



# **DELEGATIONS REGISTER**

**AS REVIEWED AND ADOPTED AT THE ORDINARY MEETING OF COUNCIL  
HELD ON 27 JANUARY 2022**

Publication Last Updated 5 October 2022

# SHIRE OF DANDARAGAN DELEGATION REGISTER

Current as reviewed and adopted by Council at its  
Ordinary Meeting on Council held on 27 January 2022

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**OFFICER DELEGATION MATRIX**

DELG. NO.	DELEGATION DESCRIPTION								Other Officer Delegation
		CEO	EMCCS	EMDS	EMI	PEHRO	PPBO	SNR RNG	
1.1.1	Audit and Risk Committee								
1.2.1	Appoint Authorised Persons	√	√	√	√				
1.2.2	Performing Functions Outside the District	√	√						
1.2.3	Compensation for Damage Incurred when Performing Executive Functions	√							
1.2.4	Powers of Entry	√	√	√	√	√	√		
1.2.5	Declare Vehicle is Abandoned Vehicle Wreck	√		√		√			
1.2.6	Confiscated or Uncollected Goods	√	√	√					
1.2.7	Disposal of Sick or Injured Animals	√		√		√		√	Ranger
1.2.8	Close Thoroughfares to Vehicles	√		√	√				
1.2.9	Obstruction of Footpaths and Thoroughfares	√		√	√				
1.2.10	Gates Across Public Thoroughfares	√		√	√				
1.2.11	Public Thoroughfare – Dangerous Excavations	√		√	√				
1.2.12	Crossing – Construction, Repair and Removal	√		√	√				
1.2.13	Private Works on, over or under Public Places	√		√	√				
1.2.14	Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	√		√		√	√	√	Ranger
1.2.15	Expressions of Interest for Goods and Services	√	√	√	√				
1.2.16	Tenders for Goods and Services	√	√	√	√				
1.2.17	Common Seal	√							

# Delegation Register

SHIRE OF DANDARAGAN



DELG. NO.	DELEGATION DESCRIPTION								Other Officer Delegation
		CEO	EMCCS	EMDS	EMI	PEHRO	PPBO	SNR RNG	
1.2.18	Legal Advice	√							
1.2.19	Disposing of Property	√	√		√				
1.2.20	Payments from the Municipal or Trust Funds	√	√	√	√				
1.2.21	Defer, Grant Discounts, Waive or Write Off Debts	√	√						
1.2.22	Power to Invest and Manage Investments	√	√	√	√				
1.2.23	Rate Record Amendment	√	√						
1.2.24	Agreement as to Payment of Rates and Service Charges	√	√						
1.2.25	Recovery of Rates or Service Charges	√	√						
1.2.26	Recovery of Rates Debts – Require Lessee to Pay Rent	√	√						
1.2.27	Recovery of Rates Debts – Actions to Take Possession of the Land	√	√						
1.2.28	Rate Record – Objections	√	√						
1.3.1	Determine if an Emergency for Emergency Powers of Entry	√	√	√	√				
1.3.2	Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	√		√	√				
1.3.3	Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares	√		√	√				
1.3.4	Electoral Enrolment Eligibility Claims and Electoral Roll	√	√						
1.3.5	Destruction of Electoral Papers	√	√						
1.3.6	Information to be Available to the Public	√	√						
1.3.7	Financial Management Systems and Procedures	√	√						See authorised persons listing – 2373 Doc ID: 12373

# Delegation Register

SHIRE OF DANDARAGAN



DELG. NO.	DELEGATION DESCRIPTION								Other Officer Delegation
		CEO	EMCCS	EMDS	EMI	PEHRO	PPBO	SNR RNG	
1.3.8	Infringement Notices	√		√					
1.3.9	Grant Discounts or Waive Hire Charges – Family Resource Centre (Jurien Bay)	√	√						
1.4.1	Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law	√		√	√				
1.4.2	Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law	√		√		√	√		
1.4.3	Shire of Dandaragan Pest Plants Local Law	√		√		√		√	Ranger
2.1.1	Grant a Building Permit	√		√		√	√		
2.1.2	Demolition Permits	√				√	√		
2.1.3	Occupancy Permits or Building Approval Certificates	√		√		√	√		
2.1.4	Designate Employees as Authorised Persons	√		√		√	√		
2.1.5	Building Orders	√		√		√	√		
2.1.6	Inspection and Copies of Building Records	√		√		√	√		
2.1.7	Referrals and Issuing Certificates	√		√		√	√		
2.1.8	Private Pool Barrier – Alternative and Performance Solutions	√		√		√	√		
2.1.9	Smoke Alarms – Alternative Solutions	√		√		√	√		
3.1.1	Make Request to FES Commissioner – Control of Fire	√							









**1. Local Government Act 1995 Delegations**

**1 Local Government Act 1995 Delegations**

**1.1 Council to Committees of Council**

**1.1.1 Audit and Risk Committee**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
<b>Delegate:</b>	<b>Audit and Risk Committee</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].</li> <li>2. Authority to: <ol style="list-style-type: none"> <li>i. examine the report of the Auditor and determine matters that require action to be taken by the Shire of Dandaragan; and</li> <li>ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].</li> </ol> </li> <li>3. Authority to review and endorse the Shire of Dandaragan's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council.
<b>Express Power to Sub-Delegate:</b>	Nil. Sub-delegation is prohibited by s.7.1B.

<b>Compliance Links:</b>	<i>Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees</a></i>  <i>Audit and Risk Committee Terms of Reference</i>
<b>Record Keeping:</b>	<i>Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</i>

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**1. Local Government Act 1995 Delegations**

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	
3	

**1. Local Government Act 1995 Delegations**

**1.2 Council to CEO**

**1.2.1 Appoint Authorised Persons**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the <a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act. [s.3.24 and s.9.10].</li> <li>2. Authority to appoint ‘authorised officers’ section 9.16 of the <i>Local Government Act 1995</i> for the purposes of issuing <i>Building Act 2011</i> Infringement Notices in accordance with Regulation 70(2) of the <a href="#">Building Regulations 2012</a> and section 6(b) of the <i>Criminal Procedures Act 2004</i>.</li> <li>3. Authority to appoint authorised person for the purposes of the <a href="#">Graffiti Vandalism Act 2016</a>, which prescribes Part 9 of the <i>Local Government Act 1995</i> as the enabling power [s.15 of the <i>Graffiti Vandalism Act 2016</i>].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>b. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b> <b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

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**1. Local Government Act 1995 Delegations**

Compliance Links:	<i>Local Government Act 1995 s 9.10</i>  (Building Reg.70(2) prescribes s.9.10(1) of the <i>Local Government Act 1995</i> as the enabling power for appointment of 'authorised officers'.)  <i>Authorised Persons register</i>
Record Keeping:	<i>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</i>  <i>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and updated by Council at Ordinary Council Meeting 28 November 2019

**1. Local Government Act 1995 Delegations**

**1.2.2 Performing Functions Outside the District**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<i>A record of all financial transactions are to be retained as a Local Government Record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	
3	



**1. Local Government Act 1995 Delegations**

**1.2.3 Compensation for Damage Incurred when Performing Executive Functions**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegation is limited to settlements which do not exceed a material value of \$1,000.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

Compliance Links:	Nil
Record Keeping:	<i>A record of all financial transactions are to be retained as a Local Government Record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	
3	

**1. Local Government Act 1995 Delegations**

**1.2.4 Powers of Entry**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegated authority may only be used, where there is imminent or substantial risk to public safety or property.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b> <b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b> <b>Principal Planning and Building Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<a href="#"><i>Local Government Act 1995:</i></a> s.9.10 Appointment of authorised persons – refer also s.3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry
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**1. Local Government Act 1995 Delegations**

	s.3.34(2) Entry in an emergency – Refer to CEO Delegation
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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**1. Local Government Act 1995 Delegations**

**1.2.5 Declare Vehicle is Abandoned Vehicle Wreck**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Council Conditions on this Delegation:</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

**1.2.6 Confiscated or Uncollected Goods**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding, and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b> <b>Executive Manager Development Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995</a> :Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

**1.2.7 Disposal of Sick or Injured Animals**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b> <b>Senior Ranger</b> <b>Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	
<b>Record Keeping</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.2.8 Close Thoroughfares to Vehicles**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>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"> <li>• give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>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]</li> <li>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].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Access to adjoining land should be maintained via alternate routes or under traffic management control wherever possible [s.3.52(3)]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees



**1. Local Government Act 1995 Delegations**

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Local Law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places.</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.2.9 Obstruction of Footpaths and Thoroughfares**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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"> <li>a. prevent damage to the footpath; or</li> <li>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in <a href="#">the Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has:</li> </ol>

**1. Local Government Act 1995 Delegations**

	<ul style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <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 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p><i>Local Law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places.</i></p>
Record Keeping	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.2.10 Gates Across Public Thoroughfares**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the Shire of Dandaragan's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 8.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

**1. Local Government Act 1995 Delegations**

Compliance Links:	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p><i>Local Law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places.</i></p>
Record Keeping:	Shire of Dandaragan Register of Gates

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**1. Local Government Act 1995 Delegations**

**1.2.11 Public Thoroughfare – Dangerous Excavations**

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

**1. Local Government Act 1995 Delegations**

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p>Local Law Extractive Industries</p>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures
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**1. Local Government Act 1995 Delegations**

	<p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p>Refer also Delegation 1.4.1 under the <i>Template Activities in Thoroughfares and Public Places and Trading Local Law</i></p> <p><i>Local Law Activities on Thoroughfares and Trading Thoroughfares and Public Places Local Law</i></p>
Record Keeping:	<p><i>Notices issued under this delegated authority are to be held as a Local Government record.</i></p>

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**1. Local Government Act 1995 Delegations**

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

**1. Local Government Act 1995 Delegations**

Compliance Links:	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></p> <p><i>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</i></p> <p><i>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></i></p>
Record Keeping:	<p><i>Notices issued under this delegated authority are to be held as a Local Government record.</i></p>

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**1. Local Government Act 1995 Delegations**

**1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, will be adversely affected by wind erosion or sand drift [ULP r.21(1)].
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services Principal Environmental Health and Regulatory Officer Principal Planning and Building Officer Senior Ranger Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  <i>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></i>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**1. Local Government Act 1995 Delegations**

**1.2.15 Expressions of Interest for Goods and Services**

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b> <b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit  Council Policy 1.15 Purchasing Policy
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

**1.2.16 Tenders for Goods and Services**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing 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&amp;G.r.11(2)].</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>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&amp;G r.14(5)].</li> <li>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</li> <li>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&amp;G r.18(2) and (4)].</li> </ol>

**1. Local Government Act 1995 Delegations**

	<p>10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</p> <p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</p> <p>12. Authority to decline any tender [F&amp;G r.18(5)].</p> <p>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&amp;G r.20(2)]</p> <p>14. Authority to:</p> <ol style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ol> <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&amp;G r.18(6) &amp; (7)].</p>
<p><b>Council Conditions on this Delegation:</b></p>	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification; and</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers;</li> </ol> <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"> <li>• proposed goods or services are required to fulfil a routine contract related to the day-to-day operations of the Local Government,</li> <li>• current supply contract expiry is imminent,</li> <li>• value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> </ul>

**1. Local Government Act 1995 Delegations**

	<ul style="list-style-type: none"> <li>The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul> <p>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.</p>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b> <b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures <a href="#">WALGA Subscription Service</a> – Procurement Toolkit Council Policy 1.15 Purchasing Policy
<b>Record Keeping:</b>	Shire of Dandaragan Tender Register

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

**1.2.17 Common Seal**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO s 9.49 A (2)
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulation 1996:</i> Part 6 – Miscellaneous – 34.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Common Seal of the local government is not to be affixed to any document except as authorised by the local government or the Chief Executive Officer.
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer is delegated authority to affix the common seal of the Shire of Dandaragan to any document which requires the affixing of the Common Seal to be validly executed.

<b>Compliance Links:</b>	<a href="#">Local Government Act 1995 Section 9.49 A</a> <a href="#">Local Government (Functions and General) Regulations 1996 – Part 6 Miscellaneous - 34.</a> <i>Local Law – Standing Orders</i>
<b>Record Keeping:</b>	<i>Common Seal Register</i>

**Version Control:**

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**1. Local Government Act 1995 Delegations**

**1.2.18 Legal Advice**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO s 9.49 A (2)
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulation 1996:</i> Part 6 – Miscellaneous – 34.
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Where legal advice needs to be sought
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer is delegated authority to obtain from an appropriate solicitor such legal advice and opinions as is deemed necessary in the exercise of the management of the Shire subject to provision being made in the budget for legal expenses.

<b>Compliance Links:</b>	<i>Annual Budget – Legal Expenses</i>
<b>Record Keeping:</b>	<i>Legal advice received under this delegation is to be retained as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

**1.2.19 Disposing of Property**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.58(2) & (3) Disposing of Property
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>(a) to the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(b) to 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 tenders [s.3.58(2)(b)]</li> </ol> </li> <li>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)]. If adverse submissions are received from the public notice period, the matter will be referred to Council for decision.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. In accordance with s.5.43(d), 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 or less.</li> <li>c. When determining the method of disposal: <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>○ Reserve price has been set by independent valuation.</li> <li>○ 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.</li> </ul> </li> <li>• 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.</li> </ul> </li> </ol>

**1. Local Government Act 1995 Delegations**

	<ul style="list-style-type: none"> <li>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to:             <ul style="list-style-type: none"> <li>○ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>○ Consider any public submissions received and where there are no adverse submissions proceed with the disposal, ensuring that full and transparent records of the decision are recorded.</li> </ul> </li> <li>d. Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken:             <ul style="list-style-type: none"> <li>• Without reference to Council for resolution; and</li> <li>• In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.</li> </ul> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	1. Sub-delegates are only provided with delegation to execute disposal of property in relation to trades of plant and equipment in accordance with budget provisions.

Compliance Links:	<a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property <a href="#">Local Government (Functions and General) Regulations 1995</a> – r.30 Dispositions of property excluded from Act s. 3.58
Record Keeping:	<i>Items disposed of under this delegation are to be recorded in the Monthly Statement of Financial Activity.</i>

**Version Control:**

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**1. Local Government Act 1995 Delegations**

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Council Conditions on this Delegation:</b>	a. As per the requirements of the Local Government (Financial Management) Regulations 1996, r.13. b. Where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month which is to be presented to the next ordinary meeting of Council. c. The CEO is to establish and maintain procedures aligned to the Council's purchasing policy to comply with the Local Government Act 1995 and associated Regulations relating to this delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b> <b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	a. Delegates must comply with the Procedures approved by the Chief Executive Officer in accordance with Financial Management Regulation 5. b. The Chief Executive Officer delegates to the Executive Manager Development Services and the Executive Manager Infrastructure, in that order of precedence, on all cheques and EFT transactions. c. The Chief Executive Officer may also delegate to any one of either the Executive Manager Development Services, Executive Manager Infrastructure, or Executive Manager

**1. Local Government Act 1995 Delegations**

	<p>Corporate and Community Services as secondary signatories to sign all cheques and EFT's.</p> <p>d. In the absence of these authorised staff members, the President and Deputy President may sign as either the primary or secondary signature.</p> <p>e. In the absence of any of the authorised signatories, officers acting in these positions are also authorised to sign all cheques and EFT transactions.</p>
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Compliance Links:	<p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a></p> <p>Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a></p>
Record Keeping:	<p><i>Monthly Statement of Accounts to be provided to Council in addition to the Monthly Statement of Financial Activity.</i></p>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.12 Power to defer, grant discounts, waive, or write off debts
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire of Dandaragan [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Dandaragan [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire of Dandaragan including rates penalty interest where the cost of recovering the debt is greater than the debt itself [s.6.12(1)(c)]</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge which exceed \$20 outstanding.</li> <li>b. A debt may only be waived where: <ol style="list-style-type: none"> <li>i. the total value of the debt is valued below \$250 or cumulative debts of a debtor valued below \$500.</li> <li>ii. the total value of the debt has been found to be raised in error.</li> </ol> </li> <li>c. A debt may only be written off where all necessary measures have been taken to locate / contact and recover amounts outstanding through the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Dandaragan.</li> <li>d. Other debts proposed to be waived must be considered by Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

**1. Local Government Act 1995 Delegations**

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	
Record Keeping:	<i>A report must be prepared for the Council Information Bulletin on an annual basis on the exercise of this delegation.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

**1.2.22 Power to Invest and Manage Investments**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)].</li> <li>2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy 2.1 Investment Policy.</li> <li>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.</li> <li>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.</li> <li>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 each financial year. [Audit r.17]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Development Services</b> <b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> <li>1. A decision to invest must be jointly confirmed by two Delegates.</li> </ol>

**1. Local Government Act 1995 Delegations**

	2. Investment decisions are limited to a maximum of \$2,000,000 per transaction on the short-term money market including such instruments as term deposits.
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Compliance Links:	<a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C <i>Investment of money, restrictions on (Act s.6.14(2)(a))</i>  <i>Council Policy 2.1 Investment Policy</i>
Record Keeping:	<i>Investments issued under this delegated authority are to be reported in the Monthly Statement of Financial Activity.</i>

**Version Control:**

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**1. Local Government Act 1995 Delegations**

**1.2.23 Rate Record Amendment**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.39(2)(b) Rate record
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Delegates must comply with the requirements of s.6.40 of the Act.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<a href="#">Local Government Act 1995</a> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Record Keeping:	<i>Amendments issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.2.24 Agreement as to Payment of Rates and Service Charges**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.49 Agreement as to payment of rates and service charges
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Council Conditions on this Delegation:</b>	a. Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied unless extenuating circumstances are evident in which case by the end of the following financial year.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	Not applicable
<b>Record Keeping:</b>	<i>Agreements issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.2.25 Recovery of Rates or Service Charges**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.56 Rates or service charges recoverable in court
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	Not applicable
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.2.26 Recovery of Rates Debts – Require Lessee to Pay Rent**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.60 Local Government may require lessee to pay rent
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Dandaragan [s.6.60(2)].</li> <li>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Nil
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.64(1) & (3) 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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the Shire of Dandaragan [s.6.71].</li> </ol> </li> </ol> </li> <li>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</li> <li>3. 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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. 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.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

**1. Local Government Act 1995 Delegations**

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<p><a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.2.28 Rate Record – Objections**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.76 Grounds of objection
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</li> <li>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <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
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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1. Local Government Act 1995 Delegations

**1.3 CEO to Employees**

**1.3.1 Determine if an Emergency for Emergency Powers of Entry**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
<b>Delegate/s:</b>	<b>Executive Manager Development Services Executive Manager Corporate and Community Services Executive Manager Infrastructure</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].
<b>CEO Conditions on this Delegation:</b>	1. CEO to be informed of the use of this delegation as soon as practical after implementation.
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Delegate/s:</b>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10:  <ol style="list-style-type: none"> <li>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)].</li> <li>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).</li> <li>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)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<i>This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares.</i>  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>
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**1. Local Government Act 1995 Delegations**

	<p><i>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</i></p> <p><i>Local Law – Activities on Thoroughfares and Trading Thoroughfares and Public Place Local Law</i></p>
Record Keeping:	<p><i>Notices issued under this delegated authority are to be held as a Local Government record.</i></p>

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**1. Local Government Act 1995 Delegations**

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
<b>Delegate/s:</b>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12:  <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</li> <li>b. Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<i>This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</i>  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>
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**1. Local Government Act 1995 Delegations**

	<p><i>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</i></p> <p><i>Local Laws – Extractive Industries</i></p>
Record Keeping:	<p><i>Notices issued under this delegated authority are to be held as a Local Government record.</i></p>

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**1. Local Government Act 1995 Delegations**

**1.3.4 Electoral Enrolment Eligibility Claims and Electoral Roll**

<p><b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i></p>	<p>Chief Executive Officer</p>
<p><b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i></p>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><i>Local Government Act 1995:</i> s.4.32(4), (5A) &amp; (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 <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) &amp; (4) Register - s.4.32(6)</p>
<p><b>Delegate/s:</b></p>	<p><b>Executive Manager Corporate and Community Services</b></p>
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> </ol>

**1. Local Government Act 1995 Delegations**

	<p>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</p> <p>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)].</p>
<b>CEO Conditions on this Delegation:</b>	a. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<i>Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a></i>
<b>Record Keeping:</b>	<i>Enrolment Eligibility Register</i>

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**1. Local Government Act 1995 Delegations**

**1.3.5 Destruction of Electoral Papers**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Delegate/s:</b>	<b>Executive Manager Corporate and Community Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>CEO Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Department of Local Government, Sport and Cultural Industries: <a href="#">Returning Officer Manual</a>
<b>Record Keeping:</b>	<i>Records of destruction issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.3.6 Information to be Available to the Public**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Delegate/s:</b>	<b>Executive Manager Corporate and Community Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [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].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil.

**1. Local Government Act 1995 Delegations**

Compliance Links:	
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**1. Local Government Act 1995 Delegations**

**1.3.7 Financial Management Systems and Procedures**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
<b>Delegate/s:</b>	<b>Executive Manager Corporate and Community Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: <ol style="list-style-type: none"> <li>a. Collection of money owed to the Shire of Dandaragan;</li> <li>b. Safe custody and security of money collected or held by the Shire of Dandaragan;</li> <li>c. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>d. Proper accounting of the Municipal and Trust Funds, including revenue, expenses, assets, and liabilities;</li> <li>e. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards (see authorised persons listing Doc ID: 129373)</li> <li>f. Making of payments in accordance with Delegated Authority 1.2.22</li> <li>g. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ol> </li> </ol> <p>[FM r.5].</p>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17]</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

**1. Local Government Act 1995 Delegations**

Compliance Links:	<p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a></p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a></p> <p>Council Policies 2.1 Investment Policy and 2.2 Self Supporting Loans</p>
Record Keeping:	<p>Financial records are to be maintained in accordance with statutory requirements.</p>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	
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## 1. Local Government Act 1995 Delegations

### 1.3.8 Infringement Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulation 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
<b>Delegate/s:</b>	<b>Executive Manager Development Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>b. Delegation as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of <i>Building Act 2011</i> Infringement Notices is limited to the following positions ONLY: <ol style="list-style-type: none"> <li>(i) Principal Environmental Health and Regulatory Officer</li> <li>(ii) Principal Planning and Building Officer</li> </ol> </li> <li>c. The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:

*Local Government Act 1995 s. 9.13(6)(b), s.9.19, s.9.20; Building Regulation 70(1A), (1), (2)*

Record Keeping:

*Issue of Infringement Notices*

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**1. Local Government Act 1995 Delegations**

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and updated by Council at Ordinary Council Meeting 28 November 2019
3	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
4	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**1. Local Government Act 1995 Delegations**

**1.3.9 Grant Discounts or Waive Hire Charges – Family Resource Centre (Jurien Bay)**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i>
<b>Delegate/s:</b>	<b>Executive Manager Corporate &amp; Community Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To grant discounts or waive hire charges for the Family Resource Centre (Jurien Bay)
<b>CEO Conditions on this Delegation:</b>	<p>Any hirer seeking this dispensation is required to put the request for waiver of hire charges in writing to the Chief Executive prior to authorisation of any such waiver, and the application will be assessed by the Chief Executive Officer against the following criteria:</p> <ol style="list-style-type: none"> <li>1. the hirer is a charitable organisation</li> <li>2. the hirer is a not-for-profit organisation</li> <li>3. the hirer is a sub-committee of Council</li> <li>4. the hirer is a related business or organisation of Council</li> <li>5. the hirer is a newly formed community organisation with limited funds; or</li> <li>6. the hirer is a community group undertaking a project for the improvement of the Shire and is a one-off request with infrequent usage of the Family Resource Centre.</li> </ol> <p>Should the requesting hirer not meet any of the criteria above then the waiver of hire charges will be brought before the Chief Executive Officer for determination.</p>
<b>Compliance Links:</b>	Not applicable
<b>Record Keeping:</b>	<i>Decisions issued under this delegated authority are to be held as a Local Government record and included in the annual report of debts waived to the Council Information Bulletin.</i>



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**1. Local Government Act 1995 Delegations**

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

**1.4 Local Law Delegations to the CEO**

**1.4.1 Infrastructure Control – Template Activities in Thoroughfares and Public Places and Trading Local Law**

<p><b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p><b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i></p>	<p><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</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.2.5(2) Removal of redundant crossing cl.2.6 Interpretation – “acceptable material” cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.5.3 Declaration of flora road cl.5.5 Signposting of flora roads cl.5.7 Designation of special environmental areas cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damage to thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare cl.10.2 Local government may undertake requirements of notice</p>
<p><b>Delegate:</b></p>	<p><b>Chief Executive Officer</b></p>
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p><b>1. General Activity Control</b> 1A. Authority, limit to permits subject of this delegation, to:</p> <ol style="list-style-type: none"> <li>a. determine the form of a permit application [cl.7.1(1)(a)];</li> <li>b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)];</li> <li>c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)];</li> <li>d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)];</li> <li>e. determine the form of the permit [cl.7.2(2)].</li> </ol>

**1. Local Government Act 1995 Delegations**

	<p>1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> <li>a. Temporary vehicle crossing [cl.2.4(1)]</li> <li>b. Any activity described as requiring a permit under cl.2.2(1);             <ul style="list-style-type: none"> <li>i. dig or otherwise create a trench through or under a kerb or footpath;</li> <li>ii. throw, place or deposit anything on a verge;</li> <li>iii. cause any obstruction to a vehicle or person using a thoroughfare;</li> <li>iv. cause any obstruction to a water channel;</li> <li>v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;</li> <li>vi. damage a thoroughfare;</li> <li>vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13;</li> <li>viii. fell any tree onto a thoroughfare;</li> <li>ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare;</li> <li>x. provide, erect, install or use in or on any building, structure, or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;</li> <li>xi. use or do anything so as to create a nuisance;</li> <li>xii. place or cause to be placed in on a thoroughfare a bulk rubbish container;</li> <li>xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare;</li> </ul> </li> <li>c. Drive or take a vehicle on a closed thoroughfare [cl.2.19];</li> <li>d. Erect or place an advertising or directional sign [cl.3.2]</li> <li>e. Use of portable signs [cl.3.4];</li> <li>f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5];</li> <li>g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)];</li> </ul>
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**1. Local Government Act 1995 Delegations**

	<p>h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11].</p> <p>i. Burn, subject to the <i>Bush Fires Act 1954</i>, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15]</p> <p>b. Construct firebreaks on a thoroughfare [cl.5.17]</p> <p>1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].</p> <p><b>2. Use of Public Places</b></p> <p>2A. Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].</p> <p><b>3. Crossings</b></p> <p>3A. Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge, and other thoroughfare infrastructure [cl.2.5(2)].</p> <p><b>4. Thoroughfares and Verges</b></p> <p>4A. Authority to determine and maintain the list of "acceptable materials" which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].</p> <p>4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].</p> <p>4C. Authority to assign a number to a lot and to assign another number to the lot instead of that previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <p style="padding-left: 20px;">a. Alter the direction of a sprinkler or other watering equipment [cl.9.1];</p> <p style="padding-left: 20px;">b. Remove, cut, move, or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2];</p> <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p>
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**1. Local Government Act 1995 Delegations**

	<p>Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3];</p> <p>Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4].</p> <p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p> <p><b>5. Flora and Fauna within Thoroughfares</b></p> <p>5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic, or cultural significance [cl.5.7].</p> <p>5C. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> <li>a. Collecting native flora and / or native flora seeds [cl.5.20];</li> <li>b. Planting or sowing any plant seeds in a thoroughfare [cl.5.9].</li> </ul> <p>5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Executive Manager Infrastructure</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<p><i>A register of all special environmental areas must be maintained under cl.5.8 of the Activities in Thoroughfares and Public Places and Trading Local Law.</i></p> <p><i>Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regs 11 and 17</i></p>
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**1. Local Government Act 1995 Delegations**

	<p><i>of the Local Government (Uniform Local Provisions) Regulations 1996 – refer CEO Delegations 1.3.3 and 1.3.4.</i></p> <p><i>Crossing permits are approved under Regulations 12 and 13 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.</i></p> <p><i>Local Law – Activities on Thoroughfares and Trading Thoroughfares and Public Places</i></p> <p><i>Local Law – Extractive Industries</i></p>
Record Keeping:	<p><i>Notices issued under this delegated authority are to be held as a Local Government record.</i></p>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**1. Local Government Act 1995 Delegations**

**1.4.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law**

<p><b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p><b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i></p>	<p><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</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><i>Activities in Thoroughfares and Public Places and Trading Local Law:</i> cl.6.6 Conditions of Permit (Stallholders and Traders) cl.6.18 Obligations of permit holder (Outdoor Eating Facility) cl.7.1 Application for Permit cl.7.2 Decision on application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5 Compliance with and variation of conditions cl.7.7 Renewal of permit cl.7.8 Transfer of permit cl.7.10 Cancellation of permit</p>
<p><b>Delegate:</b></p>	<p><b>Chief Executive Officer</b></p>
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p><b>1. Permits General</b></p> <p>1A. Authority, limited to the permit types listed below, to:</p> <ul style="list-style-type: none"> <li>a. determine the form of a permit application [cl.7.1(1)(a)];</li> <li>b. require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)];</li> <li>c. require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)];</li> <li>d. refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)];</li> <li>e. determine the form of the permit [cl.7.2(2)].</li> </ul> <p><b>2. Stallholder, Trading and Performing</b></p> <p>2A. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.6 and cl.7.3] or a policy adopted under cl.7.4 or determined as appropriate, limited to:</p> <ul style="list-style-type: none"> <li>a. Stallholder [cl.6.2];</li> <li>b. Trader [cl.6.3];</li> <li>c. Perform in a public place [cl.6.10].</li> </ul> <p>2B. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>

**1. Local Government Act 1995 Delegations**

	<p>2C. Authority to authorise another person, as the permit holder's nominee for a specified period [cl.6.6(2)].</p> <p><b>3. Outdoor Eating Facilities</b></p> <p>3B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl.6.18] or determined as appropriate, for the purposes of an outdoor eating facility [cl.6.16].</p> <p>3C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p> <p>3D Authority to give notice to an outdoor eating facility permit holder requiring them to carry out work [cl.6.18(2)].</p>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<p><b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b> <b>Principal Planning and Building Officer</b></p>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Local Law – Activities on Thoroughfares and Trading Thoroughfares and Public Places</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022



**1. Local Government Act 1995 Delegations**

**1.4.3 Shire of Dandaragan Pest Plants Local Law**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	Shire of Dandaragan Pest Plant Local Law Clause 5
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to serve notice under the Shire of Dandaragan's Pest Plant Local Law Clause 5 and require an owner to destroy, eradicate or otherwise control any pest plant on that land.
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b> <b>Senior Ranger</b> <b>Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<i>Local Law – Pest Plants</i>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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**2. Building Act 2011 Delegations**

**2 Building Act 2011 Delegations**

**2.1 Council to CEO / Employees**

**2.1.1 Grant a Building Permit**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application 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))
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23].             <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i>

**2. Building Act 2011 Delegations**

	s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<p><a href="#">Building Act 2011</a></p> <p>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><a href="#">Building Regulations 2012</a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022

## 2. Building Act 2011 Delegations

### 2.1.2 Demolition Permits

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application 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))
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)].</li> <li>2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b>	<b>Executive Manager Development Services</b>
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**2. Building Act 2011 Delegations**

<i>Appointed by CEO</i>	<b>Principal Planning and Building Officer Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<p><a href="#"><i>Building Act 2011</i></a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022

## 2. Building Act 2011 Delegations

### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55].</li> <li>2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58].</li> <li>3. Authority to impose, add, vary, or revoke conditions on an occupancy permit [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<a href="#">Building Act 2011</a> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate
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**2. Building Act 2011 Delegations**

	<p><i>s.121 Occupancy permits and building approval certificates – application for review by SAT</i></p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage of Western Australia Act 1990</i></p>
Record Keeping:	<p><i>Notices issued under this delegated authority are to be held as a Local Government record.</i></p>

**Version Control:**

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## 2. Building Act 2011 Delegations

### 2.1.4 Designate Employees as Authorised Persons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<i>Building Act 2011:</i>  s.97 requires each person designated as an authorised person must have an identity card.  r.5A Authorised persons (s.3) – definition
<b>Record Keeping:</b>	<i>Authorised Persons Register</i>

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## 2. Building Act 2011 Delegations

### 2.1.5 Building Orders

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to:             <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to:             <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil

## 2. Building Act 2011 Delegations

<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<u><i>Building Act 2011:</i></u> <i>Section 111 Notice of proposed building order other than building order (emergency)</i> <i>Section 112 Content of building order</i> <i>Section 113 Limitation on effect of building order</i> <i>Section 114 Service of building order</i> <i>Part 9 Review - s.122 Building orders – application for review by SAT</i>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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## 2. Building Act 2011 Delegations

### 2.1.6 Inspection and Copies of Building Records

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<a href="#">Building Act 2011</a> - s.146 Confidentiality
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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## 2. Building Act 2011 Delegations

### 2.1.7 Referrals and Issuing Certificates

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**2. Building Act 2011 Delegations**

**2.1.8 Private Pool Barrier – Alternative and Performance Solutions**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Permit Authority (Local Government)
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve requirements alternative to a fence, wall, gate, or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services Principal Planning and Building Officer Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	Not applicable
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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## 2. Building Act 2011 Delegations

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## 2. Building Act 2011 Delegations

### 2.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**3. Bush Fires Act 1954 Delegations**

**3 Bush Fires Act 1954 Delegations**

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

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

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

<b>Compliance Links:</b>	Not applicable
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.2 Prohibited Burning Times - Vary

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.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
<b>Delegate:</b>	<b>Shire President and Chief Bush Fire Control Officer (jointly)</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> 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
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.3 Prohibited Burning Times – Control Activities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister 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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines, or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the Shire of Dandaragan 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</li> </ol>

**3. Bush Fires Act 1954 Delegations**

	authority to recover expenses in any court of competent jurisdiction [s.28(5)].
<b>Council Conditions on this Delegation:</b>	a. Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<p><i>Bush Fires Act 1954:</i>  <i>s.17(7) Prohibited burning times may be declared by Minister</i></p> <p><i>Bush Fire Regulations 1954:</i>  <i>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</i>  <i>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</i>  <i>r.39B Crop dusters etc., use of in restricted or prohibited burning times</i></p>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.4 Restricted Burning Times – Vary and Control Activities

<p><b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p><b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i></p>	<p><i>Bush Fires Act 1954:</i> s.48 Delegation by local government</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions 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.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>
<p><b>Delegate:</b></p>	<p><b>Chief Executive Officer</b></p>
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> <li>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)].             <ol style="list-style-type: none"> <li>a. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ol> </li> <li>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)].</li> <li>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>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 firebreaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</li> <li>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</li> </ol>

**3. Bush Fires Act 1954 Delegations**

	<p>Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</p> <p>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].</p> <p>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)].</p> <p>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)].</p> <p>9. Authority to recover the cost of measures taken by the Shire of Dandaragan or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

Compliance Links:	<p><i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister</p> <p><i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.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>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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### 3. Bush Fires Act 1954 Delegations

#### 3.1.5 Control of Operations Likely to Create Bush Fire Danger

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a. a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b. a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>c. a person using explosives [r.39D(2)].</li> <li>d. a person using fireworks [r.39E(3)]</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. <i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer, or an authorised CALM Act officer.</i></li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> 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
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**3. Bush Fires Act 1954 Delegations**

**Version Control:**

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.6 Burning Garden Refuse / Open Air Fires

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25  <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].             <ol style="list-style-type: none"> <li>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</li> <li>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:             <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bush into charcoal or for use in the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</li> </ol>



**3. Bush Fires Act 1954 Delegations**

	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)].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<p><i>Bush Fires Act 1954:</i></p> <p><i>s.24F Burning garden refuse during limited burning times</i></p> <p><i>s.24G Minister or local government may further restrict burning of garden refuse</i></p> <p><i>s.25 No fire to be lit in open air unless certain precautions taken</i></p> <p><i>s.25A Power of Minister to exempt from provisions of section 25</i></p> <p><i>Bush Fires Regulations 1954:</i></p> <p><i>r.27(3) Permit, issue of</i></p>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.7 Firebreaks

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

Compliance Links:	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear firebreaks
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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### 3. Bush Fires Act 1954 Delegations

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

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

Compliance Links:	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

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### 3. Bush Fires Act 1954 Delegations

#### 3.1.9 Control and Extinguishment of Bush Fires

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. <ol style="list-style-type: none"> <li>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <i>s.46 Bush fire control officer or forest officer may postpone lighting fire</i>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**3. Bush Fires Act 1954 Delegations**

**3.1.10 Apply for Declaration as an Approved Area**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.52(1) Approved area may be declared
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)]  (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> s.52(1) Approved area may be declared
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

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**3. Bush Fires Act 1954 Delegations**

**3.1.11 Recovery of Expenses Incurred through Contraventions of this Act**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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 of Dandaragan or those on behalf of the Shire of Dandaragan to do [s.58].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <i>s.58 General penalty and recovery of expenses incurred</i>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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### 3. Bush Fires Act 1954 Delegations

#### 3.1.12 Prosecution of Offences

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

<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy  <i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**4. Cat Act 2011 Delegations**

**4 Cat Act 2011 Delegations**

**4.1 Council to CEO**

**4.1.1 Cat Registrations**

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b>
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**4. Cat Act 2011 Delegations**

<p><b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i></p>	<p>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>.</p>
<p>Compliance Links:</p>	<p>Cat Regulations 2012</p> <ul style="list-style-type: none"> <li>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</li> <li>r.12 Period of registration (s.9(7))</li> <li>r.11 Changes in registration</li> <li>r.14 Registration certificate (s.11(1)(b))</li> <li>r.15 Registration tags (s.76(2))</li> </ul> <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</p>
<p>Record Keeping:</p>	<p><i>Notices issued under this delegated authority are to be held as a Local Government record.</i></p>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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#### 4. Cat Act 2011 Delegations

##### 4.1.2 Cat Control Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Dandaragan's District [s.26].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b> <b>Senior Ranger</b> <b>Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022

#### 4. Cat Act 2011 Delegations

##### 4.1.3 Approval to Breed Cats

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i>  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))
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**4. Cat Act 2011 Delegations**

Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>
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**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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**4. Cat Act 2011 Delegations**

**4.1.4 Appoint Authorised Persons**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s. 48 Authorised persons
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48].
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Not applicable
Record Keeping:	<i>Authorised Persons Register</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	
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#### 4. Cat Act 2011 Delegations

##### 4.1.5 Applications to Keep Additional Cats

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022

#### 4. Cat Act 2011 Delegations

### 4.2 Cat Act Delegations - CEO to Employees

#### 4.2.1 Infringement Notices – Extensions and Withdrawals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
<b>Delegate/s:</b>	<b>Executive Manager Development Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:

*Cat Regulations 2012:*

*r.28 Withdrawal of infringement notice (s.65(1))*

Record Keeping:

*Notices issued under this delegated authority are to be held as a Local Government record.*

#### Version Control:

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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## 5. Dog Act 1976 Delegations

### 5 Dog Act 1976

#### 5.1 Dog Act Delegations Council to CEO

##### 5.1.1 Refuse or Cancel Registration

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</li> <li>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> <li>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011, or the Animal Welfare Act 2002; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>3. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)]. <ol style="list-style-type: none"> <li>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed</li> </ol> </li> </ol>



**5. Dog Act 1976 Delegations**

	of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<i>Dog Act 1976</i> <i>s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</i>  <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</i>  <i>Local Law Dogs</i>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**5. Dog Act 1976 Delegations**

**5.1.2 Appoint Authorised Persons**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.11(1) Staff and Services
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act [s.3].</li> <li>2. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.11(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Not applicable
Record Keeping:	<i>Authorised Persons Register</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	
3	

## 5. Dog Act 1976 Delegations

### 5.1.3 Recovery of Moneys Due Under this Act

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Corporate and Community Services</b> <b>Executive Manager Development Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<i>Includes recovery of expenses relevant to:</i> 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)
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	

## 5. Dog Act 1976 Delegations

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

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services Principal Environmental Health and Regulatory Officer Senior Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022

## 5. Dog Act 1976 Delegations

### 5.1.5 Declare Dangerous Dog

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services Principal Environmental Health and Regulatory Officer Senior Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
3	

**5. Dog Act 1976 Delegations**

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

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services Principal Environmental Health and Regulatory Officer Senior Ranger</b>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil

**5. Dog Act 1976 Delegations**

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	<i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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## 5. Dog Act 1976 Delegations

### 5.1.7 Dog Control

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<b>Express Power to Delegate:</b> <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
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.9.19 Extension of Time s.9.20 Withdrawal of Notice
<b>Delegate/s:</b>	<b>Executive Manager Development Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>b. Delegation for Dog Act Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> <li>(i) Senior Ranger</li> <li>(ii) Ranger</li> </ol> </li> <li>c. The CEO has discretion to determine any conditions applicable to use of delegated CEO powers or duties.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	Nil.

Compliance Links:

*Dog Act 1976 s 33; Dog Regulations 2013 Part VI*

Record Keeping:

Issue of Infringement Notices

#### Version Control:

1	Adopted by Council 28 November 2019
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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**6. Food Act 2008 Delegations**

**6 Food Act 2008**

**6.1 Council to CEO/Employees**

**6.1.1 Prohibition Orders**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Delegate:</b>	<b>Principal Environmental Health and Regulatory Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**6. Food Act 2008 Delegations**

**6.1.2 Food Business Registrations**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Delegate:</b>	<b>Principal Environmental Health and Regulatory Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>• Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>• Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>• WA Priority Classification System</li> <li>• Verification of Food Safety Program Guideline</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	<i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**6. Food Act 2008 Delegations**

**6.1.3 Appoint Authorised Officers and Designated Officers**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>Delegate:</b>	<b>Principal Environmental Health and Regulatory Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the <i>Public Health Act 2016</i>, to be a Designated Officer for the purposes of issuing Infringement Notices under the <i>Food Act 2008</i> [s.126(13)].</li> <li>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p>
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**6. Food Act 2008 Delegations**

Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>
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**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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**6. Food Act 2008 Delegations**

**6.1.4 Debt Recovery and Prosecutions**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>Delegate:</b>	<b>Executive Manager Development Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**6. Food Act 2008 Delegations**

**6.1.5 Abattoir Inspections and Fees**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Regulations 2009:</i> r.43 Local government may require security r.45 Withdrawal of inspection services
<b>Delegate:</b>	<b>Executive Manager Development Services Principal Environmental Health and Regulatory Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ol style="list-style-type: none"> <li>i. require a person to provide security,</li> <li>ii. determine the form that security is to be provided, and</li> <li>iii. discharge a security held by the Shire of Dandaragan [r.43].</li> </ol> </li> <li>2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<b>Compliance Links:</b>	Not applicable
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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**6. Food Act 2008 Delegations**

**6.1.6 Food Businesses List – Public Access**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Regulations 2009:</i> r.51 Enforcement agency may make list of food
<b>Delegate:</b>	<b>Executive Manager Development Services</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Council Conditions on this Delegation:</b>	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
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**7. Graffiti Vandalism Act 2016 Delegations**

**7 Graffiti Vandalism Act 2016 Delegations**

**7.1 Council to CEO**

**7.1.1 Give Notice Requiring Obliteration of Graffiti**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>



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**7. Graffiti Vandalism Act 2016 Delegations**

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**7. Graffiti Vandalism Act 2016 Delegations**

**7.1.2 Notices – Deal with Objections and Give Effect to Notices**

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

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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## 7. Graffiti Vandalism Act 2016 Delegations

### 7.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.25(1) Local government graffiti powers on land not local government property
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Subject to exercising Powers of Entry.
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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## 7. Graffiti Vandalism Act 2016 Delegations

### 7.1.4 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.28 Notice of entry s.29 Entry under warrant
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises, or thing, specifying the purpose for which entry is required [s.28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises, or thing for the purposes of this Act [s.29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Environmental Health and Regulatory Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	Not applicable
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

#### Version Control:

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and adopted by Council at Ordinary Council Meeting 27 January 2022
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022

8. Public Health Act 2016 Delegations

**8 Public Health Act 2015 Delegations**

**8.1 Council to CEO\Employees**

**8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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)].
<b>Council Conditions on this Delegation:</b>	a. Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
<b>Express Power to Sub-Delegate:</b>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

<b>Compliance Links:</b>	<i>Criminal Procedure Act 2004 – Part 2</i>
<b>Record Keeping:</b>	<i>Authorised Persons Register</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**8. Public Health Act 2016 Delegations**

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

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

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022
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## 8. Public Health Act 2016 Delegations

### 8.1.3 Designate Authorised Officers

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

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained
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**8. Public Health Act 2016 Delegations**

	<p><i>s.28 When designation as authorised officer ceases</i></p> <p><i>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</i></p> <p><i>s.30 Certificates of authority</i></p> <p><i>s.31 Issuing and production of certificate of authority for purposes of other written laws</i></p> <p><i>s.32 Certificate of authority to be returned.</i></p> <p><i>s.136 Authorised officer to produce evidence of authority</i></p> <p><i>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</i></p> <p><i>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</i></p>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
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**8. Public Health Act 2016 Delegations**

**8.1.4 Commence Proceedings**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority to commence proceedings for an offence under the <i>Public Health Act 2016</i> [s.280]
<b>Council Conditions on this Delegation:</b>	Nil
<b>Express Power to Sub-Delegate:</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record Keeping:</b>	<i>Proceedings issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

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**9. Planning and Development Act 2005**

**9 Planning and Development Act 2005**

**9.1 CEO to Employees**

**9.1.1 Town Planning – Residential Development**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005 Shire of Dandaragan Local Planning Scheme No. 7 Residential Design Codes of Western Australia 2013</i>
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>To approve all development applications for a single dwelling house (including outbuildings) and grouped or multiple dwelling development to a maximum of four (4) dwelling units.</p> <ol style="list-style-type: none"> <li>1. The permissibility is designated a 'P', 'D' or 'A' use in Table 1: Zoning Table of the Shire of Dandaragan Local Planning Scheme No. 7;</li> <li>2. the application does not extend beyond a <u>minor</u> variation at a variance of no greater than 10% to the Residential Design Codes unless otherwise prescribe by a local planning policy.</li> <li>3. no objection or concern has been raised by an adjoining landowner or residents (if required to be advertised); and</li> <li>4. the application complies with Scheme provisions and any relevant local planning policy standards and requirements.</li> </ol> <p><i>Note: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</i></p>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A list of all development applications determined under delegated authority shall be included in the Council Information Bulletin on a monthly basis.</li> <li>b. All development applications where the Chief Executive Officer or other delegated officers recommend refusal of the application shall be presented to Council for consideration and a decision.</li> <li>c. Any development or subdivision application is to be referred to Council for a decision should it fail to comply or conform to the requirements and standards set by the Shire's Local Planning Scheme No. 7, Local Planning</li> </ol>

**9. Planning and Development Act 2005**

	<p>Strategies; any relevant local planning policy adopted by Council or any Subdivision Guide Plan, Structure Plan or Development Area Plan previously endorsed by Council and the West Australian Planning Commission.</p> <p>d. The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire of Dandaragan Local Planning Scheme No 7 shall be subject to a resolution of Council.</p> <p>e. Written notice of all applications being advertised under delegation 206 shall be forwarded to Councillors prior to or at the commencement of the advertising process. This may exclude applications of a <u>minor</u> nature that involves consultation with a neighbouring landowner/s as prescribed under delegation 204 b).</p> <p>f. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p>
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Planning and Development Act 2005</i> <i>Shire of Dandaragan Local Planning Scheme No. 7</i> <i>Residential Design Codes of Western Australia 2013</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

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**9. Planning and Development Act 2005**

**9.1.2 Town Planning – Other Use and Development**

<p><b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i></p>	Local Government
<p><b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i></p>	<i>Planning and Development Act 2005</i> <i>Shire of Dandaragan Local Planning Scheme No. 7</i>
<p><b>Express Power or Duty Delegated:</b></p>	<i>Planning and Development Act 2005</i>
<p><b>Delegate:</b></p>	<b>Chief Executive Officer</b>
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>1. To approve all development applications for the use class highlighted <i>italic red</i> text in the table below where:</p> <ul style="list-style-type: none"> <li>• the permissibility is designated a ‘P’, ‘D’ or ‘A’ use in Table 1: Zoning Table of the Shire of Dandaragan Local Planning Scheme No 7;</li> <li>• there is no written objection or concern raised from any public advertising or consultation process; and</li> <li>• the application complies with the Scheme provisions and any relevant local planning policy standards and requirements.</li> </ul> <p><i>Note: Table has been amended as part of the Shire of Dandaragan's updated Local Planning Scheme No 7 and the symbols used in the cross reference in the Zoning Table have the following meanings:</i></p> <p>P means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;</p> <p>D means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;</p> <p>A means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;</p> <p>X means a use that is not permitted by the Scheme.</p> <p>Key:</p> <p>P - Permitted      D - Discretion      A - Advertising      X - Not Permitted</p>

9. Planning and Development Act 2005

Use Classes	Residential	Commercial	Industrial	Harbour	Marine Services	Rural	Rural Residential	Tourist	Regional Centre AMD 35 GG 10/08/18	Rural Smallholdings AMD 27 GG 11/10/19
<i>Aged or Dependent Persons</i>	A	X	X	X	X	X	X	D	X	X
Agriculture Extensive	X	X	X	X	X	P	X	X	X	X
Agriculture Intensive AMD 36 GG 23/7/19	X	X	X	X	X	D	X	X	X	X
<i>Agroforestry</i> AMD 36 GG 23/7/19	X	X	X	X	X	D	X	X	X	X
Animal Husbandry Intensive AMD 36 GG 23/7/19	X	X	X	X	X	D	X	X	X	X
Aquaculture	D	D	D	D	D	D	X	X	X	X
<i>Bed and Breakfast</i> AMD 27 GG 11/10/19	A	P	X	X	X	A	D	P	P	D
<i>Cabin</i> AMD 27 GG 11/10/19	X	X	X	X	X	A	A	P	X	A
Caravan Park	X	X	X	X	X	X	X	P	X	X
<i>Caretakers Dwelling</i> AMD 27 GG 11/10/19	D	D	D	D	X	D	D	D	D	D
<i>Chalet</i> AMD 27 GG 11/10/19	X	X	X	X	X	A	A	A	X	A
<i>Child Care Premises</i>	X	D	X	X	X	X	X	X	D	X
Cinema/Theatre AMD 35 GG 10/08/18	X	P	X	X	X	X	X	A	D	X
<i>Civic Use</i>	X	D	X	A	X	X	X	D	D	X
Club Premises	X	D	X	D	X	X	X	D	D	X
Community Purposes	X	D	X	D	X	A	X	D	D	X
<i>Consulting Rooms</i>	A	P	D	X	X	X	X	X	P	X
<i>Convenience Store</i>	A	P	D	X	D	X	X	D	D	X
Corrective Institution	X	X	D	X	X	D	X	X	X	X
<i>Educational establishment</i> AMD 35 GG 10/08/18	D	D	X	D	X	X	X	X	D	X
<i>Exhibition Centre</i>	X	D	D	X	X	X	X	X	D	X
<i>Fast Food Outlet</i>	X	P	D	D	D	X	X	D	D	X
Fuel Depot	X	X	A	D	D	X	X	X	X	X
Funeral Parlour	X	A	D	X	X	X	X	X	A	X
<i>Group Dwelling</i>	A	X	X	X	X	X	X	D	X	X
<i>Holiday House</i> AMD 27 GG 11/10/19	D	X	X	X	X	P	P	P	D	P
<i>Home Occupation</i> AMD 27 GG 11/10/19	D	D	X	X	X	P	D	D	D	D
Hospital	X	D	X	X	X	X	X	X	D	X
Hotel	X	P	X	A	X	X	X	P	A	X
<i>Industry – cottage</i> AMD 35 GG 10/08/18; AMD 27 GG	A	D	P	X	X	D	D	D	D	D
<i>Industry – extractive</i> AMD 35 GG 10/08/18	X	X	X	X	X	A	X	X	X	X
<i>Industry – general</i> AMD 35 GG 10/08/18	X	X	P	X	X	X	X	X	X	X
<i>Industry – light</i> AMD 35 GG 10/08/18	X	X	D	D	D	X	X	X	X	X
<i>Industry – mining</i> AMD 35 GG 10/08/18	X	X	P	X	X	A	X	X	X	X
<i>Industry – rural</i> AMD 35 GG 10/08/18	X	X	P	X	X	A	X	X	X	X
<i>Industry - service</i> AMD 35 GG 10/08/18	X	X	P	D	D	X	X	X	D	X
Market	X	P	D	X	X	X	X	D	D	X
Motel	X	P	X	X	X	X	X	P	A	X
<i>Motor Vehicle Repairs</i>	X	P	P	X	X	X	X	X	D	X

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Use Classes	Residential	Commercial	Industrial	Harbour	Marine Services	Rural	Rural Residential	Tourist	Regional Centre AMD 35 GG 10/08/18	Rural Smallholdings AMD 27 GG 11/10/19
<i>Multiple Dwelling</i>	A	X	X	X	X	X	X	D	D	X
Night Club AMD 35 GG 10/08/18	X	D	X	X	X	X	X	A	X	X
<i>Office</i>	X	P	A	D	D	X	X	X	P	X
Roadhouse AMD 6 GG 30/11/12	X	D	X	X	X	X	X	X	D	X
<i>Park Home Park</i>	X	X	X	X	X	X	X	P	X	X
<i>Place of Worship</i>	A	X	X	X	X	A	X	D	D	X
Reception Centre	X	D	X	X	X	X	X	D	D	X
Residential Building	D	X	X	X	X	X	X	D	D	X
Resort	X	X	X	P	X	A	X	P	A	X
<i>Restaurant</i>	A	P	X	A	D	X	X	P	D	X
<i>Rural Pursuit</i> AMD 27 GG 11/10/19	X	X	X	X	X	P	D	X	X	D
<i>Serviced Apartment</i> AMD 35 GG 10/08/18	X	A	X	P	X	X	X	P	D	X
Service Station AMD 35 GG 10/08/18	X	A	D	A	X	X	X	D	A	X
<i>Single house</i> AMD 27 GG 11/10/19	P	D	X	X	X	P	P	D	D	P
<i>Shop</i>	X	P	D	A	D	X	X	D	D	X
Showroom AMD 6 GG 30/11/12	X	D	D	D	X	X	X	X	D	X
Tavern	X	P	X	A	X	X	X	P	A	X
<i>Trade Display</i>	X	P	P	D	D	X	X	X	D	X
<i>Veterinary Centre</i>	X	D	D	X	X	A	X	X	D	X
<i>Warehouse</i>	X	D	P	D	D	X	X	X	X	X

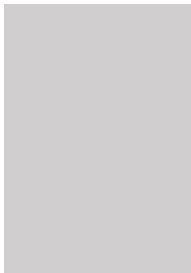
2. To approve an amendment or relocation of designated building envelopes on Rural Residential zoned properties where no objection is raised from adjoining landowners and the proposal will not result in removal of significant vegetation.
3. To approve all applications for a use or development within a local reserve where:
  - the proposal generally accords with the matters set out in Clause 67 of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No 7; and
  - does not conflict with the ultimate purpose intended for the reserve.

*Note: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.*

**Council Conditions on this Delegation:**

- a. A list of all development applications determined under delegated authority shall be included in the Council Information Bulletin on a monthly basis.
- b. All development applications where the Chief Executive Officer or other delegated officers recommend refusal of the application shall be presented to Council for consideration and a decision.
- c. Any development or subdivision application is to be referred to Council for a decision should it fail to comply or conform to the requirements and standards set by the Shire's

**9. Planning and Development Act 2005**



Local Planning Scheme No 7, Local Planning Strategy 2010; any relevant local planning policy adopted by Council or any Subdivision Guide Plan, Structure Plan or Development Area Plan previously endorsed by Council and the Western Australian Planning Commission.

- d. The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire of Dandaragan Local Planning Scheme No 7 shall be subject to a resolution of Council.

**Sub-Delegate/s:**  
*Appointed by CEO*

**CEO Conditions on this Sub-Delegation:**  
*Conditions on the original delegation also apply to the sub-delegations.*

**Executive Manager Development Services  
Principal Planning and Building Officer**

Nil

Compliance Links:	<i>Planning and Development Act 2005 Shire of Dandaragan Local Planning Scheme No. 7</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and updated by Council at Ordinary Council Meeting 28 November 2019
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**9. Planning and Development Act 2005**

**9.1.3 Town Planning – Advertising**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005 Shire of Dandaragan Local Planning Scheme No. 7</i>
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To initiate advertising of an application for a 'P', 'D' or 'A' use in Table 1: Zoning Table pursuant to the provisions under Clause 9.4 of the Shire of Dandaragan Local Planning Scheme No 7 and in accordance with local planning policy.
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>a. A list of all development applications determined under delegated authority shall be included in the Council Information Bulletin on a monthly basis.</li> <li>b. All development applications where the Chief Executive Officer or other delegated officers recommend refusal of the application shall be presented to Council for consideration and a decision.</li> <li>c. Any development or subdivision application is to be referred to Council for a decision should it fail to comply or conform to the requirements and standards set by the Shire's Local Planning Scheme No 7, Local Planning Strategy 2010; any relevant local planning policy adopted by Council or any Subdivision Guide Plan, Structure Plan or Development Area Plan previously endorsed by Council and the Western Australian Planning Commission.</li> <li>d. The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire of Dandaragan Local Planning Scheme No 7 shall be subject to a resolution of Council.</li> <li>e. Written notice of all applications being advertised under delegation 206 shall be forwarded to Councillors prior to or at the commencement of the advertising process. This may exclude applications of a <u>minor</u> nature that involves consultation with a neighbouring landowner/s as prescribed under delegation 204 b).</li> <li>f. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> </ul>



**9. Planning and Development Act 2005**

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

<b>Compliance Links:</b>	<i>Planning and Development Act 2005</i> <i>Shire of Dandaragan Local Planning Scheme No. 7</i>
<b>Record Keeping:</b>	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**9. Planning and Development Act 2005**

**9.1.4 Town Planning – Signage**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005 Shire of Dandaragan Local Planning Scheme No. 7</i>
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. To approve applications for signage in accordance with Local Planning Policy 9.5 – Advertising Devices (Signage); and</li> <li>2. To enforce the provisions under Clause 80 of the Deemed Provisions of the Shire of Dandaragan Local Planning Scheme No 7.</li> </ol> <p><i>Note: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</i></p>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A list of all development applications determined under delegated authority shall be included in the Council Information Bulletin on a monthly basis.</li> <li>b. All development applications where the Chief Executive Officer or other delegated officers recommend refusal of the application shall be presented to Council for consideration and a decision.</li> <li>c. Any development or subdivision application is to be referred to Council for a decision should it fail to comply or conform to the requirements and standards set by the Shire’s Local Planning Scheme No 7, Local Planning Strategy 2010; any relevant local planning policy adopted by Council or any Subdivision Guide Plan, Structure Plan or Development Area Plan previously endorsed by Council and the Western Australian Planning Commission.</li> <li>d. The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire of Dandaragan Local Planning Scheme No 7 shall be subject to a resolution of Council.</li> <li>e. Written notice of all applications being advertised under delegation 206 shall be forwarded to Councillors prior to or at the commencement of the advertising process. This may exclude applications of a <u>minor</u> nature that involves consultation with a neighbouring landowner/s as prescribed under delegation 204 b).</li> </ol>

**9. Planning and Development Act 2005**

	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Planning and Development Act 2005</i> <i>Shire of Dandaragan Local Planning Scheme No. 7</i> <i>Local Planning Policy 9.5 – Advertising Devices (Signage)</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Reviewed and updated by Council at Ordinary Council Meeting 28 November 2019
3	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**9. Planning and Development Act 2005**

**9.1.5 Town Planning – Subdivision Applications**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005 Shire of Dandaragan Local Planning Scheme No. 7</i>
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p>1. To provide comment on subdivision and amalgamation applications to the Western Australian Planning Commission (WAPC) where:</p> <ol style="list-style-type: none"> <li>a. The application is to rationalise boundaries between one or more landholdings without the creation of any additional lots in line with the Shire Local Planning Strategy and State Planning Policy 2.5; and</li> <li>b. The application applies to the creation or widening of a reserve (including a thoroughfare) for a public utility or service.</li> </ol> <p><i>Note: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</i></p>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A list of all development applications determined under delegated authority shall be included in the Council Information Bulletin on a monthly basis.</li> <li>b. All development applications where the Chief Executive Officer or other delegated officers recommend refusal of the application shall be presented to Council for consideration and a decision.</li> <li>c. Any development or subdivision application is to be referred to Council for a decision should it fail to comply or conform to the requirements and standards set by the Shire's Local Planning Scheme No 7, Local Planning Strategy 2010; any relevant local planning policy adopted by Council or any Subdivision Guide Plan, Structure Plan or Development Area Plan previously endorsed by Council and the Western Australian Planning Commission.</li> <li>d. The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire of Dandaragan Local Planning Scheme No 7 shall be subject to a resolution of Council.</li> <li>e. Written notice of all applications being advertised under this delegation shall be forwarded to Councillors prior to or at the commencement of the advertising process. This may exclude</li> </ol>

**9. Planning and Development Act 2005**

	applications of a <u>minor</u> nature that involves consultation with a neighbouring landowner/s as prescribed under delegation 9.1.1.
	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services</b> <b>Principal Planning and Building Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	Nil

Compliance Links:	<i>Planning and Development Act 2005</i> <i>Shire of Dandaragan Local Planning Scheme No. 7</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022

**9. Planning and Development Act 2005**

**9.1.6 Town Planning – Miscellaneous**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Planning and Development Act 2005 Shire of Dandaragan Local Planning Scheme No. 7</i>
<b>Express Power or Duty Delegated:</b>	<i>Planning and Development Act 2005</i>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. To address all matters which arise out of the imposition of conditions on a development approval and provide clarification where required.</li> <li>2. To determine Council's position in consultation with the Shire President (or Deputy Shire President in the absence of the Shire President) with respect to any mediation process resulting from an appeal lodged with the State Administrative Tribunal.</li> <li>3. To serve notices on property owners who are deemed to be in breach of the Shire of Dandaragan's Local Planning Scheme No 7. This may relate to unlawful land use or development, non-compliance with a condition/s of development approval or contravention of a direction set by the Scheme or local planning policy.</li> <li>4. To obtain legal advice in relation to a planning matter/s within budget allocations.</li> <li>5. To consider initial discussions and provide direction to applicants on development proposals in line with State planning policies and current planning instruments including strategy documents endorsed / adopted by Council.</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development Services Principal Planning and Building Officer</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<ol style="list-style-type: none"> <li>a. The CEO is to be informed of and endorse all requests for legal advice.</li> <li>b. The Principal Planning and Building Officer is not provided with the delegated authority listed in (2.).</li> </ol>

**9. Planning and Development Act 2005**


Compliance Links:	<i>Planning and Development Act 2005 Shire of Dandaragan Local Planning Scheme No. 7</i>
Record Keeping:	<i>Notices issued under this delegated authority are to be held as a Local Government record.</i>

**Version Control:**

1	Adopted by Council at Ordinary Council Meeting 13 December 2018
2	Delegations to Development Services Staff Updated by CEO – 5 October 2022

## 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)]

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No. 47. 19-Mar-2004  
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**EV401**

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

##### **Section 20**

Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

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

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.



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

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No. 232. 20-Dec-2013  
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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

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



**HON DONALD TERRENCE REDMAN MLA**  
**MINISTER FOR LANDS**

**SCHEDULE**

**This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005***

Column 1	Column 2	Column 3
<p>The power to sign as owner in respect of Crown land that is:</p>		
<ul style="list-style-type: none"> <li>• a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>• the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,</li> </ul>	<p>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 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</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>
<p>in respect of development applications being made under or referred to in:</p>		
<p>(i) section 99(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a regional interim development order (as that term is defined in that Act);</p>		
<p>(ii) section 103(2) of the <i>Planning and Development Act 2005</i> in respect of development for which approval is required under a local interim development order (as that term is defined in that Act);</p>		
<p>(iii) section 115 of the <i>Planning and Development Act 2005</i> in respect of development within a planning control area (as that term is defined in that Act);</p>		
<p>(iv) section 122A of the <i>Planning and Development Act 2005</i> in respect of which approval is required under an improvement scheme (as that term is defined in that Act);</p>		
<p>(v) section 162 of the <i>Planning and Development Act 2005</i> in respect of developments for which approval is required under a planning scheme or interim development order (as those terms are defined in that Act);</p>		
<p>(vi) section 163 of the <i>Planning and Development Act 2005</i> in respect of development on land which is comprised within a place entered in the Register maintained by the Heritage Council under the <i>Heritage of Western Australia Act 1990</i>, or of which such a place forms part;</p>	<p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Gosnell Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-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 Murchison Shire of Murray</p>	
<p>(vii) section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that term is defined in that section of that Act).</p>		

# Delegation Register

## SHIRE OF DANDARAGAN



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

Shire of Tammin  
Shire of Three Springs  
Shire of Toodyay  
Shire of Trayning  
Shire of Upper Gascoyne  
Town of Victoria Park  
Shire of Victoria Plains  
Town of Vincent  
Shire of Wagin  
Shire of Wandering  
City of Wanneroo  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickiepin  
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 TERRENCE REDMAN MLA  
MINISTER FOR LANDS

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

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

Published by:  
Planning and Infrastructure

GOVERNMENT GAZETTE Western  
Australia  
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No. 98. 09-Jun-2009  
Page: 1936 [Pdf](#) - 429kb

PI409

### PLANNING AND DEVELOPMENT ACT 2005 Instrument of Delegation Del 2009/03 Powers of Local Governments

**Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 25 of the *Strata Titles Act 1985***

#### Preamble

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

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

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

On 26 May 2009, pursuant to section 16 of the Act, the WAPC RESOLVED—

A TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 25 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1.

TONY EVANS, Western Australian Planning Commission.

#### SCHEDULE 1

##### 1. Applications made under section 25 of the *Strata Titles Act 1985*

Power to determine applications for the issuing of a certificate of approval under section 25 of the *Strata Titles Act 1985* for a plan of subdivision, re-subdivision or consolidation, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - (i) a type of development; and/or
  - (ii) land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

##### 2. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

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## 10.3 Main Roads Act 1930

### 10.3.1 Traffic Management - Events on Roads

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

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

RELATING TO  
TRAFFIC MANAGEMENT FOR EVENTS

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

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

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

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

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

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

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



Dated:

**THE COMMON SEAL** OF THE  
COMMISSIONER OF MAIN ROADS

WAS AFFIXED BY

COMMISSIONER OF MAIN ROADS

FOR THE TIME BEING IN THE  
PRESENCE OF:

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

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

**ACKNOWLEDGMENT BY AUTHORISED BODY**

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

**THE COMMON SEAL** of

\_\_\_\_\_  
*[Insert name of Local Government]*

Was hereunto affixed pursuant to a  
resolution of the Council in the  
presence of.

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

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

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

### **10.3.2 Traffic Management – Road Works**

A list of Local Governments authorised for the purposes of Road Traffic Code 2000 r.297(2) are available on Main Roads WA website [here](#)

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

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

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

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

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

Dated:

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

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

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

**ACKNOWLEDGMENT BY AUTHORISED BODY**

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

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

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

\_\_\_\_\_  
Witness

## 10.4 Road Traffic (Vehicles) Act 2012

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



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: