2016</i> <p>Financial Interests Returns Required - No</p> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |



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8.1.4 Dealing with Seized Items

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Enforcement Agency (means Local Government vide s.4 definition) |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Public Health Act 2016</i> s21 Enforcement agency may delegate |
| Express Power or Duty Delegated: | <i>Public Health Act 2016</i> s260 Return of seized item s262 Cost of destruction or disposal of forfeited items s263 Return of forfeited items s264 Compensation |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Authority to determine if no contravention of the <i>Public Health Act 2016</i> has occurred and return seized items or forfeited items to the person from whom the items were seized or to any other person who is determined to be entitled to it [s260 and 263]. 2. Authority to recover the cost of destruction or disposal of forfeited items [s262]. 3. 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 [264]. |
| Council Conditions on this Delegation: | a. Compensation is limited to a maximum value of \$2,000 with any proposal for compensation above this value to be referred for Council's determination. |
| Express Power to Sub-Delegate: | Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i> , specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s21(4)]. |

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| Compliance Links | <i>Public Health Act 2016</i> s20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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8.1.5 REPEALED Commerce Proceedings

9 Planning and Development Act 2005

9.1 Council to CEO

9.1.1 Illegal Development

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <p><i>Local Government Act 1995</i></p> <p>s5.42(b) Delegation of some powers or duties to the CEO</p> <p>s5.43 Limitations on delegations to the CEO</p> |
| Express Power or Duty Delegated: | <p><i>Planning and Development Act 2005</i></p> <p>s214(2), (3) and (5)</p> |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements; 2. Give a written direction to the owner or any other person who undertook an unauthorised development: <ol style="list-style-type: none"> a. to remove, pull down, take up, or alter the development; and b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. 3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order. |
| Council Conditions on this Delegation: | Nil |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |

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| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | Nil |

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| Compliance Links | <p>Part 13 of the <i>Planning and Development Act 2005</i></p> <p>Financial Interests Returns Required - Yes</p> |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

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9.1.2 Determine of various applications for development approval under the Shire's Local Planning Scheme

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| Delegator: <i>Power / Duty assigned in legislation to</i> | Local Government |
| Express Power to Delegate: <i>Power that enables a delegation to be made</i> | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> reg81-84 |
| Express Power or Duty Delegated: | <i>Planning and Development Act 2005</i> s214(2), (3) and (5) |
| Delegate: | Chief Executive Officer |
| Function: <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"> 1. Determination of an application for development approval under cl68 of Schedule 2 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>; and ss31(2) of the <i>State Administrative Tribunal Act 2004</i>. 2. Advertising of applications and proposals under cl18, 50 and 64 and subclauses 66(1) and 77(3) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 3. Determining accompanying material requirements for applications for development approval, including refusal to accept an application, under cl11, 63 and 85 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 4. Amending or cancelling development approval, including waiving or varying a requirement in Part 8 or 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for minor amendments and temporary works or use, under cl77 and subclauses 61(1)(a) and (b) (Item 17), and 61(2)(f) of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 5. Determining accompanying material requirements for Local Development Plans under cl49 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 6. The Chief Executive Officer is delegated the power to: <ol style="list-style-type: none"> a. Exercise discretion, determine and apply conditions to all applications for development approval made under the Shire of Chittering Local Planning Scheme No.6, except where exempted under Council Conditions on this Delegation; b. Exercise discretion and affirm, vary or set aside a decision made on an application for development approval following a request by the State Administrative Tribunal for a reconsideration to be made under s31 of the <i>State Administrative Tribunal Act 2004</i>; c. Determine the requirement for and extent of advertising of applications and proposals made under Shire of Chittering Local Planning Scheme No.6; d. Determine the type and extent of accompanying material required to be lodged with applications and proposals made under the Shire of Chittering Local Planning Scheme No.6 and whether an application should be accepted or rejected; e. Exercise discretion, determine and apply conditions to all applications to amend or cancel a development approval; f. Exercise discretion, determine and apply conditions to all applications made to extend the period within which a development approved must be substantially commenced; g. Exercise discretion, determine and apply conditions to all applications made under reg17A of the <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> to amend or cancel a development approval made by a Development Assessment Panel; h. Waive or vary a requirement in Part 8 or Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> in respect of an application where that application is considered to relate to a minor amendment to the development approval; and i. Determine the type and extent of accompanying material requirements, and any modifications required by Council in respect to a Local Development Plan under Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. |



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| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. This delegation does not extend to applications for development approval that propose a new non-conforming use that is proposed to replace and effect the discontinuance of an existing non-conforming use; b. This delegation does not extend to applications for development approval that have received one or more substantiated objections (meaning an objection that, in the opinion of the Chief Executive Officer, specifically or generally relates to a contention of discretion within an application for Development Approval); c. This delegation does not extend to applications to amend a development approval that was determined by Council, unless the amendments proposed; <ul style="list-style-type: none"> • meet all equivalent acceptable or deemed-to-comply standards, or does not propose any further departure to previously approved variations to acceptable or deemed-to-comply standards, set out in the Shire's Local Planning Policies; • meet all of the deemed-to-comply standards or element objectives and acceptable outcomes, or does not propose any further departure to previously approved variations to deemed-to-comply standards, or element objectives and acceptable outcomes, as set out in State Planning Policy 7.3 Residential Design Codes; • would not change the impact of any condition imposed; and • relates to a modification, or modifications, imposed on a Local Structure Plan by the Western Australian Planning Commission pursuant to Pt 4 Cl.22(b) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. d. This delegation does not extend to requests from the State Administrative Tribunal for a reconsideration of a Council decision under s31 of the <i>State Administrative Tribunal Act 2004</i>; |
| Express Power to Sub-Delegate: | <p><i>Local Government Act 1995</i></p> <p>s5.44 CEO may delegate some powers and duties to other employees</p> |

| | |
|---|--|
| Subdelegates: <i>Appointed by CEO</i> | Executive Manager Development Services Principal Planning Officer Senior Planning Officer |
| Subdelegates conditions (CEO conditions) <i>Conditions on the original delegation also apply to the sub-delegations</i> | <ol style="list-style-type: none"> a. This sub-delegation does not extend to applications for development approval that have received one or more substantiated objections (meaning an objection that, in the opinion of the Executive Manager Development Services, specifically or generally relates to a contention of discretion within an application for Development Approval); |

| | |
|------------------|--|
| Compliance Links | Financial Interests Returns Required - Yes |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

Version Control:

| | |
|---|------------------------|
| 1 | 15 June 2022 - N222918 |
| 2 | |
| 3 | |

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
[Previous](#) [Close](#) [Next](#)

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 9th 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

GOVERNMENT GAZETTE
Western Australia
[Previous](#) [Close](#) [Next](#)

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
[Previous](#) [Close](#) [Next](#)
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 – 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 2nd 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

The power to sign as owner in respect of Crown land that is:

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or 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,

in respect of development applications being made under or referred to in:

- section 99(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);
- section 103(2) of the *Planning and Development Act 2005* in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);
- section 115 of the *Planning and Development Act 2005* in respect of development within a planning control area (as that term is defined in that Act);
- section 122A of the *Planning and Development Act 2005* in respect of which approval is required under an improvement scheme (as that term is defined in that Act);
- section 162 of the *Planning and Development Act 2005* in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);

Column 2

City of Albany
City of Armadale
Shire of Ashburton
Shire of Augusta-Margaret River
Town of Bassendean
City of Bayswater
City of Belmont
Shire of Beverley
Shire of Boddington
Shire of Boyup Brook
Shire of Bridgetown-Greenbushes
Shire of Brookton
Shire of Brome
Shire of Broomhill-Tambellup
Shire of Bruce Rock
City of Bunbury
Shire of Busselton
Town of Canning
Shire of Capel
Shire of Carnamah
Shire of Carnarvon
Shire of Chapman Valley
Shire of Chittering
Shire of Christmas Island
Town of Claremont
City of Cockburn
Shire of Cocos (Keeling) Islands
Shire of Collie
Shire of Coolgardie
Shire of Coorow
Shire of Corrigin
Town of Cottesloe
Shire of Cranbrook
Shire of Cuballing
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

Column 3

In accordance with and subject to approved Government Land policies.

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 *Planning and Development Act 2005* (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Shire of Nannup
Shire of Narembeen
Shire of Narrogin
Town of Narrogin
City of Nedlands
Shire of Ngaanyatjarraku
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

10.2.2 WA Planning Commission – Section 25 of the Strata Titles Act 1985

29 January 2021

GOVERNMENT GAZETTE, WA

449

Schedule 1

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

Power to determine applications 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) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the *Strata Titles Act 1985*);
- (e) 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. Applications under sections 21 and 22 of the *Strata Titles Act 1985*

Power to determine applications under—

- (a) section 21 of the *Strata Titles Act 1985*;
- (b) section 22 of the *Strata Titles Act 1985* where the amendment or repeal of scheme by-laws requires the approval of the WAPC.

3. Reporting requirements

A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided 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 – Event 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 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 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 of Certain Local Government Vehicles as Special Use Vehicles

Approval for ranger vehicles to fit and use yellow flashing lights (transport.wa.gov.au) Extracted on line on 15 March 2021.



Government of Western Australia
Department of Transport
Driver and Vehicle Services

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.

A handwritten signature in blue ink.

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

Dated the 5th day of September 2017

11 Health (Miscellaneous Provisions) Act 1911
11.1 Council to CEO
11.1.1 Dwellings unfit for habitation

| | |
|--|--|
| Delegator: <small>Power / Duty assigned in legislation to</small> | Local Government |
| Express Power to Delegate: <small>Power that enables a delegation to be made</small> | <i>Health (Miscellaneous Provisions) Act 2011</i> s26 – powers of local government – appointment and authorisation of deputy to exercise and discharge all or any powers functions under the Act |
| Express Power or Duty Delegated: | <i>Health (Miscellaneous Provisions) Act 2011</i> s135 – Dwellings unfit for habitation |
| Delegate: | Chief Executive Officer |
| Function: <small>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation</small> | <ol style="list-style-type: none"> 1. Authority for the Deputy, on behalf of the local government, to exercise the local government's powers under s135, including (as applicable under the Act): <ol style="list-style-type: none"> a. Determining that a dwelling (or part of a dwelling) is unfit for habitation, b. Issuing/serving the relevant notice(s) required by s135, and c. Specifying any required actions/timeframes available under s135, including cessation of use for habitation where required. |
| Council Conditions on this Delegation: | <ol style="list-style-type: none"> a. The Deputy must be satisfied, based on appropriate evidence (e.g., inspection reports / authorised officer advice), that the statutory threshold for action under s135 is met. b. Procedural fairness must be afforded where required (including clear reasons in the notice and appropriate opportunity to respond if contemplated by the Act/process). c. The Deputy is to ensure appropriate coordination with relevant internal officers (e.g., Development Services / Environmental Health capacity) and external agencies where necessary. d. All notice and supporting material must be retained as local government records and recorded in the relevant compliance register/file. |
| Express Power to Sub-Delegate: | Nil |

| | |
|---|---|
| Subdelegates: <small>Appointed by CEO</small> | Executive Manager Development Services |
| Subdelegates conditions (CEO conditions) <small>Conditions on the original delegation also apply to the sub-delegations</small> | Nil |

| | |
|------------------|--|
| Compliance Links | Financial Interests Returns Required - No |
| Record Keeping | Decisions made under this delegation are to be recorded in the appropriate file and/or register. |

Version Control:

| | |
|---|------------------|
| 1 | 18 February 2026 |
|---|------------------|

SHIRE POLICY 1.2

Policy Name

Responsible Department:

Responsible Business Unit:

Date of Review: DATE

Council Resolution: 000000

1. OBJECTIVE

The objective of this Policy is to establish a clear, consistent and equitable governance.

2. SCOPE

Describes:

- Who the policy applies to (Councillors, CEO, employees, contractors, community)
- What activities or decisions it applies to
- Exclusions, if any

3. DEFINITIONS

Term definition

4. POLICY STATEMENT

- Articulate the core principles
- State the rules Council requires to be followed
- Provide high-level direction without operational detail

5. ROLES AND RESPONSIBILITIES

Roles of individuals

SHIRE POLICY 1.2

Policy Name

6. COMPLIANCE

| | |
|--------------------------|--|
| Legislation | |
| Industry | |
| Organisational Documents | |
| Strategic Alignment | |

7. ADMINISTRATION

| Review Cycle | Every 3 years | Next Review Due | [Month / Year] |
|--------------|---------------|-----------------|------------------|
| Policy Owner | | | |
| Version | Decision Ref | Date | Change |
| 1.0 | | XX/XX/XXXX | Initial adoption |

SHIRE POSITION STATEMENT

Position Statement Name

Responsible Department: Office of the CEO

Responsible Business Unit: Executive Assistant

Date of Adoption: DATE

Council Resolution: 000000

STATEMENT OF POSITION

The Shire of Chittering supports / does not support / is committed to / advocates for ...

A clear, high-level statement outlining Council's agreed position on the matter.

BACKGROUND / CONTEXT

A brief explanation of:

- Why this position statement is required
- The context or issue prompting Council's position
- Any relevant legislative, strategic or community drivers

This section should be descriptive only and not restate the position itself.

APPLICATION AND SCOPE

This section clarifies:

- Who the position statement applies to (Council, CEO, organisation, external stakeholders)
- Whether the statement:
 - Stands alone, or
 - Informs the development of a future Council Policy
- Any explicit exclusions or limitations

IMPLEMENTATION DIRECTION

A short statement outlining how Council expects the position to be acted upon, without prescribing procedures.

This may include:

- Advocacy or representation
- Strategic consideration in decision-making
- Informing submissions, negotiations or partnerships
- Guiding future policy development

SHIRE POSITION STATEMENT

Position Statement Name

Note: Implementation detail is the responsibility of the CEO and must not be embedded here.

COMPLIANCE

| | |
|--------------------------|--|
| Legislation | |
| Industry | |
| Organisational Documents | |
| Strategic Alignment | |

ADMINISTRATION

| Review Cycle | Every 3 years | Next Review Due | [Month / Year] |
|--------------|---------------|-----------------|------------------|
| Version | Decision Ref | Date | Change |
| 1.0 | CRXXXXXX | XX/XX/XXXX | Initial adoption |

Policy Review Calendar July 2026 – June 2029 and so on

| July 2026 | |
|-----------------------|--|
| 2.1 | Investment |
| August 2026 | |
| 1.4 | Election |
| 3.1 | Bereavement Recognition |
| September 2026 | |
| 1.5 | Record Keeping |
| October 2026 | |
| 1.10 | Reimbursement of Volunteers for Damaged Personal Equipment |
| November 2026 | |
| 1.2 | Australian Citizenship Ceremonies |
| 9.7 | Temporary Accommodation During Construction of a Dwelling |
| December 2026 | |
| 3.2 | Equal Employment Opportunity |
| February 2027 | |
| 3.3 | Work Health and Safety (WHS) |
| 6.7 | Community Assisted Transport Service Policy (CATS) |
| 7.3 | Naming of Shire Facilities |
| March 2027 | |
| 1.3 | Service Level Complaints Handling |
| April 2027 | |
| 1.11 | Recording and Livestreaming of Council Meetings |
| 1.15 | Communications and Social Media |
| May 2027 | |
| 1.7 | Asset Management – Infrastructure Assets |
| June 2027 | |
| 1.8 | Conferral of Title – Honorary Freeman of the Shire |
| 2.2 | Rating |

| | |
|-----------------------|---|
| July 2027 | |
| 2.5 | Purchasing & Procurement |
| 3.8 | Standards for Recruitment of CEOs |
| August 2027 | |
| 3.9 | Standards for Review of Performance of Ceos |
| 4.3 | Elected Members' – Entitlements and Training |
| September 2027 | |
| 3.10 | Standards for Termination of Employment of CEOs |
| 4.1 | Code of Conduct – Elected Members, Committee Members and Candidates |
| October 2027 | |
| 4.4 | Council Member Recognition of Service |
| 4.5 | Legal Representation and Costs Indemnification |
| November 2027 | |
| 4.7 | Gifts, Benefits, Hospitality and Attendance at Events |
| December 2027 | |
| 4.9 | Code of Conduct – Behaviour Complaints Management |
| 4.10 | Transparency & Accountability |
| February 2028 | |
| 5.2 | Container Deposit Scheme – Community Groups Donation Points |
| 6.2 | Education Scholarship Award |
| March 2028 | |
| 7.1 | Nature Strip Treatments – Protective Devices |
| 7.2 | Crossovers Subsidy |
| April 2028 | |
| 6.1 | Australia Day Awards |
| 8.3 | Rural Numbering |
| May 2028 | |
| 8.2 | Verge Maintenance |
| June 2028 | |
| 8.4 | Storm Water Management |
| 9.2 | Bush Fire Control |

| | |
|-----------------------|---|
| July 2028 | |
| 9.3 | Nuclear Waste |
| August 2028 | |
| 4.6 | Council Forums and Information Sessions |
| 9.8 | Nutrient Removal Effluent Disposal Systems |
| September 2028 | |
| 1.14 | Execution of Documents and Use of the Common Seal |
| 4.1 | Code of Conduct – Elected Members, Committee Members and Candidates |
| October 2028 | |
| 1.9 | Risk Management |
| 2.3 | Community Donations |
| November 2028 | |
| 1.12 | General Compliance and Enforcement |
| 2.6 | Change in Use of Rural Land |
| December 2028 | |
| 3.4 | Appointment of an Acting Chief Executive Officer |
| 4.2 | Informal Petitions to Council |
| February 2029 | |
| 2.7 | Related Party Disclosures |
| 4.8 | Notices of Motion |
| March 2029 | |
| 2.8 | Financial Hardship – Collection of Rates and Service Charges Policy |
| 6.8 | Use of Chittering Community Bus |
| April 2029 | |
| 6.6 | Community Bus Transport Service |
| 9.5 | Multiple Dogs |
| May 2029 | |
| 6.4 | Community Assistance Grant Scheme |
| 6.5 | Financial Assistance for residents involved in state/national sporting events |
| June 2029 | |
| 9.6 | Trading in Public Places |

Council Policy Transition Schedule

| March Ordinary Council Meeting – 18 March 2026 | |
|--|--|
| Administration Policies | |
| 1.2 | Australian Citizenship Ceremonies |
| 1.3 | Service Level Complaints Handling |
| 1.4 | Election Advertising |
| 1.5 | Record Keeping |
| 1.7 | Asset Management – Infrastructure Assets |
| 1.8 | Conferral of Title – Honorary Freeman of the Shire of Chittering |
| 1.9 | Risk Management |
| 1.10 | Reimbursement of Volunteers for Damaged Personal Equipment |
| 1.11 | Recording and Livestreaming of Council Meetings |
| 1.12 | General Compliance and Enforcement |
| 1.14 | Execution of Documents and Use of the Common Seal |
| 1.15 | Communications and Social-Media |
| Finance Policies | |
| 2.1 | Investment |
| 2.2 | Rating |
| 2.3 | Community Donations |
| 2.5 | Purchasing & Procurement |
| 2.6 | Change in Use of Rural Land |
| 2.7 | Related Party Disclosures |
| 2.8 | Financial Hardship – Collection of Rates and Services Charges |

| April Ordinary Council Meeting – 15 April 2026 | |
|---|---|
| Staff Policies | |
| 3.1 | Bereavement Recognition |
| 3.2 | Equal Employment Opportunity |
| 3.3 | Work Health and Safety (WHS) |
| 3.4 | Appointment of an Acting Chief Executive Officer |
| 3.8 | Standards for Recruitment of CEOs |
| 3.9 | Standards for Review of Performance of CEOs |
| 3.10 | Standards for Termination of Employment of CEOs |
| Elected Members Policies | |
| 4.1 | Code of Conduct – Elected members, Committee Members and Candidates |
| 4.2 | Informal Petitions to Council |
| 4.3 | Elected Members’ – Entitlements and Training |
| 4.4 | Council Member Recognition of Service |
| 4.5 | Legal Representation and Costs Indemnification |
| 4.6 | Council Forums and Information Sessions |
| 4.7 | Gifts, Benefits, Hospitality and Attendance at Events |
| 4.8 | Notices of Motion |
| 4.9 | Code of Conduct – Behaviour Complaints Management |
| 4.10 | Transparency & Accountability |
| 4.12 | Inwards Donations, Contributions and Sponsorship |

| May Ordinary Council Meeting – 20 May 2026 | |
|---|---|
| Community Facilities and Recreation Policies | |
| 5.1 | Container Deposit Scheme – Community Groups Donation Points |
| Community Development Policies | |
| 6.1 | Australia Day Awards |
| 6.2 | Education Scholarship Award |
| 6.3 | Use of Chittering Community Bus |
| 6.4 | Community Assistance Grant Scheme |
| 6.5 | Financial Assistance for residents involved in state/national sporting events |
| 6.6 | Community Bus transport service |
| 6.7 | Community Assisted Transport Service (CATS) |
| Engineering, Construction and Maintenance Policies | |
| 7.1 | Nature Strip Treatments – Protective Devices |
| 7.2 | Crossovers Subsidy |
| 7.3 | Naming of Shire Facilities |

| June Ordinary Council Meeting – 17 June 2026 | |
|---|---|
| Parks and Landscaping Policies | |
| 8.2 | Verge Maintenance |
| 8.3 | Rural Numbering |
| 8.4 | Storm Water Management |
| Environment and Health Policies | |
| 9.2 | Bush Fire Control |
| 9.3 | Nuclear Waste |
| 9.5 | Multiple Dogs |
| 9.6 | Trading in Public Places |
| 9.7 | Temporary Accommodation During Construction of a Dwelling |
| 9.8 | Nutrient Removal Effluent Disposal Systems |
| Council Position Statements | |
| | |



Agreement signed with Yued Aboriginal Corporation



Council Plan engagement session



Australia Day Citizenship Ceremony 2026

Mid-Year Corporate Performance Report

Reporting period: 1 July 2025 – 31 December 2025

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Executive Summary

This report provides an overview of the Shire's organisational performance at the mid-year point of the 2025/26 financial year. Performance is assessed through delivery of the Corporate Business Plan, as implemented via the Annual Implementation Plan (AIP), and is presented alongside the Mid-Year Budget Review. This integrated approach enables progress, resourcing, and expenditure to be considered together.

Where delivery has not progressed as planned, delays are well understood, appropriately governed, and will be formally addressed through the next annual planning and budget cycle. This ensures continuity of service delivery, transparency in decision-making, and disciplined prioritisation.

Overall, the report demonstrates that organisational performance, financial management, and risk oversight remain aligned, with no material service delivery failures identified at the mid-year point, and compliance risks appropriately identified, governed and managed through established planning, risk and reporting processes.

A small number of statutory review activities, including planning and emergency management instruments, are tracking beyond their original review timeframes. These matters do not impact day-to-day service delivery but may increase governance and appeal-related risk if not addressed, and will therefore be prioritised through the next integrated planning and budgeting cycle.

Purpose of the Report

The purpose of this report is to:

- provide Council with a mid-year update on progress against the 2025/26 commitments contained within the Corporate Business Plan; and
- present the Shire's financial performance and position at mid-year through the Mid-Year Budget Review.

Over the past year, the Shire has undertaken a significant program of work to restructure the Corporate Business Plan around 20 clearly defined service areas. This service-based approach improves transparency around the true cost of service delivery, strengthens accountability, and supports more informed decision-making by Council.

While alignment to the five Strategic Community Plan themes remains central, the Shire now plans, budgets, and reports primarily through a service delivery lens. This approach clearly identifies statutory, discretionary, and compliance-linked services, along with associated risks, resourcing requirements, and delivery models.

The following status and risk indicators are used consistently across all service areas to monitor delivery progress and risk exposure for projects, improvement activities and business-as-usual functions.

Progress Status legend:

 Completed |  On Track |  Slightly Behind |  Behind Schedule & At Risk |  Not Due This Quarter |  On Hold / Cancelled / Scope Changed

Risk Status Legend:

 Low |  Medium |  High |  Critical

Performance and Reporting Structure

Delivery of the four-year Corporate Business Plan is monitored through the Annual Implementation Plan (AIP), which translates strategic commitments into year-one actions. Projects and improvement activities are further broken down into quarterly milestones to support effective performance monitoring and financial management.

This report presents the mid-year performance status of all projects, improvement activities, and business-as-usual (BAU) deliverables included in the 2025/26 AIP. Performance reporting is aligned with the Mid-Year Budget Review to ensure delivery progress and financial performance are considered together.

The AIP is structured around the 20 service areas adopted by Council in June 2025, providing a consistent framework for linking performance outcomes to budget programs, workforce responsibility, and risk management.

Services at a Glance

The Corporate Business Plan groups the Shire's services under five strategic themes aligned with the Strategic Community Plan, as outlined below.

| Strategic Theme | Service Area |
|-------------------------|--|
| Community | 1.  Recreation, Community Facilities & Active Open Spaces |
| | 2.  Community Development & Events |
| | 3.  Library Services |
| Natural Environment | 4.  Residential Property Management |
| | 5.  Ranger & Community Safety |
| Built Environment | 6.  Emergency Services & Recovery |
| | 7.  Bushfire Mitigation Services |
| Economy | 8.  Bushland & Passive Open Spaces |
| | 9.  Environment & Public Health |
| | 10.  Landfill & Waste Collection |
| Leadership & Governance | 11.  Transport |
| | 12.  Planning and Compliance |
| | 13.  Building and Compliance |
| Leadership & Governance | 14.  Economic Development, Tourism & Marketing |
| | 15.  Administration & Customer Service |
| | 16.  Financial Management |
| Leadership & Governance | 17.  Information Technology & Records |
| | 18.  People and Culture |
| Leadership & Governance | 19.  Governance & Strategy |
| | 20.  Executive & Council Support |

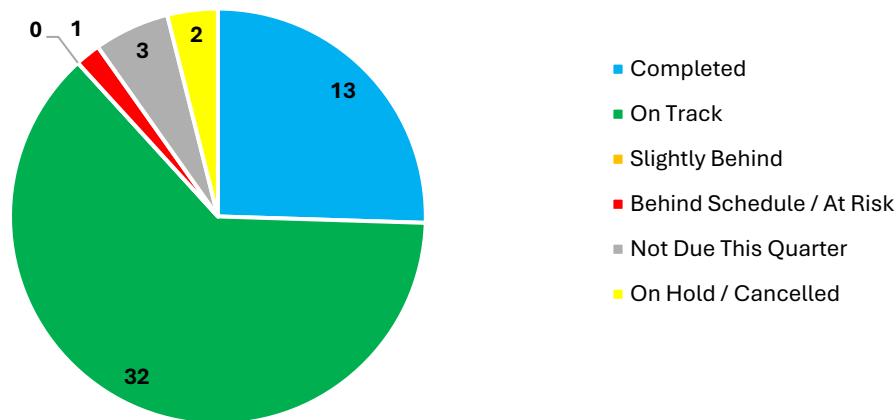
Mid-Year Performance Snapshot:

- 89% of Corporate Business Plan actions are completed, on track or appropriately staged at mid-year.
- 94% of the 51 projects included in the 2025/26 Annual Implementation Plan are completed, on track or appropriately staged.
- 84% of the 93 improvement activities are completed or on track.

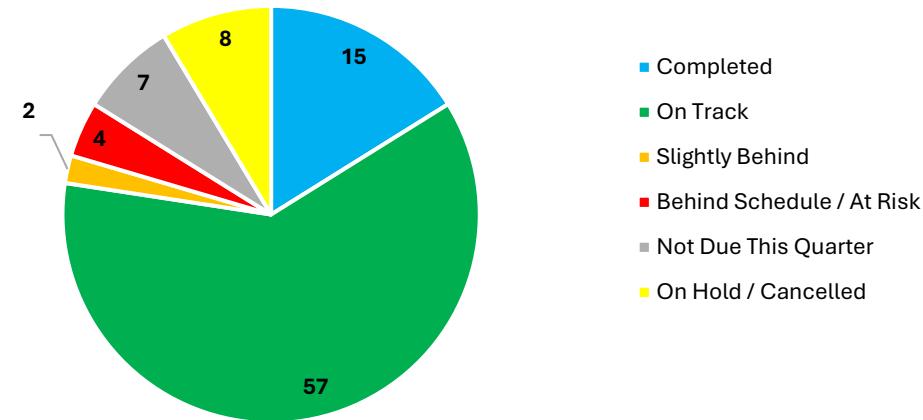
At the mid-year point, delivery across the Shire's Corporate Business Plan remains largely on track. Projects and initiatives not progressing as planned are primarily and appropriately affected by external approvals, funding conditions, statutory processes, legislative review cycles or revised sequencing, rather than delivery performance issues.

Overall, performance demonstrates steady progress against planned outcomes, with risks clearly identified, understood and actively managed.

Projects



Improvement Activities



At the mid-year point of the 2025/26 financial year, the Shire has demonstrated strong, coordinated performance across its 20 service areas, with measurable progress achieved in infrastructure delivery, statutory compliance, governance maturity, community engagement and organisational capability. Performance reflects both the completion of key initiatives and sustained momentum across complex, multi-year and strategically staged programs.

Key Performance Highlights at Mid-Year

Strong strategic leadership and governance maturity

The Shire successfully delivered the October local government election in full compliance with legislative requirements, reflecting strong planning and governance capability.

Significant progress was also made on the major review of the Council Plan, supported by one of the largest community and stakeholder engagement programs undertaken in recent years. More than 630 participants—including residents, businesses, community groups, staff, elected members and young people—contributed through surveys, workshops and targeted engagement activities. This has established a robust evidence base to inform future priorities and ensure alignment with contemporary community needs.

Governance maturity has been further strengthened through meaningful relationship-building with Traditional Owners. In August 2025, the Shire entered into a formal agreement with the Yued Aboriginal Corporation, establishing a practical, ongoing partnership that supports reconciliation, cultural recognition and informed decision-making across planning and service delivery.

The Shire has continued to strengthen its service-based planning and reporting framework, with the Corporate Business Plan now clearly structured around 20 defined service areas. This has improved transparency, accountability and alignment between planning, budgeting, performance reporting and risk management. Governance maturity has also been enhanced through the establishment of an integrated compliance calendar and ongoing implementation of the policy review program.

Visible community infrastructure and place-based outcomes

Across community-facing services, the Shire has delivered and progressed a range of high-impact outcomes, including upgrades to community facilities, pathways and recreational assets. Completion of bridle trail investigations and associated community consultation represents a key milestone, providing a strong foundation for future planning and investment in active recreation.

Strong delivery across transport and built environment

Transport remains one of the Shire's most significant areas of activity and investment. At mid-year, a substantial roads capital and renewal program is either completed or progressing well, supported by effective program and grant management. Major achievements include multiple road reseals, reconstruction works, intersection upgrades and delivery of Black Spot projects. Planning and early works for larger multi-year projects are also well advanced. Where delays exist, they are externally driven and are being actively managed.

Improved environmental resilience and emergency preparedness

Environmental, public health and emergency management services continue to deliver outcomes that support community safety and environmental protection. Biodiversity initiatives delivered in partnership with Landcare, along with upgrades to emergency infrastructure such as fire stations and static water supplies, have strengthened the Shire's preparedness and resilience.

Sound corporate performance and organisational capability

Corporate services continue to underpin strong organisational performance. The Mid-Year Budget Review confirms the Shire remains within budget at 31 December 2025,

with a favourable financial position largely reflecting income timing and expenditure phasing rather than reduced service delivery. Rates collection remains strong and on track with targets.

Information technology and records services have progressed major system improvements, including staged implementation of the CouncilFirst ERP and integration with records management systems, enhancing data integrity, cybersecurity and operational efficiency. People and Culture initiatives continue to strengthen workforce capability, safety and planning.

Governance, executive and Council support services have delivered critical statutory, planning and support functions, reinforcing the stability and effectiveness of the organisation.

Deferred Deliveries at Mid-Year Review (Revised Completion Timeframes)

The following actions were deferred at the Mid-Year Review due to scope changes, Council decisions to undertake further investigation, legislative timing changes, or delivery extending beyond 2026/27. Revised completion timeframes will be reflected in future planning documents.

- Deferred statutory and legislative reviews, including the Local Planning Strategy, statutory review of Local Planning Scheme No. 6, and the Emergency Management Plan, to align with updated legislative requirements and resourcing capacity.
- Deferred strategic asset and environmental planning initiatives, including the Stormwater Management Plan for Muchea and planning for Bindoon landfills, to ensure appropriate sequencing with broader infrastructure and environmental priorities.
- Deferred externally constrained capital works, including the Flat Rocks Road reconstruction, pending completion of required regulatory approvals and clearances.
- Deferred finalisation of the Bridle Trail Network project to allow further investigation.
- Deferred delivery of the Bushfire Reserves Plan – Stage 1 to ensure alignment with broader bushfire risk mitigation planning and legislative changes.
- Deferred development of a Local Planning Policy – Biodiversity to allow further technical assessment and policy alignment.
- Deferred digitisation of swimming pool inspection records and automation of scheduling through the CouncilFirst module due to system integration and resourcing considerations.
- Deferred development of a competitive grant program aimed at supporting local industry growth, pending further design and funding assessment.
- Deferred delivery of the Sussex Bend Park Dog Park to allow further investigation and prioritisation within the capital program.
- Deferred review and update of Local Laws relating to Extractive Industries and Bushfire Brigades to ensure consistency with updated legislation and operational requirements.

These matters will be treated as priority focus areas in the 2026/27 Integrated Planning and Budgeting cycle. Carryover items will be clearly identified in the Annual Implementation Plan, with updated timeframes, funding considerations, and risk ratings presented to Council to support statutory compliance, governance assurance, and organisational capacity management.

Financial Performance at Mid-Year

At the mid-year point, the Shire's overall financial position remains within budget, with a favourable position reported at 31 December 2025, as detailed in the Mid-Year Budget Review. This position is primarily driven by income variations and the timing of expenditure across both operating and capital programs, rather than reductions in service delivery.

At the mid-year point (31 December 2025), the Shire's overall financial position remains sound and within the parameters of the adopted 2025/26 Annual Budget. The Mid-Year Budget Review confirms that both operating and capital programs are being managed carefully, with no material adverse variances identified. The Shire recorded a favourable net position of **\$5.49 million** at mid-year, reflecting income timing, grant receipts and the staged delivery of capital works.

Operating Position

Operating expenditure across the organisation is tracking broadly in line with expected seasonal patterns.

At mid-year:

Operating expenditure is tracking at approximately **48%** of the annual operating budget, which is consistent with expected spending patterns at this point in the financial year.

Operating revenue is performing above forecast, supported by:

- higher-than-anticipated investment interest income,
- timing adjustments to Financial Assistance Grant (FAGs) payments,
- additional grant income received in the first half of the year, and
- normal timing differences in operational expenditure.

These factors have contributed to a favourable operating result at mid-year of approximately **\$5.49 million**. Importantly, this position reflects timing and income movements rather than permanent savings or reductions in service delivery. Core service levels continue to be delivered across all service areas as planned.

As part of normal business-as-usual financial management, rates collection performance remains strong, with approximately **78.5%** of rates collected by 31 December 2025, supporting cash flow, financial stability and continued service delivery across the organisation.

Capital Program

The Shire's capital works program remains active and aligned with Council priorities, with delivery occurring progressively across the financial year.

At mid-year:

Approximately **49%** of the total capital budget is either expended or contractually committed, reflecting the staged nature of design, approvals, procurement and construction.

Capital expenditure to date includes:

- **\$1.14 million** invested in road infrastructure projects,
- expenditure on buildings, plant, parks and other infrastructure progressing in line with approved project schedules.

A number of capital projects are currently:

- progressing through design, environmental approvals or procurement, or
- scheduled for delivery in the second half of the financial year in accordance with grant conditions and multi-year project plans.

As a result, the mid-year capital position reflects normal timing variations rather than underspend. Capital expenditure is expected to increase as projects move into construction and delivery phases later in the year.

Overall Financial Position

The combined operating and capital position at mid-year confirms that the Shire remains financially well managed, with:

- expenditure tracking within approved budget parameters,
- no material adverse variances identified, and
- sufficient liquidity and cash reserves to support delivery of the adopted capital works and service programs for the remainder of the financial year.

The Mid-Year Budget Review provides assurance that the Shire's financial position is stable and that financial risks continue to be actively monitored and managed in accordance with Council's financial management frameworks and legislative requirements.

SERVICE AREA 1: Recreation, Community Facilities & Active Open Spaces

Service Profile – At a Glance

What this service delivers

This service area plans, delivers and manages the Shire's recreation facilities, community buildings, sporting infrastructure, cemeteries and active open spaces.

It supports community wellbeing, social connection and active lifestyles by ensuring assets are safe, accessible, compliant and fit for purpose. Services include day-to-day operations, inspections and maintenance, as well as capital upgrades and renewals to meet community needs and legislative requirements.

The service delivers a mix of statutory, compliance-linked and discretionary activities, with a strong focus on asset management, risk management and continuity of service delivery.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Construction sequencing, multi-year delivery, contractor availability, seasonal works

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At mid-year, delivery across this service area is largely on track, with most projects and improvement activities progressing in line with the approved 2025/26 Annual Budget.

Several facility upgrades and Disability Access and Inclusion Plan (DAIP)-related works have been completed or are nearing completion, including accessibility improvements at halls and community facilities. The Lower Chittering Youth & Community Hub continues to progress as part of a staged, multi-year construction program. Works at the Muchea Recreation Centre are also progressing well, with the playground completed and the shade structure scheduled for Quarter 3.

Timing variations are primarily related to construction sequencing, contractor availability, seasonal programming (such as revegetation), and the multi-year nature of some projects. These impacts are reflected in the Mid-Year Budget Review where relevant. Overall, service delivery remains aligned with Corporate Business Plan priorities.

Progress on the bridle trail network has included trail extensions, technical investigations and extensive community engagement. Feedback highlighted differing community views on trail location and complexity around land use and recreational access. In response, Council resolved to explore alternative options, with further investigation programmed for 2026/27. Work completed to date provides a strong evidence base to inform future planning and decision-making.

Mid-Year Budget Update

The service remains within budget at mid-year. Savings achieved across hall maintenance and some capital works have helped offset increased capital expenditure associated with the Lower Chittering Youth & Community Hub. Additional external funding has also reduced the overall loan requirement for the project.

Cemetery maintenance and dump point operational costs have increased but are being managed within the approved budget. There has been no reduction to service levels.

Delivery of 2025/26 Projects

The table below outlines progress against approved capital and non-capital projects supporting recreation facilities, community infrastructure and active open spaces.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|--|---------------------------|-------------------|---------------------------------|----------------------|--------------|--|--|
| | | | | | | Status | Progress Note |
| Construction of Lower Chittering Youth & Community Hub (LCYCH) | CEO KPI; ED Strategy | Grant & Municipal | Medium - Strategic / Governance | Economic Development | \$1,400,000 | | Project timeline extended to 2026/27. Installation planned for September 2026. |
| Chinkabee Complex – Painting & Fencing | S&R Plan | Municipal | Low - Asset / Infrastructure | Building Maintenance | \$17,000 | | Materials ordered, contractor booked. Completion by February 2026. |
| Ferguson House – External Painting | Building Maintenance Plan | Municipal | Low - Compliance / Legislative | Building Maintenance | \$6,200 | | 70% complete. Completion by January 2026. |
| Lower Chittering Hall – Disabled Parking Bay | DAIP | Municipal | Low - Compliance / Legislative | Building Maintenance | \$6,500 | | 95% complete. Line marking booked. Completion January 2026. |
| Sandown Park Ablution – DAIP Compliance | DAIP; compliance | Municipal | High - Compliance / Legislative | Building Maintenance | \$17,149 | | 95% complete. Final works scheduled January 2026. |

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|--|-------------|-------------------|-------------------------------|---------------------------|--------------|--|--|
| | | | | | | Status | Progress Note |
| Wannamal Hall – Accessible Toilets & Kitchen | DAIP | Municipal | 🟡 Medium Compliance / Access | Building Maintenance | \$104,849 | | Completed. |
| Cemetery Memorial Gardens – Panels & Landscaping | S&R Plan | Municipal | 🟢 Low - Service Delivery | Roads & Parks Maintenance | \$6,500 | | Completed December 2025. |
| Wannamal Toilet – Replace Solar Pump | S&R Plan | Municipal | 🟡 Medium - Service Delivery | Building Maintenance | \$6,500 | | Completed. |
| Bindoon Mountain Bike Park – Revegetation Assessment | S&R Plan | Municipal | 🟡 Medium - Environmental | Corporate Services | \$184,326 | | Working to a seasonal program. |
| Chittering Museum – Water Filter | S&R Plan | Municipal | 🟡 Medium - Workforce / People | Building Maintenance | \$6,000 | | Completed. |
| Muchea Recreation Centre – playground & shelters | S&R Plan | Grant & Municipal | 🟡 Medium - Service Delivery | Building Maintenance | \$200,000 | | Playground complete. Shade structure scheduled for Quarter 3. |
| Muchea Recreation Centre – Pathway | S&R Plan | Municipal | 🟡 Medium Compliance / Access | Building Maintenance | \$8,999 | | Completed December 2025. |
| Finalisation of the bridle trail network project | ED Strategy | Municipal | 🟡 Medium - Service Delivery | Development Services | \$25,000 | | Council resolved to explore alternate options for bridle trail that will be investigated in 2026/27. |

Improvement Activities

The table below outlines improvement activities focused on strengthening planning, governance, asset management and service sustainability.

| Activity | Alignment | Frequency | Risk Category | Responsibility | Mid-Year Performance Results | |
|--|-------------------------|-----------|------------------------------------|----------------------|---|---|
| | | | | | Status | Progress Note |
| Review the Sport & Recreation Plan (alignment with major SCP review) | IPRF | One-off | 🟡 Medium - Strategic / Governance | Community Facilities | | Consultant appointed. Adoption scheduled June 2026. |
| DAIP Compliance Improvements | DAIP | Annual | 🔴 High - Compliance / Legislative | Building Maintenance | | Completed December via capital projects. |
| Asbestos Re-inspections | AMP | Annual | 🔴 High - Emergency / Safety | Building Maintenance | | Completed. |
| Assess AMP Year 1 vs Actuals | AMP | One-off | 🟡 Medium - Strategic / Governance | Technical Services | | Ongoing review underway. |
| Long-term Renewal Planning | AMP | One-off | 🔴 High - Strategic / Governance | Technical Services | | Completed prior to budget preparation. |
| Review Maintenance Practices | AMP | One-off | 🟡 Medium - Workforce / People Risk | Technical Services | | Ongoing through toolbox meetings. |
| Service Level Review & Consultation | AMP | One-off | 🔴 High - Reputation | Technical Services | | Progressing through staff team meetings engagement. |
| Critical Asset Risk Planning | AMP | One-off | 🔴 High - Strategic / Governance | Technical Services | | Completed prior to budget adoption. |
| Develop Cemetery Masterplan | Council Budget Workshop | One-off | 🟡 Medium - Strategic / Governance | Office of CEO | | In progress, draft to be presented to Council in Quarter 4. |

Business as Usual – Core Community Services and Compliance

At mid-year, business-as-usual (BAU) activities are generally tracking as planned, with core maintenance programs, inspections and compliance reporting delivered in line with approved schedules and budget allocations.

Key BAU performance highlights include:

- Routine facility, playground and public building inspections completed in accordance with the compliance calendar
- Parks, reserves, trails and active open space maintenance delivered as scheduled
- Cemetery and memorial garden maintenance meeting established service standards
- Completion of asbestos inspections and associated reporting in line with ASEA requirements
- Fire safety, pest control and public building safety checks undertaken in accordance with statutory and risk-based schedules

Where minor timing variations occur, these are managed through operational scheduling and do not present material service delivery or compliance risks. No critical BAU compliance breaches have been identified at the mid-year point.

Fleet

Fleet items associated with this service area are progressing in line with the approved Fleet Program and the 2025/26 Annual Budget.

| Projects | Alignment | Funding Type | Risk Category | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|---------------------|---------------|--------------|------------------------------------|------------------|--------------|---|-------------------|
| | | | | | | Status | Progress Note |
| Maintenance Trailer | Fleet Program | Municipal | ● Low - Workforce / People Risk | Fleet Management | \$22,000 | | Obtaining quotes. |
| Mower Trailer | Fleet Program | Municipal | ● Low - Service Delivery Risk | Fleet Management | \$60,000 | | Obtaining quotes. |
| Genset Trailer | Fleet Program | Municipal | ● Medium - Emergency / Safety Risk | Fleet Management | \$5,500 | | Obtaining quotes. |

SERVICE AREA 2: Community Development & Events

Service Profile – At a Glance

What this service delivers

This service area strengthens community connection, inclusion and participation through community development programs, events and engagement initiatives. It supports social wellbeing, resilience and community capacity by working with residents, volunteers, community groups and stakeholders, with a strong focus on partnership-based delivery.

The service is primarily discretionary, with some compliance-linked responsibilities (including DAIP actions), and a strong emphasis on inclusion, engagement and community outcomes.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Grant funding outcomes; staged delivery of some initiatives

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across this service area is generally on track, with most improvement activities progressing as planned and within the approved 2025/26 Annual Budget.

Key planning and inclusion initiatives are progressing well. Development of the Community Development Plan is underway, with a consultant appointed and background work progressing toward adoption in June 2026. Strong progress has also been made on DAIP actions, including completion of the Accessible Events Checklist and continued development of the Disability Contact Register.

Progress has been made on reconciliation and youth initiatives. A RAP working group has been established, with Terms of Reference endorsed in December 2025. In August 2025, the Shire entered into a formal agreement with the Yued Aboriginal Corporation, establishing a practical, ongoing partnership with Traditional Owners. The Youth Program review is also progressing, informed by Council Plan engagement.

One initiative (Community Resilience Program aligned to bushfire mitigation events) is on hold following unsuccessful grant funding. Options to reapply or re-scope will be considered through future funding rounds.

Mid-Year Budget Update

The service remains within budget at mid-year. While some grant applications were unsuccessful (reducing income for certain events), this has been offset by savings in event delivery costs and additional grant funding for holiday programs and International Day of People with Disability activities. Core community programs and events continue as planned, with no reduction to service levels.

Improvement Activities

The table below outlines improvement activities focused on community planning, inclusion, engagement and program delivery.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility |
|--|---------------------------|-----------|---------------------------------|-----------------------|
| Develop Community Development Plan | CEO KPI; SCP Major Review | One-off | Medium - Strategic / Governance | Community Development |
| Finalise Accessible Events Checklist | DAIP | One-off | Low - Compliance / Legislative | Community Development |
| Create Disability & Inclusion Toolkit for consultation | DAIP | One-off | Medium - Service Delivery | Community Development |
| Develop Disability Contact Register | DAIP | One-off | Medium - Service Delivery | Community Development |
| Develop a Reconciliation Action Plan Roadmap | Council Resolution | One-off | Medium - Strategic / Governance | Community Development |
| Review Youth Program | S&R Plan | One-off | Low - Service Delivery | Community Development |

| Mid-Year Performance Results | |
|------------------------------|--|
| Status | Progress Note |
| Green | Consultant appointed. Final plan adoption scheduled for June 2026. |
| Blue | Completed and published on the Shire website. |
| Yellow | Planned to commence later in the financial year. |
| Green | Initial stakeholder meeting held December 2025. Completion scheduled June 2026. |
| Green | RAP working group established; partnership agreement with Yued Aboriginal Corporation finalised August 2025. |
| Green | Survey completed as part of the Council Plan review. Program review due June 2026. |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---|---|-----------|---|-----------------------|---------------------------------------|---|
| Deliver Community Resilience Program aligned to Bushfire Mitigation Events (Gardens & Murals) | Community Capacity & Resilience Program | One-off | ● Low - Service Delivery | Community Development | | |
| | | | | | Status | Progress Note |
| | | | | | ■ | Grant funding unsuccessful. Options to reapply or re-scope will be considered in 2026/27. |

Business as Usual – Core Community Programs and Events

Business-as-usual activities focus on delivery of community programs, events, grants, transport services and ongoing engagement. At the mid-year point, BAU delivery is tracking to approved service levels and available resourcing, with a strong emphasis on participation, inclusion and access. Overall, BAU performance remains stable and continues to support community wellbeing and connection outcomes.

SERVICE AREA 3: Library Services

Service Profile – At a Glance

What this service delivers

This service area delivers public library services that support lifelong learning, literacy, digital access and community connection across the Shire. It provides inclusive access to information, technology, programs and resources for residents of all ages.

The service includes a mix of statutory, compliance-linked and discretionary activities, with a strong focus on equitable access, service continuity and community engagement.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Demand variability; technology reliability and supplier support

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, Library Services are performing well, with stable service delivery and no identified performance or compliance issues.

The key improvement activity for the year—implementation of the new Library IT system—was completed early in the financial year. This has strengthened system reliability and supports efficient service delivery, reporting and customer service. BAU services and programs continue as planned, including required reporting to the State Library of Western Australia.

Mid-Year Budget Update

The service is tracking within budget at mid-year. Savings have been achieved through reduced expenditure on book purchases, subscriptions and building maintenance, with no impact on service delivery or community access.

Improvement Activities

This section reports on improvement activities focused on system upgrades, service delivery enhancements and operational efficiency.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---------------------------------------|-----------|-----------|---|-----------------------|---|---------------------------|
| | | | | | Status | Progress Note |
| Implement Library IT system (\$4,000) | LTFP | One-off | Medium - Service Delivery | Community Development | | Completed in August 2025. |

Business as Usual – Core Library Services

Business-as-usual activities focus on customer services, programs, collection management and statutory reporting obligations. At the mid-year point, BAU delivery is tracking to approved service levels, with service continuity maintained and compliance reporting requirements met within required timeframes.

SERVICE AREA 4: Residential Property Management

Service Profile – At a Glance

What this service delivers

This service area manages, maintains and oversees the Shire's residential properties, including staff housing and other Council-owned dwellings. It ensures properties are safe, secure, compliant and fit for purpose, supporting workforce attraction and retention while meeting tenancy and asset management obligations.

The service includes a mix of compliance-linked and discretionary activities, with a strong focus on asset condition, safety and continuity of housing availability.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Vacancy impacts; contractor availability; asset condition over time

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across this service area is on track. Property maintenance and management activities are progressing as planned, aligned to the approved 2025/26 Annual Budget.

The scheduled capital project for the year (replacement of fencing at a staff housing property) has been completed. No significant delivery, operational or compliance issues have been identified at mid-year.

Mid-Year Budget Update

The transition of community and senior housing management to Rise Network Inc. has resulted in both reduced expenditure and reduced income, with no net adverse financial impact to the Shire. As at mid-year, community and senior housing expenditure is approximately \$58,000 under budget, reflecting the cessation of the Shire's operational responsibility for these properties following the handover. As a result, the Shire is no longer obligated to deliver this service.

Delivery of 2025/26 Projects

This section reports on capital and non-capital projects supporting residential property management outcomes.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---|-----------|--------------|--|----------------------|---|-----------------------------|
| | | | | | Status | Progress Note |
| Replace fence at one staff housing building (\$9,000) | DAIP | Municipal | Low - Emergency / Safety | Building Maintenance | | Completed in December 2025. |

Business as Usual – Residential Property Management

Business-as-usual activities focus on routine inspections, planned and responsive maintenance, contractor coordination, and tenancy management for Council-owned residential properties. At the mid-year point, BAU delivery is tracking to approved service levels, with no material financial, service or compliance risks identified.

SERVICE AREA 5: Ranger & Community Safety

Service Profile – At a Glance

What this service delivers

This service area delivers ranger services and community safety functions across the Shire, ensuring compliance with legislation and supporting safe, well-managed public spaces. It balances enforcement with education and engagement, including animal management, local law compliance and incident response.

The service is predominantly statutory and compliance-linked, with a strong focus on public safety, regulatory enforcement and responsive service delivery.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Demand-driven workload; workforce capacity; after-hours response

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

This service area has no specific capital projects or improvement initiatives scheduled for 2025/26 and is delivered entirely through business-as-usual operations.

At the mid-year point, Ranger & Community Safety services are being delivered in line with statutory requirements and approved service levels, with a continued focus on compliance, responsiveness, community education and risk management.

Mid-Year Budget Update

The service remains within budget. Increased costs associated with community information brochures, tank monitoring subscriptions and thermal imaging cameras have been offset by additional grant income and operational efficiencies. There has been no reduction in service levels.

Business as Usual – Ranger and Community Safety

Business-as-usual activities form the core of this service area. At the mid-year point, BAU delivery is tracking to approved service levels, with a strong focus on compliance, risk mitigation and timely response to community safety matters. Overall, BAU performance indicates statutory obligations and community safety functions are being met effectively.

SERVICE AREA 6: Emergency Services & Recovery

Service Profile – At a Glance

What this service delivers

This service area coordinates emergency management, preparedness, response and recovery activities across the Shire in line with legislative requirements and State emergency management arrangements. Delivery is shared between the Shire and the Community Emergency Services Manager (CESM), provided under an MOU with DFES.

The service is predominantly statutory and compliance-linked, with a strong focus on legislative obligations, risk management and inter-agency coordination.

Mid-Year Status: ■ Mixed (operationally on track; governance actions behind schedule)

Budget: Within approved budget

Key risks: Statutory review timeframes; CESM capacity; inter-agency coordination; supplier lead times for fleet

Material service or compliance issues: No operational service failures; some statutory governance actions behind schedule

Performance at Mid-Year

Delivery across Emergency Services & Recovery is mixed at mid-year, with strong progress in capital works and operational preparedness, alongside some statutory governance activities still progressing through their review cycles.

Infrastructure delivery is tracking well. Upgrades at the Bindoon Fire Station have been completed, and the Muchea Fire Station extension is progressing as planned, with the RFQ completed and construction scheduled to commence in April 2026.

Statutory governance activities present a varied picture. The LEMA Contact and Resource List has been completed, strengthening emergency coordination arrangements. The statutory review of the Emergency Management Plan has not yet commenced and remains a priority for the second half of the financial year, representing a compliance and governance risk that is being actively managed.

In contrast, the Bush Fire Brigades Local Law review is progressing in accordance with the statutory review program. The legislative review deadline is December 2026, and the activity is not yet due at mid-year. Current progress indicates the review remains on track for completion within the legislative timeframe.

Fleet procurement is progressing, with replacement brigade vehicles underway, noting that delivery timeframes are dependent on supplier lead times. Generator purchases are scheduled for June 2026 and are not due at the mid-year point.

Mid-Year Budget Update

The service is tracking within budget. Additional income received for the Muchea Fire Station extension has fully offset associated expenditure (net neutral). Further funding was also received through the ESL Operating Grant adjustment. Overall, emergency capability has been maintained and, in some areas, strengthened.

Delivery of 2025/26 Projects

Capital and infrastructure projects supporting emergency response capability and facility readiness are outlined below.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|---|---------------------------|-------------------|---------------------------|----------------------|--------------|--------------------------------------|--|
| | | | | | | Status | Progress Note |
| Upgrades at Bindoon Fire Station | Building Maintenance Plan | Municipal | High - Service Delivery | Building Maintenance | \$7,500 | █ | Completed in 2025. |
| Mucha Fire Station – Extensions & Works | Building Maintenance Plan | Grant & Municipal | High - Emergency / Safety | Economic Development | \$39,084 | █ | RFQ completed. Works scheduled for April 2026. |

Improvement Activities

Improvement activities focus on statutory planning, governance and compliance obligations.

| Activity | Alignment | Frequency | Risk Category | Responsibility | Mid-Year Performance Results | |
|--|---------------|---------------|-------------------------------------|----------------|--------------------------------------|--|
| | | | | | Status | Progress Note |
| Review outdated LEMA Contact and Resource List | Risk Register | Annual | Medium - Service Delivery | CESM | █ | In progress in line with LEMA update program set to be completed around Feb/March LEMC. Meeting with WALGA next week to discuss final steps. |
| Review of the Emergency Management Plan | Legislation | Every 5 years | Critical - Compliance / Legislative | CESM | █ | Statutory review of the Emergency Management Plan set to commence March 2026, after LEMA has been completed. |

| Activity | Alignment | Frequency | Risk Category | Responsibility | Mid-Year Performance Results | |
|--|---------------|---------------|-------------------------------------|----------------|-------------------------------------|--|
| | | | | | Status | Progress Note |
| Review Bush Fire Brigades Local Law 2012 | Risk Register | Every 8 years | 🟡 Medium - Compliance / Legislative | CESM | <input checked="" type="checkbox"/> | Review of the Bush Fire Brigades Local Law is in progress and being undertaken in accordance with the statutory review program. The legislative review deadline is December 2026. Current progress remains on track for completion within the legislative timeframe. |

Business as Usual – Emergency Coordination and Preparedness

Business-as-usual activities focus on emergency management governance, preparedness, coordination and statutory reporting, delivered jointly by the Shire and CESM. At the mid-year point, operational preparedness activities are continuing; however, several compliance and planning activities (including statutory reviews) are behind schedule. Strengthening delivery expectations, prioritisation and reporting arrangements under the CESM MOU remains a key focus for the second half of the year.

Fleet

Fleet projects support brigade capability, safety and emergency readiness. Fleet procurement is progressing.

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|---|---------------------------|--------------|-------------------------------|----------------|--------------|-------------------------------------|--|
| | | | | | | Status | Progress Note |
| Replacement vehicles – Wannamal, Bindoon, Muchea Brigades | Fleet Program | Grant | 🟡 Medium - Service Delivery | CESM | \$250,000 | <input checked="" type="checkbox"/> | Muchea Bushfire Brigade received appliance. Lower Chittering, Upper Chittering and Wannamal appliances are scheduled to be replaced by June 2026, possible delay expected due to contractor schedules and material availabilities. |
| Purchase 2 generators for Muchea and Wannamal fire stations | Building Maintenance Plan | One-off | 🟡 Medium - Emergency / Safety | CESM | \$6,000 | <input type="checkbox"/> | Purchase scheduled for June 2026. |

SERVICE AREA 7: Bushfire Mitigation Services

Service Profile – At a Glance

What this service delivers

This service area reduces bushfire risk across the Shire through prevention, mitigation, preparedness and compliance activities, delivered in accordance with the *Bush Fires Act 1954* and the Bushfire Risk Management Plan (BRMP).

The service protects life, property and the natural environment by managing fuel loads, maintaining strategic firebreaks, improving access to water for firefighting, and supporting community awareness and preparedness initiatives.

The service is predominantly statutory and compliance-linked, with a strong emphasis on seasonal delivery, emergency preparedness and risk mitigation.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Seasonal delivery windows; external approvals; grant funding availability

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across this service area is largely on track, with most projects and improvement activities progressing in line with the approved 2025/26 Annual Budget.

Several capital projects have been completed or are progressing as planned, including installation of static water supply tanks at Sussex Bend Reserve and the Mountain Bike Park. Other projects, including additional static tanks at Sandown Park and the Electronic Fire Danger Rating Sign, are scheduled for later in the financial year and are not yet due at mid-year.

Some improvement activities are on hold or yet to commence due to external approvals or funding constraints. These timing variations reflect delivery sequencing and external dependencies rather than performance issues and are being managed through forward planning and future funding cycles.

Overall, service delivery remains aligned with Corporate Business Plan priorities, with a continued focus on bushfire preparedness, risk reduction and community safety.

Mid-Year Budget Update

The service remains within budget at mid-year. Fire and emergency-related operational costs have been managed effectively, with no adverse impact on planned bushfire mitigation works or preparedness programs.

Delivery of 2025/26 Projects

Capital and infrastructure projects supporting bushfire mitigation and emergency preparedness are outlined below.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|--|-----------|-------------------|-----------------------------|-----------------------|--------------|-------------------------------------|---|
| | | | | | | Status | Progress Note |
| Install one Electronic Fire Danger Rating Sign | BRMP | Municipal | Medium - Emergency / Safety | Bushfire Risk Officer | \$22,500 | <input type="checkbox"/> | Not started yet, due end of June 2026. |
| Install static water supply tanks at Sandown Park (2-year project) | BRMP | Grant & Municipal | High - Emergency / Safety | Building Maintenance | \$197,031 | <input checked="" type="checkbox"/> | Awaiting approval from DWER, February approval. Project to be started in quarter 4. |
| Install static tanks – Sussex Bend Reserve (carry-over) | S&R Plan | Municipal | Medium - Emergency / Safety | Building Maintenance | \$32,069 | <input checked="" type="checkbox"/> | Completed in December 2025. |
| Install static tanks – Mountain Bike Park (carry-over) | S&R Plan | Municipal | Medium - Emergency / Safety | Building Maintenance | \$106,584 | <input checked="" type="checkbox"/> | Completed in December 2025. |

Improvement Activities

| Improvement activities focus on planning, strategic risk reduction and alignment with bushfire mitigation frameworks. Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility |
|--|---|---------------------------------|-----------------------------------|--------------------------|
| Community Bushfire Mitigation Works aligned to the Community Capacity & Resilience Program (CCRP) | Community Capacity & Resilience Program | Multi-year, 25/26 target – 37km | ● Low - Emergency / Safety | Bushfire Risk Management |
| Create Bushfire Reserves Plan – Stage 1 | Local Biodiversity Strategy | One-off | ● Low - Environmental | Technical Services |
| Develop fuel reduction strategies aligned to BRMP | Bushfire Risk Management Plan | One-off | ● High - Strategic / Governance | Bushfire Risk Management |
| Prepare Water Tanks Supply Plan | Bushfire Risk Management Plan | One-off | ● High - Compliance / Legislative | Bushfire Risk Management |

| Mid-Year Performance Results | |
|------------------------------|--|
| Status | Progress Note |
| ● | Grant funding unsuccessful. Options to reapply or re-scope will be considered in 2026/27. |
| ● | This initiative will be reassessed in line with the review of the Local Biodiversity Strategy. |
| ● | Application approved for July 2025 to June 2026 |
| ● | Completion scheduled for end June 2026. |

Business as Usual – Bushfire Mitigation and Compliance

Business-as-usual activities focus on fire prevention, fuel load reduction, compliance monitoring and statutory reporting.

At the mid-year point, BAU delivery is aligned with seasonal requirements, with a strong focus on preparedness, compliance and risk reduction ahead of and during the fire season. Activities are delivered by the Shire's Bushfire Mitigation Service, with coordination support from the Community Emergency Services Manager (CESM).

Overall, BAU performance demonstrates a proactive and risk-based approach to bushfire mitigation and community safety.

SERVICE AREA 8: Environment & Public Health

Service Profile – At a Glance

What this service delivers

Service Profile

This service area protects public health, environmental quality and community wellbeing through regulation, monitoring, education and enforcement in accordance with State legislation.

It delivers statutory environmental health services, manages environmental risks, and ensures compliance with public health, environmental protection and regulatory frameworks.

The service is predominantly statutory and compliance-linked, with a strong focus on regulatory enforcement, risk management and protection of public health and the environment.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Legislative timeframes; external agency dependencies; resourcing constraints

Material service or compliance issues: No frontline service failures; some improvement actions delayed

Performance at Mid-Year

At the mid-year point, delivery across this service area is largely on track.

Core public health and environmental protection services continue to be delivered effectively through business-as-usual activities. Statutory inspections, monitoring and reporting remain on schedule and compliant with legislative requirements.

Most planned improvement activities are progressing appropriately or have been reassessed in line with updated legislative frameworks.

The Stormwater Management Plan for the Muchea and Bindoon Landfill sites has been deferred to the next financial year following receipt of quotes, with scope and timing under review. While this represents a manageable environmental planning risk, it is being actively monitored and will be reprogrammed through the forward planning and budgeting process.

Mid-Year Budget Update

The service remains within budget at mid-year. Increased expenditure associated with health-related legal matters and fringe benefit costs has been partially offset by additional licence fee income.

These variations have not resulted in reduced service levels, and public health and environmental compliance activities continue to be delivered as planned.

Improvement Activities

This section reports on improvement activities focused on planning, remediation, governance and regulatory reform for this service area.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|--|---------------|-----------------------------------|----------------------|--|--|
| | | | | | Status | Progress Note |
| Remediation of contaminated site 131 Muchea East Road | | | Medium - Environmental | Environmental Health | | Risk has been fully mitigated with access to the site being restricted. Scheduled to present a business case to Council by end March for budget discussions. |
| Commence a Stormwater Management Plan for Muchea and Bindoon Landfill (2-year project) | Environmental Protection Act 1986 – Part V | Every 3 years | Medium - Environmental | Technical Services | | Landfill surveys done by the surveyor have been completed and sent to consultant. Purchase order to be done in order for consultant to commence. Completion date deferred to next financial year. |
| Review Health Local Law 2017 | Risk Register | Every 8 years | Medium - Compliance / Legislative | Environmental Health | | Review of the Health Local Law 2017 is no longer due following changes to the legislative review framework. The initial post-2016 cut-off review requirements have now been addressed, and under the revised legislation the next statutory review is not yet triggered. Accordingly, this action has been cancelled |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|------------|---------------|-------------------------------------|----------------------|--|--|
| | | | | | | |
| Review Extractive Industries Local Law & develop a new Local Planning Policy - Extractive Industries | Compliance | Every 8 years | 🟡 Medium - Compliance / Legislative | Development Services | | |
| | | | | | for the current period and will be rescheduled when the next legislative review timeframe applies. | Review of the Extractive Industries Local Law is in progress and being undertaken in accordance with the statutory review program. The legislative review deadline is December 2026, and the activity is not yet due at mid-year. Current progress remains on track for completion within the legislative timeframe. |

Business as Usual (BAU) – Public Health and Environmental Compliance

Business-as-usual activities focus on regulatory enforcement, environmental monitoring, public health protection and statutory reporting.

At the mid-year point, BAU delivery is tracking to approved service levels and compliance schedules, with a strong focus on protecting public health and managing environmental risk. Overall, BAU performance demonstrates strong compliance with legislative obligations and effective management of environmental and public health risks.

SERVICE AREA 9: Bushland & Passive Open Spaces

Service Profile – At a Glance

What this service delivers

This service area is responsible for the protection, management and enhancement of the Shire's bushland areas, waterways, reserves and passive open spaces.

Delivery is largely partnership-based, with a strong emphasis on biodiversity conservation, catchment health, ecological resilience and sustainable land management. The service works closely with Chittering Landcare, community groups and external funding bodies to achieve long-term environmental outcomes.

This service includes a mix of statutory, compliance-linked and discretionary activities, with a strong focus on environmental risk management and long-term landscape health.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Alignment with Council Plan timing; reliance on external funding and partnerships

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across this service area is largely on track, with strong performance across business-as-usual activities and partnership-led environmental programs.

Some formal strategy and planning activities have been deferred or rescheduled to align with the timing of the new Council Plan and updated community priorities. These adjustments are strategic in nature and have not impacted on-ground delivery or environmental outcomes.

Land management, biodiversity protection and rehabilitation activities continue to be delivered effectively, largely through partnership arrangements with Chittering Landcare and external grant funding. Overall, performance and expenditure remain aligned with Corporate Business Plan priorities.

Mid-Year Budget Update

The service remains within budget at mid-year. Savings achieved through reduced vehicle and insurance costs have not impacted service delivery. Environmental programs, landcare activities and ecological oversight continue as planned.

Delivery of 2025/26 Projects

Capital and non-capital projects supporting bushland management and passive open spaces are outlined below.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk Category | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|------------------------------------|-----------|--------------|---------------------------|----------------------|--------------|---|--------------------------------|
| | | | | | | Status | Progress Note |
| Wildflower Ridge Public Open Space | Budget | Municipal | Medium - Service Delivery | Development Services | | | Scheduled completion May 2026. |

Improvement Activities

Improvement activities focus on biodiversity planning, landholder engagement and environmental coordination.

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---|------------------|---------------|---------------------------------|----------------|---|---|
| | | | | | Status | Progress Note |
| Implementation and review the Local Biodiversity Strategy | IPRF; SCP Review | Every 5 years | Medium - Strategic / Governance | Landcare | | Implement and review of the Strategy is progressing through a strong partnership between the Shire and the Chittering Landcare Group. Key achievements include assessment of three Shire-owned natural areas using the NAIA framework, prioritisation of 16 reserves, two riparian reserves and three flora roads, and integration of biodiversity considerations into weed control and bushfire mitigation works. Ongoing Landcare-led support for private landholders, management of developer-ceded reserves, and delivery of training and dieback treatment continues to strengthen biodiversity outcomes across the Shire. Delivery remains on track, with the formal strategy review scheduled for 2026/27. |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---|--|-----------|--------------------------|----------------------|---|--|
| | | | | | Status | Progress Note |
| Develop a Private Landholder Incentives Strategy | Local Biodiversity Strategy | One-off | 🟡 Medium - Reputation | Development Services | | Ongoing support provided to private landholders through annual grant-funded programs for wetlands, revegetation and biodiversity outcomes. |
| Liaise with DPLH on Muchea Industrial Park water monitoring | Landcare | Annual | 🟡 Medium - Environmental | Landcare | | Ongoing liaison and monitoring in place. |
| Weed control, riparian works, and soil rehabilitation | Landcare / Local Biodiversity Strategy | Seasonal | 🔴 High - Environmental | Landcare | | On-ground works delivered by Chittering Landcare through external grant funding, including revegetation of developer-ceded reserves. |

Business as Usual (BAU)

Business-as-usual activities focus on biodiversity protection, catchment health, ecological oversight and community-led landcare initiatives.

At mid-year, BAU activities are being delivered consistently and in line with environmental priorities, with a strong emphasis on partnership-based delivery and long-term environmental outcomes. Overall, BAU performance demonstrates a sustained commitment to environmental protection and landscape resilience across the Shire.

SERVICE AREA 10: Landfill & Waste Collection

Service Profile – At a Glance

What this service delivers

This service area delivers and manages the Shire's waste collection services, landfill operations and associated environmental compliance activities.

The service ensures the safe, efficient and compliant collection, disposal and management of waste across the Shire, meeting regulatory obligations under State legislation and landfill licence conditions. Delivery includes day-to-day operational services, asset management, environmental monitoring and continuous improvement initiatives.

This service is predominantly statutory and compliance-linked, with a strong focus on environmental risk management, operational safety and service continuity.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Transition in housing management arrangements

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across this service area is largely on track, with essential waste collection services and landfill operations continuing in line with approved service levels and the 2025/26 Annual Budget.

Planned projects and improvement activities are progressing as scheduled. Where activities have not yet commenced, this reflects planned delivery sequencing later in the financial year rather than delivery delays.

Overall, service delivery and expenditure remain aligned with Corporate Business Plan priorities, with a continued focus on service continuity, environmental protection and regulatory compliance.

Mid-Year Budget Update

The service remains within budget at mid-year. At the Muchea landfill, employee costs are approximately \$82,000 above budget, reflecting operational requirements during the period. This has been largely offset by additional income of approximately \$70,000 from scrap metal sales, resulting in no material adverse impact on the overall financial position of the service.

These variations reflect normal operational fluctuations and have not impacted service delivery, landfill operations or environmental compliance activities.

Delivery of 2025/26 Projects

Capital and non-capital projects supporting landfill operations and site safety are outlined below.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|--|---------------------------|--------------|---|--------------------|--------------|---|-------------------------------------|
| | | | | | | Status | Progress Note |
| Install additional CCTV at Muchea landfill | Building Maintenance Plan | Municipal | Medium - Emergency / Safety | Technical Services | \$12,000 | | Scheduled to commence in Quarter 3. |

Improvement Activities

Improvement activities focus on compliance, operational efficiency and ongoing risk management.

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|---------------------------------|-----------|---|--------------------|---|---|
| | | | | | Status | Progress Note |
| Review the Tip Maintenance Process to ensure optimal utilisation of the area | Strategic Waste Management Plan | One-off | Low - Compliance / Legislative | Technical Services | | Regular operational reviews underway with Waste Supervisor. |
| Address non-compliance in landfill infrastructure and operations | Strategic Waste Management Plan | One-off | High - Compliance / Legislative | Technical Services | | Ongoing compliance actions monitored through regular site meetings. |
| Annual update of the Asbestos Management Plan | Strategic Waste Management Plan | Annual | High - Compliance / Legislative | Technical Services | | Completed December 2025. |

Business as Usual (BAU)

Business-as-usual activities focus on delivery of domestic waste collection services, landfill operations, environmental monitoring and statutory reporting.

At mid-year, BAU activities are being delivered in line with approved service levels and regulatory requirements, with a strong focus on safety, environmental protection and operational reliability. Overall, BAU performance indicates that essential waste services and statutory obligations are being met, with environmental and operational risks actively managed.

Fleet

Fleet assets supporting landfill operations are progressing in line with the approved Fleet Program and budget.

| Projects | Alignment | Funding Type | Risk Category | Responsibility | 25/26 Budget |
|--|---------------------------|--------------|-----------------------------|--------------------|--------------|
| Purchase Landfill Ute | Building Maintenance Plan | Municipal | ● Low - Service Delivery | Technical Services | \$60,000 |
| Padfoot Roller – Muchea landfill | Building Maintenance Plan | Municipal | ● Medium - Service Delivery | Technical Services | \$70,000 |
| Grab bucket for Muchea Landfill loader | Building Maintenance Plan | Municipal | ● Medium - Service Delivery | Technical Services | \$35,000 |

| Mid-Year Performance Results | |
|------------------------------|---------------------------------------|
| Status | Progress Note |
| ■ | Completed. |
| ■ | Completed. |
| ■ | Scope changed and no longer required. |

SERVICE AREA 11: Transport

Service Profile – At a Glance

What this service delivers

This service area plans, constructs, renews and maintains the Shire's transport network and associated infrastructure, including sealed and unsealed roads, bridges, footpaths, drainage, signage, street lighting and operational assets.

The service supports community safety, connectivity and access across the Shire, with delivery guided by the Asset Management Plan and Long-Term Financial Plan. It includes reactive maintenance and a significant capital works program, including grant-funded projects with associated compliance and reporting requirements.

This service includes a mix of statutory, compliance-linked and discretionary activities, with a strong emphasis on safety, asset sustainability, financial stewardship and service continuity.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: External approvals (e.g. DWER), contractor availability, grant conditions, multi-year program sequencing

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across Transport is largely on track, with a significant capital works and renewal program underway across the Shire's road network.

The majority of resealing, reconstruction and black spot projects have commenced or are progressing in line with approved timeframes, including multiple grant-funded projects delivered under staged delivery schedules. Several multi-year projects are progressing through survey, design and procurement phases, consistent with planned sequencing.

Flat Rocks Road is deferred pending environmental clearance from the Department of Water and Environmental Regulation (DWER). This delay is external to the Shire and is being actively monitored, with delivery timeframes to be adjusted once approvals are received.

Overall, performance reflects strong delivery against the capital program. Timing variations are mainly attributable to external approvals, grant conditions and contractor scheduling rather than internal delivery constraints.

Mid-Year Budget Update

The service remains within budget overall at mid-year. Grant-funded road and rural safety projects have increased both income and expenditure with a largely net neutral financial impact. Timing variations reflect the multi-year nature of road programs rather than budget pressures.

Savings achieved across drainage works, insurance and plant purchases have helped support delivery within the approved 2025/26 Annual Budget.

Delivery of 2025/26 Projects

The table below outlines progress against approved capital and non-capital projects supporting the Shire's transport network and associated infrastructure.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|---|-----------------|-------------------|-------------------------------|----------------------|--------------|---|---|
| | | | | | | Status | Progress Note |
| Forrest Hills Parade - Reseal (various locations) | AMP | Municipal | ● Low - Service Delivery | Roads & Construction | \$50,000 | | Sealing has commenced, with completion date scheduled for March 2026. |
| Ghost Gum Ridge - Reseal (1.91km) | AMP | Municipal | ● Low - Service Delivery | Roads & Construction | | | Sealing has commenced, with completion date scheduled for March 2026. |
| Sugar Gum Drive - Reseal (1km) | AMP | Municipal | ● Low - Emergency / Safety | Roads & Construction | | | Sealing has commenced, with completion date scheduled for March 2026. |
| Chittering Valley Road - Reconstruct with 2-coat seal | Grant Condition | Grant | ● High - Service Delivery | Roads & Construction | \$311,431 | | On track. |
| Flat Rocks Road - Reconstruct with 2-coat seal | Grant Condition | Grant | ● Medium - Emergency / Safety | Roads & Construction | \$147,569 | | Waiting on clearance from DWER. |
| Wells Glover Rd / Bindoon-Moora Rd – Intersection works | Grant Condition | Grant & Municipal | ● High - Emergency / Safety | Roads & Construction | \$232,502 | | Surveyed and waiting for contractor to commence road works. |
| North Road – Reconstruct, widen & seal (1.5km) | Grant Condition | Grant & Municipal | ● High - Service Delivery | Roads & Construction | \$812,146 | | Part 1 complete, waiting on contractors to commence part 2. |
| Mooliabeenie Road Black Spot (carry over) | Grant Condition | Grant & Municipal | ● High - Emergency / Safety | Roads & Construction | \$231,758 | | Line marking to be completed, waiting on contractor and MRWA. |

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|---|----------------------|-------------------|-------------------------------------|----------------------|--------------|-------------------------------------|---|
| | | | | | | Status | Progress Note |
| Muchea Road South Black Spot (carry over) | Grant Condition | Grant & Municipal | ● High - Emergency / Safety | Roads & Construction | \$189,067 | <input checked="" type="checkbox"/> | Drainage works to be completed by contractor. |
| Blue Plains/Maddern Black Spot (carry over) | Grant Condition | 🎯 Grant | ● High - Emergency / Safety | Roads & Construction | \$57,561 | <input checked="" type="checkbox"/> | Line marking to be completed waiting on contractor. |
| Depot Building Upgrades – Health and Safety Upgrade | Risk Register & DAIP | Municipal | 🟡 Medium - Compliance / Legislative | Building Maintenance | \$5,000 | <input checked="" type="checkbox"/> | 90% in progress. Tactiles to be installed. |
| Waldeck West Road - Gravel resheet (500m) | LTFP | Municipal | ● Low - Service Delivery | Roads & Construction | | <input type="checkbox"/> | Works due to commence in quarter 3. |
| Bindoon-Dewars Pool Road – Future Upgrades | Grant Condition | Grant & Municipal | 🟡 Medium - Service Delivery | Roads & Construction | \$61,260 | <input checked="" type="checkbox"/> | Signage to be purchased in February 2026. |
| Julimar Road (1 year project rolling into 2026/27) | | Municipal | ● High - Service Delivery | Roads & Construction | \$400,000 | <input checked="" type="checkbox"/> | Quotes received for survey, will start process in January 2026. |
| Chittering Road (2 year project) | | Municipal | ● High - Service Delivery | Roads & Construction | \$2,600,000 | <input checked="" type="checkbox"/> | Quotes received for survey, will start process in March 2026. |
| Shire wide footpath upgrades - Lower Chittering Santa Gertrudis (design & construction) | | Municipal | 🟡 Medium - Service Delivery | Technical Services | \$65,000 | <input checked="" type="checkbox"/> | Funding Approved. Purchase order raised with Talis. |

Improvement Activities

The table below outlines improvement activities focused on strengthening planning, asset management and financial oversight for the transport network.

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|--------------------|---------------|-----------------------------------|--------------------|--|--|
| | | | | | Status | Progress Note |
| Assess AMP Year 1 actuals vs planned costs | AMP | One-off | 🟡 Medium - Financial | Technical Services | | Weekly/fortnightly meetings with project officer. |
| Review Road Maintenance Practices | AMP; Risk Register | Annual | 🟡 Medium - Asset / Infrastructure | Technical Services | | Team meeting and several meetings with Maintenance Supervisor. |
| Collect Asset Condition Data | AMP | Every 4 years | 🟡 Medium - Service Delivery | Technical Services | | Road Asset data updated every 4 years. |

Business as Usual (BAU)

Business-as-usual activities focus on routine maintenance of the Shire's road network and drainage assets, inspection and response works, signage and line marking coordination, and compliance reporting linked to State and Federal funding programs. At mid-year, BAU activities are being delivered in line with approved service levels and operational schedules, with a strong focus on safety, network condition and service continuity.

Fleet

Fleet assets supporting Transport operations are progressing in line with the approved Fleet Replacement Program and the 2025/26 Annual Budget.

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|--|---------------------------|--------------|-----------------------------|--------------------|--------------|--|-----------------------------|
| | | | | | | Status | Progress Note |
| Purchase Vehicle – Project Officer | Fleet Replacement Program | Municipal | 🟢 Low - Service Delivery | Technical Services | \$60,000 | | Purchased. |
| Purchase Vehicle – Technical Services | Fleet Replacement Program | Municipal | 🟢 Low - Service Delivery | Technical Services | \$65,000 | | Purchased. |
| Implement Annual Plant & Equipment Capital Program | LTFP | Municipal | 🟡 Medium - Service Delivery | Technical Services | \$327,000 | | On track and within budget. |

SERVICE AREA 12: Planning And Compliance

Service Profile – At a Glance

What this service delivers

This service area delivers statutory planning, development assessment and planning compliance functions in accordance with State planning legislation and the Shire's Local Planning Scheme.

The service supports orderly and sustainable development by assessing planning and subdivision applications, administering planning instruments, providing planning advice and undertaking compliance activities. It also contributes to strategic land use planning and major development initiatives across the Shire.

This service is predominantly statutory and compliance-linked, with a strong emphasis on legislative compliance, governance integrity and risk management.

Mid-Year Status:  *Mixed (BAU on track; statutory reviews behind schedule)*

Budget: Within approved budget

Key risks: Legislative review timeframes, statutory compliance exposure, resourcing constraints and sequencing with Council Plan review

Material service or compliance issues: No BAU service failures; statutory review program behind schedule

Performance at Mid-Year

At the mid-year point, core statutory planning, development assessment and compliance functions continue to be delivered in line with legislative requirements, with sustained demand for planning services across the Shire being effectively managed.

The Shire has actively maintained Local Planning Scheme No. 6 through a comprehensive and ongoing program of scheme amendments, ensuring the Scheme remains operational, contemporary and responsive to development needs and State planning requirements. This includes recent amendments gazetted in 2024 that updated zoning, land use provisions and structure plan alignment.

However, delivery of formal statutory and strategic planning review activities is not yet on track. Key planning instruments, including the Local Planning Strategy and the statutory review of Local Planning Scheme No. 6, remain behind their legislated review timeframes. These matters have been formally identified and will be prioritised as a top focus in the next integrated planning and budgeting cycle commencing in March 2026.

While elements of the statutory review program were deliberately sequenced to align with the broader Council Plan and Integrated Planning and Reporting Framework review, this has contributed to an accumulation of delay and increased compliance exposure. These delays reflect the scale, complexity and resourcing requirements of legislatively driven planning reviews, rather than deficiencies in day-to-day service delivery or scheme administration.

The statutory review of Local Planning Scheme No. 6 remains the most significant compliance risk within this service area. Council is advised that this review will be treated as a priority deliverable through the remainder of the financial year and into the 2026/27 planning cycle, with resourcing, sequencing and governance oversight aligned to ensure statutory obligations are met.

Mid-Year Budget Update

The service is tracking within budget at mid-year. Budget variations primarily reflect insurance timing differences and increased income from planning application fees. While expenditure within the Planning function is under budget, this does not reflect reduced staffing activity. Instead, staffing costs have been reallocated within the broader Development Services area to offset higher-than-anticipated demand and associated expenditure in Building & Compliance.

Overall, statutory planning services continue to be delivered within approved budget parameters, with financial movements managed internally across Development Services to support service continuity and responsiveness.

Improvement Activities

The table below outlines improvement activities focused on maintaining statutory compliance, policy currency and effective governance of the Shire's planning framework.

Progress Status legend:

■ Completed | ■ On Track | ■ Slightly Behind | ■ Behind Schedule & At Risk | □ Not Due This Quarter | ■ On Hold / Cancelled / Scope Changed

Risk Status Legend:

● Low | ● Medium | ● High | ● Critical

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Budget | Mid-Year Performance Results | |
|--|--|-----------------|-------------------------------------|-------------------|---------|------------------------------|--|
| | | | | | | Status | Progress Note |
| Commence review and update the Local Planning Strategy (aligned to SCP review) | Planning & Development (LPS) Regs 2015 – Reg. 65 | Every 5 years | ● Medium - Compliance / Legislative | Planning Services | | ■ | Rescheduled to align with Council Plan review and subsequent statutory processes. This will be completed in 2026/27. |
| Statutory review of Local Planning Scheme No. 6 | Planning & Development (LPS) Regs 2015 – Reg. 65 | Every 5–8 years | ● High - Compliance / Legislative | Planning Services | | ■ | Rescheduled to align with Council Plan review and subsequent statutory processes. This will be completed in 2026/27. |
| Review of specific local planning policies | Compliance; LPS6 | Every 4–5 years | ● Medium - Compliance / Legislative | Planning Services | \$5,000 | ■ | Sea Container Policy was reviewed and will be presented to Council in quarter 3. |
| Develop Local Planning Policy – Biodiversity | Local Biodiversity Strategy | Every 4–5 years | ● Medium - Compliance / Legislative | Planning Services | \$5,000 | ■ | Rescheduled to align with review of the Local Biodiversity Strategy and subsequent statutory |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Budget | Mid-Year Performance Results | |
|--|-------------------------------|-----------|-------------------------|----------------------|----------|------------------------------|--|
| | | | | | | Status | Progress Note |
| | | | | | | | processes. This will be completed in 2026/27. |
| Subdivision of Joint Venture Housing – Lot 801 Edmonds Place | Economic Development Strategy | One-off | 🟡 Medium - Reputation | Development Services | \$50,000 | 🟩 | Subdivision application nearing determination by WAPC. |

Business as Usual (BAU)

Business-as-usual activities focus on development assessment, scheme administration, compliance investigations and enforcement, and provision of planning advice in accordance with State planning legislation.

At mid-year, BAU activities are being delivered in line with statutory requirements and approved service levels, with continued demand for planning and compliance services. Overall, BAU performance indicates that operational planning responsibilities are being met, notwithstanding delays in statutory planning review activities.

SERVICE AREA 13: Building And Compliance

Service Profile – At a Glance

What this service delivers

This service area administers statutory building control and compliance functions under the Building Act 2011 and associated regulations.

The service assesses building permit applications, undertakes inspections of approved works, delivers the swimming pool compliance program and investigates alleged breaches of building standards. Delivery supports public safety, regulatory compliance and accurate statutory records.

This service is predominantly statutory and compliance-linked, with a strong emphasis on public safety, regulatory oversight and service reliability.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Demand-driven workload, system dependencies (CouncilFirst module), investigation complexity

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across Building & Compliance is on track, with statutory building control and compliance functions being delivered in accordance with legislative requirements.

Service demand has been higher than anticipated, reflected in increased volumes of building applications and swimming pool inspections. Despite this increased activity, performance has remained stable, with applications assessed, inspections completed and compliance matters managed within statutory timeframes.

Improvement activities are largely progressing as planned. Standardised inspection report templates have been implemented, while digitisation and automated scheduling is currently dependent on the development of an appropriate CouncilFirst module.

Mid-Year Budget Update

The service remains within budget at mid-year. Increased income from building application fees and swimming pool inspections reflects higher-than-expected activity levels. Additional expenditure associated with subscriptions and investigations has been absorbed within the approved budget, with no adverse impact on service delivery.

Improvement Activities

The table below outlines improvement activities focused on strengthening service efficiency, data integrity and continuous improvement in inspection and compliance processes.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility |
|---|--|---------------|--------------------------------|-----------------------|
| Digitise all swimming pool inspection records and automate scheduling – CouncilFirst module | Risk Register; Regulatory Compliance | One-off | Low - Compliance / Legislative | Building & Compliance |
| Develop standardised inspection report templates for pool and building inspections | Process Improvement | One-off | Low - Service Delivery | Building & Compliance |
| Review swimming pool inspection program | Statutory Review; Building Regulations | Every 4 years | Medium - Service Delivery | Building & Compliance |

| Mid-Year Performance Results | |
|------------------------------|--|
| Status | Progress Note |
| On Hold | A staged approach is currently in place, therefore on hold until the building surveyor module is up and running. |
| Completed | Pool inspection templates developed and implemented. |
| Slightly Behind | Slightly behind schedule, review documentation in preparation for Council consideration. |

Business as Usual (BAU)

Business-as-usual activities focus on building permit assessment, inspections of approved works, swimming pool compliance inspections and enforcement of building standards in accordance with legislation.

At mid-year, BAU activities are being delivered in line with statutory requirements and approved service levels, with increased activity levels managed effectively. Overall, BAU performance indicates that statutory building control and public safety obligations are being met, with compliance risks actively monitored and managed.

SERVICE AREA 14: Economic Development, Tourism & Marketing

Service Profile – At a Glance

What this service delivers

This service area supports local economic development, business growth, tourism promotion, events delivery, and marketing and communications across the Shire.

The service plays a key role in advocacy, investment attraction, place activation and regional collaboration, while also delivering tourism initiatives, destination marketing and signature events that strengthen the Shire's profile and economic resilience.

This service is primarily strategic and discretionary, with delivery heavily reliant on partnerships, external funding and long-term planning horizons.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: External funding availability, partner dependencies, strategy sequencing (Council Plan and key strategy adoptions)

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across Economic Development, Tourism & Marketing is largely on track, with the majority of strategic initiatives progressing in line with adopted priorities.

Advocacy activity and funding submissions continue, with strategy-led work progressing toward adoption timeframes aligned with the Council Plan review. Several initiatives remain in planning or development phases, consistent with their strategic nature and reliance on external funding, partner agencies and future strategic plan adoption.

Some initiatives have been placed on hold or deferred due to funding availability or the need to align delivery with forthcoming strategic documents (including the Economic Development Strategy, Community Development Plan and Sport & Recreation Plan). These adjustments reflect prudent sequencing rather than delivery performance issues.

Mid-Year Budget Update

The service remains within budget at mid-year. Additional grant income supported delivery of the Taste of Chittering event. Reduced shared services reimbursement income reflects the early conclusion of a contract and has been managed within the approved budget, with no impact on service delivery.

Improvement Activities

The table below outlines improvement activities focused on strategic planning, advocacy, tourism development and economic activation.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---|-----------------------------------|-------------|---------------------------------|----------------------|---|---|
| | | | | | Status | Progress Note |
| Develop a Shire-wide Advocacy Strategy | CEO KPI | One-off | Medium - Strategic / Governance | Economic Development | | Priority project snapshot developed during the State and Federal election period. |
| Advocate for further activation of Muchea Industrial Estate (water, sewer extension, road upgrades) | Economic Development Strategy | Ongoing | Medium - Financial | Economic Development | | Ongoing advocacy through regional groups and direct engagement with State agencies, including correspondence to key departments and Ministers. |
| Develop funding submissions for shovel-ready projects | Strategic Projects Pipeline; LTFP | Ongoing | Medium - Strategic / Governance | Economic Development | | Ongoing submissions and funding pipeline work (e.g. Lotterywest Lower Chittering Hall; Shire events; regional precinct and partnership opportunities). |
| Review Economic Development Strategy (SCP alignment) | CEO KPI; SCP major review, IPRF, | Every 5 yrs | Medium - Strategic / Governance | Economic Development | | Draft strategy finalised. Executive review scheduled by end of March 2026; adoption planned for June 2026 in line with Council Plan and Community Development Plan. |
| Develop competitive grant program for local industry | Economic Development Strategy | One-off | Medium - Strategic / Governance | Economic Development | | On hold; to be reviewed and potentially re-scoped through the new Economic Development Strategy. |
| Business development – investment attraction advertising | Economic Development Strategy | Annual | Low - Strategic / Governance | Economic Development | | In progress. |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---|-------------------------------|--------------|---|-----------------------|---------------------------------------|---|
| | | | | | Status | Progress Note |
| Implement Tourist Signage Plan (2022/23 audit) | Economic Development Strategy | Multi-year | ● Medium - Reputation | Tourism | ■ | In progress. |
| Develop Tourism Action Plan | SCP major review, IPRF | Every 5 yrs | ● Medium - Strategic / Governance | Tourism | ■ | In progress. |
| Chitty Chitty Night Run Event | Tourism Strategy | April Annual | Service Delivery - ● Low | Tourism | ■ | Planned delivery February 2026. |
| Upgrade Mountain Bike Park signage | Visitor Experience | Annual | ● Low - Reputation | Tourism | ■ | On track; awaiting draft signage design from Northern Valleys Business Network (NVBN). |
| Investigating options for small multi-purpose housing and preparing shovel ready documentation for grant applications | SCP; Sport & Recreation Plan | Municipal | ● Low - Asset / Infrastructure | Community Facilities | ■ | In planning stages. |
| Investigate pull off bays on Tourism roads | Economic Development Strategy | Annual | ● Low - Reputation | Economic Development | ■ | Investigated; no suitable sites identified. |
| Wannamal Historical Walk Trail upgrades and tourism signage | Economic Development Strategy | Annual | ● Low - Reputation | Economic Development | □ | Not yet commenced; will be considered through Project Prioritisation 2026. |
| Dog Park - Sussex Bend Park | Economic Development Strategy | Annual | ● Low - Reputation | Community Development | ■ | On hold pending alignment with adopted strategic plans. External funding opportunities are contingent on the project forming part of a broader park upgrade. To be reconsidered following adoption of the Sport & Recreation Plan, Community Development Plan and Public Open Space Plan (anticipated June 2026). |

Business as Usual (BAU)

Business-as-usual activities focus on supporting local business and investment attraction, promoting the Shire as a destination, delivering events and maintaining effective communications with the community and stakeholders.

At mid-year, BAU activities are being delivered in line with service expectations, with a strong emphasis on engagement, promotion and regional collaboration. Overall, BAU performance demonstrates continued support for economic activity, tourism promotion and communications outcomes, with no material service delivery risks identified.

SERVICE AREA 15: Administration & Customer Service

Service Profile – At a Glance

What this service delivers

This service area delivers front-line customer service and core administrative support functions across the Shire.

The service supports effective Council operations by managing customer enquiries, correspondence, records, administrative processes and facilities that underpin service delivery. It plays a key role in customer experience, information management and internal service coordination.

The service includes a mix of statutory, compliance-linked and discretionary activities, with a strong focus on service continuity, accuracy, governance and organisational support.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Service demand fluctuations, information management compliance

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across Administration & Customer Service is on track, with core customer service, records management and administrative support functions delivered in line with approved service levels.

Front-line customer service continues to operate effectively, supporting both community-facing services and internal operations. Demand has remained consistent, with no material service disruptions or performance issues identified. Overall, service delivery remains stable and aligned with organisational needs.

Mid-Year Budget Update

The service remains within budget at mid-year. Savings in insurance and subscription costs have offset increased expenditure associated with communications services and operational support, with no impact on customer service levels.

Delivery of 2025/26 Projects

Projects supporting administrative service delivery and customer service operations are progressing as planned.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|---|-------------------------|--------------|---------------------------------|--------------------|--------------|---|---------------------------|
| | | | | | | Status | Progress Note |
| Office Equipment Replacement (e.g. MFPs, counter setup) | ICT Replacement Program | Municipal | Medium - Asset / Infrastructure | Corporate Services | \$8,000 | | Ongoing replacement plan. |

Improvement Activities

Improvement activities focus on strengthening governance, compliance and information management. At mid-year, planned improvements are progressing in line with legislative and organisational requirements.

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---|---|-----------|-----------------------------------|--------------------|---|---|
| | | | | | Status | Progress Note |
| Develop Privacy and Responsible Information Sharing (PRIS) compliance plan (information sharing governance) | Privacy and Responsible Information Sharing Act | One-off | Medium - Compliance / Legislative | Corporate Services | | In the process of aligning to legislative requirements. |

Business as Usual (BAU)

BAU activities focus on front-line customer service, correspondence and records management, internal administrative support and maintenance of the Administration Building.

At mid-year, BAU delivery remains consistent and effective, supporting both community access and organisational capability. No material BAU service or compliance risks have been identified.

SERVICE AREA 16: Financial Management

Service Profile – At a Glance

What this service delivers

This service area manages the Shire's financial operations, governance frameworks and statutory financial obligations.

The service supports Council through financial reporting, budget development and monitoring, audit coordination, procurement oversight and long-term financial planning. It plays a critical role in financial stewardship, transparency and legislative compliance.

The service is predominantly statutory and compliance-linked, with a strong focus on governance, financial control and risk management.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Financial market movements, regulatory compliance

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At mid-year, Financial Management services are performing as planned, with financial governance, reporting and compliance functions delivered in accordance with legislative and policy requirements.

Financial reporting continues to support informed decision-making by Council and the Executive. No material control failures, audit issues or reporting delays have been identified.

Mid-Year Budget Update

The service remains within budget. Increased income from investment interest, Financial Assistance Grants and dividend income has contributed to a favourable financial position. Core financial functions continue to be delivered in line with approved frameworks.

Business as Usual (BAU)

BAU activities focus on financial reporting, audit coordination, budget management, rates administration, procurement compliance and long-term financial planning.

At mid-year, BAU delivery remains strong, with statutory financial obligations met and financial controls effectively supporting Council priorities.

SERVICE AREA 17: Information Technology & Records

Service Profile – At a Glance

What this service delivers

This service area delivers and manages the Shire's ICT systems, records management functions and information governance obligations, including Freedom of Information compliance.

The service supports organisational operations through secure and reliable technology systems, compliant recordkeeping practices and effective information governance frameworks.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Cybersecurity threats, system integration sequencing

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At mid-year, ICT and Records services are being delivered as planned, with core systems, records management and information governance functions operating effectively.

Major system implementation activities, including CouncilFirst ERP rollout, are progressing through staged delivery. This reflects planned sequencing and risk management rather than performance issues. Overall, system reliability and compliance remain strong.

Mid-Year Budget Update

The service remains within budget. Savings in insurance and subscriptions have offset ICT support and communications costs, with no impact on system performance or information security.

Delivery of 2025/26 Projects

The CouncilFirst ERP implementation is progressing in line with the ICT Roadmap. Modules are being commissioned progressively to support stability and cyber risk management. No material delivery risks have been identified.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|---|------------------------|--------------|-----------------------------------|--------------------|--------------|--|--|
| | | | | | | Status | Progress Note |
| Implement CouncilFirst ERP aligned to ICT Roadmap and integrated with Records Management System | CEO KPI; Risk Register | Municipal | High - Technology / Cybersecurity | Corporate Services | \$141,000 | | As modules are developed, they are commissioned and migrated |

Improvement Activities

Improvement activities focus on records compliance, CRM functionality and information governance. At mid-year, activities are on track, with progress aligned to system rollout and legislative review cycles.

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|--|-----------|-------------------------------------|--------------------|--|--|
| | | | | | Status | Progress Note |
| Finalise Records Management System implementation (integration phase) | CEO KPI; Risk Register | One-off | Medium - Technology / Cybersecurity | Corporate Services | | Records System implemented. Some records linked to existing Synergy Modules will be migrated as CF modules are commissioned. |
| Review and submit updated Recordkeeping Plan to the State Records Commission | Risk Register; State Records Act 2000 (WA), s.28 | 5-yearly | Medium - Compliance / Legislative | Records | | Currently under review. |
| Improve CRM workflows to support quality customer service | CEO KPI; | One-off | Medium - Service Delivery | Corporate Services | | CRMS workflows for majority of functions implemented. As legacy Synergy modules are |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|-------------------------------------|-----------|--|--------------------|--------------------------------------|--|
| | | | | | Status | Progress Note |
| Review complaints management process and reporting framework | CEO KPI; LG Operational Guideline 9 | One-off | ● Medium - Service Delivery Risk | Corporate Services | ■ | The review is in progress and on track to be finalised by end June 2026. |

Business as Usual (BAU)

BAU activities focus on ICT system reliability, records compliance, FOI processing and information security.

At mid-year, BAU delivery remains effective, with legislative obligations met and technology and information risks actively monitored and managed.

SERVICE AREA 18: People And Culture

Service Profile – At a Glance

What this service delivers

This service area manages workforce planning, employee relations, work health and safety, organisational culture, and compliance with employment legislation.

The service supports the organisation by maintaining a safe and compliant workplace, attracting and retaining a capable workforce, and delivering initiatives that support employee wellbeing and organisational performance.

The service is predominantly statutory and compliance-linked, with a strong focus on workforce safety, governance and organisational capability.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Workforce capacity, regulatory compliance

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At mid-year, People & Culture delivery is on track, with workforce management, safety, governance and compliance functions delivered in line with legislative requirements and Council-endorsed frameworks.

Key initiatives under the Workforce Management Plan, WHS improvement program and recruitment activities are progressing as planned. Some review-based activities are not yet due, reflecting statutory cycles rather than delays.

Mid-Year Budget Update

The service remains within budget. Increased expenditure relating to employee relations and fringe benefits has been offset by operational savings and long service leave recoup income, with no impact on workforce support.

Improvement Activities

Improvement activities focus on workforce planning, WHS, recruitment, organisational culture and governance. At mid-year, most activities are progressing as planned, with review-based actions aligned to scheduled planning and legislative cycles.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility |
|--|---------------------------|---------------|---|----------------|
| Implement key actions of the Shire's Workforce Management Plan | Workforce Management Plan | Multi-year | Medium - Workforce / People | HR |
| Review and update the Workforce Management Plan in line with planning and budget cycle | CEO KPI; IPRF | Annual | Medium - Strategic / Governance | HR |
| Conduct Shire-wide staff culture survey | CEO KPI; Risk Register | Every 2 years | Medium - Compliance / Legislative | HR |
| Implement recommendations from 2025 OSH Audit and track progress | CEO KPI; WHS Risk | Multi-year | High - Emergency / Safety | HR |
| Review OSH policies and procedures for legislative compliance | CEO KPI; WHS Act | One-off | Medium - Compliance / Legislative | HR |
| Review and improve recruitment materials for EEO and DAIP alignment | DAIP | One-off | Low - Workforce / People | HR |

| Mid-Year Performance Results | |
|---|---|
| Status | Progress Note |
| | Ongoing implementation of priority actions in line with the adopted Workforce Management Plan. |
| | Review aligned to the annual planning and budgeting process and scheduled for completion by June 2026. |
| | Previous survey completed in May 2024. Next survey scheduled for Quarter 4, May 2026, in line with the established biennial cycle. |
| | Implementation underway. Of the 11 audit recommendations, 4 have been completed to date, with remaining actions progressing through the agreed improvement program. |
| | Review in progress. Revised WHS policy adopted in June 2025, with supporting procedures currently being developed. |
| | Employment information pack under review to strengthen alignment with EEO and DAIP requirements. |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|---------------------------|-----------|-----------------------------------|----------------|--------------------------------------|--|
| | | | | | Status | Progress Note |
| Review and revise the Shire's Emergency Evacuation Procedures (Admin Centre) | Risk Register | Annual | 🟡 Medium - Emergency / Safety | HR | █ | Completed in 2025. Staff workshops delivered and evacuation procedures tested. |
| Launch regional recruitment campaign (e.g. planning & ranger roles) | Workforce Management Plan | One-off | 🟡 Medium - Strategic / Governance | HR | █ | Work experience initiatives implemented to support attraction pathways for ranger roles. |
| Review and benchmark remuneration & EVP for high-risk roles | Workforce Management Plan | One-off | 🟡 Medium - Workforce / People | HR | █ | Review progressing in alignment with the Industrial Relations project. |
| Develop FTE planning and modelling tools by business unit | Workforce Management Plan | One-off | 🟡 Medium - Workforce / People | HR | █ | Ongoing development as part of the annual planning and budgeting process. |

Business as Usual (BAU)

BAU activities focus on workforce safety, employment compliance, staff development, wellbeing initiatives and ethical governance.

At mid-year, BAU delivery remains effective, supporting a safe, capable and compliant workforce with no material workforce or compliance risks identified.

SERVICE AREA 19: Governance & Strategy

Service Profile – At a Glance

What this service delivers

This service area maintains the Shire's corporate governance frameworks, ensures legislative and regulatory compliance, and coordinates integrated planning, performance reporting and strategic oversight.

The service supports Council and the Executive through policy governance, risk management, statutory compliance, strategic planning and assurance reporting, playing a central role in transparency, accountability and informed decision-making across the organisation.

The service is predominantly statutory and compliance-linked, with a strong emphasis on governance integrity, legislative compliance, risk management and strategic coordination.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Governance complexity, statutory reform sequencing

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across Governance & Strategy is largely on track, with core governance, compliance and integrated planning functions progressing in line with legislative requirements and Council-endorsed frameworks.

Major strategic activities, including the Strategic Community Plan (SCP) review, policy reform and governance compliance improvements, are progressing through planned multi-year and statutory review cycles. Some activities are not yet due or are scheduled for later delivery in alignment with the broader Council Plan and Integrated Planning and Reporting Framework review.

Overall, service delivery continues to provide strong governance assurance, compliance oversight and strategic coordination at mid-year.

Mid-Year Budget Update

The service remains within budget. Election-related cost savings and insurance efficiencies have contributed to a favourable position, with governance and strategic activities delivered as planned.

Delivery of 2025/26 Projects

The Strategic Community Plan (10-year review) is progressing in line with statutory requirements. Community and stakeholder engagement has been completed, sense-making sessions were undertaken in December, and a strategic Council workshop is scheduled for February 2026. The project remains on track for adoption by June 2026.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Projects | Alignment | Funding Type | Risk (Category & Level) | Responsibility | 25/26 Budget | Mid-Year Performance Results | |
|--|------------------------------|--------------|-----------------------------------|----------------|--------------|--|---|
| | | | | | | Status | Progress Note |
| Strategic Community Plan Review (10-year update) | CEO KPI; LG Admin Regs r.19C | Municipal | Medium - Compliance / Legislative | Governance | \$100,000 | | Community engagement and sense-making sessions completed. Strategic Council workshop scheduled for February 2026. On track for adoption by June 2026. |

Improvement Activities

Improvement activities focus on strengthening governance frameworks, policy currency, risk management, compliance assurance and integrated planning.

At mid-year, most activities are on track or progressing in line with planned sequencing. Where activities are not yet due or slightly behind, risks are acknowledged and actively managed, with delivery aligned to the Council Plan review timeframe. Governance reform initiatives continue to strengthen assurance, transparency and compliance across the organisation.

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|-------------------------------|------------|-----------------------------------|----------------|--|---|
| | | | | | Status | Progress Note |
| Finalise major review of the Delegations Register (post-legislation) | Statutory Governance | One-off | Medium - Compliance / Legislative | Governance | | Review underway and scheduled for completion by end June 2026. |
| Continue implementation of the Policy Review Program | CEO KPI, Statutory Governance | Multi-year | Medium - Strategic / Governance | Governance | | Ongoing implementation in accordance with the endorsed review schedule. |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|---|-------------------------|---------------|---|---------------------------|--|--|
| | | | | | Status | Progress Note |
| Audit and update the Authorisations Register | Statutory Governance | One-off | ● Medium - Compliance / Legislative | Governance | | Commencement scheduled for Quarter 3 in line with the governance work program. |
| Review internal reporting framework to track CBP and operational performance | CEO KPI | One-off | ● Medium - Strategic / Governance | Governance | | Review in progress to strengthen performance monitoring and reporting. |
| Review and update Risk Management Framework and staff training | Audit Recommendation | One-off | ● Medium - Strategic / Governance | Governance | | Scheduled to commence in Quarter 4 in line with audit recommendations. |
| Finalise and implement Community Engagement Framework and Communications Plan | Risk Register / CEO KPI | One-off | ● Medium - Strategic / Governance | Community Development | | Development progressing, with completion scheduled by end June 2026. |
| Strengthen relationships with local community groups and organisations | CEO KPI | Ongoing | ● Low - Reputation | Economic Development | | Ongoing engagement with local community groups delivered through established business-as-usual activities. |
| Review the Disability Access and Inclusion Plan (DAIP) | DAIP | Every 4 years | ● Medium - Strategic / Governance | Community Development | | Review underway to start in 4 th quarter. |
| Align all policies with the Disability Access & Inclusion Plan (DAIP) | DAIP / Equity | One-off | ● Medium - Strategic / Governance | Governance | | Policy review underway to ensure alignment with DAIP requirements. |
| Develop integrated governance compliance calendar | CEO KPI | One-off | ● Medium - Strategic / Governance | Governance | | Submitted to Council in June 2025. Next update scheduled for June 2026. |
| Review the Shire's procurement and tender processes to address non-compliance, update procedures, and train staff | LG Act & F&G Regs | One-off | ● High - Compliance / Legislative | Council Support / Finance | | Review underway, with updated procedures and staff training scheduled for completion by end June 2026. |

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility | Mid-Year Performance Results | |
|--|---|---------------|-------------------------------------|------------------------------|-------------------------------------|--|
| | | | | | Status | Progress Note |
| Desktop review of Asset Management Plans (Roads, Parks, Buildings) | IPRF; Risk Register; LG Admin Regs r.19DA | Every 3 years | ● High - Strategic / Governance | Technical Services | <input checked="" type="checkbox"/> | Finalisation and Council adoption are planned for June 2026, aligning with the Council Plan review. |
| Advertise and consult on the 2 Local Laws legislatively due for review by December 2026. | LG Act – Local Laws Review | Every 2 years | ● Medium - Compliance / Legislative | Council Support | <input checked="" type="checkbox"/> | Consultation and review of the Bush Fire Brigades Local Law and the Extractive Industries Local Law are currently in progress, with preparatory work and stakeholder engagement underway. Both local laws are being progressed in accordance with the endorsed review program and have a legislative review deadline of December 2026. |
| Promote and embed Population & Demographic Portal (.id Informed Decisions) portal internally & present to Council (\$31,000) | Data-Informed Decision Making | Multi-year | ● Medium - Strategic / Governance | Governance | <input type="checkbox"/> | Internal workshop scheduled for June 2026 to support data-informed decision-making. |
| Audit and update the Shire's website for compliance and transparency | Admin Reg 29C | Annual | ● Medium - Reputation | Governance / All Departments | <input checked="" type="checkbox"/> | Ongoing annual review in accordance with regulatory requirements. |

Business as Usual (BAU)

BAU activities focus on maintaining corporate governance frameworks, legislative compliance, integrated planning and performance reporting, and supporting informed decision-making by Council and the Executive.

At mid-year, BAU delivery remains effective and aligned with statutory governance obligations, providing assurance and supporting sound organisational decision-making.

SERVICE AREA 20: Executive & Council Support

Service Profile – At a Glance

What this service delivers

This service area supports the effective functioning of Council and the Chief Executive Officer through governance coordination, elected member services, civic functions and statutory compliance.

The service ensures Council decision-making processes comply with legislative requirements and governance standards, while providing procedural, administrative and logistical support to elected members and the Executive.

The service is predominantly statutory and governance-linked, with a strong emphasis on legislative compliance, transparency, accountability and leadership support.

Mid-Year Status:  *Largely on track*

Budget: Within approved budget

Key risks: Governance workload, statutory compliance

Material service or compliance issues: None identified at mid-year

Performance at Mid-Year

At the mid-year point, delivery across Executive & Council Support is on track, with core governance coordination, elected member support and executive assistance delivered in accordance with legislative and governance requirements.

Council meeting coordination, civic functions and elected member support continue to operate effectively, supporting informed decision-making and organisational leadership. No material service delivery or governance issues have been identified.

Mid-Year Budget Update

The service remains within budget. Increased Members' travel and accommodation costs have been offset by election-related savings and insurance efficiencies, with no impact on service delivery.

Annual Improvement Activities

Improvement activities focus on strengthening governance capability, elected member support and statutory compliance.

At mid-year, all planned improvement activities are completed or on track, with key governance frameworks and training tools delivered in line with approved timeframes. These initiatives support improved Council capability and structured governance practices.

Progress Status legend:

Completed | On Track | Slightly Behind | Behind Schedule & At Risk | Not Due This Quarter | On Hold / Cancelled / Scope Changed

Risk Status Legend:

Low | Medium | High | Critical

| Activity | Alignment | Frequency | Risk (Category & Level) | Responsibility |
|---|----------------------|-----------|-----------------------------------|-----------------------------|
| Establish annual calendar of statutory reporting workshops and councillor briefings | CEO KPI / Governance | Annual | Medium - Compliance / Legislative | Council & Executive Support |
| Develop updated Council Member Training & Induction Framework | LG Act s.5.126A | One-off | Medium - Strategic / Governance | Council & Executive Support |

| Mid-Year Performance Results | |
|------------------------------|--|
| Status | Progress Note |
| Completed | Submitted to OCM in June 2025. Next calendar is due in June 2026. |
| Completed | Council Member Training and Induction Framework developed and formally documented. |

Business as Usual (BAU)

BAU activities focus on supporting Council and the Executive, ensuring legislative compliance, and facilitating Council meetings, civic functions and decision-making processes.

At mid-year, BAU delivery remains effective and compliant, supporting strong governance, transparency and continuity of leadership operations.

LCYCH Monthly Project Status Report

| | |
|--|-----------|
| | On track |
| | Off track |
| | At Risk |

| | |
|-----------------|--|
| Project Name | Lower Chittering Youth and Community Hub |
| Job Code | BC 316 |
| Project Manager | Harriet Murphy |
| Period Covered | February |

| | |
|------------------------|---------|
| Overall Project Status | Healthy |
|------------------------|---------|

| Component | Status | Notes |
|---------------------------|--------|---|
| Budget | | The project is under budget at \$1,330,000 which includes an allocation of ~\$180,000 contingency. \$630,000 has been secured from third party funding providers, with the remaining \$700,000 to be secured through a treasury loan. Finance Officers will commence preparing the loan application. The Shire has met the requirements for the first milestones and received \$400,000 in payments from our funding partners. |
| Schedule | | Site works will commence in early March and will include the access rd, carpark and building pad, followed by the installation of an ATU system and trenching for utilities. Western Power have completed initial works for mains power connection. The modular building is scheduled with a estimated delivery timeline of late August 2026. Final fix, landscaping, fencing and decking will be completed concurrently to have the building in operation by October 2026. |
| Quality | | N/A |
| Scope | | On Track |
| Risks | | Winter rainfall and the potential for waterlogging of the site may cause delays in completion of the project. As such, Officers have scheduled all sites to be completed prior to the onset of winter. |
| Consultation and feedback | | Community Development Officers will be providing opportunity for additional feedback and consultation on interior design as part of the Streets Alive consultation process in March 2026 |
| Comments | | |