

SHIRE OF DENMARK

# Delegations Register

Includes Authorisations,  
Appointments and  
Designations

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## Introduction

This register of delegations, appointments and authorisations assists the Shire of Denmark to improve the time taken to make decisions within the constraints allowed by relevant legislation. This is consistent with the Shire of Denmark's Strategic Community Plan objectives.

*L5.0 Our Local Government: The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government.*

*L5.1 To be high functioning, open, transparent, ethical and responsive.*

*L5.3 To be decisive and to make consistent and well considered decisions.*

Each delegation, authorisation, appointment describes the function or power and the relevant statutory reference which is the source of power for the exercise of the function. Also included is reference to any related policies which may provide guidance.

## Legislation Relating to Delegations

The main legislation relating to delegations is the Local Government Act 1995 however, there are a number of other pieces of legislation which provide specific powers of delegation. The legislative power is included under each delegation within this register.

## Delegations

This Register contains Delegations made to Committees and the Chief Executive Officer, pursuant to section 5.16 and 5.42 of the Local Government Act 1995 (the Act). Some of the functions have been sub-delegated by the Chief Executive Officer to Shire of Denmark employees, pursuant to section 5.44 of the Act. All delegations made by Council must be by an absolute majority decision.

A Register of Delegations is to be kept and reviewed at least once every financial year and all delegations must be in writing.

All conditions applying to delegations are as specified in the record of each delegation.

The Act provides that the following are decisions that cannot be delegated to the Chief Executive Officer:

- Any power or duty that requires a decision of an absolute majority or 75% majority of the local government.
- Accepting a tender which exceeds an amount determined by the local government.
- Appointing an auditor.
- Acquiring or disposing of any property valued at an amount determined by the local government.
- Any of the local government's powers under Sections 5.98, 5.99 and 5.100 of the Act.
- Borrowing money on behalf of the local government.
- Hearing or determining an objection of a kind referred to in Section 9.5.
- The power under Section 9.49A (4) to authorise a person to sign documents on behalf of the local government.
- Any power or duty that requires the approval of the Minister or Governor.
- Such other duties or powers that may be prescribed by the Act.

## **Authorisations, Appointments and Designations**

In addition to delegations made in accordance with the Act, some delegations are made to the Chief Executive Officer, the local government or directly to local government employees, in accordance with the provisions of other legislation.

## **Record Keeping**

Pursuant to section 5.46 (3) of the Act, a person to whom a power or duty is delegated is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of duty. Other record keeping may be required and is stipulated within each delegation. Refer Regulation 19 of the Local Government (Administration) Regulations 1996.

The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

## **Financial Returns**

Persons to whom a power or duty has been delegated under the Local Government Act 1995 (the Act) or the Planning and Development Act 2005 section 214(2), (3) or (5) are required to complete a Primary Return (section 5.75 of the Act) and Annual Returns (section 5.76 of the Act).

## **Standard Conditions**

All delegations are subject to the following standard conditions;

- In exercising delegation a person shall comply with any and all laws and regulations in force and the requirements of any local laws and policies of the Shire of Denmark.
- Delegations must be exercised in accordance with any budget authority where applicable.
- Delegated authority cannot be exercised where a financial interest or interest affecting impartiality is evident.

## Delegations, Appointments & Authorisations from Council

<b>Chief Executive Officer</b>	
D030101	<a href="#">Rate Book</a>
D030201	<a href="#">Investments</a>
D040101	<a href="#">Donations</a>
D040103	<a href="#">Conferences/Seminars/Training Courses - Expenses of Councillors</a>
D040104	<a href="#">Council Plant - Non-Profit Organisations</a>
D040108	<a href="#">Local Law - Standing Orders – Recording of Proceedings</a>
D040201	<a href="#">Creditors - Payment of</a>
D040203	<a href="#">Legal Advice &amp; Representation</a>
D040204	<a href="#">Claims Against the Local Government</a>
D040206	<a href="#">Acting Chief Executive Officer</a>
<del>D040209</del>	<del><a href="#">Vehicles, Use of</a></del>
D040212	<a href="#">Property - Acquisition &amp; Disposal</a>
D040214	<a href="#">Executive Functions – Duties</a>
D040217	<a href="#">Tenders for Providing Goods &amp; Services</a>
D040218	<a href="#">Execution of Documents</a>
D040219	<a href="#">Commercial Enterprises</a>
D040220	<a href="#">Trust Fund</a>
D040221	<a href="#">Payment of Accounts</a>
D040222	<a href="#">Expenditure Before Adoption of Budget</a>
D040223	<a href="#">Grants &amp; Subsidies</a>
D040224	<a href="#">Staff Relocation Expenses</a>
D040226	<a href="#">Debts - Write Off, Waiver or Concessions</a>
D040227	<a href="#">Staff Productivity Incentive Scheme</a>
D040228	<a href="#">Contract Variations</a>
D040230	<a href="#">Master Lending Agreement</a>
D050101	<a href="#">Burning of Shire Controlled Reserves</a>
D050102	<a href="#">Firebreak Order, Variation to</a>
D050104	<a href="#">Local Law – Bush Fire Brigades</a>
D050105	<a href="#">Bush Fires Act 1954 – Issuing of Infringements and Prosecution</a>
D050111	<a href="#">Bush Fires Act 1954 – Mitigation Works on Private Land</a>
D050201	<a href="#">Confiscated or Uncollected Goods</a>
D050202	<a href="#">Dogs – Local Laws &amp; Dog Act 1976</a>
D050203	<a href="#">Cat Act 2011</a>
D050204	<a href="#">Appointment of Rangers and Pound Keepers</a>
D050301	<a href="#">Certain Things To Be Done In Respect of Land</a>
D050302	<a href="#">Power of Entry</a>
<del>D050303</del>	<del><a href="#">Impounding Goods</a></del>
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D050306	<a href="#">Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments</a>
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>
D070402	<a href="#">Itinerant Food Vendors &amp; Trading in Public Places Permits</a>
D070406	<a href="#">Health (Miscellaneous Provisions) Act 1911 – Appointment of Authorised Persons and Health Local Law</a>
D070407	<a href="#">Public Health Act 2016 – Environmental Health Officer Appointments, Enforcement and Authorised Officers</a>
D100201	<a href="#">Installation &amp; Removal of Rubbish Bins</a>
D100202	<a href="#">Refuse Site Charges – Free Disposal For Non-Profit Community Groups</a>
D100205	<a href="#">Litter Act 1979 – Withdrawal of Infringement Notices</a>
D100501	<a href="#">Irwin Inlet Sandbar Opening Protocol</a>
D100502	<a href="#">Wilson Inlet Sandbar Opening Protocol</a>
D100505	<a href="#">Parry Inlet Sandbar Opening Protocol</a>
D100601	<a href="#">Town Planning Scheme</a>
D100602	<a href="#">Local Law - Activities on Thoroughfares &amp; Trading in Thoroughfares &amp; Public Places</a>

D100603	<a href="#">Town Planning Scheme Compliance</a>
D100604	<a href="#">Development Assessment Panel</a>
D100605	<a href="#">Peaceful Bay Holiday Cottage Full Time Occupancy Approvals</a>
D100607	<a href="#">Applications for Development on Crown Land Managed by the Shire</a>
D110101	<a href="#">Council Facilities - Hire Fees, Commercial &amp; Non-Commercial Determination</a>
D110201	<a href="#">Local Law - Local Government Property</a>
D110301	<a href="#">Recreation Centre (Denmark) - Refunds</a>
D110302	<a href="#">Recreation Centre Free Passes</a>
D120101	<a href="#">Temporary Closure of Thoroughfares to Vehicles</a>
D120102	<a href="#">Events on Roads</a>
D120103	<a href="#">Road Closures (Permanent)</a>
D120104	<a href="#">Trees - Removal</a>
D120105	<a href="#">Road Trains - Extra Mass Permits</a>
D120106	<a href="#">Traffic Regulatory Signs</a>
D120108	<a href="#">Gates Across Public Thoroughfares</a>
D120109	<a href="#">Land Resumption</a>
D120110	<a href="#">Dangerous Excavation in or Near Public Thoroughfare</a>
D120111	<a href="#">Crossovers</a>
D120112	<a href="#">Public Thoroughfares - Fixing or Alerting Levels or Alignments or Drainage onto Adjoining Land</a>
D120113	<a href="#">Public Thoroughfares – Public Use and Plans</a>
D120113	<a href="#">Public Thoroughfares – Public Use and Plans</a>
D120116	<a href="#">Traffic Signs &amp; Control Devices – Temporary (Events)</a>
D120301	<a href="#">Local Law - Parking &amp; Parking Facilities</a>
D130101	<a href="#">Local Law - Pest Plants</a>
D130201	<a href="#">Peaceful Bay Holiday Cottage Leases</a>
D130202	<a href="#">Peaceful Bay &amp; Rivermouth Caravan Park Leases</a>
D130203	<a href="#">Parry Beach Fisherman's Lease Area - Additional Caravans</a>
D130308	<a href="#">Building License Fees - Refunds &amp; Exemptions</a>
D130309	<a href="#">Local Law – Fencing</a>
D130311	<a href="#">Building Structures on Council Land</a>
D130312	<a href="#">Building Act 2011</a>
D130801	<a href="#">Local Law – Extractive Industries</a>

#### **Shire President**

D050103	<a href="#">Burning, Prohibited &amp; Restricted Times (Variations)</a>
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#### **Director Corporate and Community Services**

D040109	<a href="#">Complaints Officer</a>
D040110	<a href="#">Public Interest Disclosure – Investigations Officer</a>
D050306	<a href="#">Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments</a>
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

#### **Director Assets and Sustainable Development**

D050306	<a href="#">Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments</a>
D100604	<a href="#">Development Assessment Panel</a>
D100606	<a href="#">Town Planning – Strata Title</a>

#### **Principal Building Surveyor**

D130312	<a href="#">Building Act 2011</a>
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#### **Building Surveyor**

D130312	<a href="#">Building Act 2011</a>
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<b>Principal Environmental Health Officer</b>	
D070406	<a href="#">Health (Miscellaneous Provisions) Act 1911 – Appointment of Authorised Persons and Health Local Law</a>
D070408	<a href="#">Food Act 2008 – Authorised Officers, Prohibition Orders and Registrations</a>

<b>Senior Ranger</b>	
D050105	<a href="#">Bush Fires Act 1954 – Issue of Infringements and Prosecution</a>
D050202	<a href="#">Dogs - Local Laws &amp; Dog Act 1976</a>
D050204	<a href="#">Appointment of Rangers and Poundkeepers</a>
D050306	<a href="#">Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments</a>

<b>Ranger</b>	
D050105	<a href="#">Bush Fires Act 1954 – Issuing of Infringements and Prosecution of Offences</a>
D050202	<a href="#">Dogs - Local Laws &amp; Dog Act 1976</a>
D050204	<a href="#">Appointment of Rangers and Pound Keepers</a>
D050306	<a href="#">Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments</a>

<b>Community Emergency Services Manager</b>	
D050105	<a href="#">Bush Fires Act 1954 – Issuing of Infringements and Prosecution</a>
D050108	<a href="#">Bush Fires Regulations 1954 – Permits to Burn Clover</a>
D050306	<a href="#">Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments</a>

<b>Customer Service Officer (Planning &amp; Building)</b>	
D130312	<a href="#">Building Act 2011</a>

<b>Customer Service Officer (Corporate &amp; Community)</b>	
D050202	<a href="#">Dogs - Local Laws &amp; Dog Act 1976</a>

<b>Chief Bush Fire Control Officer</b>	
D050103	<a href="#">Burning, Prohibited &amp; Restricted Times (Variations)</a>
D050105	<a href="#">Bush Fires Act 1954 – Issuing of Infringements and Prosecution</a>

<b>Deputy Chief Bush Fire Control Officer</b>	
D050105	<a href="#">Bush Fires Act 1954 – Issuing of Infringements and Prosecution</a>

<b>Manager Sustainable Development</b>	
D100606	<a href="#">Town Planning – Strata Title</a>

<b>Senior Town Planner</b>	
D100606	<a href="#">Town Planning – Strata Title</a>

<b>Town Planner</b>	
D100606	<a href="#">Town Planning – Strata Title</a>

## **Sub-Delegations, Appointments & Authorisations by CEO**

<b>Director Corporate and Community Services</b>	
D030101	<a href="#">Rate Book</a>
D030201	<a href="#">Investments</a>
D040110	<a href="#">Public Interest Disclosure – Investigations Officer</a>
D040111	<a href="#">Freedom of Information – Coordinator &amp; Review Officer</a>
D040201	<a href="#">Creditors, Payment of</a>
D040204	<a href="#">Claims Against the Local Government</a>
D040212	<a href="#">Property – Acquisition &amp; Disposal</a>
D040217	<a href="#">Tenders for Providing Goods &amp; Services</a>
D040220	<a href="#">Trust Fund</a>

D040221	<a href="#">Payment of Accounts</a>
D040222	<a href="#">Expenditure Before Adoption of Budget</a>
D040223	<a href="#">Grants &amp; Subsidies</a>
D040228	<a href="#">Contract Variations</a>
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>
D100603	<a href="#">Town Planning Scheme Compliance</a>
D110101	<a href="#">Council Facilities – Hire Fees (Commercial/Non Commercial Determination)</a>
D110201	<a href="#">Local Law - Local Government Property</a>

<b>Director Assets and Sustainable Development</b>	
D040201	<a href="#">Creditors, Payment of</a>
D040212	<a href="#">Property – Acquisition &amp; Disposal</a>
D040217	<a href="#">Tenders for Providing Goods &amp; Services</a>
D040222	<a href="#">Expenditure Before Adoption of Budget</a>
D040223	<a href="#">Grants &amp; Subsidies</a>
D040228	<a href="#">Contract Variations</a>
D050201	<a href="#">Confiscated or Uncollected Goods</a>
D050202	<a href="#">Dogs – Local Laws &amp; Dog Act 1976</a>
D050203	<a href="#">Cat Act 2011</a>
<del>D050303</del>	<del><a href="#">Impounding Goods</a></del>
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>
D070402	<a href="#">Itinerant Food Vendors &amp; Trading in Public Places Permits</a>
D100201	<a href="#">Installation &amp; Removal of Rubbish Bins</a>
D100601	<a href="#">Town Planning Scheme</a>
D100603	<a href="#">Town Planning Scheme Compliance</a>
D100605	<a href="#">Peaceful Bay Holiday Cottage Full Time Occupancy Approvals</a>
D100606	<a href="#">Town Planning – Strata Title</a>
D110201	<a href="#">Local Law - Local Government Property</a>
D120101	<a href="#">Temporary Closure of Thoroughfares to Vehicles</a>
D120102	<a href="#">Events on Roads</a>
D120103	<a href="#">Road Closures (Permanent)</a>
D120104	<a href="#">Trees – Removal</a>
D120105	<a href="#">Road Trains &amp; Extra Mass Permits</a>
D120106	<a href="#">Traffic Regulatory Signs</a>
D120108	<a href="#">Gates Across Public Thoroughfares</a>
D120109	<a href="#">Land Resumption</a>
D120110	<a href="#">Dangerous Excavation in or near Public Thoroughfare</a>
D120111	<a href="#">Crossovers</a>
D120112	<a href="#">Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land</a>
D120113	<a href="#">Public Thoroughfares – Public Use and Plans</a>
D120115	<a href="#">Traffic Signs &amp; Control Devices – Temporary (Works)</a>
D120116	<a href="#">Traffic Signs &amp; Control Devices – Temporary (Events)</a>
D120401	<a href="#">Road Traffic (Administration) Act 2008 – Prescribed Officers</a>
D130101	<a href="#">Local Law - Pest Plants</a>
D130309	<a href="#">Local Law – Fencing</a>
D130801	<a href="#">Local Law – Extractive Industries</a>

<b>Manager Corporate Services</b>	
D030101	<a href="#">Rate Book</a>
D030201	<a href="#">Investments</a>
D040201	<a href="#">Creditors, Payment of</a>
D040220	<a href="#">Trust Fund</a>

<b>Manager Community Services</b>	
D110101	<a href="#">Council Facilities – Hire Fees (Commercial/Non Commercial Determination)</a>

<b>Manager Sustainable Development</b>	
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>
D070402	<a href="#">Itinerant Food Vendors &amp; Trading in Public Places Permits</a>
D100601	<a href="#">Town Planning Scheme</a>
D100603	<a href="#">Town Planning Scheme Compliance</a>
D110201	<a href="#">Local Law - Local Government Property</a>
D120108	<a href="#">Gates Across Public Thoroughfares</a>

<b>Principal Environmental Health Officer</b>	
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>
D070402	<a href="#">Itinerant Food Vendors &amp; Trading in Public Places Permits</a>
D070407	<a href="#">Public Health Act 2016 – Environmental Health Officer Appointments, Enforcement and Authorised Officers</a>
D070408	<a href="#">Food Act 2008 – Authorised Officers, Prohibition Orders and Registrations</a>
D100601	<a href="#">Town Planning Scheme</a>
D130204	<a href="#">Caravan Parks and Camping Grounds - Appointment of Authorised Persons</a>

<b>Senior Ranger</b>	
D050203	<a href="#">Cat Act 2011</a>
D050204	<a href="#">Appointment of Rangers and Pound Keepers</a>
D050302	<a href="#">Power of Entry</a>
<del>D050303</del>	<del><a href="#">Impounding Goods</a></del>
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>
D100601	<a href="#">Town Planning Scheme</a>
D110201	<a href="#">Local Law - Local Government Property</a>
D120301	<a href="#">Local Law - Parking &amp; Parking Facilities</a>
D120401	<a href="#">Road Traffic (Administration) Act 2008 – Prescribed Officers</a>
D130101	<a href="#">Local Law - Pest Plants</a>
D130204	<a href="#">Caravan Parks and Camping Grounds - Appointment of Authorised Persons</a>

<b>Ranger</b>	
D050203	<a href="#">Cat Act 2011</a>
D050302	<a href="#">Power of Entry</a>
<del>D050303</del>	<del><a href="#">Impounding Goods</a></del>
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>
D100601	<a href="#">Town Planning Scheme</a>
D110201	<a href="#">Local Law - Local Government Property</a>
D120301	<a href="#">Local Law - Parking &amp; Parking Facilities</a>
D120401	<a href="#">Road Traffic (Administration) Act 2008 – Prescribed Officers</a>
D130101	<a href="#">Local Law - Pest Plants</a>
D130204	<a href="#">Caravan Parks and Camping Grounds - Appointment of Authorised Persons</a>

<b>Principal Building Surveyor</b>	
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>

D100601	<a href="#">Town Planning Scheme</a>
D130309	<a href="#">Local Law – Fencing</a>

<b>Customer Services Officer (Planning &amp; Building)</b>	
D100603	<a href="#">Town Planning Scheme Compliance</a>

<b>Building Surveyor</b>	
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>

<b>Senior Town Planner</b>	
D050305	<a href="#">Enforcement &amp; Legal Proceedings</a>
D070402	<a href="#">Itinerant Food Vendors &amp; Trading in Public Places Permits</a>
D100601	<a href="#">Town Planning Scheme</a>

<b>Town Planner</b>	
D100601	<a href="#">Town Planning Scheme</a>

<b>Manager Technical Services</b>	
D120101	<a href="#">Temporary Closure of Thoroughfares to Vehicles</a>
D120104	<a href="#">Trees – Removal</a>
D120105	<a href="#">Road Trains &amp; Extra Mass Permits</a>
D120106	<a href="#">Traffic Regulatory Signs</a>
D120111	<a href="#">Crossovers</a>
D120112	<a href="#">Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land</a>
D120113	<a href="#">Public Thoroughfares – Public Use and Plans</a>
D120115	<a href="#">Traffic Signs &amp; Control Devices – Temporary (Works)</a>
D120116	<a href="#">Traffic Signs &amp; Control Devices – Temporary (Events)</a>

<b>Sustainability Officer</b>	
D100601	<a href="#">Town Planning Scheme</a>

<b>Community Emergency Services Manager</b>	
D050308	<a href="#">Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers</a>

<b>Manager of Recreation Services</b>	
D110301	<a href="#">Recreation Centre (Denmark) – Refunds</a>
D110302	<a href="#">Recreation Centre Free Passes</a>

## Delegations from Council to Committees

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<b>Audit Advisory Committee</b>	
D040231	<a href="#">Audit Advisory Committee</a>

## Delegations or Authorisations from Agencies or Acts

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### Road Traffic Code 2000

D120115 – Traffic Signs & Control Devices Temporary (Works)

*Delegate: Chief Executive Officer*

*Sub-Delegate: Director Assets and Sustainable Development*

D120116 – Traffic Signs & Control Devices Temporary (Events)

*Delegate: Chief Executive Officer*

*Sub-Delegate: Director Assets and Sustainable Development*



**Road Traffic (Administration) Regulations 2014**

D120401 - Road Traffic (Administration) Act 2008 – Prescribed Officers

*Prescribed Officers: Director Assets and Sustainable Development, Senior Ranger and Ranger*

**Freedom of Information Act 1992**

D040111 – Freedom of Information – Coordinator & Review Officer

*Coordinator: Director Corporate and Community Services*

*Review Officer: Chief Executive Officer*

**Australian Citizenship Act 2007**

D040114 – Citizenship Ceremonies

*Delegates: President, Deputy President and Chief Executive Officer*

**Environmental Protection Act 1986 & Environmental Protection (Noise) Regulations 1997**

D100503 – Pollution Abatement

*Delegate: Chief Executive Officer*

D100504 – Noise Management Plans (Reg. 13)

*Delegates: Chief Executive Officer and Principal Environmental Health Officer*

D100506 – Noise Management Plans (s.20)

*Delegate: Chief Executive Officer*

D100507 – Authorised Person and Inspector – Environmental Protection Act 1986

*Authorised Person and Inspector: Robert Ohle, Principal Environmental Health Officer*

**Planning & Development Act 2005 (s227 & 228)**

D100603 – Town Planning Scheme Compliance

*Delegate: Chief Executive Officer*

*Designated Persons: Chief Executive Officer, Director Assets and Sustainable Development, Customer Service Officers (Sustainable Development) and the Director Corporate and Community Services.*

**Litter Act 1979**

D100203 – Litter Act 1979 – Authorised Officers

*Authorised Officers: All Elected Members and Shire Employees*

D100204 – Litter Act 1979 – Honorary Inspectors

*Honorary Inspector: Nil*

D100205 – Litter Act 1979 – Withdrawal of Infringement Notices

*Appointee: Chief Executive Officer*

**Caravan Parks & Camping Grounds Act 1995**

D130204 – Caravan Parks and Camping Grounds – Appointment of Authorised Persons

*Refer Delegation*

**Fines, Penalties and Infringement Notices Enforcement Act 1994**

D050308 – Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers

*Refer Delegation*

## Delegations, Authorisations & Appointments

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### GENERAL PURPOSE FUNDING - 03

#### RATES - 0301

##### RATE BOOK

DELEGATION NUMBER	-	<b>D030101</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Rates

The Chief Executive Officer is hereby delegated authority to perform the following functions of the Council:

1. Compile the necessary rate records as specified in Sections 6.39(1) and 6.39(2) of the Local Government Act 1995 and reassess rates payable in accordance with Section 6.40.
2. The service of rate notices referred to in Section 6.41 of the Local Government Act 1995 (as amended).
3. Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995 for the payment of rates and service charges.
4. Determine the date that a rate or service charge becomes due and payable in accordance with Section 6.50 of the Local Government Act 1995.
5. The recovery of rates and service charges pursuant to the provisions of Sections 6.54 to 6.62 of the Local Government Act 1995. (nb: Delegation to the CEO to write off small debts D040226).
6. Lodge caveats on land where the rates are in arrears and it is considered that the interests of the Council should be protected and the subsequent withdrawal of caveats once arrears of rates have been settled. (Section 6.64(3).)
7. Exercise discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with Section 6.76(4) of the Local Government Act 1995.
8. Allow or disallow in accordance with Section 6.76(5) any objection to the rate record lodged under Section 6.76(1) and to serve notice of the decision and a statement of reasons for the decision upon the person lodging the objection in accordance with Section 6.76(6).
9. Extend the period of time for receipt of a notice under Section 6.77 and to refer notices received under Sections 6.77 and 6.78 to a Land Valuation Tribunal (Section 6.79).

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Manager Corporate Services.*

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##### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Rate Book.

AMENDED by Res: 20 November 2018 / 071118

## OTHER GENERAL PURPOSE FUNDING - 0302

### INVESTMENTS

DELEGATION NUMBER	-	<b>D030201</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other General Purpose Funding

The Chief Executive Officer is delegated authority to invest any monies held in the Municipal Fund or the Trust Fund that is not, for the time being, required by the local government for any other purpose. In exercising this delegated authority the Chief Executive Officer shall observe Section 6.14 of the Act and Council Policy P040229.

Further, the Chief Executive Officer is delegated authority to establish and document internal control procedures to be followed by employees to ensure control over investments. The control procedures are to enable the identification of:-

- a) The nature and location of all investments, and
- b) The transactions related to each investment.

*(Reference: Local Government (Financial Management) Regulation No 19.)*

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Manager Corporate Services.*

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### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Investments Register and inclusion in monthly Financial Report to Council.

AMENDED by CEO 24 October 2018 – Added Sub-Delegation

**MEMBERS OF COUNCIL - 0401**

**DONATIONS**

DELEGATION NUMBER	-	<b>D040101</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to approve requests for donation of monies up to the value of \$200 (a maximum sum of \$3,000 may be allocated in this way within any one financial year) when a group or individual can demonstrate:

1. Significant direct benefit to the local community.
2. That the group is a community group or non-profit making organisation or running a non profit activity.
3. That the group's financial status is such as to justify a donation from Council.
4. Special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation, eg. support of needy groups and individuals who bring credit to the Local Government by achieving state or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses.
5. That available funding exists in Council's budget.

**CONDITIONS**

A group or individual is eligible to receive a donation under this Delegation only once in any one financial year.

Donations towards the cost of hire fees for Council facilities are excluded given that the fees are already subsidised by the Council for community groups.

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**RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Register of Donations to be kept together with evidentiary documents on relevant file.

AMENDED by Res: 250313 / 26 March 2013  
AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017  
AMENDED by Res: 20 November 2018 / 071118



## **CONFERENCES/SEMINARS/TRAINING COURSES - EXPENSES OF COUNCILLORS**

DELEGATION NUMBER	-	<b>D040103</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to reimburse or pay all reasonable expenses to Councillors incurred whilst attending authorised (refer Council Policy P040209) conferences, seminars and training courses and during other absences from the district on any business deemed necessary by the Chief Executive Officer or Council. Such expenses may include registration fees, accommodation, meals, refreshments, travel, telephone calls and other appropriate out-of-pocket expenses. Before exercising this delegated authority the Chief Executive Officer shall obtain from the Councillor receipts or other appropriate proof that the expense was incurred, along with a declaration that the expense was incurred wholly whilst on Council business.

This delegation also applies to the payment of expenses of partners.

The Chief Executive Officer shall observe any Council policy in place from time to time.

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### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

All claims to be submitted in writing on the appropriate form and endorsed by the CEO.

## **COUNCIL PLANT - NON-PROFIT ORGANISATIONS**

DELEGATION NUMBER	-	<b>D040104</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to determine any application for the use of Council plant and/or materials (eg. gravel) for use on projects organised by non-profit organisations (eg. sporting clubs) provided that, at all times, the plant is operated by Council employees and the total value of the donation for the project is limited to no more than \$1,000 and the total value of all donations is to be limited to the relevant Council adopted budget line.

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### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Applications and approvals to be in writing.

Approvals to contain details of estimated cost and whether the cost of the works is donated.

Accounting records to allow for identification of works undertaken and donations made which are to be recorded against a relevant members donations Council budget line.

## **LOCAL LAW - STANDING ORDERS – RECORDING OF PROCEEDINGS**

DELEGATION NUMBER	-	<b>D040108</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated the power to grant approval, in writing, if the Chief Executive Officer considers it appropriate, for persons to use any electronic, visual or vocal recording device or instrument to record the proceedings of any Council or Committee meeting, or any part of a Council or Committee meeting (Refer clause 8.5(1) of the Shire of Denmark Standing Orders Local Law).

### **CONDITIONS**

- Before exercising this delegated authority the Chief Executive Officer shall consult with the Shire President and shall only exercise the delegated authority if the Shire President agrees.
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### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## **COMPLAINTS OFFICER**

DELEGATION NUMBER	-	<b>D040109</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.120 (1))
DESIGNATED OFFICER	-	Director Corporate and Community Services
ACTIVITY	-	Members of Council

The Director Corporate and Community Services is designated as the Local Government's Complaints Officer for receiving, investigating and, if deemed valid, registering and reporting Elected Member breaches or alleged breaches of the Council's Code of Conduct or the Local Government (Rules of Conduct) Regulations 2007.

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## **RECORDING REQUIREMENTS**

Refer to sections 5.104 to 5.123 of the Local Government Act 1995.

Relevant file & valid complaints to be recorded in the Council's Complaints Register, pursuant to section 5.121 of the Local Government Act 1995.

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Refer also Council Policy P040128 – Shire of Denmark Code of Conduct

Res: 120408 / 22 APRIL 2008  
AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017



## **PUBLIC INTEREST DISCLOSURE - INVESTIGATIONS OFFICER**

DELEGATION NUMBER	-	<b>D040110</b>
LEGISLATIVE POWERS	-	Public Interest Disclosure Act 2003 (Section 23 (1) (a))
DESIGNATED OFFICER	-	Executive Manager Corporate Services
ACTIVITY	-	Members of Council

The Chief Executive Officer has designated the Executive Manager Corporate Services as the Local Government's Public Interest Disclosure Officer for receiving disclosures of public interest information.

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### **RECORDING REQUIREMENTS**

Upon appointment, the designated Officer must complete and forward a Public Interest Disclosure Officer's Declaration Form to the Public Sector Commission.

Pursuant to section 23 (1) (f) of the Public Interest Disclosure Act 2003) the Chief Executive Officer is required to report annually to the Public Sector Commissioner on the number of public interest disclosures received over the report period.

Refer also Council's Public Interest Disclosure Procedures, developed pursuant to Section 23 (e) of the Public Interest Disclosure Act 2003.

AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017  
AMENDED by Chief Executive Officer 27 July 2020

## **FREEDOM OF INFORMATION - COORDINATOR & REVIEW OFFICER**

DELEGATION NUMBER	-	<b>D040111</b>
LEGISLATIVE POWERS	-	Freedom of Information Act 1992 (Section 41 & 100 (1))
APPOINTEE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer has determined that the position of Chief Executive Officer is designated as the Local Government's Internal Review Officer, pursuant to Section 41 of the Act.

AMENDED by Res: 110715 / 7 July 2015

### **CURRENT DESIGNATED PERSONS**

Pursuant to Section 100 (1) of the Act, the Chief Executive Officer, as the Shire of Denmark's Principal Officer for the purposes of the Act, designates;

1. The Director Corporate and Community Services as the Council's Freedom of Information Coordinator, for receiving, investigating, registering and reporting Freedom of Information requests.

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## **RECORDING REQUIREMENTS**

Refer to Freedom of Information Act 1992. (Active Freedom of Information Request File and following final decision, on relevant file).

Refer also Council's Freedom of Information (FOI) Statement.

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 20 November 2018 / 071118

## **EQUAL OPPORTUNITY – APPOINTED PERSONS**

DELEGATION NUMBER	-	<b>D040112</b>
LEGISLATIVE POWERS	-	Equal Opportunity Act 1984 (Section 145 (h))
DESIGNATED OFFICER	-	Director Corporate and Community Services
ACTIVITY	-	Members of Council

Council appoints the Director Corporate and Community Services to implement the provisions referred to in Section 145 (a) to (g) of the Equal Opportunity Act 1984 to prepare and implement the Council's Equal Opportunity Management Plan.

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## **RECORDING REQUIREMENTS**

Refer to Equal Opportunity Act 1984 and file GOV.11.

Report to the Director as per Section 146 by the 8 December each year (Reg. 32 (B) (2)).

Refer Council's Equal Employment Opportunity Management Plan.

Refer Equal Employment Opportunity Human Resources Policy.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 20 November 2018 / 071118

## CITIZENSHIP CEREMONIES

DELEGATION NUMBER	-	<b>D040114</b>
LEGISLATIVE POWERS	-	Australian Citizenship Act 2007, <del>Sub</del> section 27(5)
AUTHORISED PERSON(S)	-	Chief Executive Officer
	-	Shire President
	-	Deputy Shire President
ACTIVITY	-	Members of Council

### Powers and duties authorised

The Minister for ~~Immigration, Citizenship and Multicultural~~Home Affairs, acting under subsection 27(5) of the Australian Citizenship Act 2007 ('the Act') authorises the classes of persons, and the persons from time to time holding, occupying or performing the duties of a position, mentioned in the Schedule to this Instrument, to receive a pledge of commitment.

### Persons to whom the delegation applies

The following officers of the Shire of Denmark are authorised to receive a pledge of commitment, so long as they are Australian Citizens;

1. President of a Shire;
2. Deputy President of a Shire; and
3. Chief Executive Officer of a Shire.

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## RECORDING REQUIREMENTS

Pledge Verification List.

Copied onto relevant file.

Instrument of Authorisation Schedule (17 August 2015) - see File GOV.43 / ICR171149146

AMENDED by Res: 080811 / 23 August 2011

AMENDED by Res. 100312 / 20 March 2012

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

AMENDED by changes to the Instrument of Delegation 3 January 2019 (Authorised Officers must be Australian Citizens)

## ADMINISTRATION (OTHER GOVERNANCE) - 0402

### CREDITORS, PAYMENT OF

DELEGATION NUMBER	-	<b>D040201</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority 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 showing -

- a) The payee's name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction.

The list referred to above is to be presented to the Council at the next available ordinary meeting of the Council following the preparation of the list and is to be recorded in the minutes of the meeting at which it is presented.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services, the Manager Corporate Services and the Director Assets & Sustainable Development, noting that dual signatures are required.*

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### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

List of accounts recorded in monthly Council meeting minutes.

Refer also to the Organisation Procedure Manual.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by CEO 24 October 2018 – Added Sub-Delegation

## **LEGAL ADVICE & REPRESENTATION**

DELEGATION NUMBER	-	<b>D040203</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to;

1. Obtain such legal advice and opinions as is deemed necessary in the exercise of the management of the Local Government, subject to provision being made in the budget for legal expenses.
2. In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the Council, any of the powers of the Council under clause 5.1 and 5.2 of Council's Policy P040124 – Legal Representation for Council Members and Employees, to a maximum of \$10,000 in respect of each application.

Note: Part 2 cannot be onward delegated.

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Relevant correspondence kept on appropriate files.

## **CLAIMS AGAINST THE LOCAL GOVERNMENT**

DELEGATION NUMBER	-	<b>D040204</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to consider claims against the Local Government for property damage that do not exceed the insurance policy excess levels, and to accept or deny liability on behalf of the Local Government.

In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of appropriately completed release form prepared by Council's Solicitors.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services.*

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Correspondence kept on relevant file(s).

AMENDED by Res: 130717 / 18 July 2017



## **ACTING CHIEF EXECUTIVE OFFICER**

DELEGATION NUMBER	-	<b>D040206</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.36 and 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to appoint a senior employee of Council in accordance with Policy P040106 to act in the capacity of Chief Executive Officer during scheduled absences of the Chief Executive Officer. During unscheduled absences of the Chief Executive Officer, the Director Corporate and Community Services is to act as Chief Executive Officer.

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Advice of appointment in writing filed in particular officer's personnel file.

AMENDED by Res: 210315 / 24 March 2015

## **VEHICLES, USE OF**

- DELEGATION NUMBER** - **D040209**
- LEGISLATIVE POWERS** - **Local Government Act 1995 (Section 5.42)**
- DELEGATE** - **Chief Executive Officer**
- ACTIVITY** - **Administration (Other Governance)**

~~The Chief Executive Officer is delegated the authority to make all appropriate private use arrangements with all staff having use of Council vehicles.~~

## **RECORDING REQUIREMENTS**

~~Section 5.46(3) – Local Government (Administration) Regulation No 19.~~

~~Written confirmation of arrangements is to be included in the officer's personnel file.~~

~~Refer also to the Organisation Procedure OP040223.~~

## PROPERTY - ACQUISITION & DISPOSAL

- DELEGATION NUMBER - **D040212**
- LEGISLATIVE POWERS - Local Government Act 1995 (Sections 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Administration (Other Governance)

The Chief Executive Officer is delegated authority to acquire or dispose of any property (other than land) valued at an amount not exceeding \$50,000 provided that appropriate provision is made in Council's Budget.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Director Assets and Sustainable Development with respect to trading of registered vehicles or road plant.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Evidentiary records of items disposed of or acquired and process of disposal or acquisition to be retained.

Note also:  
Organisation Procedure OP040233

AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017

## **EXECUTIVE FUNCTIONS - DUTIES**

DELEGATION NUMBER	-	<b>D040214</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions referred to under Section 3.21 of the Local Government Act:

1. Ensure that the lawful use of any land, thoroughfare or premises is not obstructed, and any reasonable request that a person makes to avoid such obstruction is met.
2. Ensure that as little as possible harm, inconvenience or damage is done.
3. Ensure that danger to any person or property does not arise from anything done on land.
4. Ensure that anything belonging to it, or to a person who has exercised a power of entry on its behalf, that has been left on any land, premises or thing entered is removed as soon as practicable unless this Act expressly allows it to be left there.
5. Ensure that buildings, fences, and other structures are neither disturbed nor damaged.
6. Ensure that when it enters land that is fenced, it enters through the existing and usual openings in the fence unless it is expressly authorised to open the fence.
7. Ensure that any physical damage done to any land, premises or thing, is immediately made good unless compensation has been or is to be paid.

(5), (6) and (7) do not apply to any land, premises or thing that is local government property.

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Where applicable, a written record of action taken is to be kept.

AMENDED by Res: 130717 / 18 July 2017

## TENDERS FOR PROVIDING GOODS & SERVICES

DELEGATION NUMBER	-	<b>D040217</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

In respect to part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer is delegated authority to perform the following:

- a) Publicly invite tenders for the supply of goods and services when the CEO believes that a tender process will deliver the best outcome for Council.  
(Reference: Regulations 11 (1), 12 and 13.)
- b) Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.

### CONDITIONS

1. For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept or reject tenders for Tender No. TEN.1.1920 – Plane Tree Structural and Landscaping, in accordance with Regulation 18 of the Local Government (Functions & General) Regulations 1996, when the consideration involved does not exceed \$500,000 provided that appropriate provision is made in Council's Budget.
2. For the purposes of Section 5.43 (b) of the Local Government Act 1995, the Chief Executive Officer is delegated authority to accept or reject tenders, in accordance with Regulation 18 of the Local Government (Functions & General) Regulations 1996, all other tenders not identified in condition (1), when the consideration involved does not exceed \$250,000 provided that appropriate provision is made in Council's Budget.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the relevant Director; for the supply of goods and services within that officer's area of responsibility.*

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### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Tenders Register.

AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 301015 / 20 October 2015  
AMENDED by Res: 130717 / 18 July 2017  
AMENDED by Res: 071118 / 20 November 2018  
AMENDED by Res: 101219 / 17 December 2019

## EXECUTION OF DOCUMENTS

DELEGATION NUMBER	-	<b>D040218</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 ( <del>Section 5.42 &amp;</del> 9.49A ( <u>24</u> ))
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

Where:

1. Council has authorised entering resolved to enter into a formal contract agreement.
- ~~4.2. Such action is necessary to protect the Shire's or Council's interest, or~~
- ~~2. a formal contract is authorised under a delegated authority from Council, or~~
3. a formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operation of the Council,

the Chief Executive Officer is delegated authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of the contract documents including authorisation to affix the seal in accordance with ~~Council Policy P040207 without further reference to Council.~~ Section 9.49A(3) of the Local Government Act 1995.

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

~~An outline of the Contract documentation~~ Use of this delegation is to be recorded in a Seal Register which is to be available for public inspection.

~~Execution of any document to be pursuant to Council Policy P040207.~~

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

**AMENDED by Res: XXX / XXX**

## **COMMERCIAL ENTERPRISES**

- DELEGATION NUMBER - **D040219**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Administration (Other Governance)

The Chief Executive Officer is delegated authority to prepare any Business Plan as required under Section 3.59(2) of the Local Government Act 1995 and to give Statewide public notice as required by Section 3.59(4) of the Act prior to consideration by Council.

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Copy of the Business Plan is to be kept on the relevant file.



## TRUST FUND

- DELEGATION NUMBER - **D040220**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Administration (Other Governance)

The Chief Executive Officer is delegated authority to manage the Trust Fund as required by Section 6.9 of the Local Government Act.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Manager Corporate Services.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Accounting records.

AMENDED by CEO 24 October 2018 – Added Sub-Delegation

## **PAYMENT OF ACCOUNTS**

DELEGATION NUMBER	-	<b>D040221</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to:

1. Develop procedures for the authorisation and the payment of accounts to ensure that there is effective security for, and properly authorised use of:-
  - a) cheques, credit cards, computer encryption devices and passwords, order cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
  - b) petty cash systems.
2. Develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that: -
  - a) the relevant debt was incurred by a person who was properly authorised to do so; and
  - b) the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard.

*(Reference: Local Government (Financial Management) Regulation No 11(1) and (2).*

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services.*

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

In accordance with the Organisation Procedure OP040237.

AMENDED by Res: 130717 / 18 July 2017

## EXPENDITURE BEFORE ADOPTION OF BUDGET

DELEGATION NUMBER	-	<b>D040222</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to authorise operating expenditure and appropriate capital *expenditure* that is included in Council's Long Term Financial Plan, from the Municipal Fund prior to the adoption of the annual budget. (*Reference Section 6.8(1)*).

The Chief Executive Officer in exercising this delegated authority shall ensure the proposed expenditure is included in the draft budget to be presented to Council.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Director Corporate and Community Services and Manager Corporate Services.*

*The above delegation applies to the particular officer's area of responsibility only.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

In accordance with the Organisation Procedure OP040237.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## GRANTS & SUBSIDIES

DELEGATION NUMBER	-	<b>D040223</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to make submissions for grants and/or subsidies from State and Commonwealth Governments without prior approval of Council, for projects that are not included in the Municipal Budget. In exercising this delegated authority the following conditions shall be observed:

1. The grant/subsidy shall not be accepted without Council's endorsement.
2. The undertaking is to be in accordance with Council's established strategic objectives.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to Director Assets and Sustainable Development and the Director Corporate and Community Services.*

*The above delegation applies to the particular officer's area of responsibility only.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

As well as retaining a copy of the grant application / covering letter on the relevant file, a copy is to be provided to the Director Corporate and Community Services for the purposes of consideration in future Budgets and/or Long Term Financial Plan reviews.

AMENDED by Res: 130717 / 18 July 2017

## **STAFF RELOCATION EXPENSES**

DELEGATION NUMBER	-	<b>D040224</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to determine any application for relocation expenses based on the following guidelines:

1. The relocation expenses are not to include any personal travelling expense.
2. Expenses are to be paid only on the production of tax receipts.
3. 50% of the relocation expenses may be paid on the employee commencing duties with the Council and the remaining 50% paid after six (6) months satisfactory service.
4. Relocation expenses paid to any employee shall not exceed \$5,000 unless otherwise approved by Council.

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Written quotations and confirmation of decision in writing with a copy on the relevant officer's personal file.

## **DEBTS - WRITE OFF, WAIVER OR CONCESSIONS**

DELEGATION NUMBER	-	<b>D040226</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to write-off debts, waive or grant concessions in relation to any amount of money, pursuant to Section 6.12 (1) (b) and (c) of the Local Government Act 1995.

Pursuant to Section 6.12 (2) waivers and concessions do not apply to rates and service charges.

### **CONDITIONS**

1. All the necessary measures have been taken to recover the debt.
2. A limit of \$500 with respect to individual debt write-offs and to a total maximum value as adopted in the Council's annual budget under GL1422502.

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### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Appropriate journal entry and evidentiary documents must be retained on the Shire's record keeping database in ADMIN.9.

AMENDED by Res: 130717 / 18 July 2017

## **STAFF PRODUCTIVITY INCENTIVE SCHEME**

- DELEGATION NUMBER - **D040227**
- LEGISLATIVE POWERS - Local Government Act 1995
- DELEGATE - Chief Executive Officer
- ACTIVITY - Administration (Other Governance)

Council authorises the Chief Executive Officer to pay, at the Chief Executive Officer's discretion, an amount not exceeding \$200 in cases where staff have put forward good suggestions which have been adopted and resulted in savings and improved efficiency to Council.

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## **RECORDING REQUIREMENTS**

Copy of the Memo to the Employee to be placed on the Employees Personnel File.

AMENDED by Res: 20 November 2018 / 071118

## CONTRACT VARIATIONS

DELEGATION NUMBER	-	<b>D040228</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by Council, subject to the funds required to meet the cost of the variations being contained within the amount set aside in the budget adopted by the Council.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Director Corporate and Community Services.*

*The above delegation applies to the particular officer's area of responsibility only.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Tender/Contracts Register.

AMENDED by Res: 110715 / 7 July 2015



## MASTER LENDING AGREEMENT

DELEGATION NUMBER	-	<b>D040230</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

With respect to the Shire of Denmark's Master Lending Agreement with the Western Australian Treasury Corporation, the Chief Executive Officer is delegated authority to;

- Sign schedule of documents under the Master Lending Agreement and/or to give instructions thereunder on behalf of the Shire of Denmark; and
- Cause the affixation of the Shire of Denmark Common Seal to those documents in the presence of the Shire President, each of whom shall sign the document to attest the affixation of the Common Seal thereto, in accordance with Council Policy P040207 without further reference to Council.

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

~~An outline of the Contract documentation is to be recorded in the Seal Register.~~

Execution of the Documents to be ~~pursuant to Council Policy P040207~~in accordance with Delegation D040218.

AMENDED by Res: 20 November 2018 / 071118

## AUDIT ADVISORY COMMITTEE

DELEGATION NUMBER	-	<b>D040231</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Sections 5.16 and 7.1B)
DELEGATE	-	Audit Advisory Committee
ACTIVITY	-	Administration (Other Governance)

### FUNCTION

1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].
2. Authority to:
  - a) Examine the report of the Auditor and determine matters that require action to be taken by the Shire of Denmark; and
  - b) Ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].
3. Authority to prepare a report on any actions under s.7.12A (3) in respect of an audit conducted in respect of a financial year for Council's endorsement, prior to sending the report to the Minister [s.7.12A(4)].

### CONDITIONS

Nil

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## RECORDING REQUIREMENTS

Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.

ADDED by Res: 110918 / 18 September 2018

**FIRE PREVENTION - 0501**

**BURNING OF SHIRE CONTROLLED RESERVES**

DELEGATION NUMBER	-	<b>D050101</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

The Chief Executive Officer is delegated authority to determine applications for burning of Shire controlled reserves (including road reserves) in accordance with conditions the Chief Executive Officer deems necessary but based on the following guide;

The conditions relating to each burn include;

1. The Burn to be conducted by appropriately trained Shire of Denmark Volunteer Bush Fire Brigade personnel / brigades with a Council Community Emergency Services Manager (CESM) in command of the burn.
2. To be performed in accordance with duly completed;
  - a. 'Shire of Denmark Prescription Form for Hazard Reduction' and;
  - b. Pre-Burn Checklist' in all cases detailing the resources required and issues to be taken into account.
3. That Department of Fire & Emergency Services (DFES) / Brigade / Council SOP # 35 relating to 'Operational Safety on Roadways' is complied with where relevant.
4. That adequate notice is given to adjoining and likely directly affected residents of the location, timing and extent of the proposed burning and of any impacts on temporary road closures.
5. Temporary Rd closures are hereby permitted as required subject to the extent of closure being done with the approval of the Council's Director Infrastructure and Assets.
6. That adequate notice is given to the Department of Biodiversity Conservation and Attractions Frankland Office of the location, timing and extent of the proposed burning.
7. That where possible (if time allows in this instance), forward notice of the intention to undertake hazard reduction prescription burns 'in the near future' be advertised in the Bulletin.
8. That the burning is done in such a way as to minimise any adverse impact or damage to Council or private fencing, signage or other infrastructure.
9. Following the burn, notification of any known damage to Council or private fencing, signage or other infrastructure is reported to the CESM who will refer the matter to the appropriate Council officer(s).
10. Following the burn, the area is referred, by the CESM in consultation with the Council's Sustainability Officer, to Council's Director Infrastructure and Assets for determination of the need for any post fire emergent weed control (by Council or its agents).
11. That the burning is done in such a way as to minimise long term damage to the environmental values of the vegetation.
12. That any one side of the road reserve can be burnt in any one year.
13. That no known rare or endangered flora exists within the defined area (refer relevant roadside markers on road reserves if applicable in the area and liaise with the Flora Officer, DPaW Frankland District).
14. The proposed burns are not in an 'environmentally sensitive area' (the subject of a declaration under section 51B of the Environmental Protection Act 1986) (please refer to the Flora Officer, DPaW Frankland District for reference to the relevant database).
15. This approval is valid if outside of the prohibited and restricted burning times and until 30 November only. If after the 1 September & prior to the 1 December, the CEO must be satisfied that the intensity of the burn will not endanger native flora or fauna.

16. This approval is valid only on days approved by the FCO of the Brigade in charge of the burn and not on an 'extreme' or 'very high' fire danger day.

The Environmental Protection Act 1986, Environmental Clearing Regulations Section 5 exempts burning for hazard reduction from needing a clearing permit – if undertaken in the above manner.

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

'Application to Burn' form held by Council's Rangers.

## **OTHER LEGISLATIVE REQUIREMENTS**

1. Sections 8, 9 & 18 of the Bush Fire Act 1954.
2. Section 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004
3. Section 51B of the Environmental Protection Act 1986
4. Pursuant to section 15A of the Bush Fire Regulations 1954, the CEO has removed any approval of FCO's to issue permits to burn on Council Road Reserves (memo dated 20 August 2009 / File FIRE 1) without the CEO's permission, pursuant to this delegation).
5. Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

## **FIREBREAK ORDER, VARIATION TO**

DELEGATION NUMBER	-	<b>D050102</b>
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Sections 33 (1) & 48)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

Pursuant to the provisions of Section 33 (1) of the Bush Fire Act 1954 relating to Council's Firebreak Order, the Chief Executive Officer is delegated authority to approve or refuse applications to provide firebreaks/fire access tracks in alternative positions and to approve or refuse applications to provide alternative fire protection measures & Fire Management Plans on the land.

NOTE: This delegation does not limit the ability of other employees of the Local Government to 'act through' the Chief Executive Officer, pursuant to Section 48(4) of the Bush Fires Act 1954.

NOTE: Pursuant to Section 48 (3), this delegation does not include the power to sub-delegate.

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## **RECORDING REQUIREMENTS**

Details of the alternative agreed location/conditions to be placed on the relevant property file.

AMENDED by Res: 110715 / 7 July 2015

## **BURNING, PROHIBITED & RESTRICTED TIMES (VARIATIONS)**

DELEGATION NUMBER	-	<b>D050103</b>
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Sections <del>48</del> <u>17(10) &amp; 18(5C)</u> )
DELEGATE	-	Shire President Chief Bush Fire Control Officer
ACTIVITY	-	Fire Prevention

The Shire President and the Chief Bush Fire Control Officer are delegated jointly the Council's powers and duties under Sections 17 (7) and (8) and Section 18 (5) of the Bush Fires Act with respect to varying the prohibited burning times and restricted burning times, provided that the Officer in Charge, Frankland District of the Department of Biodiversity Conservation and Attractions, Department of Fire & Emergency Services (DFES) Albany Regional Office and Senior Brigade Officers are consulted before the authority under this delegation is exercised.

NOTE: Pursuant to Section 17 (7B) of the Act, a variation of prohibited burning times shall not be made under subsection (7) if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.

NOTE: Pursuant to Section 18 (5B) of the Act, a variation shall not be made under subsection (5) if that variation would have the effect of shortening the restricted burning times by; or suspending the restricted burning times, or any prescribed condition, for, more than 14 successive days during a period that would, in the absence of the variation under subsection (5), be part of the restricted burning times for that zone in that year.

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## **RECORDING REQUIREMENTS**

Advise relevant authorities and advertise on Council Notice Boards, Council's website and in a newspaper circulating within the Shire, preferably the Denmark Bulletin.

Note: A maximum term of 14 days applies to shortening the restricted or prohibited burning times without Department of Fire & Emergency Services approval / gazettal.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## LOCAL LAW - BUSH FIRE BRIGADES

DELEGATION NUMBER	-	<b>D050104</b>
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 48)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

The Chief Executive Officer is delegated authority to perform the following powers/duties of the local government and the Council contained within the Local Law relating to Bush Fire Brigades, published in the Government Gazette on the 29<sup>th</sup> May 2001:

- Appoint a person to fill a vacancy in any brigade officer position if any position becomes vacant prior to a bush fire brigade's first annual general meeting. (Refer clause 2.2(5))
- Notify a bush fire brigade of any variation to the Rules as soon as practicable after the local government has made a decision under sub clause 2.5 (1).
- Supply each brigade officer with a copy of the Bush Fires Act 1954, the Regulations, the Bush Fire Operating Procedures, the local government's Local Law relating to Bush Fire Brigades and any other written laws which may be relevant to the performance of the brigade officer's functions, and any amendments which are made thereto from time to time. (Refer clause 3.2)
- Provide directions to the Chief Bush Fire Control Officer as considered appropriate but only when it is not practicable to obtain prior endorsement of the direction from the local government. (Refer clause 3.3)
- Resolve any disagreements that are not resolved under sub clause (1) or (2) of clause 7.6. Where in the opinion of the Chief Executive Officer the disagreement is considered to be of a serious matter, it is to be referred to the local government for resolution.

NOTE: Not able to be onward delegated pursuant to section 48 (3) of the Bush Fires Act 1954.

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## RECORDING REQUIREMENTS

Written notice on the relevant file.

AMENDED by Res: 20 November 2018 / 071118

## BUSH FIRES ACT 1954 – ISSUING & WITHDRAWAL OF INFRINGEMENTS AND PROSECUTION

DELEGATION NUMBER	-	<b>D050105</b>
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 59 (3) and 59A)
DELEGATES	-	Chief Executive Officer
	-	Community Emergency Services Manager
	-	Senior Ranger
	-	Ranger
	-	Chief Bush Fire Control Officer
	-	Deputy Chief Bush Fire Control Officer
	-	Shire President
ACTIVITY	-	Fire Prevention

The ~~Chief Executive Officer, the~~ Community Emergency Services Manager, Senior Ranger, Ranger, Chief Bush Fire Control Officer and Deputy Chief Fire Control Officer are delegated authority ~~by Council~~ to consider allegations of offences alleged to have been committed against the Bush Fires Act 1954 in the district of the local government and issue a notice in the prescribed form (infringement notice).

The Chief Executive Officer is delegated authority to ~~and, if the delegate thinks fit, to institute~~ initiate and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

This delegation does not preclude the Council from exercising the authority itself, pursuant to Section 59 (5).

### WITHDRAWAL OF INFRINGEMENTS

Pursuant to Section 59A (5) of the Bush Fires Act 1954 a *prescribed officer* may withdraw an infringement whether paid or not.

Pursuant to Regulation 4 (a) of the Bush Fires (Infringements) Regulations 1978, for the purposes of local government *prescribed officers* are the Chief Executive Officer and the Shire President.

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### RECORDING REQUIREMENTS

Notes with respect to the allegation & actions taken.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 081115 / 10 November 2015

AMENDED by Res: 20 November 2018 / 071118



## **BUSH FIRES REGULATIONS 1954 – PERMITS TO BURN CLOVER**

DELEGATION NUMBER	-	<b>D050108</b>
LEGISLATIVE POWERS	-	Bush Fires Regulations 1954 (Regulation 16)
AUTHORISED PERSONS	-	Community Emergency Services Manager
ACTIVITY	-	Fire Prevention

Pursuant to Regulation 16 of the Bush Fires Regulations 1954, the Council appoints the Council's Community Emergency Services Manager as an authorised officer for the purpose of issuing permits to burn clover within the Shire of Denmark.

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### **RECORDING REQUIREMENTS**

Section 18 – An Application Form in the prescribed form to be completed and filed on relevant file.

Section 19 (2) – Permit issued to be in the prescribed form.

ADDED by Res: 110715 / 7 July 2015

**BUSH FIRES ACT 1954 - APPOINTMENT OF FIRE CONTROL OFFICERS, CHIEF BUSH FIRE CONTROL OFFICERS & DEPUTY CHIEF BUSH FIRE CONTROL OFFICERS**

- DELEGATION NUMBER - **D050109**
- LEGISLATIVE POWERS - Bush Fires Act 1954 (Section 38 (1))
- APPOINTEES - As Listed Below
- ACTIVITY - Fire Prevention

Pursuant to Section 38 (1) of the Bush Fires Act 1954, Council may from time to time appoint such persons as it thinks necessary to be its bush fire control officers and of those officers shall appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer.

Council has appointed the following persons to the following appointments for the 2019/20 financial year;

Bush Fire Control Officers authorised within the entire Shire of Denmark

Community Emergency Services Manager	Scott Medhurst
Senior Ranger	Charmaine Shelley
Ranger	David Lonie
Bush Fire Risk Planning Coordinator	Melanie Haymont
Fire Control Officer & Chief Fire Control Officer	Leslie (Lez) Baines
Fire Control Officer & Deputy Chief Fire Control Officer	Bryce Edwards

Bush Fire Control Officers authorised within the entire Shire of Denmark area on behalf of their respective Brigades

Carmarthen Volunteer Bush Fire Brigade	Craig Hughes
Denmark East Volunteer Bush Fire Brigade	Patrick McConigely
Harewood Volunteer Bush Fire Brigade	Michael (Mike) Hills
Hazelvale/Tingledale Volunteer Bush Fire Brigade	Alex Williams
	Brian Vigus
Kordabup/Owingup Volunteer Bush Fire Brigade	Craig Lilley
	Bryce Edwards
Mehniup Volunteer Bush Fire Brigade	Vacant
Mt Lindesay Volunteer Bush Fire Brigade	Murray Brooker
Nornalup Volunteer Bush Fire Brigade	Neville Brass
Ocean Beach Volunteer Bush Fire Brigade	Marcus Owen
Parryville Volunteer Bush Fire Brigade	Kevin Hard
Peaceful Bay Volunteer Bush Fire Brigade	Ivars Sulcs
Scotsdale/Shadforth Volunteer Bush Fire Brigade	Arthur (Sid) Marshall
	Carlton Wesley
Somerset Hill Volunteer Bush Fire Brigade	Callum Baxter
William Bay Volunteer Bush Fire Brigade	Simon Coppock

Bush Fire Control Officers authorised within the prescribed Denmark Fire & Rescue Service Area Only

Denmark Fire & Rescue Service (Volunteer Brigade)	Lee Shelley
	Paul Harbron

**RECORDING REQUIREMENTS**

Section (2A) – Notice of appointments made under Section 38 (1) are to be published at least once in a newspaper circulating in the district.

Section 38 (2E) – A bush fire control officer shall be issued with a certificate of appointment.

ADDED by Res: 140715 / 7 July 2015 | AMENDED by Res: 070716 / 5 July 2016 | AMENDED by Res: 050817 / 15 August 2017 | AMENDED by Res: 231117 / 21 November 2017 | AMENDED by Res: 120718 / 17 July 2018 | AMENDED by Res: 220918 / 18 September 2018 | AMENDED by Res: 150419 / 16 April 2019 | AMENDED by Res: 100719 / 16 July 2019

## BUSH FIRES ACT 1954 - APPOINTMENT OF FIRE WEATHER OFFICERS

DELEGATION NUMBER	-	<b>D050110</b>
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 38 (8))
APPOINTEE	-	As Listed Below
ACTIVITY	-	Fire Prevention

Pursuant to Section 38 (8) of the Bush Fires Act 1954, Council may appoint to the office of Fire Weather Officer such number of senior bush fire control officers as it thinks necessary.

*Note: Council is an approved local government, pursuant to Section 38 (6) and (7) of the Bush Fires Act 1995 (Government Gazette – 19 December 1958, page 3293).*

At its meeting held on 17 July 2018, Council appointed the following persons for the 2019/20 financial year, Resolution No 130718;

Fire Weather Officers authorised within the entire Shire of Denmark

Adrian Kranendonk

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## RECORDING REQUIREMENTS

Section 38 (13) – Notice of an appointment made under Section 38 (8) to made to the FES Commission and notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of an appointment to be published once in the Government Gazette.

ADDED by Res: 140715 / 7 July 2015  
AMENDED by Res: 070716 / 5 July 2016  
AMENDED by Res: 050817 / 15 August 2017  
AMENDED by Res: 130718 / 17 July 2018

## **BUSH FIRES ACT 1954 – MITIGATION WORKS ON PRIVATE LAND**

DELEGATION NUMBER	-	<b>D050111</b>
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 48)
APPOINTEE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

The Chief Executive Officer is delegated the local governments powers and functions under section 33(4) and section 33(6) of the Bush Fires Act 1954. The expenses incurred for such work is to be recovered from the owner or occupier of the subject private land.

### **CONDITIONS**

1. Appropriate action and investigation need to be made prior to performing hazard reduction work on private property including;
  - a. Completion of a Request Form if work is requested by an owner / occupier;
  - b. Completion of a Prescription Guidelines Form detailing (but not limited to);
    - i. Identification of special circumstances and risks;
    - ii. Formulation of special conditions;
    - iii. Identification of a responsible bush fire control officer or authorised brigade officer; and
    - iv. The costs of the works to be performed.
2. The cost of any works to be undertaken pursuant to section 33(4) must be ascertained and fixed, prior to any work commencing and on a certificate signed by the Shire President.
3. A direction must be given to provide authority to a third party to carry out any works for the removal or abatement of a fire danger on private property, including hazard reduction burning.
4. The payment for cost of the works shall be arranged with the owner / occupier by the Shire and paid to the third party who performs the work.

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### **RECORDING REQUIREMENTS**

Request Form and Prescription Guidelines Form to be kept on file.

All evidentiary documents to be retained on file.

ADDED by Res: 161020 / 20 October 2020

## ANIMAL CONTROL - 0502

### CONFISCATED OR UNCOLLECTED GOODS

DELEGATION NUMBER	-	<b>D050201</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated authority to;

~~1. Authority to r~~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]

~~4.2. Take appropriate action in respect to impounded non-perishable goods [s.3.42]~~

~~2.3. Authority to s~~Sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s3.43. [s.3.47].

~~4. Authority to r~~Recover expenses incurred for removing, impounding and disposing or confiscated or uncollected goods [s.3.48].

~~3.5. Give notice to collect goods if not confiscated [s.3.44].~~

### CONDITIONS

- a) Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Regulation 30 of the Local Government (Function and General) Regulations 1996, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development, Senior Ranger and Ranger.*

### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Refer also Section 474 of the Local Government (Miscellaneous Provisions) Act 1960 regarding sale of impounded cattle.

Evidentiary documentation to be kept on relevant file.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## DOGS – LOCAL LAWS & DOG ACT 1976

DELEGATION NUMBER	-	<b>D050202</b>
LEGISLATIVE POWERS	-	Dog Act 1976, Sections <u>10AA &amp; 29(1)</u>
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated authority to perform all of the powers/duties of the local government contained within the Dog Act 1976, pursuant to Section 10AA, and the Shire of Denmark Local Laws relating to Dogs including the authorisation to further delegate any of those powers, published in the Government Gazette on the 29th May 2001, with the exception of the following specific powers/duties:

- The setting of any fees or charges.
- The determination of any application for the issue of a licence for an approved kennel establishment as provided for in clauses 4.1 to 4.8.
- The cancellation of a licence as provided for in clauses 4.13 (2) and (c).

*The Chief Executive Officer has delegated the following power/duty to the Director Assets and Sustainable Development and the Senior Ranger.*

*Pursuant to Section 26 (3) of the Dog Act 1976, to approve and/or withdraw or amend applications for up to 6 dogs being kept on properties that are over 10 hectares (25 acres) and zoned rural subject to being satisfied that they are not likely to cause a problem.*

### Conditions

*Approvals for applications:*

- will only be made after writing to and considering the views of adjoining or adjacent neighbours;
- will note that such approvals are valid for 12 months at a time and may be revoked at any time;
- are for the dogs specified in the approval; and
- may contain any other conditions as the Officer sees fit.

## CURRENT AUTHORISED PERSONS

Pursuant to Section 29(1) of the Dog Act 1976, Council ~~authorises~~ appoints the following persons for the purposes of;

- ~~Sections 29 (1) and~~ Section 44 of the Dog Act 1976 (Enforcement Proceedings); and
- Part 7 of the Shire of Denmark Dogs Local Law (Enforcement).
  1. Chief Executive Officer;
  2. Senior Ranger; and
  3. Ranger.

## CURRENT REGISTRATION OFFICERS

Pursuant to Section 3 (1) of the Dog Act 1976 Council authorises the following persons:

1. Chief Executive Officer (Sections 16 and 12A);
2. Senior Ranger (Sections 16 and 12A);
3. Ranger (Sections 16 and 12A); and
4. Customer Service Officers (Corporate and Community Services) (Section 16).

## **RECORDING REQUIREMENTS**

Section 11 (3) – A person who is authorised shall be issued with a certificate in the prescribed form.

Pursuant to Section 10AB (2), this delegation must be reviewed annually.

Evidentiary documents to be kept on relevant file.

AMENDED by Res: 150515 / 26 May 2015 | AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 20 November 2018 / 071118

## CAT ACT 2011

DELEGATION NUMBER	-	<b>D050203</b>
LEGISLATIVE POWERS	-	Cat Act 2011, Division 2, Section 44, 45
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated authority to perform all of the powers/duties of the local government contained within the Cat Act 2011.

*The Chief Executive Officer in exercising authority under Section 45 of the Cat Act 2011 has delegated this power/duty to the Director Assets and Sustainable Development, the Senior Ranger and Ranger, with the following exceptions;*

- Sections 64 and 65;
- Division 5 – Objections and Review; and
- Division 6 – Legal Proceedings.

### CURRENT AUTHORISED PERSONS

Pursuant to Section 48 (1) of the Cat Act 2011, the Chief Executive Officer authorises the following persons:

- Director Assets and Sustainable Development;
- Senior Ranger; and
- Ranger.

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## RECORDING REQUIREMENTS

As required under the Cat Act 2011.

Certificate of Authorisation – pursuant to section 48 (5)

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## **APPOINTMENT OF RANGERS AND POUND KEEPERS**

DELEGATION NUMBER	-	<b>D050204</b>
LEGISLATIVE POWERS	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated the local government's power under section 449 of the Local Government (Miscellaneous Provisions) Act 1960, to appoint person(s) as rangers or pound keepers.

### **AUTHORISED RANGERS**

Charmaine Shelley  
David Lonie  
Emma Holliday

### **AUTHORISED POUND KEEPERS**

Charmaine Shelley  
David Lonie  
Emma Holliday

### **CONDITIONS**

Only person(s) who are appropriately qualified and trained may be appointed as Authorised Persons.

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## **RECORDING REQUIREMENTS**

To be recorded as required under the Act.

Public Notice of appointment or removal of poundkeepers and rangers to be given [s.450].

AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 20 November 2018 / 071118  
AMENDED by Res: 160520 / 19 May 2020



## OTHER LAW, ORDER & PUBLIC SAFETY - 0503

### CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

DELEGATION NUMBER	-	<b>D050301</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 3.24)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Law, Order & Public Safety

The Chief Executive Officer is authorised to give an occupier a notice requiring them to do something to land if it is specified in Schedule 3.1. If the occupier is not the owner, the owner must also be informed.

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### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Evidentiary documents relating to the use of this delegation are to be retained on the relevant property assessment file and recorded in the Shire's records database under ADMIN.9.

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 20 November 2018 / 071118

## POWER OF ENTRY

DELEGATION NUMBER	-	<b>D050302</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Law, Order & Public Safety

The Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the powers of entry upon land as contained in Section 3.28 to 3.36 inclusive of the Local Government Act 1995.

Note: These powers of entry may be used for performing any function that a local government has under the Local Government Act 1995.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Council's Senior Ranger and Ranger.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Where the giving of notice of entry is applicable, and the issue of a warrant is applicable, copies of such notices to be included on the property file.

Where entry is determined to be an emergency, a report is to be prepared at the conclusion of the exercise and submitted to the Chief Executive Officer.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## **IMPOUNDING GOODS**

DELEGATION NUMBER	-	<b>D050303</b>
LEGISLATIVE POWERS	-	<del>Local Government Act 1995 (Section 3.39 &amp; 3.40, 3.40A, 3.41, 3.42 and 3.44)</del>
AUTHORISED PERSONS	-	<del>Chief Executive Officer; Director Assets and Sustainable Development; Senior Ranger; and Ranger.</del>
ACTIVITY	-	<del>Other Law, Order &amp; Public Safety</del>

The following employees are authorised by the Council for the purposes of;

- ~~1. Removing and impounding any goods that are involved in a contravention that can lead to impounding [s. 3.39];~~
- ~~2. Taking appropriate action in respect to impounded non-perishable goods [s.3.42]; and~~
- ~~3. Giving notice to collect goods if not confiscated [s.3.44].~~

- ~~• Chief Executive Officer;~~
- ~~• Director Assets and Sustainable Development;~~
- ~~• Senior Ranger; and~~
- ~~• Ranger.~~

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## **RECORDING REQUIREMENTS**

~~Section 5.46(3) – Local Government (Administration) Regulation No 19.~~

~~Copies of notices, etc., to be included in the appropriate file.~~

~~AMENDED by Res: 110715 / 7 July 2015~~

~~AMENDED by Res: 110617 / 20 June 2017~~

~~AMENDED by Res: 20 November 2018 / 071118~~

## ENFORCEMENT & LEGAL PROCEEDINGS

DELEGATION NUMBER	-	<b>D050305</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42, 9.10, 9.11, 9.13, 9.16, 9.17, 9.19, 9.20 & 9.24)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Law, Order & Public Safety

The Chief Executive Officer is delegated authority, under Section 9.10 of the Local Government Act 1995, to appoint persons to be authorised for the purpose of performing specific functions under the Local Government Act 1995, Council's Local Laws, the Road Traffic (Administration) Act 2008, the Criminal Procedure Act 2004 and Building Regulation 70 (2)).

Pursuant to Section 9.17 of the Local Government Act 1995, the Council authorises the Chief Executive Officer to modification of an amount specified in a notice.

Pursuant to Section 9.19 of the Local Government Act 1995, the Council authorises the Chief Executive Officer to extension of time.

Pursuant to Section 9.20 of the Local Government Act 1995, the Council authorises the Chief Executive Officer to withdraw an infringement notice.

### CURRENT AUTHORISED PERSONS FOR SECTION 9.10 OF THE LOCAL GOVERNMENT ACT 1995

#### – Appointment of Authorised Persons.

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Director Assets and Sustainable Development
4. Manager Sustainable Development (with respect to Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law and the Property Local Law)
5. Senior Ranger (with respect to the Property Local Law & Road Traffic (Administration) Act 2008)
6. Ranger (with respect to the Property Local Law & Road Traffic (Administration) Act 2008)
7. Senior Town Planner (with respect to Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law)
8. Principal Environmental Health Officer (with respect to Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law)
9. Principal Building Surveyor (for the purpose of issuing Building Act Infringement Notices, in accordance with the Criminal Procedure Act 2004 and Building Regulation 70 (2))

NOTE: Shire Officers are authorised to approve applications for the Monkey Rock Speed Run Event as per Council Resolution. ADDED by Res: 140619 / 18 June 2019

### CURRENT AUTHORISED PERSONS FOR SECTION 9.11 OF THE LOCAL GOVERNMENT ACT 1995

#### – Demanding Certain Information

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Director Assets and Sustainable Development
4. Manager Sustainable Development
5. Senior Ranger
6. Ranger

### CURRENT AUTHORISED PERSONS FOR SECTION 9.13 OF THE LOCAL GOVERNMENT ACT 1995

#### – Onus of Proof in Vehicle Offences

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Director Assets and Sustainable Development
4. Senior Ranger
5. Ranger

**CURRENT AUTHORISED PERSONS FOR SECTIONS 9.16 OF THE LOCAL GOVERNMENT ACT 1995 – Issuing of Infringement Notice**

1. Director Corporate and Community Services
2. Director Assets and Sustainable Development
3. Manager Sustainable Development
4. Senior Ranger
5. Ranger
6. Principal Building Surveyor (with respect to the Building Regulations 2012, Regulation 70)
7. Building Surveyor (with respect to the Buildings Regulations 2012, Regulation 70)

**CURRENT AUTHORISED PERSONS FOR SECTION 9.24 OF THE LOCAL GOVERNMENT ACT 1995 – Prosecutions, commencing**

1. Director Assets and Sustainable Development.

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

All appointments to be in writing and copies of such to be included in the Delegations file and in Synergy Records (ADMIN.9).

Certificate of Appointment to be issued to Authorised Persons pursuant to Section 9.10 (2).

Notice in prescribed form pursuant to Section 9.13.

Infringement Notice given to an alleged offender pursuant to Sections 9.16 & 9.17.

Withdrawal of Infringement Notice pursuant to Section 9.20.

Evidentiary documents detailing use of delegation to be retained on appropriate file(s).

Delegation D120401 relates to delegation under the Road Traffic (Administration) Act 2008.

AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017

## CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978 – AUTHORISED OFFICERS

DELEGATION NUMBER	-	<b>D050306</b>
LEGISLATIVE POWERS	-	Control of Vehicles (Off-Road Areas) Act 1978 (Section 38 (3))
AUTHORISED OFFICERS	-	Chief Executive Officer - Director Corporate and Community Services - Director Assets and Sustainable Development - Senior Ranger - Ranger - Community Emergency Services Manager -
ACTIVITY	-	Other Law, Order & Public Safety

A local government may by resolution appoint –

1. Any employee of the local government; and
2. Where the Minister by notice published in the *Government Gazette* authorises the local government to do so, any member of the Council of that local government.

to be an authorised officer for the purposes of the Act either in respect of the whole of its district or any part thereof defined in the appointment.

The Council authorises the following persons pursuant to Section 38 (3) of the Control of Vehicles (Off-Road Areas) Act 1978 with respect to the whole Shire;

- Chief Executive Officer
- Director Corporate and Community Services
- Director Assets and Sustainable Development
- Senior Ranger
- Ranger
- Community Emergency Services Manager

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### RECORDING REQUIREMENTS

Authorised Person to be issued with a Certificate in the prescribed form, pursuant to Section 38 (4) (d) of the Act.

Recording requirements pursuant to the Act.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## FINES, PENALTIES AND INFRINGEMENT NOTICES ENFORCEMENT ACT 1994 – APPOINTMENT OF PROSECUTION OFFICERS

DELEGATION NUMBER	-	<b>D050308</b>
LEGISLATIVE POWERS	-	Fines, Penalties and Infringement Notices Enforcement Act 1994 (Section 13)
AUTHORISED OFFICERS	-	David Schober, Acting Chief Executive Officer <del>Gary GreenLee Sounness</del> , <u>Acting</u> Director Corporate and Community Services David King, Director Assets and Sustainable Development Scott Medhurst, Community Emergency Services Manager Graham Blackmore, Principal Building Surveyor Robert Ohle, Principal Environmental Health Officer Charmaine Shelley, Senior Ranger - David Lonie, Ranger - <u>Emma Holliday, Ranger</u>
ACTIVITY	-	Other Law, Order & Public Safety

1. For the purposes of this Part, the Registrar may approve a prosecuting authority as a prosecuting authority to which this Part applies.
2. The Registrar is not to approve a prosecuting authority unless the authority gives the Registrar written notice of those officers of the authority that are designated as prosecuting officers for the purposes of and in accordance with Sections 16 & 22.
3. A prosecuting authority at any time may amend the written notice of designated prosecuting officers.

The Chief Executive Officer is authorised the power to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.

### CURRENT PERSONS DESIGNATED AS PROSECUTING OFFICERS BY THE CEO

- David Schober, Acting Chief Executive Officer
- ~~Gary GreenLee Sounness~~, Acting Director Corporate and Community Services
- David King, Director Assets and Sustainable Development
- Craig Pursey, Manager Sustainable Development
- Scott Medhurst, Community Emergency Services Manager
- Graham Blackmore, Principal Building Surveyor
- Robert Ohle, Principal Environmental Health Officer
- Charmaine Shelley, Senior Ranger
- David Lonie, Ranger
- Emma Holliday, Ranger

### ENQUIRY OFFICERS

- Cheralynne Clarke, Senior Customer Service Officer
- Kelly Schroeter, Finance Officer Creditors

## RECORDING REQUIREMENTS

Appointment to be in writing and a copy kept on the Officers personnel file.

Appropriate evidentiary documents detailing the exercising of the authorisation are to be recorded on the appropriate file.

## HEALTH - 07

**MATERNAL & INFANT HEALTH -0701**

**PREVENTATIVE SERVICES - IMMUNISATION - 0702**

**PREVENTATIVE SERVICES - MEAT INSPECTION - 0703**

**PREVENTATIVE SERVICES - HEALTH ADMINISTRATION - 0704**



## ITINERANT FOOD VENDORS & TRADING IN PUBLIC PLACES PERMITS

DELEGATION NUMBER	-	<b>D070402</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Preventative Services - Health Administration

### STALLHOLDERS AND TRADERS

The Chief Executive Officer is delegated authority to issue and renew Stallholder and Traders Permits pursuant to the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law.

Council will establish an annual permit fee when it prepares its annual budget and a pro-rata fee must be applied for any permits issued for a period less than 12 months.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated the power/duties;*

*Director Assets and Sustainable Development;  
Principal Environmental Health Officer (Stallholder Permits only);  
Manager Sustainable Development; and  
Senior Town Planner (Trader Permits only).*

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### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Itinerant Food Vendor's Permit Application Form and Permit.

Note: Delegation D100602 and Policy D070404 relate.

AMENDED by Res: 090615 / 16 June 2015  
AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 070915 / 8 September 2015  
AMENDED by Res: 130717 / 18 July 2017  
AMENDED by Res: 20 November 2018 / 071118

## HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911 – APPOINTMENT OF AUTHORISED PERSONS & HEALTH LOCAL LAW

DELEGATION NUMBER	-	<b>D070406</b>
LEGISLATIVE POWERS	-	Health (Miscellaneous Provisions) Act 1911 (Section 26) Shire of Denmark Health Local Laws 1998
DELEGATES AND AUTHORISED PERSONS	-	Chief Executive Officer Principal Environmental Health Officer
ACTIVITY	-	Preventative Services - Health Administration

The Chief Executive Officer and the Environmental Health Officer are delegated all the powers and functions of the Shire under the Health Local Law.

The Chief Executive Officer and the Environmental Health Officer are appointed as Authorised Persons under the Health Local Law.

The Chief Executive Officer and the Environmental Health Officer are appointed to be the Shire's deputies for the purpose of discharging its powers and functions as a local government under the Health (Miscellaneous Provisions) Act 1911 and all Regulations made under the Health (Miscellaneous Provisions) Act 1911 (except the power to commence legal action which is delegated solely to the Chief Executive Officer).

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### RECORDING REQUIREMENTS

Evidentiary records to be kept on relevant records file.

ADDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017  
AMENDED by Res: 20 November 2018 / 071118

## **PUBLIC HEALTH ACT 2016 – ENVIRONMENTAL HEALTH OFFICER APPOINTMENTS, ENFORCEMENT AND AUTHORISED OFFICERS**

DELEGATION NUMBER	-	<b>D070407</b>
LEGISLATIVE POWERS	-	Public Health Act 2016 (Section 21)
APPOINTEES	-	Chief Executive Officer Principal Environmental Health Officer
ACTIVITY	-	Preventative Services - Health Administration

### **ENVIRONMENTAL HEALTH OFFICER APPOINTMENT**

The Chief Executive Officer is delegated authority to appoint a suitably qualified Environmental Health Officer, pursuant to Section 17 of the Public Health Act 2016.

#### ***CURRENT APPOINTED ENVIRONMENTAL HEALTH OFFICERS***

Robert Ohle, Principal Environmental Health Officer

- Approved by the WA Environmental Health Officers Professional Review Board – 19 April 2011.
- Approved by the Chief Health Officer by Government Gazette 15 January 2013 (deemed to have been designated under 2016 Act pursuant to Section 312 if the Public Health Act 2016).

#### **RECORDING REQUIREMENTS**

Appointment to be approved by the Chief Health Officer by notice in the Government Gazette – pursuant to s. 18 of the Public Health Act 2016.

Evidentiary documents to be retained in appointees Personnel File.

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### **ENFORCEMENT**

The Chief Executive Officer is delegated all the powers and duties conferred or imposed on the Council under the Public Health Act 2016 with respect to being an enforcement agency, pursuant to Section 21 of the Public Health Act 2016.

#### **RECORDING REQUIREMENTS**

Delegation must be in writing.

Reporting to Chief Health Officer - pursuant to s.22 of the Public Health Act 2016.

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### **AUTHORISED OFFICERS**

The Chief Executive Officer is delegated authority to designate authorised officers pursuant to Section 24 of the Public Health Act 2016, subject to conditions under Section 25 of the Public Health Act 2016.

#### ***CURRENT AUTHORISED OFFICERS***

Principal Environmental Health Officer

#### **RECORDING REQUIREMENTS**

Section 27 – List of designated authorised officers or class of authorised officers must be maintained.

Section 30 – Certificates of authority, in the format prescribed under the Public Health Act 2016, must be issued to each person who is designated authorised officer.

ADDED by Res: 130717 / 18 July 2017

AMENDED by Res: 20 November 2018 / 071118

## **FOOD ACT 2008 – AUTHORISED OFFICERS, PROHIBITION ORDERS AND REGISTRATIONS**

- DELEGATION NUMBER - **D070408**
- LEGISLATIVE POWERS - Public Health Act 2016 (Section 24)  
- Food Act 2008 (Section 118)
- AUTHORISED OFFICERS - Principal Environmental Health Officer
- ACTIVITY - Preventative Services - Health Administration

### **AUTHORISED OFFICERS**

Pursuant to Section 24 of the Public Health Act 2016, Council designates the Environmental Health Officer as an Authorised Officer for the purposes of the Food Act 2008.

### **RECORDING REQUIREMENTS**

Section 122 – Local Government must retain a list of authorised officers.

Section 123 – Authorised Officers must be provided with a certificate of authority in a format prescribed under Section 123 (2).

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### **PROHIBITION ORDERS**

Pursuant to Section 118 of the Food Act 2008, the Council delegates to the Environmental Health Officer the local government functions under Section 65, 66 and 67 of the Food Act 2008, with respect to Prohibition Orders, Certificates of Clearance and Requests for Re-Inspection.

### **RECORDING REQUIREMENTS**

Evidentiary documents to be retained on appropriate record files.

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### **REGISTRATIONS**

Pursuant to Section 118 of the Food Act 2008, the Council delegates to the Environmental Health Officer the local government functions under Section 110 & 112 of the Food Act 2008, with respect to Registration of Food Businesses.

### **RECORDING REQUIREMENTS**

Evidentiary documents to be retained on appropriate record files.

Certificate of Authority must be issued and contain the information set out in Section 123 (2).

ADDED by Res: 130717 / 18 July 2017

AMENDED by Res: 20 November 2018 / 071118

**PREVENTATIVE SERVICES - PEST CONTROL - 0705**

**PREVENTATIVE SERVICES - OTHER - 0706**

**OTHER HEALTH - 0707**

## **EDUCATION & WELFARE - 08**

**PRE-SCHOOLS - 0801**

**OTHER EDUCATION - 0802**

**CARE OF FAMILIES & CHILDREN - 0803**

**AGED & DISABLED - SENIOR CITIZENS CENTRES - 0804**

**AGED & DISABLED - MEALS ON WHEELS - 0805**

**AGED & DISABLED - OTHER - 0806**

**OTHER WELFARE - 0807**

## **HOUSING - 09**

**STAFF HOUSING - 0901**

**HOUSING - OTHER 0902**

## COMMUNITY AMENITIES - 10

### SANITATION - HOUSEHOLD - 1001

### SANITATION - OTHER - 1002

#### INSTALLATION & REMOVAL OF RUBBISH BINS

DELEGATION NUMBER	-	<b>D100201</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Sanitation - Other

The Chief Executive Officer is delegated authority to consider and have installed or removed rubbish bins at Council controlled public locations subject to such installation and ongoing collection having minimal impact on Council's Budget and operations.

The Chief Executive Officer may on delegate this responsibility.

*The Chief Executive Officer in exercising general authority under Section 5.44 of the Local Government Act 1995 has authorised this power/duty to the Director Assets and Sustainable Development.*

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#### RECORDING REQUIREMENTS

Advice of the decision is to be recorded on the relevant Reserve or Assessment file.

ADDED by Res: 130109 / 27 January 2009  
AMENDED by Res: 130717 / 18 July 2017  
AMENDED by Res: 20 November 2018 / 071118

## **REFUSE SITE CHARGES – FREE DISPOSAL FOR NOT-FOR-PROFIT COMMUNITY GROUPS**

DELEGATION NUMBER	-	<b>D100202</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Sanitation - Other

The Chief Executive Officer is delegated authority to allow free refuse disposal to not-for-profit community groups at Council's Refuse Facilities.

The Chief Executive Officer may on delegate this responsibility.

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### **RECORDING REQUIREMENTS**

Advice of the decision is to be recorded on the relevant Community Group's Assessment File and in the relevant Refuse Site Assessment File.

A record of the community groups approval, the frequency of use and the refuse quantity is to be recorded in a Register.

Groups currently approved;

- a) Denmark Red Cross – 4 refuse disposal passes per year.
- b) Denmark Lions Club – 4 refuse disposal passes per year.
- c) Denmark Historical Society – 4 refuse disposal passes per year.
- d) Denmark Community Collective – 4 refuse disposal passes per year.
- e) Denmark Weed Action Group – 4 refuse disposal passes per year, however if the refuse / green waste emanates from a Council property and is removed to the landfill / green waste facility for or on behalf of Council, then additional passes may be considered.

Note also that the Council's annual Budget provides that domestic quantities of green waste are able to be disposed of at Council's Landfill and Recycling Centres free of charge, such that the need for issuing disposal passes to the Denmark Lions Club and the Denmark Weed Action Group, in particular, with respect to green waste is no longer required.

ADDED by Res: 284/96 / 25 June 1996  
AMENDED by Res: 130717 / 18 July 2017  
AMENDED by Res: 20 November 2018 / 071118

## LITTER ACT 1979 – AUTHORISED OFFICERS

DELEGATION NUMBER	-	<b>D100203</b>
LEGISLATIVE POWERS	-	Litter Act 1979 (Section 26, 27, 27A & 30)
AUTHORISED PERSONS	-	All members of the Council All employees of the local government
ACTIVITY	-	Sanitation - Other

Pursuant to Section 26 (3);

A person holding office as an authorised officer by virtue of subsection (1)(c) —

- a. has within the district in respect of which he holds office the duties of and powers of an authorised officer under the Act, and may exercise those powers within that district;
- b. may exercise the powers conferred on him by the Act in relation to any person whom he has reason to believe is concerned in a contravention of the Act notwithstanding that such person is not then within the district in respect of which he holds office if that person was pursued from that district or is known to have been in that district at the time of the contravention.

Section 26 (1) (c) of the Litter Act 1979 appoints all members of the Council and all employees of the local government as authorised officers.

### Persons to whom the authorisation applies

1. All Elected Members
2. All Shire of Denmark Employees
- ~~2.3.~~ An Honorary Inspector appointed by a local government under Section 27AA.

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## RECORDING REQUIREMENTS

Pursuant to Section 26 (4) (c) an authorised officer shall be issued with a certificate of appointment in the prescribed form (see Litter Regulations 1981).

In a relevant file and in accordance with Act.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX



## **LITTER ACT 1979 – HONORARY INSPECTORS**

- DELEGATION NUMBER - **D100204**
- LEGISLATIVE POWERS - Litter Act 1979 (Section 27AA)
- APPOINTED PERSONS - Nil
- ACTIVITY - Sanitation – Other

Pursuant to Section 27AA of the Litter Act 1979, the Council may appoint a person to be an honorary inspector to assist in the serving of infringement notices relating to offences prescribed for the purposes of Section 30 of the Act.

Prescribed Offences are those described in Schedule 1A of the Litter Regulations 1981.

### CURRENT APPOINTED HONORARY INSPECTORS

Nil

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## **RECORDING REQUIREMENTS**

In a relevant file and in accordance with Act.

ADDED by Res: 110715 / 7 July 2015

## LITTER ACT 1979 – WITHDRAWAL OF INFRINGEMENT NOTICES

DELEGATION NUMBER	-	<b>D100205</b>
LEGISLATIVE POWERS	-	Litter Act 1979 (Section 30 (4a))
APPOINTEE	-	Chief Executive Officer
ACTIVITY	-	Sanitation - Other

Pursuant to Section 30 (4a) the Council appoints the Chief Executive Officer to withdraw infringement notices ~~sent~~issued under, ~~subsection of~~ Section 30 of the Act.

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## RECORDING REQUIREMENTS

Notice must be in the prescribed form and recorded in the relevant file on central records.

ADDED by Res: 110715 / 7 July 2015

~~AMENDED by Res: XXX / XXX~~

**SEWERAGE - 1003**

**URBAN STORMWATER DRAINAGE – 1004**

**PROTECTION OF ENVIRONMENT - 1005**

## IRWIN INLET SANDBAR OPENING PROTOCOL

DELEGATION NUMBER	-	<b>D100501</b>
LEGISLATIVE POWERS	-	Nil
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer is authorised to determine the location and level for the opening of the Irwin Inlet sandbar. The delegation is to be exercised in accordance with the adopted sandbar opening protocol.

The Shire Chief Executive Officer advises the relevant agencies and stakeholders when the water level reaches the absolute minimum opening water level of 0.440mm.

Any relevant information from stakeholders shall be considered when deciding opening location and water level, with the final decision being delegated to the Chief Executive Officer.

### Relevant Agencies & Stakeholders

Agency / Stakeholder	Email	Phone
Department of Water & Environmental Regulation	<a href="mailto:southcoast@water.wa.gov.au">southcoast@water.wa.gov.au</a>	9841 0122
Department of Biodiversity Conservation and Attractions Recreation & Trails Unit	<a href="mailto:recreationandtrails@dbca.wa.gov.au">recreationandtrails@dbca.wa.gov.au</a>	9334 0265
Department of Biodiversity Conservation and Attractions – Frankland District Office	<a href="mailto:Frankland.District@dbca.wa.gov.au">Frankland.District@dbca.wa.gov.au</a>	9840 0400
Department of Primary Industries and Regional Development.	<a href="mailto:Robert.Bogumil@dpird.wa.gov.au">Robert.Bogumil@dpird.wa.gov.au</a>	0427 216 800
Commercial Fishermen – by contacting the President of the South Coast Licensed Fisherman’s Association Inc.	Contact Fisheries Deb Sharp Email: <a href="mailto:debsharp1@hotmail.com">debsharp1@hotmail.com</a>	0428 448 159 0447 788 222
Affected Landholder (current owner of A5164)	Refer A5164 in Council records for contact details.	
The Bibbulmun Track Foundation	<a href="mailto:friends@bibbulmuntrack.org.au">friends@bibbulmuntrack.org.au</a>	9481 0551
Denmark Visitors Centre (The Amazing South Coast)	<a href="mailto:eo@theamazingsouthcoast.com.au">eo@theamazingsouthcoast.com.au</a>	9848 2055
Walpole Nornalup Visitors Centre	<a href="mailto:info@walpole.com.au">info@walpole.com.au</a>	9840 1111
Peaceful Bay Progress Association Inc.	<a href="mailto:secretary@peacefulbayprogress.org.au">secretary@peacefulbayprogress.org.au</a>	0409 446 993
Peaceful Bay Commercial Fishermen	<a href="mailto:r.k.phillips@westnet.com.au">r.k.phillips@westnet.com.au</a>	

The Chief Executive Officer may authorise other Officers.

### RECORDING REQUIREMENTS

Advice of decision is to be recorded on central records. Refer to Council Policy P100513. Opening Protocol - see File GOV.52.B

ADDED by Res: 363/07 & 364/07 / 16 OCTOBER 2007

AMENDED by Res: 290212 / 28 FEBRUARY 2012

AMENDED by Res: 20 November 2018 / 071118

## **WILSON INLET SANDBAR OPENING PROTOCOL**

DELEGATION NUMBER	-	<b>D100502</b>
LEGISLATIVE POWERS	-	Nil
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer is authorised to implement the actions required of Council in the Wilson Inlet Sandbar Opening Protocol, as adopted, amended and endorsed from time to time by the Department of Water & Environmental Regulation, the Water Corporation and Council.

The Chief Executive Officer may authorise other Officers.

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### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Refer to Council Policy P100515.

Opening Protocol (revised June 2009) - see File GOV.52B

ADDED by Res: 200108 / 22 JANUARY 08

AMENDED by Res: 20 November 2018 / 071118

## **POLLUTION ABATEMENT**

- DELEGATION NUMBER - **D100503**
- LEGISLATIVE POWERS - Environmental Protection Act 1986 (Section 65 (1))
- DELEGATE - Chief Executive Officer
- ACTIVITY - Protection of the Environment

The Chief Executive Officer of the Department of Water & Environment Regulation responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, 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 who 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.

(Published in the Government Gazette 19 March 2004, Delegation No. 52)

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## **RECORDING REQUIREMENTS**

Complaint & action recorded on the relevant assessment file.

AMENDED by Res: 110715 / 7 July 2015

## NOISE MANAGEMENT PLANS

DELEGATION NUMBER	-	<b>D100504</b>
LEGISLATIVE POWERS	-	Environmental Protection Act 1986 - Environmental Protection (Noise) Regulations 1997, Regulation 13
DELEGATE	-	Chief Executive Officer - Principal Environmental Health Officer
ACTIVITY	-	Protection of the Environment

### Powers and duties delegated

The Chief Executive Officer of the Department of Water & Environment Regulation responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, hereby delegate all my powers and duties in relation to noise management plans under Regulation 13 of the Environmental Protection (Noise) Regulations 1997.

### Persons to whom the delegation applies

This delegation applies to the holder for the time being of the offices of-

- (1) Chief Executive Officer under the Local Government Act 1995,
- (2) Director, Environmental Regulation Division, Department of Water & Environment Regulation,
- (3) Manger, Noise Regulation Branch, Environmental Regulation Division, Department of Environment Regulation,
- (4) Principal Environmental Officer, Noise Regulation Branch, Environmental Regulation Division, Department of Water & Environment Regulation,

and to any employee of a local government under the Local Government Act 1995 who is appointed as an Authorised Person under section 87 of the Act.

(Published in the Government Gazette 16 May 2014, Delegation No.119)

### CURRENT AUTHORISED PERSONS

Nil

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## RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

AMENDED by Res: 110715 / 7 July 2015

## PARRY INLET SANDBAR OPENING PROTOCOL

DELEGATION NUMBER	-	<b>D100505</b>
LEGISLATIVE POWERS	-	Nil
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer is authorised to determine the location and level for the opening of the Parry Inlet sandbar. The delegation is to be exercised in accordance with the adopted sandbar opening protocol.

The Shire Chief Executive officer advises the relevant agencies and stakeholders when the water level reaches the absolute minimum opening water level of 1.0m AHD.

Any relevant information from stakeholders shall be considered when deciding opening location and water level, with the final decision being delegated to the Shire Chief Executive Officer.

### Relevant Agencies & Stakeholders

Agency / Stakeholder	Email	Phone
Department of Water & Environmental Regulation	<a href="mailto:Brett.WARD@water.wa.gov.au">Brett.WARD@water.wa.gov.au</a> <a href="mailto:karen.mckeough@water.wa.gov.au">karen.mckeough@water.wa.gov.au</a>	9841 0122
Department of Biodiversity Conservation and Attraction's Recreation & Trails Unit	<a href="mailto:recreationandtrails@dbca.wa.gov.au">recreationandtrails@dbca.wa.gov.au</a>	9334 0265
Department of Biodiversity Conservation and Attraction's – Frankland District Office	<a href="mailto:Frankland.District@dbca.wa.gov.au">Frankland.District@dbca.wa.gov.au</a>	9840 0400
Department of Primary Industries & Regional Development	<a href="mailto:Robert.Bogumil@dpird.wa.gov.au">Robert.Bogumil@dpird.wa.gov.au</a>	0427 216 800
Parry's Beach Voluntary Management Group	<a href="mailto:Belinda.dufall@agric.wa.gov.au">Belinda.dufall@agric.wa.gov.au</a>	0427 850 770
Commercial Fishermen – by contacting the President of the South Coast Licensed Fisherman's Association Inc.	Contact Fisheries Deb Sharp Email: <a href="mailto:debsharp1@hotmail.com">debsharp1@hotmail.com</a>	0428 448 159 0447 788 222
Current leaseholder of portion of Reserve 20928 (L Pinniger)	Refer Council records for contact details (A2678)	
The Bibbulmun Track Foundation	<a href="mailto:friends@bibbulmuntrack.org.au">friends@bibbulmuntrack.org.au</a>	9481 0551
Denmark Visitors Centre	<a href="mailto:ceo@denmark.com.au">ceo@denmark.com.au</a>	9848 2055
Walpole Nornalup Visitors Centre	<a href="mailto:info@walpole.com.au">info@walpole.com.au</a>	9840 1111

The Chief Executive Officer may authorise other Officers.

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### RECORDING REQUIREMENTS

Advice of decision is to be recorded on central records. Refer to Council Policy P100514.

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

ADDED by Res: 040114 / 21 January 2014

AMENDED by Res: 20 November 2018 / 071118

## **NOISE MANAGEMENT PLANS**

DELEGATION NUMBER	-	<b>D100506</b>
LEGISLATIVE POWERS	-	Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

The Chief Executive Officer of the Department of Water & Environment Regulation responsible for the administration of the Environmental Protection Act 1986 ("the Act"), and pursuant to section 20 of the Act, hereby delegates as follows;

### Powers and duties delegated –

The powers and duties under the Environmental Protection (Noise) Regulations 1997, other than this power of delegation, in relation to –

1. waste collection and other works – noise management plans relating to specified works under regulations 14A & 14B;
2. 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);
3. community activities – noise control notices in respect of community noise under regulation 16;
4. motor sport venues – noise management plans in relation to motor sport venues under Part 2 Division 3;
5. shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4;
6. calibration results – requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
7. 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 –
  1. Subregulation 18(13)(b) is not delegated.

(Published in the Government Gazette 20 December 2013, Delegation No. 112)

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## **RECORDING REQUIREMENTS**

Complaint & action recorded on the relevant assessment file.

ADDED by Res: 110715 / 7 July 2015



## **AUTHORISED PERSON AND INSPECTOR – ENVIRONMENTAL PROTECTION ACT 1986**

DELEGATION NUMBER	-	<b>D100507</b>
LEGISLATIVE POWERS	-	Environmental Protection Act 1986 (section 87 and 88)
DELEGATE	-	Robert Ohle, Principal Environmental Health Officer
ACTIVITY	-	Protection of the Environment

Robert Ohle has been appointed as an Authorised Person and Inspector under section 87 and 88 of the Environmental Protection Act 1986 (EP Act), by the CEO of the Department, effective from 10 June 2016.

The authority to exercise the power and perform the functions of an Authorised Person and Inspector are subject to the following limitations;

- The duration of their employment with the Shire of Denmark;
- The geographical jurisdiction of the Shire of Denmark including cross-jurisdictional arrangements endorsed by the Shire of Denmark;
- The performance of duties within the designated hours of duty; and
- To those premises and activities that do not hold registration, works approval or licence under the EP Act.

The powers entitled to be exercised by the Authorised Person are identified in sections 79(2)(b), 81(1)(a)-(b), 81(4), 81A(1), 82(1)(a)-(b) and 114(1b) of the EP Act.

The powers entitled to be exercised by the Inspector are identified in sections 88(1), 89(1)(a)(b)(c), 80(1b)(a), 91(1), 92(2), 92A and 99J of the EP Act.

The appointments will be revoked should the officer;

- Leave employment with the Shire of Denmark; or
- Exercise the powers appointment to them inappropriately; or
- Exercise the powers appointed outside the administrative limitations specified above.

(Letters of appointment received 21 June 2016 – Electronic Record No. ICR16640306)

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## **RECORDING REQUIREMENTS**

Action recorded on the relevant assessment file and as required by the EP Act.

Pursuant to Section 87 (2) and Section 88 (3) the CEO shall cause to be issued to each authorised person an authority in writing signed by the CEO of the Department and bearing a photograph of that authorised officer.

**TOWN PLANNING SCHEME**

DELEGATION NUMBER	-	<b>D100601</b>
LEGISLATIVE POWERS	-	Planning & Development (Local Planning Schemes) Regulations 2015 – Schedule 2, Part 10
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer (CEO) has delegated authority to exercise all duties and powers, in accordance with Regulation 82 of the Planning & Development (Local Planning Schemes) Regulations 2015

**CONDITIONS**

**1. General**

Any two or more Councillors may consider an application or proposal to be of strategic significant and/or high community interest and request the CEO in writing, to present the application or proposal to the Council for consideration. If the request is supported, the application shall be presented to the first practicable Council meeting for consideration.

**2. Reconsideration of applications for development approval**

Prior to the determination of an application for reconsideration of an application for development approval (other than where a reconsideration is occurring pursuant to section 31 of the State Administrative Tribunal Act 2004 – see below), the CEO shall ensure that a copy of the reconsideration request, together with a report assessing the application, is circulated to all Councillors, giving a period of not less than 14 days before a delegated decision is made.

This condition relates to applications to amend or renew an approval where reconsideration of conditions is being requested and also to new applications which are substantially the same as an earlier application refused under delegation.

**3. Applications for review by the State Administrative Tribunal**

Decisions relation to a reconsideration decision pursuant to section 31 of the State Administrative Tribunal Act 2004 are not delegated.

**4. Structure Plans, Activity Centre Plans, Local Developer Plans, Developer Contribution Plans, Local Planning Policies, Local Heritage List, Heritage Precincts.**

Decisions relation to adoption of Structure Plans, Local Developer Plans, Developer Contribution Plans, Local Planning Policies, Local Heritage List and/or Heritage Precincts are not delegated.

*The Chief Executive Officer in exercising authority under Regulation 83 of the Planning & Development (Local Planning Schemes) Regulations 2015 has delegated all of the powers and duties under Delegation D100601 to the Director Assets and Sustainable Development and the Manager Sustainable Development.*

*The Chief Executive Officer in exercising authority under Regulation 83 of the Planning & Development (Local Planning Schemes) Regulations 2015 has delegated the following to the Senior Town Planner and Town Planner;*

*Determine a development application, having regard to listed matters in cl.67 and where it is consistent with the requirements of Town Planning Scheme No.3, adopted Local Planning Policies and the Deemed Provisions of the Residential Design Codes of WA, to approve or approve with conditions, but excluding where:*

- a) Objections from advertising/referral are received.*

- b) *Development involving a listed building/place on the Shire of Denmark Heritage List or an item listed on the State Heritage Register.*
- c) *Development on Scheme Reserves and Crown land.*
- d) *Determine and process 'Use Not Listed' application (as per clause 3.2.5 of TPS No.3)*
- e) *Development with in a declared Bushfire Prone area where a building construction requirement would be greater than BAL - 29 (AS 3959 – 2009).*

#### AUTHORISED PERSONS

Pursuant to Regulation 79 of the Planning & Development (Local Planning Schemes) Regulations 2015, the Chief Executive Officer designates the following persons as authorised officers for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time with any assistance reasonably required, by entering any building or land in the Scheme area and inspecting the building or land and anything in or on the building or land;

1. Chief Executive Officer
2. Director Assets and Sustainable Development
3. Principal Building Surveyor
4. Principal Environmental Health Officer
5. Manager Sustainable Development
6. Senior Town Planner
7. Town Planner
8. Sustainability Officer
9. Senior Ranger
10. Ranger

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#### **RECORDING REQUIREMENTS**

Records to be kept in accordance with the Shire's Record Keeping Plan and the State Record Keeping Act.

Identification Cards to be issued to authorised officers.

AMENDED by Res: 130115 / 20 January 2015

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 271119 / 19 November 2019

## **LOCAL LAW - ACTIVITIES ON THOROUGHFARES & TRADING IN THOROUGHFARES & PUBLIC PLACES**

DELEGATION NUMBER	-	<b>D100602</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATES	-	Delegates listed for the purposes of s.9.10 of the Local Government Act 1995, as per Delegation D050305
ACTIVITY	-	Town Planning & Regional Development

The Delegates authorised for the purposes of Section 9.10 of the Local Government Act 1995 and listed under Delegation D050305, are delegated authority to exercise all of the powers/duties of the local government contained within the Local Law relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places, with the following exceptions / conditions:

- a) The setting of any fees or charges.
- b) The declaration of a thoroughfare to be a flora road (refer clause 5.3).
- c) The designation of a thoroughfare or any part of a thoroughfare as a special environmental area (refer clause 5.7).
- d) The power to exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of Division 1 (Stallholders and Traders) or Part 6 (refer clause 6.7(3)).
- e) Where a clause of the local law refers to conditions that may be imposed on a permit or which are to be taken as being imposed on a permit, the clause does not limit the delegated power to impose other conditions on the permit.
- f) Where a clause of the local law refers to grounds on which an application for a permit may be or is refused, the clause does not limit the delegated power to refuse the application for a permit on other grounds.

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### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Applications, permits, correspondence on property files.

Note: Delegation D070402 also relates.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## TOWN PLANNING SCHEME COMPLIANCE

DELEGATION NUMBER	-	<b>D100603</b>
LEGISLATIVE POWERS	-	Planning & Development Act 2005 (Section 214 (2), (3), (5) and 234) Local Government Act 1995 (Section 5.42)
AUTHORISED OFFICER	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer is delegated authority to give written direction regarding unauthorised development pursuant to Section 214 (2), (3) and (5) of the Planning & Development Act 2005.

The Chief Executive Officer pursuant to the Planning & Development Act 2005, Section 234 is authorised to appoint persons or classes of persons to be designated persons for the following sections of the Act:

### CURRENT DESIGNATED PERSONS – SECTION 228

For the purpose of giving of Infringement Notices:

1. Chief Executive Officer
2. Director Assets and Sustainable Development
3. Manager Sustainable Development.

### CURRENT DESIGNATED PERSONS – SECTION 229

For the purpose of receiving payment for infringements:

1. Chief Executive Officer
2. Director Assets and Sustainable Development
3. Manager Sustainable Development
4. Customer Services Officers (Sustainable Development).

### CURRENT DESIGNATED PERSONS – SECTION 230

For granting an extension of time for the payment of infringements:

1. Chief Executive Officer
2. Director Corporate and Community Services
3. Manager Sustainable Development

### CURRENT DESIGNATED PERSONS – SECTION 231

For the withdrawal of infringement notices:

1. Chief Executive Officer
2. Director Corporate and Community Services

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## RECORDING REQUIREMENTS

Any action under this delegation or appointments must be in writing and be retained in the relevant assessment file.

A copy of the infringement notice must be retained in the relevant assessment file and copied to the Finance & Administration Directorate for Sundry Debtor Control.

AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017

## **DEVELOPMENT ASSESSMENT PANEL**

- DELEGATION NUMBER - **D100604**
- LEGISLATIVE POWERS - Planning & Development Act 2005; and  
- Planning & Development (Development Assessment Panels Regulations 2011, Regulation 12
- AUTHORISED OFFICERS - Chief Executive Officer  
- Director Assets and Sustainable Development
- ACTIVITY - Town Planning & Regional Development

The Chief Executive Officer or the Director Assets and Sustainable Development are authorised to submit Responsible Authority Reports to the Development Assessment Panel, pursuant to Regulation 12 of the Planning & Development (Development Assessment Panels) Regulations 2011.

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## **RECORDING REQUIREMENTS**

Relevant Assessment File.

AMENDED by Res: 110715 / 7 July 2015

## TOWN PLANNING –STRATA TITLE

DELEGATION NUMBER	-	<b>D100606</b>
LEGISLATIVE POWERS	-	Planning & Development Act 2005  Instrument of Delegation - Gazetted 9 June 2009. pg 1936.
DELEGATE	-	Director Assets and Sustainable Development Manager Sustainable Development Senior Town Planner Town Planner
ACTIVITY	-	Town Planning & Regional Development

Pursuant to section 16 of the Planning & Development Act 2005, the Western Australian Planning Commission (WAPC) resolved 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 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) proposed 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.

For the purposes of this delegation, the Shire of Denmark authorises the following Officers;

- Director Assets and Sustainable Development
- Manager Sustainable Development
- Senior Town Planner
- Town Planner

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## RECORDING REQUIREMENTS

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.

ADDED by Res: 271119 / 19 November 2019

## APPLICATIONS FOR DEVELOPMENT ON CROWN LAND MANAGED BY THE SHIRE

DELEGATION NUMBER	-	<b>D100607</b>
LEGISLATIVE POWERS	-	Planning & Development Act 2005 Instrument of Authorisation dated 2 June 2016
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Minister for Lands has authorised the Chief Executive Officer to perform the powers described in Column 1 (below) of the Schedule subject to the conditions listed in Column 3 of the Schedule (refer Synergy Record ICR16640469).

### SCHEDULE

#### Column 1

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

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose: or

the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,

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

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

#### Column 2

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:

Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme).

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



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## **RECORDING REQUIREMENTS**

Appropriate Assessment File

ADDED by Res: 271119 / 19 November 2019

## PEACEFUL BAY HOLIDAY COTTAGE FULL TIME OCCUPANCY APPROVALS

DELEGATION NUMBER	-	<b>D100605</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer is delegated authority to approve full time occupancy on a case by case basis, for a total maximum of 40 (20%) of the 203 leaseholds at Peaceful Bay, subject to the following conditions being imposed on each approval;

### CONDITIONS

- (1) Advice to the applicant that Peaceful Bay leasehold area is first and foremost a holiday community and that the collective amenity expectations of the holiday leaseholders should take precedence over those of full time occupancy approval holders.
- (2) Advice to the applicant that full time occupancy recipients have an obligation to make a positive contribution to the Peaceful Bay Community.
- (3) That Peaceful Bay leasehold area fulltime occupancy approvals are to:
  - a) Be limited to a maximum 5 year period (noting the common expiry in part 3b) and considered on a case by case basis taking into account the suitability of the property for fulltime occupancy and the social, environmental and public health factors that will be associated with that approval when considered in context with the other approvals that have already been issued;
  - b) All have a common expiry date of the 30 June 2022 so that they can be renewed as a block which will allow consideration of their social, environmental and public health impacts on the Peaceful Bay community.
  - c) Be issued to the parties that apply rather than to a premises;
  - d) Be made by the lessee(s) or endorsed in writing by them;
  - e) Be non transferable and expire on the cessation of the lease or the sale of the property and;
  - f) Be able to be renewed for a further term at Council's discretion.
- (4) Payment of the scheduled fee that applies from time to time.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.*

### **RECORDING REQUIREMENTS**

Relevant Assessment File.

*Refer also to Council Policy P100609 – Peaceful Bay Holiday Cottage Full Time Occupancy Approvals.*

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

ADDED by Res: 320512 / 22 May 2012

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 050917 / 19 September 2017

### **OTHER COMMUNITY AMENITIES – 1007**

## RECREATION & CULTURE - 11

### PUBLIC HALLS, CIVIC CENTRES - 1101

#### COUNCIL FACILITIES - HIRE FEES - COMMERCIAL / NON COMMERCIAL DETERMINATION

DELEGATION NUMBER	-	<b>D110101</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Public Halls, Civic Centres

For the purposes of establishing hire charges for Council facilities, the Chief Executive Officer is delegated authority to determine whether an activity is “commercial” or “non-commercial” in nature.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Corporate and Community Services and the Manager Community Services.*

#### RECORDING REQUIREMENTS

Approval of application to hire venue.

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

Note: Council’s adopted Fees & Charges Schedule.

AMENDED by Res: 110715 / 7 July 2015

## LOCAL LAW - LOCAL GOVERNMENT PROPERTY

DELEGATION NUMBER	-	<b>D110201</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Delegates listed for the purpose of s.9.10 of the Local Government Act 1995, as per Delegation D050305
ACTIVITY	-	Swimming Areas & Beaches

The Delegates authorised for the purposes of Section 9.10 of the Local Government Act 1995 and listed under Delegation D050305, are delegated authority to exercise all of the local government's powers/duties, and the Council's powers/duties, contained in the Local Law relating to Local Government Property, with the exception of the following powers/duties:

- a) The setting of any fee or charge.
- b) The power to make a determination in accordance with clauses 2.1 and 2.2.
- c) The power to amend or revoke a determination in accordance with clause 2.6.
- d) The power to issue a permit for the erection of a building on local government property (refer clause 3.13 (1) (l) where ownership of the materials is transferred to the permit holder, not being the Council (refer clause 3.7).
- e) Where a clause of the local law refers to conditions that may be imposed on a permit or which are to be taken as being imposed on a permit, the clause does not limit the delegated power to impose other conditions on the permit.

### CURRENT AUTHORISED PERSONS

The following members of the Denmark Surf Life Saving Club are authorised with respect to Clause 5.2 (1) of the Shire of Denmark Property Local Law in relation to a beach.

1. Life Guards employed by the Shire of Denmark from time to time.

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Permits and correspondence on relevant file(s).

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 110617 / 20 June 2017

AMENDED by Res: 20 November 2018 / 071118

**SWIMMING AREAS & BEACHES - 1102**

**OTHER RECREATION & SPORT - 1103**

## RECREATION CENTRE (DENMARK) - REFUNDS

DELEGATION NUMBER	-	<b>D110301</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Recreation & Sport

The Chief Executive Officer is delegated authority to refund unused portions of pre-paid membership fees where "exceptional circumstances" (such as sickness, relocation out of the District, injury) warrant such refund.

### CONDITIONS

The refund is to be made in accordance with Council Policy P110303 ~~which states;~~

~~"The Shire of Denmark recognises that individual's circumstances over time do change unexpectedly and payments made in advance for term memberships offered by the Denmark Recreation Centre for access to gym facilities, should be refundable pro rata, where circumstances (such as long term sickness, relocation out of the District, injury) warrant this action.~~

~~"Where a membership holder seeks a refund of an unused portion of a current membership fee paid for access to the Denmark Recreation Centre Gym, that this be refunded pro rata at the discretion of the Chief Executive Officer following receipt of a written request received within one (1) month of cessation of use, which outlines the circumstances leading to the request being made. Refunds will only be made for complete months of the unused portion of the fee paid and a minimum pro rata period of 2 months shall apply."~~

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Manager of Recreation Services.*

### RECORDING REQUIREMENTS

A letter of advice of refund is to be recorded with cheque or EFT remittance and on central records.

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

ADDED by Res: 370/07 / 16 OCTOBER 2007

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

**AMENDED by Res: XXX/XXX**

## RECREATION CENTRE FREE PASSES

DELEGATION NUMBER	-	<b>D110302</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Recreation & Sport

The Chief Executive Officer is delegated authority to issue up to \$200 value of free passes per annum to users / potential users of the Denmark Recreation Centre programs for program promotional purposes.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Manager of Recreation Services.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Sufficient record of passes issued are to be kept enabling Centre staff to follow up and seek feedback as well as establishing if such promotion adds to more permanent long term users of the Centre and its programs.

ADDED by Res: 365/07 / 16 OCTOBER 2007  
AMENDED by Res: 20 November 2018 / 071118

**TELEVISION & RADIO RE-BROADCASTING - 1104**

**LIBRARIES - 1105**

**HERITAGE - 1106**

**OTHER CULTURE - 1107**

## TRANSPORT - 12

### STREETS, ROAD, BRIDGES, DEPOTS - 1201

#### TEMPORARY CLOSURE OF THOROUGHFARES TO VEHICLES

DELEGATION NUMBER	-	<b>D120101</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depot

The Chief Executive Officer is delegated authority to give the necessary notices and take all appropriate actions to temporarily close any thoroughfare for any period not exceeding 4 weeks. The Chief Executive Officer, in exercising this delegated authority, shall observe the requirements of Section 3.50 and 350A of the Local Government Act.

#### CONDITIONS

Any proposal to close a thoroughfare for any period exceeding 4 weeks shall be referred to Council for determination.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

#### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Details of request, advertising and decision to be included in subject road file.

AMENDED by Res: 110715 / 7 July 2015

## EVENTS ON ROADS

- DELEGATION NUMBER - **D120102**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to determine applications under Regulation 4 of the Road Traffic (Events on Roads) Regulations 1991 for the temporary closure of roads for the purpose of conducting events.

### CONDITIONS

The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Details of event, application for road closure and approval for road closure to be in writing and filed on the subject road file.

AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017



## ROAD CLOSURES (PERMANENT)

DELEGATION NUMBER	-	<b>D120103</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

Where an application is received for the permanent closure of any road in the district, the Chief Executive Officer is delegated authority to initiate the process by seeking comment from affected landowners, service authorities, land conservation district committees, etc and advertising the proposal for public comment for a minimum period of 35 days as per section 58 of the Land Administration Act 1997. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal but is simply seeking comment to assist in determining whether to proceed further with the closure, or not.

When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit details to Council for formal consideration.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Applications to be in writing and copies of advertisements and application to be included in the appropriate road file.

AMENDED by Res: 110715 / 7 July 2015

## TREES - REMOVAL

DELEGATION NUMBER	-	<b>D120104</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to authorise the removal of any tree within any road reserve or crown reserve where such road or reserve is under the care, control and maintenance of the Council. This delegated authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, structurally dangerous or is creating a traffic hazard by restricting the vision of motorists. This delegation to remove trees may also be exercised when removal of the tree/s is needed due to pending roadworks however in these instances the Chief Executive Officer need not obtain technical advice regarding the condition of the tree/s.

The Chief Executive Officer, prior to exercising this delegation shall consult with interest groups active in or associated with the area and any two Ward Councillors for the area and comply with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Details of reasons for removal, condition of tree/s and method of removal to be recorded on appropriate files.

AMENDED by Res: 110715 / 7 July 2015

## ROAD TRAINS - EXTRA MASS PERMITS

DELEGATION NUMBER	-	<b>D120105</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to determine any application recommending approval or refusal, with or without conditions, for referral to Main Roads WA to use road trains and for extra mass permits on any local road within the district. The Chief Executive Officer shall have regard to any Council policy on the issue that may be established from time to time.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Applications and approval/refusal to be in writing and a copy of correspondence to be included on the subject road file.

## TRAFFIC REGULATORY SIGNS

DELEGATION NUMBER	-	<b>D120106</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to make application to Main Roads WA for approval to install stop and give-way signs at such places as the Chief Executive Officer considers warranted and, on receipt of the necessary approval, arrange to have the signs erected in accordance with the provisions of the approval.

The Chief Executive Officer is further delegated authority to arrange installation of “school bus stop” signs and other appropriate traffic regulatory signs at such places as the Chief Executive Officer considers necessary.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Requests to be in writing and copies of all correspondence are to be included on subject road file.

## **GATES ACROSS PUBLIC THOROUGHFARES**

DELEGATION NUMBER	-	<b>D120108</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to determine applications for permission to erect gates or other devices across public thoroughfares under Council control or management to enable traffic to pass across the public thoroughfare and prevent livestock from straying. This authority relates to all of the provisions of Regulation 9, Local Government (Uniform Local Provisions) Regulations 1996.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager Sustainable Development.*

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Gate Permit Register.

Refer to Council's adopted Fees & Charges Schedule for the relevant fees.

## LAND RESUMPTION

DELEGATION NUMBER	-	<b>D120109</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to take appropriate action to acquire any privately owned land that is required for the realignment of road reserves to accommodate the implementation of Council's annual road works program. The Chief Executive Officer may offer the landowner, as compensation, the valuation as determined by the Valuer General plus an amount of 10% but shall have due regard to the provisions made for the resumption of land in Council's Budget.

The Chief Executive Officer is further delegated authority to negotiate arrangements with affected landowners whereby the Council may carry out works to the valuation of any compensation payable.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Formal land resumption documentation.

## **DANGEROUS EXCAVATION IN OR NEAR PUBLIC THOROUGHFARE**

- DELEGATION NUMBER - **D120110**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to take all appropriate action in accordance with Local Government (Uniform Local Provisions) Regulation No 11 to remove, or have removed, any dangerous excavation in a public thoroughfare or land adjoining a public thoroughfare.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.*

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### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

All notices to be in writing with a copy of such notice included on the relevant public thoroughfare file.

## CROSSOVERS

DELEGATION NUMBER	-	<b>D120111</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to:

1. Determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant. The CEO in exercising this delegation shall take into account any policy of Council relating to crossovers that may, from time to time, be put in place.
2. Give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

This delegated authority relates to all of the provisions of Local Government (Uniform Local Provisions) Regulations 1996, Regulation numbers 12 to 16 inclusive.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Application for Crossover Form.

Notices in writing with copies filed on appropriate property files.



**PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND**

- DELEGATION NUMBER - **D120112**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to give the required notices as specified in Section 3.51(3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place onto adjoining land.

Further, the Chief Executive Officer is delegated authority to consider any submissions received and proceed with the proposal if no objection is received.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

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**RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Required notices to be in writing with a copy on the subject road file.

## **PUBLIC THOROUGHFARES – PUBLIC USE AND PLANS**

DELEGATION NUMBER	-	<b>D120113</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to:

- (1) Ensure that public thoroughfares are kept open for public use as required under Section 3.53(2) of the Act.
- (2) In fixing or altering the level of, or the alignment of a public thoroughfare, ensure that access by vehicle to land adjoining the thoroughfare can be reasonably provided. (*Reference Section 3.52(3)*).
- (3) Keep plans of the levels and alignments of public thoroughfares that are under Council's control or management and make those plans available for public inspection. (*Reference Section 3.52(4)*).

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Appropriate plans.

## TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY (WORKS)

DELEGATION NUMBER	-	<b>D120115</b>
LEGISLATIVE POWERS	-	Road Traffic Code 2000
	-	Road Traffic Act 1974
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depot

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads has authorised the Chief Executive Officer of the local government to 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 terms and conditions set out in the Instrument of Authorisation dated 17 July 1975.

*Pursuant to Part (b) of the Instrument of Authorisation the Shire of Denmark has developed a Protocol and Procedures which relate. Refer [Appendix 1](#).*

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

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## RECORDING REQUIREMENTS

Details recorded within the Traffic Management Plan & filed on the relevant road file.

Instrument of Authorisation Schedule – see File ENG.11 & the original filed in Council's Strong Room under Licences.

## TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY (EVENTS)

DELEGATION NUMBER	-	<b>D120116</b>
LEGISLATIVE POWERS	-	Road Traffic Code 2000 Road Traffic Act 1974
AUTHORISED PERSON	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depot

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads has authorised the Chief Executive Officer of the local government to 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;

1. “event” subject to an order from the Commissioner of Police pursuant to Part VA of the Road Traffic Act 1974;
2. 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
3. Public meeting or procession the subject of a permit granted by the Commissioner of Policy 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 terms and conditions set out in the Instrument of Authorisation dated 18 July 2007.

*Pursuant to Part (b) of the Instrument of Authorisation the Shire of Denmark has developed a Protocol and Procedures which relate. Refer [Appendix 1](#).*

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Manager of Technical Services.*

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## RECORDING REQUIREMENTS

Details recorded within the Traffic Management Plan & filed on the relevant road file.

Instrument of Authorisation Schedule – see File ENG.11 & the original filed in Council’s Strong Room under Licences.

## ROAD PLANT PURCHASES - 1202

## PARKING FACILITIES - 1203

### LOCAL LAW - PARKING & PARKING FACILITIES

DELEGATION NUMBER	-	<b>D120301</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Delegations listed for the purpose of s9.10 of the Local Government Act 1995, as per Delegation D050305
ACTIVITY	-	Parking Facilities

The Delegates authorised for the purposes of Section 9.10 of the Local Government Act 1995 and listed under Delegation D050305, are delegated authority to exercise all of the following powers/duties of the local government as are contained in the Local Law relating to Parking and Parking Facilities,:

1. Authorise persons to drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose. (Refer clause 3.16)
2. Prohibit or regulate by signs or otherwise the parking of any vehicle or class of vehicles in any part of the parking region (Refer clause 3.1).
3. Grant approval for the exhibition, removal or other treatment of signs in accordance with clause 4.2.
4. Grant approval to leave a vehicle, or part of a vehicle, in a public place in a manner that obstructs the use of any part of the public place. (Refer clause 4.6(1))

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### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Written notice.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## TRAFFIC CONTROL (VEHICLE LICENSING) - 1204

### ROAD TRAFFIC (ADMINISTRATION) ACT 2008 – PRESCRIBED PERSONS

DELEGATION NUMBER	-	<b>D120401</b>
LEGISLATIVE POWERS	-	Road Traffic (Administration) Regulations 2014 (Regulation 7 (2) (n))
PRESCRIBED PERSONS	-	Chief Executive Officer Senior Ranger Ranger
ACTIVITY	-	Traffic Control (Vehicle Licensing)

Pursuant to Regulation 7 (2) (n) of the Road Traffic (Administration) Regulations 2014 the Chief Executive Officer can nominate local government employees as *prescribed officers* for the purpose of requesting information on an ad hoc basis from the Department of Transport, Driver and Vehicles Services (DVS), Release of Information (ROI) Section via email.

#### CONDITIONS

The information disclosed to the nominated persons will only be used in connection with the administration of the Acts and Regulations specifically the – Local Government Act 1995 – Parking & Parking Facilities Local Law, Local Government Property Local Law, Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law and Caravan Parks and Camping Grounds Act 1995, Cemeteries Act 1986 and Cemeteries Local Law, Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997, Litter Act 1979 and Bush Fires Act 1954 administered by the Shire of Denmark. The information provided by the Department of Transport cannot be used for a purpose other than the authorised purpose for which it was disclosed.

#### CURRENT PRESCRIBED PERSONS

Pursuant to Regulation 7 (2) (n) of the Road Traffic (Administration) Regulations 2014, the Chief Executive Officer hereby nominates the following employees as prescribed officers;

1. Director Assets and Sustainable Development;
2. Senior Ranger; and
3. Ranger

#### **RECORDING REQUIREMENTS**

Details of actions taken under this Authorisation are to be retained on the appropriate file or record.

Prescribed Officers need also to be authorised under section 9.10 of the Local Government Act 1995, refer Delegation D050305.

Refer File AGR.19 and Synergy Record IAGR197905 for related procedures.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

## AERODROMES - 1205

## WATER TRANSPORT FACILITIES – 1206

## ECONOMIC SERVICES - 13

### RURAL SERVICES - 1301

#### LOCAL LAW - PEST PLANTS

DELEGATION NUMBER	-	<b>D130101</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Rural Services

The Chief Executive Officer is delegated authority to exercise all of the Council's powers contained in the Council's Local Law – Pest Plants, published in the Government Gazette on 25 June 1997.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development, the Senior Ranger and the Ranger.*

#### RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Public advertising and notices in writing as appropriate.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 20 November 2018 / 071118

**PEACEFUL BAY HOLIDAY COTTAGE LEASES - ASSIGNMENT**

- DELEGATION NUMBER - **D130201**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer  
- Shire President
- ACTIVITY - Tourism & Area Promotion

The Chief Executive Officer and the Shire President are jointly ~~is~~ delegated authority to approve the assignment ~~and/or mortgage~~ of Peaceful Bay Holiday Cottage Leases.

The Chief Executive Officer is delegated authority to approve the mortgage of a Peaceful Bay Holiday Cottage Lease.

**CONDITIONS**

The delegation is granted on the basis that if the Chief Executive Officer is not prepared to support an assignment the matter is referred to Council for determination.

The application for lease assignment should include a site plan indicating all buildings and the type, size and location of all existing effluent disposal systems.

An inspection will be carried out to confirm the above information and to identify any building maintenance, health, safety or other works required to be addressed prior to or as part of the assignment and a fee for this service will be charged based on an average assessment and as per adopted in the Council's annual budget. Officers will endeavour to combine inspections with other routine duties to reduce inspection fees whenever possible.

Any substandard or failing effluent disposal systems must be upgraded to the satisfaction of Council's Principal Environmental Health Officer and in compliance with State legislation before the lease will be assigned.

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**RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Copy of form T3C (Transfer of Mortgage Charge or Lease) with consent to transfer filed on the relevant property file.

AMENDED by Res: 110715 / 7 July 2015

**AMENDED by Res: XXX / XXX**



## PEACEFUL BAY & RIVERMOUTH CARAVAN PARK LEASES

- DELEGATION NUMBER - **D130202**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Tourism & Area Promotion

The Chief Executive Officer and Shire President jointly are ~~is~~ delegated authority to approve the assignment ~~and/or mortgage~~ of the Peaceful Bay Caravan Park Lease and Rivermouth Caravan Park Leases.

The Chief Executive Officer is delegated authority to approve the mortgage of the Peaceful Bay Caravan Park Lease and Rivermouth Caravan Park Lease.

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

~~Copy of assignment document.~~ Documentation to be kept in accordance with the State Record Keeping Act and the Shire's Record Keeping Plan.

## **PARRY BEACH FISHERMAN'S LEASE AREA – ADDITIONAL CARAVANS**

DELEGATION NUMBER	-	<b>D130203</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Tourism & Area Promotion

The Chief Executive Officer is delegated authority to approve the use of two additional caravans on the Parry Beach Fisherman's Lease area.

### **CONDITIONS**

The delegation is granted on the basis that approval is on an annual basis and if the Chief Executive Officer is not prepared to approve the additional use, the matter is referred to Council for determination.

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### **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Correspondence in lease document file.

AMENDED by Res: 110715 / 7 July 2015

## CARAVAN PARKS AND CAMPING GROUNDS - APPOINTMENT OF AUTHORISED PERSONS

DELEGATION NUMBER	-	<b>D130204</b>
LEGISLATIVE POWERS	-	Caravan Parks & Camping Grounds Act 1995 (Section 17)
AUTHORISED PERSONS	-	Chief Executive Officer - Director Corporate and Community Services - Director Assets and Sustainable Development - Principal Environmental Health Officer - Senior Ranger - Ranger -
ACTIVITY	-	Tourism & Area Promotion

Section 17 states –

1. The chief executive officer of the Department or a local government —
  - a) may appoint such persons to be authorised persons for the purposes of this Act as the chief executive officer or the local government considers necessary; and
  - b) must issue each person appointed under paragraph (a) with an identity card, in the prescribed form, certifying that the person is an authorised person under this Act.
2. An authorised person is to produce the identity card referred to in subsection (1)(b) whenever required to do so by any person in respect of whom the authorised person has exercised, or is about to exercise, any of the powers of an authorised person under this Act.
3. Production of an identity card referred to in subsection (1)(b) is *prima facie* evidence that the person to whom the identity card relates is an authorised person for the purposes of this Act.
4. Every member of the Police Force is, if so requested by an authorised person, to aid and assist the authorised person enforcing compliance with this Act and has, while so aiding and assisting, all the powers and authorities of an authorised person.

### CURRENT AUTHORISED PERSONS

The Council appoints for following authorised persons for the purposes of Division 1 of Part 2 and Sections 22 & 23 (2) of the Act, Enforcement & Issuing of Infringements;

- Director Corporate and Community Services
- Director Assets and Sustainable Development
- Principal Environmental Health Officer
- Senior Ranger
- Ranger

For the purposes of Sections 23 (3), (5) and (7) of the Act, with respect to extensions and withdrawal of infringements.

- Chief Executive Officer

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### **RECORDING REQUIREMENTS**

Identify Card in prescribed form to be issued to authorised persons. Each person who is authorised to give infringement notices under this section is to produce the certificate whenever required to do so by a person to whom he or she has given or is about to give an infringement notice.

Pursuant to Section 23 (3) an Infringement Notice to be in prescribed form.

Withdrawal of Infringement to be in prescribed form.

ADDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 201  
AMENDED by Res: 20 November 2018 / 071118

**BUILDING CONTROL - 1303**

## **BUILDING PERMIT FEES - REFUNDS & EXEMPTIONS**

DELEGATION NUMBER	-	<b>D130308</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to determine applications for the refund of building permit fees where a building project is abandoned after issue of the building permit. Any refund shall not exceed 50% of the building permit fee paid and no refund is to be made when the building project is abandoned after the expiry of 12 months from the date of issue of the permit.

The Chief Executive Officer is further delegated authority to determine any applications from sporting, charitable and other community groups for exemption from payment of any building permit fees in accordance with Council Policy P100606.

### **CONDITIONS**

This delegation applies only to that part of the Building Permit Fee retained by Council and not to that part collected as a Building Industry Training levy.

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## **RECORDING REQUIREMENTS**

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Notation on Building Permit and Chief Executive Officers' Donations Register.

Note also Organisation Procedure Manual OP040239.

AMENDED by Res: 110715 / 7 July 2015  
AMENDED by Res: 130717 / 18 July 2017

## LOCAL LAW - FENCING

DELEGATION NUMBER	-	<b>D130309</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to exercise all of the following powers/duties of the local government as are contained within the Local Law relating to Fencing, published in the Government Gazette on the 29<sup>th</sup> May 2001:

- a) Exercise the general discretion of the local government in relation to the erection or repair of a fence that does not comply with the requirements of the local law. (Refer clause 10)
- b) Approve or refuse applications for a licence to have and use an electrified fence and to have a fence constructed wholly or partly of razor wire. (Refer clause 13)
- c) Cancel a licence as provided for under clause 15.
- d) Issue a 'notice of breach' and take other actions in accordance with clause 16.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development and the Principal Building Surveyor.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Correspondence on relevant assessment files.

AMENDED by Res: 110715 / 7 July 2015

## **BUILDING STRUCTURES ON COUNCIL LAND**

DELEGATION NUMBER	-	<b>D130311</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to authorise development applications, lodged by Council, Council Staff, external individuals, businesses or organisations, for proposed construction of new or significant alterations to **building** structures on Council land, on behalf of Council as the owner of the land.

This approval is required prior to formal assessment of the Development Application by Planning Staff and thereafter the Development Control Unit (DCU). Any development can only commence once planning and building approvals are in place in accordance with conditions and all relevant fees are paid/journalled pursuant to Council Policy P100606 (Payment of Planning & Building Fees by Not For Profit Community Organisations).

### **CONDITIONS**

- a) This delegation relates to minor development applications, with all major developments to be referred to Council for Council consideration. Examples of minor development would include gazebos, verandahs, sheds and fences. Examples of major development would include extensions, new buildings and significant renovations.
- b) The Chief Executive Officer has the authority of Council to determine what may be considered significant, major or minor, as applicable to this delegation.

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### **RECORDING REQUIREMENTS**

Section 5.46 (3) – Local Government (Administration) Regulation No. 19

Relevant Assessment File.

Note Organisation Procedure OP040239.

AMENDED by Res: 110715 / 7 July 2015

## **BUILDING ACT 2011**

DELEGATION NUMBER	-	<b>D130312</b>
LEGISLATIVE POWERS	-	Building Act 2011 (Section 127) & Building Regulations 2012
DELEGATE	-	Chief Executive Officer
	-	Principal Building Surveyor
	-	Building Surveyor
	-	Customer Service Officer (Sustainable Development)
ACTIVITY	-	Building

That, in accordance with various sections (individually listed below) of the Building Act 2011 the Chief Executive Officer (CEO), the Principal Building Surveyor (PBS), Building Surveyor (BS) and Customer Service Officers (CSO – Sustainable Development) have, in their individual right, delegated authority to perform the following functions in relation to building matters (the acronym in brackets following each part relates to whom the delegation is applicable).

Please refer to the relevant section of the Building Act 2011 for determination of any additional details of each delegation.

- Section 20 – Grant of Building Permit (CEO, PBS & BS).
- Section 21 – Grant of Demolition Permit (CEO, PBS & BS).
- Section 22 – Refuse an application for Building or Demolition Permit (CEO & PBS).
- Section 27 (1) and (3) – Impose conditions, add, vary or revoke conditions imposed on a Building or Demolition Permit (CEO, PBS & BS).
- Section 53 (1) of the Building Regulations – Inspections of Swimming Pool Enclosures (PBS & BS)
- Section 55 – Seek further information to enable determination of an application for a Building or Demolition Permit (CEO, PBS & BS).
- Section 58 – Grant an Occupancy Permit and Building Approval Certificate (CEO, PBS & BS).
- Section 62 (1) & (3) – Impose conditions on Occupancy Permit and a Building Approval Certificate and impose conditions or add, vary or revoke conditions imposed (CEO, PBS & BS).
- Section 65 (4) – Extend the period during which an Occupancy Permit or Building Approval Certificate has effect (CEO, PBS & BS).
- Section 88 (3) – Finishes of walls close to boundaries. Impose a condition or make a building order in respect in which an outward facing side of a particular close wall as defined in the Act must be finished (CEO, PBS & BS).
- Section 93 (2) – Authorised Persons – changing building standards, requirements, as to existing buildings (Nil)
- Section 96 (3) – Authorised Persons. Designate an employee as an authorised officer (CEO).
- Section 110 (1) – Issue of Building Orders (CEO, PBS & BS).

- Section 111 (1) – Notice of Proposed Building Orders. Issue of Notice of Proposed Building Orders (CEO, PBS & BS).
- Section 117 – Revoke Building Orders (CEO, PBS & BS).
- Section 118 – Give effect to Building Order if non compliance exists (CEO, PBS & BS)
- Section 131 (2) – Inspection and copies of Building Records. Permit inspections or provide a copy of Building Records (CEO, PBS, BS & CSO).
- Section 133 (1) (b) – Prosecution for an offence (CEO).
- Section 140 (2) – Certification of permits or building approval certificates (CEO & PBS).
- Regulation 70 (2) – Issuing Infringements (PBS & BS)
- Regulation 70 (1) – Withdrawing of Infringements (CEO)

#### **AUTHORISED PERSONS**

The CEO designates the following employees as authorised officers, pursuant to Section 96 (3);

1. Chief Executive Officer;
2. Director Assets and Sustainable Development;
3. Senior Town Planner; and
4. Principal Building Surveyor.

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#### **RECORDING REQUIREMENTS**

Recording of the determination or decision on the relevant Building Permit or Assessment File.

Delegations must be in writing pursuant to Section 127 (4) of the Act.

Authorised Persons must be issued with an identity card in accordance with Section 97 of the Act and a Certificate of Appointment, pursuant to Regulation 70 (3) of the Building Regulations 2012.

ADDED by Res: 070412 / 10 April 2012

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: 130717 / 18 July 2017

AMENDED by Res: 20 November 2018 / 071118

**SALEYARDS & MARKETS - 1304**

**PLANT NURSERIES - 1305**

**ECONOMIC DEVELOPMENT - 1306**

**PUBLIC UTILITY SERVICES - 1307**

**OTHER ECONOMIC SERVICES - 1308**



## LOCAL LAW - EXTRACTIVE INDUSTRIES

DELEGATION NUMBER	-	<b>D130801</b>
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Economic Services

The Chief Executive Officer is delegated authority to exercise all of the local government's powers/duties contained in the Council's Local Law relating to Extractive Industries published in the Government Gazette on the 29<sup>th</sup> May 2001 and Extractive Industries Amendment Local Law published in the Government Gazette on 9<sup>th</sup> August 2005, with the exception of the following specific powers/duties:

- The setting of any fee or charge.
- The cancellation of any licence as provided for in clause 4.2.
- The setting of, or the use of, any secured sums referred to in Part 5.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director Assets and Sustainable Development.*

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## RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.

Council Policy, permits, correspondence on assessment files.

**OTHER PROPERTY & SERVICES - 14**

**PRIVATE WORKS - 1401**

**ADMIN OVERHEADS - 1402**

**PUBLIC WORKS OVERHEADS - 1403**

**PLANT OPERATION COSTS - 1404**

**SALARIES & WAGES - 1405**

**BUSINESS UNIT OPERATIONS - 1406**

**UNCLASSIFIED - 1407**

**TOWN PLANNING SCHEMES - 1408**

## Appendix 1



### Shire of Denmark

953 South Coast Highway (PO Box 183), Denmark WA 6333

Ph: (08) 9848 0300 Fax: (08) 9848 1985

Email: [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au)

Website: [www.denmark.wa.gov.au](http://www.denmark.wa.gov.au)

## Administrative Protocol: Traffic Management for Works on Roads

<b>Status</b>	Administration
<b>Responsible Division</b>	Infrastructure Services
<b>Objective</b>	Ensure the safety of all workers and road users in line with safe system principles; by Establishing uniform procedures for reviewing and authorising traffic management at work sites ensuring compliance with conditions given in the Instrument of Authorisation.

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### Context

This protocol recognises that in accordance with the *Road Traffic Code 2000* (the Code): Regulation 297(2), Instrument of Authorisation (IoA) issued to the Shire of Denmark by the Commissioner (the Commissioner) of Main Roads Western Australia (MRWA), the Shire of Denmark is obliged to develop and implement traffic management procedures that will satisfy the Commissioner, that work on roads within the Shire of Denmark will always comply with the “Traffic Management for Works on Roads Code of Practice”.

### Statement

The Shire of Denmark actively supports the MRWA “Traffic Management for Works on Road Code of Practice” (Works Code of Practice) and will conduct its business in such a way as to:

1. Comply with the requirements of the latest amendment to the Works Code of Practice AND AS1742.3 for all work within the road reserve undertaken by the Shire of Denmark and its agents;
2. Authorise other parties not subject to an IoA to implement roadworks traffic management within their jurisdiction. Prior to and after authorisation is given, the Shire of Denmark shall ensure that the traffic management is in accordance with the “Works Code of Practice”.
3. Recognise that it has a duty of care under the Occupational Safety and Health Act 1984 to provide and maintain a safe place of work for its employees, consultants, agents and contractors to ensure that persons who have access to the workplace including road users are not exposed to hazards.
4. Ensure that a generic or specific (dependant on situation) traffic management plan (TMP) has been prepared for all works within the road reserve that require traffic management.
5. Keep a record of the traffic management plans and in particular the sign and device arrangement and any changes to such during the works for a period of seven (7) years from the date of completion of the works.
6. Ensure operational road works traffic management tasks are only undertaken by persons who are accredited or are directly managed onsite by a person with MRWA - Basic Worksite Traffic Management accreditation. Where persons are controlling traffic they shall have MRWA – Traffic controller accreditation.
7. Ensure that appropriate training is given to allow for the preparation, modification, review and recommendation of TMP's for roadworks sites.

## **Related documentation**

Main Roads Western Australia Instrument of Authorisation for Works.

Main Roads Western Australia Traffic Management for Works on Roads Code of Practice.

Australian Standard AS 1742.3 Manual of Uniform Traffic Control Devices, Part 3 Traffic Control for Works on Roads.

AS/NZS ISO 31000 – Risk Management – Principles and Guidelines

Traffic Controllers' Handbook.

## **Related local law and legislation**

*Local Government Act 1995*

*Local Government (Uniform Local Provisions) Regulations 1996*

*Main Roads Act 1930*

*Occupational Safety and Health Act 1984*

*Road Traffic Act 1974*

*Road Traffic Code 2000*

*Thoroughfares Local Law*

## **Issued**

Approved by Executive 18/08/2015

## **Amendments**

Nil

## **Procedure: Traffic Management for Works on Roads**

### **Overview**

Any party undertaking work within the Shire of Denmark shall assess the need for a Traffic Management Plan (TMP). The Shire of Denmark shall check the assessment to ensure a TMP has been provided where required. Where a TMP is required the Shire of Denmark shall ensure that the TMP adequately provides for the safety of workers and road users, while maintaining an adequate level of service. All TMP's shall be prepared, reviewed and implemented by a person holding appropriate Main Roads WA accreditation. This will occur prior to the Shire of Denmark authorising the TMP for implementation.

### **Quality Assurance**

Prior to proceeding with any TMP, requirements for assurance of quality shall be as follows:

1. Personnel
  - a) The person preparing the TMP is Advanced Worksite Traffic Management (AWTM) accredited;
    1. The person reviewing the TMP is Worksite Traffic Management (WTM) or AWTM accredited OR has an equivalent level of knowledge and experience;
    2. The person reviewing the TMP has a Main Roads WA account and is subscribed to Traffic Management updates (go to [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) > My Account)
    3. The person supervising / managing the implementation of the TMP is accredited with Basic Worksite Traffic Management (BWTM).
4. The Traffic Management Plan
  1. The TMP has been checked for suitability. For guidance refer to MRWA Suitability Checklist (<https://www.mainroads.wa.gov.au> >Our Roads>Traffic Management>Plan Preparation>Traffic Management Checklists).
  2. The TMP is appropriate ensuring there are no conflicting works or events at / or near the location.
  3. The Shire of Denmark will occasionally arrange for onsite review of traffic management at roadwork sites ensuring compliance with Works Code of Practice (this include both internal and external works). This will be undertaken by a WTM or AWTM accredited person OR a person with an equivalent level of knowledge and experience.

## **Traffic Management Plan Process**

### *TMP Preparation Process*

1. The TMP preparation shall be carried out in advance of the works and shall allow time needed to carry out consultation, sufficient notification, authorisation and implementation. Projects affecting ratepayers and businesses may require significant consultation and advertising of works.
2. The TMP shall be submitted to the authorising officer for review.

### *TMP Authorisation Process*

1. Authorising officer is to determine if the traffic management scheme is simple or complex in nature (as per section 5.2.2 of Works Code of Practice) and do the following:
  1. Complex –TMP is to be forwarded to a suitably qualified Roadworks Traffic Manager (RTM) for endorsement (RTM to liaise with plan author and authorising officer) prior to road authority authorisation.
  2. Simple – authorising officer to check the TMP for suitability (see section 2 above).
2. Where there is non-compliance, the author is to be contacted with the recommended changes and asked to either:
  1. Check the recommendations and modify the TMP if appropriate; or
  2. Justify the existing plan against the appropriate standards.
3. Once the TMP has been deemed to be suitable by the authorising officer, the TMP will be authorised for implementation by the Chief Executive Officer or their delegate (either by signature on the TMP cover page or by emailing and referencing the TMP number and revision number).

### *Post Implementation Review Process*

To improve traffic management on the network, on-site inspections and operational checks should be performed (where required) once the TMP has been implemented:

1. The onsite inspection is a check of the signs, devices, method statements and workers accreditation applied on site. This should ideally be done by someone holding a Basic Worksite Traffic Management (BWTM) accreditation. This ensures that all traffic management including appropriate after care is being implemented at the correct stage of the works.
2. For complex or long term worksites; an operational check involves an onsite drive through and check of the operation of the traffic management focussing on road efficiency, road user compliance and road safety should be undertaken by the authorising officer or an appropriately trained (WTM/AWTM) independent contractor.

### **Related documentation**

Administrative Protocol – Traffic Management for Works in a Road Reserve.

Main Roads Western Australia Instrument of Authorisation for Works.

Main Roads Western Australia Traffic Management for Works on Roads Code of Practice.

Australian Standard AS 1742.3-2009 Manual of Uniform Traffic Control Devices, Part 3 Traffic Control for Works on Roads.

AS/NZS ISO 31000 – Risk Management – Principles and Guidelines

Traffic Controllers' Handbook.

### **Related local law and legislation**

*Local Government Act 1995*

*Local Government (Uniform Local Provisions) Regulations 1996*

*Main Roads Act 1930*

*Occupational Safety and Health Act 1984*

*Road Traffic Act 1974*

*Road Traffic Code 2000*

*Thoroughfares Local Law*

### **Issued**

Approved by Executive 18/08/2015

## Amendments

Nil

## Definitions

Term	Definition
AS:	Australian Standard
AS/NZS	Australian / New Zealand Standard
Authorising officer	Any Shire of Denmark Officer that is accredited to Advanced Worksite Traffic Management level or has equivalent level of knowledge and experience.
Complex	As defined in section 5.2.2 of the Traffic Management for Works on Roads Code of Practice.
Duty of Care	The legal duty on the part of all employers, employees and others including contractors and consultants who have an influence on the potential hazards in a work site, which requires them to take reasonable care to protect the health and safety of others at the work site including road users who may be at a foreseeable risk of harm.
Party	Any body undertaking works in the road reserve.
Road	For the purpose of this Code has the same meaning as that defined in Main Roads Act
Road reserve	For the purpose of this Code includes the land set aside, gazetted under an enactment or commonly used by the public as a road and all verges, traffic islands, median strips and other provisions associated therein for the conveyance or travel persons but does not include private tenements or freehold land.
Simple	Simple traffic management arrangements are low speed, low impact and short term works for residential roads.
Traffic Control Diagram (TCD):	Detailed drawings depicting the layout and type of traffic control devices to be used for all situations likely to be encountered during the works.
Traffic Management Plan (TMP)	A document containing Traffic Control Diagrams and documentation of project details in regard to traffic management at a work site. The documentation of project details includes, inter alia, responsible personnel, proposed timing of the works, authorisations that have been gained, traffic volume/type details, documentation of risk management and special provisions for specific road user types.

## Repealed Delegations

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### **Delegation D040102 - Financial Reports**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040105 – Annual Report**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040106 – Council and Committee Meetings**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040107 - Public Inspection of Documents - Council and Committee Meetings**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040113 – Awards Committee**

ADDED by Res: 456/07 / 18 DECEMBER 2007

REPEALED by Res: 221011 / 18 October 2011

### **Delegation D040202 - Disputes, Arbitration & Industrial**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040205 - Disposal of Surplus Equipment, Materials, Tools, etc.**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040207 - Telephones (Private) - Use by Employees for Council Business**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040208 - Staff - Conferences, Seminars & Training Courses**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040209 – Vehicles, Use Of**

REPEALED by Res: XXX / XXX

### **Delegation D040210 – Budget Expenditure**

REPEALED by Res: 110715 / 7 July 2015

### **Delegation D040211 - Tenders**

REPEALED by Res: 110715 / 7 July 2015

### **Delegation D040213 - Local Laws**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040215 - Register of Delegations to Committees**

REPEALED by Res: 150709 / 28 July 2009

### **Delegation D040216 - Copies of Information**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D040225 - Salaries**

REPEALED by Res: 241213 / 3 December 2013

### **Delegation D040229 - Business Continuity & Recovery Plan**

REPEALED by Res: 130717 / 18 July 2017

### **Delegation D050106 - Bush Fires Act 1954 – Issuing of Infringement Notice**

REPEALED by Res: 20 November 2018 / 071118

### **Delegation D050107 - Bush Fires Act 1954 – Withdrawal of Infringements**

REPEALED by Res: 20 November 2018 / 071118

**Delegation D050303 – Impounding Goods**

**REPEALED by Res: XXX / XXX**

**Delegation D050304 - Vehicle Offences - Onus of Proof**

REPEALED by Res: 110715 / 7 July 2015

**Delegation D050307 - Spear Guns Control Act 1955 – Appointment of Inspectors**

REPEALED by Res: 130717 / 18 July 2017

**Delegation D070401 - Health Act 1911 – Local Government Appointed Officers**

REPEALED by Res: 130717 / 18 July 2017

**Delegation D070403 - Extended Trading Permits to Sell Packaged Liquor**

REPEALED by Res: 20 November 2018 / 071118

**Delegation D070404 – Grant/Removal of a Liquor Licence – Certificate of Local Government**

REPEALED by Res: 20 November 2018 / 071118

**Delegation D070405 – Grant/Removal of a Liquor Licence – Certificate of Local Planning Authority**

REPEALED by Res: 20 November 2018 / 071118

**Delegation D100204 – Litter Act 1979 – Honorary Inspectors**

**REPEALED by Res: 20 November 2018 / 071118**

**Delegation D110102 - Chair & Trestle Table Hire**

REPEALED 24 August 2010 by Res: 220810

**Delegation D110701 - Applications under Section 18 of the Aboriginal Heritage Act 1972**

REPEALED by Res: 20 November 2018 / 071118

**Delegation D120107 - Contractors - Use On Works**

REPEALED by Res: 110715 / 7 July 2015

**Delegation D120114 - Engineering Standard Drawings**

REPEALED by Res: 110715 / 7 July 2015

**Delegation D120201 - Light Vehicles - Replacement**

REPEALED by Res: 130717 / 18 July 2017

**Delegation D130301 - Notices, Issue of Section 401**

REPEALED by Res: 070412 / 10 April 2012

**Delegation D130302 – Building Licenses**

REPEALED by Res: 070412 / 10 April 2012

**Delegation D130303 – Works, Unlawful**

REPEALED by Res: 070412 / 10 April 2012

**Delegation D130304 – Buildings, Dangerous**

REPEALED by Res: 070412 / 10 April 2012

**Delegation D130305 - Certificates Of Classification**

REPEALED by Res: 070412 / 10 April 2012

**Delegation D130306 - Building - Extension of Time to Complete**

REPEALED by Res: 070412 / 10 April 2012

**Delegation D130307 - Buildings, Removal of Neglected & Dilapidated**

REPEALED by Res: 070412 / 10 April 2012

**Delegation D130310 - Demolition Licenses**

REPEALED by Res: 070412 / 10 April 2012



RECOMMENDED AMENDMENTS TO POLICY P040207

**P040207 COMMON SEAL OF THE SHIRE OF DENMARK**

**COMMON SEAL**



**Objective**

This policy covers the proper use of Council's common seal, on what documents it can be applied and under what circumstances. In addition, the policy streamlines the decision making process relating to the affixation of the seal by not requiring such use to be presented to Council on all occasions when the sealing of a document may be necessary.

**Commented [CT1]:** Remove. This is covered under Delegation D040218.

**Policy**

The Chief Executive Officer is to have charge of the common seal, and ~~it is to be~~ responsible for ~~the its~~ safe custody and proper use ~~of it~~, in accordance with [Delegation D04018](#).

**Commented [CT2]:** Delete

The President and Chief Executive Officer are authorised to sign and affix the common seal to documents where such action is necessary to protect Council's interest, to give effect to a Council resolution, or to complete a legal document.

**Commented [CT3]:** Remove. This is a legislated requirement under Section 9.49A(3) of the Local Government Act 1995.

In the absence of the President and Chief Executive Officer, as the case may be, and the Deputy President and a senior employee authorised by the CEO are authorized to affix the common seal on their behalf.

**Commented [CT4]:** Remove. This is covered under Section 49 of the Interpretation Act 1984.

Details of all transactions where the common seal has been affixed shall be recorded in a register and this is to include the date on which the common seal was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed via the monthly Information Bulletin.

**Commented [CT5]:** Remove. Covered in Delegation D040218 under Recording Requirements (wording improved)

Details of the use of the common seal shall be reported to the Council in the monthly Information Bulletin and the register shall be available for inspection by Councillors upon request to the Chief Executive Officer during normal office hours.

**Commented [CT6]:** The Shire of Denmark ceased producing an Information Bulletin in January 2018.

**Execution of Documents**

It is Council's Policy that, for a document to be validly executed, the common seal is to be affixed to the document and the Shire President and the Chief Executive Officer attest to the affixing of the seal.

**Commented [CT7]:** Remove. Covered under Section 9.49A(3) of the Local Government Act 1995.