



SHIRE OF YILGARN

Delegations Register

Document Control

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1. Local Government Act 1995

LGA01 Appointment of Authorised Persons

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023- Link Amended – 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	
History:	Previously LGA18

<p>Legal (Parent):</p> <ul style="list-style-type: none"> - Local Government Act 1995 (As Amended) – Section 5.42 - Acts as listed below

<p>Legal (Subsidiary):</p> <ul style="list-style-type: none"> - Shire of Yilgarn Local Laws

Extent of Delegation:

1. Powers and duties set out in the Local Government Act 1995.
2. Duties and functions set out in the Shire’s local laws.
3. Powers and Duties set out in the following Acts (including their relevant regulations):
 - a. Local Government (Miscellaneous Provisions) Act 1960
 - b. Animal Welfare Act 2002
 - c. Bush Fires Act 1954
 - d. Cemeteries Act 1986
 - e. Dog Act 1976
 - f. Health (Miscellaneous Provisions) Act 1911
 - g. Public Health Act 2016
 - h. Litter Act 1979
 - i. Building Act 2011
 - j. Fines, Penalties and Infringement Notices Enforcement Act 1994
 - k. Cat Act 2011
 - l. Environmental Protection Act & Regulations 1986
 - m. Food Act 2008
 - n. Planning and Development Act 2005
 - o. Control of Vehicles (Off-road Areas) Act 1978
 - p. Caravan Parks & Camping Grounds Act 1995

Conditions Imposed:

Eligibility requirements complied with where applied by legislation.

Date Adopted:	17 June 2021
Document Control:	Amended - 21 April 2022 - Link Adopted – 17 June 2021 - Link
Policy Reference:	<ul style="list-style-type: none"> - Council Policy -Behaviour Complaints Committee Terms of Reference - Council Policy-Code of Conduct Behaviour Complaints Management - Council Policy-Code of Conduct for Council Members, Committee Members and Candidates
Delegate:	Behaviour Complaints Committee
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA31

Legal (Parent):

- Local Government Act 1995, Section 5.16

Legal (Subsidiary):

- Local Government (Model Code of Conduct) Regulations 2021, Clause 12 and Clause 13

Extent of Delegation:

1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)].

In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)].

2. Where a finding is made that a breach has occurred, authority to:
 - a. take no further action [MCC.cl.12(4(a)); or
 - b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)].
3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].

Conditions Imposed:

- a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy Code of Conduct Behaviour Complaints Management.
- b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.
- c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.
- d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.

NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to excuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.

Date Adopted:	17 March 2016
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Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA21

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42
- Local Government Act 1995, Section 3.20

Legal (Subsidiary):

-

Extent of Delegation:

Council delegates its authority to determine whether things done by the Shire in performing its executive function will be done outside its own district,

Subject to-

- 1.0 Compliance with the requirements of Section 3.20 of the Local Government Act 1995; and
- 2.0 Details of the actions taken are to be recorded on the appropriate file and a report on the actions taken is to be presented to Council at its next ordinary meeting.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023- Link Amended - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to - Executive Manager Infrastructure
History:	Previously LGA31

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government (Uniform Provisions) Regulations, Regulations 12 & 13.
- Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3),
- Local Government Act, Schedule 9.1(7).

Extent of Delegation:

- 1.0 Approve or refuse an application from an owner of land, to construct a crossing giving access from a public thoroughfare to the land, or a private thoroughfare serving the land, and impose conditions in respect to the approval,
Subject to-
 - (a) The requirements of Regulation 14(2) of the Local Government (Uniform Provisions) Regulations 1996.
- 2.0 Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.
- 3.0 Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.
- 4.0 Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued
Subject to-
 - (a) Notification being given to Council prior to legal action commencing.
- 5.0 Issue a notice under Regulation 13(1) of the Local Government (Uniform Provisions) Regulations 1996 to the owner or occupier of private land to construct or repair a crossing from a public thoroughfare to the land, or a private thoroughfare serving the land
Subject to-
 - (a) The requirements of Regulation 14(2) of the Local Government (Uniform Provisions) Regulations 1996.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
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Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to - Regulatory Services Officer - Environmental Health Officer
History:	Previously LGA28

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 3.25.
- Local Government Act 1995, Section 3.26

Extent of Delegation:

- 1.0 Issue a notice in writing to the owner or occupier of land requiring them to do anything specified in Division 1 of Schedule 3.1 of the Local Government Act 1995.
- 2.0 Do anything that is considered necessary to achieve, so far as practicable, the purpose for which the notice was given, including recovering the cost of anything done as a debt due from the person who failed to comply with the notice.

Conditions Imposed:

Nil

Date Adopted:	21 April 2022
Document Control:	Amended – 20 April 2023- Link Adopted - 21 April 2022 - Link
Policy Reference:	Nil
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: <ul style="list-style-type: none"> - Executive Manager Infrastructure - Environmental Health Officer - Ranger
History:	Powers of entry during emergency previously delegated under LGA11

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995:
 - s.3.28 When this Subdivision applies
 - s.3.32 Notice of entry
 - s.3.33 Entry under warrant
 - s.3.34 Entry in an emergency
 - s.3.36 Opening fences

Extent of Delegation:

- 1.0 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].
- 2.0 Authority to give notice of entry [s.3.32].
- 3.0 Authority to seek and execute an entry under warrant [s.3.33].
- 4.0 Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].
- 5.0 Authority to give notice and effect entry by opening a fence [s.3.36].

Conditions Imposed:

Delegated authority under s.3.34(1) and (3) may only be used where there is imminent or substantial risk to public safety or property.

Date Adopted:	17 March 2016
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Policy Reference:	Nil
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Infrastructure - Regulatory Services Officer - Ranger
History:	Previously LGA26

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995 (As Amended) – Sections 3.39, 3.40, 3.40A, 3.46, 3.47, 3.47A and 3.48.
- Local Government (Functions and General) Regulations 1996 – Regulations 29 and 29A.

Extent of Delegation:

Authority and power to undertake the functions and duties required under Subdivision 4 of Division 3 of Part 3 of the Local Government Act 1995, in respect to-

- 1.0 Section 3.40 - Removal of Vehicle and Impounding of Goods.
- 2.0 Section 3.40A - Removal of Abandoned Vehicles.
- 3.0 Section 3.46 - Withholding of goods pending payment of costs.
- 4.0 Section 3.47 - The disposal of confiscated goods.
- 5.0 Section 3.47A - Disposal of sick or injured animals.
- 6.0 Section 3.48 - Recovery of costs incurred in the impounding exercise

Conditions Imposed:

Compliance with the requirements of Regulations 29 and 29A of the Local Government (Functions and General) Regulations 1996.

Date Adopted:	17 March 2016
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Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Infrastructure
History:	Previously LGA27

Legal (Parent):
<ul style="list-style-type: none"> - Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):
<ul style="list-style-type: none"> - Local Government Act 1995, Sections 3.50, 3.50A and 3.51. - Local Government Functions and General Regulations 1996, Regulations 4, 5 and 6. - Road Traffic (Events on Roads) Regulations 1991.

Extent of Delegation:

Council delegate its authority and power to the Chief Executive Officer to determine applications for the temporary closure of a thoroughfare, and to undertake the necessary action for the closure of thoroughfares to vehicles -

- 1.0 In cases of emergency; or
- 2.0 Where in the opinion of the CEO that due to heavy rain a thoroughfare is likely to be damaged by the passage of traffic of a particular class, or by the passage of traffic generally; or
- 3.0 For the conduct of an Event in accordance with the Road Traffic (Events on Roads) Regulations 1991;
- 4.0 Where the Council is undertaking repair and maintenance works to a thoroughfare;

Conditions Imposed:

Having regard for the requirements of Sections 3.50 and 3.50A of the Local Government Act 1995, and Clauses 4, 5 and 6 of the Local Government (Functions and General) Regulations 1996.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023- Link Amended - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	Council Policy 3.5 - Purchasing and Tendering Policy
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA6

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42
- Local Government Act 1995 (As Amended) – Section 3.57

Legal (Subsidiary):

- Local Government (Financial Management) Regulations 1996, as amended.

Extent of Delegation:

- 1.0 Call tenders for works or services prior to entering in to contract with others in respect to supply of goods or services exceeding \$250,000;
- 2.0 Call tenders for the provision of works or services not exceeding a value of \$250,000 and to accept what is to be deemed the most advantageous tender;
- 3.0 Determine in writing the criteria for deciding which tender should be accepted, subject to Regulation 14(2a) of the Local Government (Functions and General) Regulations 1996;

Conditions Imposed:

- (1) Tenders called subject to (1) and (2) above, are to comply with Council's Purchasing Policy.
- (2) The goods or services being listed in the Shires Adopted Annual Budget;
- (3) The criteria, once determined in (3) above, it is to be incorporated in the tender document.

Date Adopted:	17 March 2016
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Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA5

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):

- Local Government (Functions & General) Regulations 1996, as amended.

Extent of Delegation:

- 1.0 Seek expressions of interest with respect to the supply of the goods or services before entering the tender process, because the CEO believes that there is good reason to make a preliminary selection from amongst prospective tenderers due to-
 - (i) the nature of the goods or services; or
 - (ii) the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required,
 and the CEO believes it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.
- 2.0 Determine in writing the criteria for the preliminary selection of prospective tenderers, Subject to-
 - (i) Compliance with Regulation 21(1) of the Local Government (Functions and General) Regulations 1996;
 - (ii) The goods or services being listed in the Shires Adopted Annual Budget;
 - (iii) The criteria, once determined, is to be incorporated in the expression of interest documentation.
- 3.0 Consider any submissions of expression of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services,

Subject to-

 - (a) Compliance with Regulation 23(3) of the Local Government (Functions and General) Regulations 1996; and
 - (b) Compliance with Regulations 14(2), 15(2), 17(2)(c) and 18(3) of the Local Government (Functions and General) Regulations 1996.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
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Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA8

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):

- Local Government Act 1995, Section 3.58.
- Function and General Regulations 1996, Regulation 30.

Extent of Delegation:

Council delegates its authority and power to the Chief Executive Officer to dispose of property by way of lease, subject to:

- 1.0 Compliance with the requirements of Section 3.58 of the Local Government Act 1995 and Regulation 30 of the Local Government (Functions and General) Regulations 1996.
- 2.0 The lease fee being in accordance with Council's Schedule of Fees and Charges or as negotiated if permitted by fees and charges; and
- 3.0 Any lease term not to exceed five years.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
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Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Corporate Services - Executive Manager Infrastructure
History:	Previously LGA9

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Sections 3.58
- Local Government (Functions and General) Regulations, Regulation 30.

Extent of Delegation:

Council delegate its authority and power to dispose of surplus equipment, materials, tools, etc with a market value of less than \$2,000 by-

- 1.0 Calling a request for proposals; or
- 2.0 Holding of a surplus goods sale at the Council depot; or
- 3.0 Any other fair means;

Conditions Imposed:

Authority is delegated subject to:

- (a) The items not being listed on or due to be removed from the Councils Asset Register; and
- (b) The items being either no longer required, no longer serviceable or are outmoded.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA29

<p>Legal (Parent):</p> <ul style="list-style-type: none"> - Local Government Act 1995 (As Amended) – Section 5.42 	<p>Legal (Subsidiary):</p> <ul style="list-style-type: none"> - Local Government Act 1995, Sections 6.12
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Extent of Delegation:

Council delegates its authority and power to write-off of a debt other than rates or a service charge,
Subject to-

- (a) the amount of the request or application not exceeding \$300.00
- (b) the debt being irrecoverable or uneconomical to recover

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA30

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):

- Local Government Act 1995, Sections 6.12

Extent of Delegation:

Council delegates its authority and power to consider requests for Donations and Waiver of Hire Fees,

Subject to-

- a) The donation and /or waiver of hire fees request is:
 - a. less than \$500
 - b. for a non-profit group that is located in the Shire of Yilgarn
 - c. for an event that will be held within the Shire and is a general community benefit
- b) All Donations and Waiver of Hire Fees to be recorded in the Annual Report each year.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	Council Policy – Surplus Funds Investments
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Corporate Services
History:	

Legal (Parent):
- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):
- Local Government Act 1995, Section 6.14.
- Local Government (Financial Management Regulations) 1996, Regulation 19.
- Trustees Act 1962, Part III

Extent of Delegation:

Council delegates its authority and power to invest money held in the municipal or trust funds that is not required for the time being for any purpose in accordance with Part III of the Trustees Act 1962,

Subject to-

- 1.0 Compliance with the established and documented internal control procedures to ensure control over the investments; and
- 2.0 Compliance with Regulation 19(2) of the Local Government (Financial Management) Regulations 1996; and
- 3.0 Compliance with Council Policy – Surplus Funds Investments.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	3.9 - Rates and Charges Recovery Policy
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Corporate Services
History:	Previously LGA2

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 6.49.

Extent of Delegation:

Council delegates its authority and power to make an agreement with a person for the payment of rates and service charges,

Subject to-

- (a) The requirements of Councils Rates Collection policy; and
- (b) The arrangements agreed to being on the basis that the total debt outstanding will be extinguished by 30 June next following.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
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Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA1

Legal (Parent):

- Local Government Act 1995, Section 5.42.
- Local Government Act 1995, Section 3.18(1)

Legal (Subsidiary):

- Local Government Act 1995, Sections 9.1 and 9.4.

Extent of Delegation:

Council delegates its authority and power to administer its Local Laws, and initiate legal action if considered necessary,

Subject to -

- 1.0 Compliance with Sections 9.1(1) and 9.4 of the Local Government Act 1995.

Conditions Imposed:

Nil

Date Adopted:	21 April 2022
Document Control:	Amended – 20 April 2023 - Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Corporate Services
History:	

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Sections 3.22 & 3.23

Extent of Delegation:

- 1.0 Assess and determine the extent of damage to private property arising directly from performance of Local Government functions and make payment of compensation.
- 2.0 Commence arbitration in accordance with section 3.23 where there is a dispute relating to compensation.

Conditions Imposed:

Authority is delegated subject to:

- (a) Settlements up to \$1,000 only; and
- (b) Compliance with requirements of the Act.

Date Adopted:	21 April 2022
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Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer - Environmental Health Officer
History:	

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government (Uniform Local Provisions) Regulations 1996: Sections 5(2), 6, 7A & 7.

Extent of Delegation:

- 1.0 Serve written notice 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 require the person to cover the footpath during the period specified in the notice so as to —
 - (a) prevent damage to the footpath; or
 - (b) prevent inconvenience to the public or danger from falling materials.
- 2.0 Provide written permission, or refuse permission, to a person to place on a specified part of public thoroughfare one or more specified things that may obstruct the public thoroughfare.

When granting permission, the Chief Executive Officer may:

 - (a) Impose conditions deemed fit, and upon renewing permission vary conditions as required;
 - (b) Impose a fee in keeping with Regulation 6(8);
- 3.0 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.
- 4.0 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

Conditions Imposed:

Authority is delegated subject to:

- (a) Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
- (b) Permission may only be granted where the proponent has:

- i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.
- ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.
- iii. Provided evidence of sufficient Public Liability Insurance.
- iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Infrastructure
History:	Previously LGA12

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3),
- Local Government Act, Schedule 9.1(6)
- Local Government (Uniform Provisions) Regulations, Regulation 11.

Extent of Delegation:

- 1.0 Grant permission to a person to make or make and leave, an excavation of specified dimensions and in a specified way in a specified part of a public thoroughfare or on a specified part of land adjoining a public thoroughfare, and impose conditions in respect to the permission,
Subject to-
 - (a) The requirements of Regulation 11 of the Local Government (Uniform Provisions) Regulations 1996;
- 2.0 Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.
- 3.0 Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.
- 4.0 Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023- Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Infrastructure
History:	Previously LGA14

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3),
- Local Government Act, Schedule 9.1(5)
- Local Government Act, Schedule 3.1
- Local Government (Uniform Provisions) Regulations, Regulation 9.

Extent of Delegation:

- 1.0 Grant permission to a person to have a gate or other device across a public thoroughfare under the care, control and management of the Shire, and impose conditions in respect to the permission,
Subject to-
- The requirements of Regulation 9 of the Local Government (Uniform Provisions) Regulations 1996; and
 - A register of gates and other devices being kept in accordance with Clause 9(8) of the Local Government (Uniform Provisions) Regulations 1996.
- 2.0 Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.
- 3.0 Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.
- 4.0 Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Infrastructure
History:	

<p>Legal (Parent):</p> <ul style="list-style-type: none"> - Local Government Act 1995 (As Amended) – Section 5.42 & 5.44 	<p>Legal (Subsidiary):</p> <ul style="list-style-type: none"> - Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3), - Local Government Act, Schedule 9.1(8) - Local Government (Uniform Provisions) Regulations, Regulation 17. - Shire's Thoroughfares Local Laws.
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Extent of Delegation:

- 1.0 Grant permission to a person to construct anything on, over, or under a public thoroughfare or other public place that is Local Government property, and impose conditions in respect to the permission, Subject to-
 - (a) The requirements of Regulation 17 of the Local Government (Uniform Provisions) Regulations 1996; and
 - (b) Having regard for the requirements contained in the Shires Thoroughfares Local Laws.
- 2.0 Issue a notice under Section 3.25(1)(b) to a person who has not complied with a condition imposed on a permission given under (1) above.
- 3.0 Do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given under (2) above.
- 4.0 Recover the cost of anything done under (3) above as a debt due from the person who failed to comply with the notice issued subject to notification being given to Council prior to legal action commencing.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Infrastructure
History:	Previously LGA3

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 3.51(3)

Extent of Delegation:

- 1.0 Fix or alter the level of, or the alignment of, a public thoroughfare; or
- 2.0 Drain water from a public thoroughfare or other public place onto adjoining land;

Conditions Imposed:

Authority is delegated subject to:

- (a) The notice being in accordance with Section 3.51(4) of the Local Government Act 1995.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Infrastructure
History:	Previously LGA23

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Sections 3.52(4), 5.94 and 5.96.

Extent of Delegation:

1.0 Keep plans of levels and alignments of public thoroughfares under the care, control and management of the Council and to ensure those plans are available for public inspection during office hours,

Conditions Imposed:

Authority is delegated subject to:

- Compliance with the requirements of Sections 3.52(4), 5.94 and 5.96 of the Local Government Act 1995.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Corporate Services
History:	Previously LGA4

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 6.39(2)(b).

Extent of Delegation:

1.0 Determine whether to amend the rate record for the preceding five years.

Conditions Imposed:

Authority is delegated subject to:

- (a) Compliance with the requirements of Section 6.39 of the Local Government Act 1995.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA10

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):

- Local Government Act 1995, Section 6.50(1) and (2).

Extent of Delegation:

1.0 Determine the date a rate or service charge becomes due and payable.

Conditions Imposed:

Authority is delegated subject to:

- (a) The date to be determined is not to be earlier than 35 days after the date of issue on the rate notice.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Corporate Services
History:	Previously LGA25

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 6.56(1).
- Local Government Act 1995, Section 6.60(2).

Extent of Delegation:

- Determine when court action should be taken to recover an unpaid rate or service charge that is due and payable,
Subject to-
 - Recovery action having been taken in accordance with Council's Rates and Charges Recovery Policy.
- Notice should be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due in satisfaction of the rate or service charge.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 15 May 2023 - Link Amended - 21 April 2022 - Link Amended – 16 September 2021 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	3.5 Purchasing and Tendering Policy 3.6 Signing of Cheques
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Subdelegated to: <ul style="list-style-type: none"> - Executive Manager Corporate Services - Executive Manager Infrastructure - Works Supervisor - Finance Manager - Mechanic - Building maintenance Officer - Technical & Works Coordinator
History:	Previously LGA20

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 6.7(2)
- Local Government Act 1995, Section 6.8
- Local Government Act 1995, Section 6.10
- Local Government Act 1995, Section 3.1
- Local Government (Financial Management) Regulations, Regulations 5, 11, 12 and 13.

Extent of Delegation:

1. Sign and issue purchase orders to incur liabilities from the Municipal Fund or the Trust Fund on behalf of the Shire,
 Subject to-
 - (a) Compliance with Council Purchasing and Tendering Policy & Council Signing of Cheques Policy; and
 - (b) Purchase orders only being issued for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the president in an emergency.

2. Authorise and make payments by cheque or electronic funds transfer (EFT) from the Municipal Fund or the Trust Fund,
 Subject to-

- (a) The payment(s) only being for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the President in an emergency; and
- (b) Compliance with the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Conditions Imposed:

Authority is delegated subject to the following limits:

- Executive Manager Corporate Services \$150,000
- Executive Manager Infrastructure \$150,000
- Works Supervisor \$15,000
- Finance Manager \$10,000
- Mechanic \$10,000
- Building Maintenance Officer \$5,000
- Technical & Works Coordinator \$5,000

Authority to make payments in accordance with Council Policy

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023- Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Corporate Services
History:	Previously LGA19

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 6.76(4) and (5).

Extent of Delegation:

- 1.0 Determine applications by a person for an extension of time to make an objection to the rate record,
Subject to-
 - (a) Any extension granted being no longer than 30 days.
- 2.0 Consider any objection to the rate record and either disallow it or allow it, wholly or in part,
Subject to –
 - (a) Giving written notice of the decision made under (2) above in accordance with Section 6.76(6) of the Local Government Act 1995.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	1.4 Use of Councils Common Seal
Delegate:	President and CEO Jointly
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA13

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):

- Local Government Act, Section 9.49A(4)

Extent of Delegation:

- 1.0 Council delegate its authority and power to the President and the Chief Executive Officer to execute documents and affix the Common Seal thereto, where such documents result from the following transactions:
- 1.1 Where land is disposed of pursuant to Section 3.58 of the Local Government Act 1995 (As Amended).
 - 1.2 Where land is acquired pursuant to Section 3.55 and 3.59 of the Local Government Act 1995 (As Amended).
 - 1.3 In respect of leases of land and licence to occupy municipal property where approved by the Council.
 - 1.4 In respect of leases for the purchase of plant and equipment approved by the Council.
 - 1.5 In respect of borrowings approved by the Council.
 - 1.6 In respect of easements and legal agreements over land for the purpose of drainage or conditions arising from subdivision of land and planning approvals.
 - 1.7 In respect of withdrawal of caveats and surrender of easements where the Chief Executive Officer considers that the Council's interests have been satisfied.
 - 1.8 In respect of contracts of employment approved by the Council.
 - 1.9 In respect of agreements required for funding of Council works and services considered with the resolution of the Council or requiring renewal of the agreement for funding currently provided.
 - 1.10 In respect of the final adoption of local laws by the Council.

Conditions Imposed:

Authority is delegated subject to:

- (a) Meeting the requirements detailed in Councils Policy on Use of the Shire Common Seal; and
- (b) Council being notified via a report to be submitted to each Council Meeting in relation to the execution of documents and affixing of the Common Seal.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Executive Manager Corporate Services
History:	Previously LGA24

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Local Government Act 1995, Section 9.68(5)

Extent of Delegation:

- 1.0 Recover rates accruing on land, from a person, whether principal or agent, until such time the required notice of the sale or disposal of the land is given.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously LGA17

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42

Legal (Subsidiary):

- Local Government (Functions and General) Regulations, Regulation 20.

Extent of Delegation:

- 1.0 Make a minor variation to a contract for goods or services before the Shire enters the contract with the successful tenderer,
subject to-
 - (a) the tenderer agreeing to the minor variations; and
 - (b) the variation is minor having regard to the total goods or services that tenderers were invited to supply (deliverables and price).
- 2.0 Select the next most advantageous tender if the successful tenderer does not want to accept the contract with the variation, or the local government and the tenderer cannot reach agreement, subject to Regulation 20(2) of the Local Government (Functions and General) Regulations 1996.

Conditions Imposed:

Nil

2. Building Act 2011

BA01 Appointment of Authorised Persons

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously BUILD05

Legal (Parent):

- Building Act 2011, Section 127.
- Building Act 2011, Section 96.

Legal (Subsidiary):

- Building Regulations 2012

Extent of Delegation:

1.0 Appoint authorised persons for the purposes of the Building Act 2011 and the Building Regulations 2012,

Conditions Imposed:

Authority is delegated subject to:

- (a) Any appointment being in writing to the employee so appointed;
- (b) The employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power or the discharge of the duty.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer - Environmental Health Officer
History:	Previously BUILD03

Legal (Parent):
<ul style="list-style-type: none"> - Building Act 2011, Section 127. - Building Regulations 2012, Regulation 61

Legal (Subsidiary):
-

Extent of Delegation:

- 1.0 Approve or refuse to approve an application for the use of battery powered smoke alarms within a dwelling, or a part of a dwelling.

Conditions Imposed:

Authority is delegated subject to:

- 1.0 The CEO being satisfied that, at the time of giving the approval, installing a smoke alarm connected to the mains power supply would involve —
- (a) a sufficient problem of a structural nature; or
 - (b) a sufficient problem of any other nature, the cause of which is not within the control of the owner.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer
History:	Previously BUILD04

Legal (Parent):

- Building Act 2011, Section 127.

Legal (Subsidiary):

- Building Act 2011, Section 20.
- Building Act 2011, Section 21
- Building Act 2011, Section 22
- Building Act 2011, Section 119
- Building Regulations 2012

Extent of Delegation:

- 1.0 Approve or refuse plans, specifications and an application for a building permit submitted under the Building Act 2011.
- 2.0 Approve or refuse plans, specifications and an application for a demolition permit submitted under the Building Act 2011.

Conditions Imposed:

Authority is delegated subject to:

- (a) Compliance with Sections 21 and 22 of the Building Act 2011.
- (b) Certification obtained from registered building surveyor prior to issuing permit.
- (c) Written advice from qualified person, detailing reasons for recommended refusal if relating to matters other than incomplete application.
- (c) Notice being given to the applicant informing of their review rights under Section 119 of the Building Act 2011.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to - Regulatory Services Officer
History:	Previously BUILD02

Legal (Parent):
- Building Act 2011, Section 127.

Legal (Subsidiary):
- Building Act 2011, Section 58
- Building Act 2011, Section 62

Extent of Delegation:

- 1.0 Approve, modify or refuse to approve applications submitted under Section 58 of the Act, and may impose conditions in accordance with Section 62 of the Building Act.

Conditions Imposed:

Authority is delegated subject to:

- (a) Compliance with relevant requirements of the Act.
- (b) Written advice from qualified person, detailing reasons for recommended approval, modification or refusal.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer
History:	Previously BUILD01

Legal (Parent):

- Building Act 2011, Section 127.

Legal (Subsidiary):

- Building Act 2011, Section 65

Extent of Delegation:

- 1.0 Approve or refuse to approve extensions to the duration of occupancy permits or limited period building approvals, submitted under Section 65 of the Building Act.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer
History:	Previously BUILD07

Legal (Parent):
- Building Act 2011, Section 127.

Legal (Subsidiary):
- Building Act 2011, Section 110
- Building Act 2011, Section 117
- Building Regulations 2012

Extent of Delegation:

1.0 Make a building order in respect of one or more of the following-

- (a) Particular building work;
- (b) Particular demolition work; or
- (c) A particular building or incidental structure.

2.0 Revoke a building order,

Subject to compliance with Section 117(1) of the Building Act 2011 by serving written notice to each person to whom the order is directed.

Conditions Imposed:

- (a) Notice provided to CEO prior to issuing building order, if not being issued by CEO.

Date Adopted:	21 April 2022
Document Control:	Amended – 20 April 2023 - Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer
History:	

Legal (Parent): <ul style="list-style-type: none"> - Building Act 2011, Section 127
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Legal (Subsidiary): <ul style="list-style-type: none"> - Building Act 2011, Section 131(2)

Extent of Delegation:

1.0 Determine an application from an interested person to inspect and copy a building record.

Conditions Imposed:

Authority is delegated subject to:

(a) Compliance with Act.

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	-
History:	Previously BUILD06

Legal (Parent): <ul style="list-style-type: none"> - Building Act 2011, Section 133. 	Legal (Subsidiary): <ul style="list-style-type: none"> - Building Act 2011, Section 96. - Building Regulations 2012
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Extent of Delegation:

- 1.0 Commence proceedings for an alleged offence under the Building Act 2011 and Building Regulations 2012.

Conditions Imposed:

Nil.

Date Adopted:	21 April 2022
Document Control:	Amended – 20 April 2023- Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer
History:	

Legal (Parent):
- Building Act 2011, Section 127

Legal (Subsidiary):
- Building Act 2011, Section 17

Extent of Delegation:

1.0 Refer uncertified applications to a building surveyor who is not employed by the local government.

Conditions Imposed:

Nil

3. Planning and Development Act 2005

PDA01 Town Planning Scheme

Date Adopted:	21 April 2022
Document Control:	Amended – 20 April 2023 - Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer
History:	

<p>Legal (Parent):</p> <ul style="list-style-type: none"> - Local Government Act 1995 (As Amended) – Section 5.42 & 5.44 - Planning and Development Act 2005

<p>Legal (Subsidiary):</p> <ul style="list-style-type: none"> - Planning and Development (Local Planning Schemes) Regulations 2015, Sch 2 Section 82 & 83.
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Extent of Delegation:

- 1.0 Exercise any of the local governments' powers or the discharge of any of the local government's duties under the Shire's Town/Local Planning Scheme (as amended).
- 2.0 The authority to perform the functions of Council in respect of determining applications for development approval as per the Town Planning Scheme Zoning Table where the use is:

'P' – that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

Conditions Imposed:

Authority is delegated subject to:

- (a) Compliance with relevant legislation and Town/Local Planning Scheme (as amended)

Date Adopted:	21 April 2022
Document Control:	Amended – 20 April 2023 - Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer
History:	

Legal (Parent):

- Local Government Act 1995 (As Amended) – Section 5.42 & 5.44

Legal (Subsidiary):

- Planning and Development Act 2005, Sections 214(2), (3) and (5)
- Shire of Yilgarn Town Planning Scheme 2

Extent of Delegation:

- 1.0 Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;
- 2.0 Give a written direction to the owner or any other person who undertook an unauthorised development:
 - (a) to remove, pull down, take up, or alter the development; and
 - (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
- 3.0 Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.

Conditions Imposed:

Authority is delegated subject to:

- (a) All prosecutions are to be authorised by the Chief Executive Officer

4. Public Health Act 2016

PHA01 Public Health Act - Authorised Officers

Date Adopted:	21 April 2022
Document Control:	Amended – 20 April 2023- Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO & Environmental Health Officer
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	

Legal (Parent):

- Public Health Act 2016, Section 21

Legal (Subsidiary):

- Public Health Act 2016, Section 24(1) & (3)

Extent of Delegation:

1.0 Perform the functions and duties conferred upon the Local Government by the Public Health Act 2016.

Conditions Imposed:

Authority is delegated subject to:

- Persons to be appointed as authorised environmental health officers must satisfy the criteria published from time to time by the Western Australian Department of Health.
- A register (list) of authorised officers is to be maintained.
- Each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices

PHA02 Health (Miscellaneous Provisions) Act 1911 And Relevant Regulations Administration And Notices Of Breach

Date Adopted:	16 March 2017
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 16 March 2017 - Link
Policy Reference:	
Delegate:	CEO and Environmental Health Officer
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously HEALTH02

<p>Legal (Parent):</p> <ul style="list-style-type: none"> - Health (Miscellaneous Provisions) Act 1911, Part IV, V, VI and VII.

<p>Legal (Subsidiary):</p> <ul style="list-style-type: none"> -

Extent of Delegation:

1.0 The functions and powers under the Health (Miscellaneous Provisions) Act 1911 (as amended), relating to:

- (i) Part IV - Division 2, Division 4 and Division 7;
- (ii) Part V – Divisions 1, 2 and 3;
- (iii) Part VI; and
- (iv) Part VII – Division 1 Subject to the conditions of-
 - (a) With respect to Part IV – Divisions 2, 4 and 7, authority is limited to the approval of applications under Section 107; the forming of opinions; the issuing of notices, requisitions, directions and orders, subject to prior consultation with and agreement of the Council; the carrying out or causing to be carried out, works in default of duly served notices, but does not include the undertaking or contracting of works, the provision of sanitary conveniences or receptacles, the making of charges for works or the supply of pans or receptacles for refuse.
 - (b) With respect to Part V – Division 1 and 2, authority is limited to the forming of opinions and issuing of notices and directions subject to prior consultation with and agreement of the Council, but does not include the carrying out of works in default of duly served notices.
 - (c) With respect to Part VII Division 1, authority extends to the issuing of requisitions and, in the case of default, the causing of requisite work to be done, subject to prior discussion with and agreement of the Council.
- (v) The Health (Miscellaneous Provisions) Act 1911 and the Regulations, Local-Laws and orders made thereunder relating to issue such notices as are deemed necessary for breaches of the Act,

Subject to the conditions of-

- (a) Any non-compliance with any notice will be referred to the Council before proceeding with legal action.
- 2.0 Section 107 of the Health (Miscellaneous Provisions) Act 1911 (as amended) to the Executive Manager Regulatory Services (Environmental Health Officer), relating to the approval of applications for effluent disposal systems.
- 3.0 The Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 to Chief Executive Officer and Executive Manager Regulatory Services (Environmental Health Officer).

Conditions Imposed:

Nil

Date Adopted:	21 April 2022
Document Control:	Amended – 20 April 2023 - Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - Regulatory Services Officer
History:	

Legal (Parent):

- Public Health Act 2016, Section 21

Legal (Subsidiary):

- Public Health Act 2016, Section 22

Extent of Delegation:

Council delegates authority and power to the Chief Executive Officer to:

- 1.0 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 Yilgarn.
2. Authority to prepare and provide to the Chief Health Officer a report detailing any proceedings for an offence under this Act.

Conditions Imposed:

- (a) The CEO is to sign the report prior to submission.

Date Adopted:	21 April 2022
Document Control:	Amended - 20 April 2023 - Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	

Legal (Parent):

- Public Health Act 2016, Section 21

Legal (Subsidiary):

- Public Health Act 2016, Section 264.

Extent of Delegation:

- 1.0 In response to an application for compensation for seized items, determine compensation that is just and reasonable in relation to any item seized under Part 16, if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value.

Conditions Imposed:

Authority is delegated subject to:

- (a) Compensation is limited to a maximum determination of \$1,000 with any application greater than this value, to be referred to Council for a determination.

Date Adopted:	21 April 2022
Document Control:	Amended - 20 April 2023 - Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	

Legal (Parent): - Public Health Act 2016, Section 21
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Legal (Subsidiary): - Public Health Act 2016, Section 280

Extent of Delegation:

1.0 Authority to commence proceedings for an offence under the Public Health Act 2016

Conditions Imposed:

Nil

Legislation:

Public Health Act 2016

280. Commencing proceedings

Proceedings for an offence under this Act may be commenced —

- (a) *by the Chief Health Officer or by an authorised officer authorised in writing by the Chief Health Officer; or*
- (b) *by a local government, by the chief executive officer of a local government or by an authorised officer authorised in writing by the local government; or*
- (c) *by an enforcement agency of a kind referred to in paragraph (c) of the definition of enforcement agency in section 4(1) or by an authorised officer authorised in writing by an enforcement agency of that kind.*

ASB01 Health (Asbestos Regulations) 1992

Date Adopted:	16 March 2017
Document Control:	Amended – 21 February 2019 - Link Adopted – 16 March 2017 - Link
Policy Reference:	
Delegate:	CEO & Environmental Health Officer & Regulatory Services Officer
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	Previously ASBESTOS01

Legal (Parent):

- Health (Miscellaneous Provisions) Act 1911
- Criminal Procedure Act 2004

Legal (Subsidiary):

- Health (Asbestos) Regulations 1992

Extent of Delegation:

Council delegates authority and power to:

- 1.0 The Environmental Health Officer and Regulatory Services Officer as an Authorised Officer to issue infringements.
- 2.0 The Chief Executive Officer as an Approved Officer to withdraw infringements.

Conditions Imposed:

Nil

5. Food Act 2008

FOOD01 Appointment of Designated Officer and Authorised Officer

Date Adopted:	17 March 2016
Document Control:	Amended – 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 18 February 2021 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	Environmental Health Officer
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	

Legal (Parent):

- Food Act 2008, Section 118
- Food Act 2008, Section 122.
- Food Act 2008, Section 126.

Legal (Subsidiary):

- Food Regulations 2009.
- Food Act 2008, Sections 38, 62, 65, 66, 67, 110, 112.

Extent of Delegation:

Council delegates authority to and appoints -

- 1.0 The Environmental Health Officer, as a Designated Officer for the purposes of [sections](#) 126(3), (6) and (7) of the Food Act 2008 and the Food Regulations 2009.
- 2.0 The Environmental Health Officer, as Designated Officer for the purposes of sections 126(2) of the Food Act 2008 and the Food Regulations 2009, and
- 3.0 The Environmental Health Officer, as Authorised Officers for the purposes of sections 38 and 62, 65, 66, 67, 110 & 112 of the Food Act 2008 and Food Regulations 2009, for all food premise types.

Conditions Imposed:

Nil

FOOD02 Determine Compensation – Food Act

Date Adopted:	21 April 2022
Document Control:	Amended - 20 April 2023 - Link Adopted - 21 April 2022 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	

Legal (Parent):

- Food Act 2008, Section 118

Legal (Subsidiary):

- Food Act 2008, Section 56(2) & 70(2 & (3).

Extent of Delegation:

- 1.0 Determine an application for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned.
- 2.0 Determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the order and who considers that there were insufficient grounds for making the order.

Conditions Imposed:

Authority is delegated subject to:

- (a) In accordance with any Department of Health Guidelines, as amended from time to time.
- (b) Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1,000. Compensation claims

6. Dog Act 1976

DOG01 Authorised Officers – Dog Act

Date Adopted:	17 March 2016
Document Control:	Amended - 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - As detailed in extent of delegation herein.
History:	

Legal (Parent):

- Dog Act 1976, Section 10AA.

Legal (Subsidiary):

- Dog Act 1976, Sections 11, 12 and 44(2)
- Dog Regulations 2013.

Extent of Delegation:

- 1.0 The Chief Executive Officer delegates his/her authority and power to the Regulatory Services Officer and Shire Ranger as Registration Officers and Authorised Officers under the Dog Act 1976,
- 2.0 The Chief Executive Officer delegates his/her authority and power to the Customer Services Officer, Administrative Services Officer, Rates/Debtors Officer, CRC Coordinator, Corporate Services Officer and Finance Officer as Registration Officers under the Dog Act 1976.

Conditions Imposed:

Authority is delegated subject to:

- (a) The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

7. Cat Act 2011

CAT01 Authorised Persons – Cat Act

Date Adopted:	17 March 2016
Document Control:	Amended - 20 April 2023 - Link Amended - 21 April 2022 - Link Amended – 21 February 2019 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	Yes
Chief Executive Instruction/Procedure:	Sub-delegated to: - As detailed in extent of delegation herein.
History:	

Legal (Parent):

- Cat Act 2011, Section 44.

Legal (Subsidiary):

- Cat Act 2011, Sections 45(1)

Extent of Delegation:

- 1.0 The Chief Executive Officer delegates his/her authority and power to the Regulatory Services Officer, Shire Ranger, Customer Services Officer, Administrative Services Officer, Rates/Debtors Officer, CRC Coordinator, Corporate Services Officer and Finance Officer as Authorised Persons under the Cat Act 2011.

Conditions Imposed:

Authority is delegated subject to:

- (a) The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

8. Bush Fires Act 1954

BFIRE01 Officers To Carry Out Enforcement Proceedings

Date Adopted:	17 March 2016
Document Control:	Amended - 20 April 2023 - Link Reviewed - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO & Chief Bush Fire Control Officer Jointly
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	

Legal (Parent):

- Bushfires Act 1954, Sections 59(3), 59(5), 59A(2).
- Bushfires Infringement Regulations, Regulation 4.

Legal (Subsidiary):

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Extent of Delegation:

1.0 Carry out enforcement proceedings and to perform the specified duties under the Bush Fires Act.

Conditions Imposed:

Nil

Date Adopted:	17 March 2016
Document Control:	Amended - 20 April 2023 - Link Reviewed - 21 April 2022 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	

<p>Legal (Parent):</p> <ul style="list-style-type: none"> - Bushfires Act 1954, Section 48
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<p>Legal (Subsidiary):</p> <ul style="list-style-type: none"> -

Extent of Delegation:

1.0 Officer to perform all the functions and duties of the local government under the Bushfires Act 1954,

Conditions Imposed:

Authority is delegated subject to:

- (a) This power and authority cannot be sub-delegated by virtue of Section 48(3) of the Bushfires Act.
- (b) The exclusion of powers and duties prescribed in the Act including those that require a resolution by the local government.
- (c) where the exercise of authority relates to the determination of firebreaks in alternative positions, or alternative action to abate fire hazards, the CEO shall liaise with the Chief Bushfire Control Officer on each specific variation request.

BFIRE03 Prohibited and Restricted Burning Time Variations

Date Adopted:	17 March 2016
Document Control:	Amended - 20 April 2023 - Link Adopted – 17 March 2016 - Link
Policy Reference:	
Delegate:	Shire President and Chief Bush Fire Control Officer
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	N/A
History:	

Legal (Parent):

- Bushfires Act 1954, Section 17(10).
- Bushfires Act 1954, Section 18(5C)

Legal (Subsidiary):

- Bushfires Act 1954, Section 17(7) & (8)
- Bushfires Act 1954, Section 18(5) & (5C)

Extent of Delegation:

Council delegates its authority and power to the Shire President and Chief Bushfire Control Officer jointly to-

1.0 Vary the prohibited burning times within the district of the Shire of Yilgarn,

Subject to-

(a) The appropriate notice being given as required by Section 17(8) of the Bushfires Act 1954.

2.0 Vary the restricted burning times within the district of the Shire of Yilgarn –

Subject to-

(a) The appropriate notice being given as required by Section 18(5C) of the Bushfires Act 1954

NB: Where agreement cannot be reached, then the matter shall be presented to Council for determination

Conditions Imposed:

Nil



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- ✦ **Bodallin** ✦ **Marvel Loch**
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