



Shire of Denmark
Delegations Register
2009/2010



Adopted by Council – ~~28 July 2009~~ 27 July 2010
Review required ~~July 2010~~ July 2011

Including amendments to ~~April 2010~~ July 2010

Attachment 8.5.1

PREFACE

1. Where the CEO has exercised authority under Section 5.44 of the Local Government Act 1995 and on-delegated a Council power/duty to other employees, details are shown at the foot of each delegation.
2. Where a power or duty has been delegated under the Local Government Act 1995 to the CEO or other employees, details of records are to be kept by delegates, as required under Local Government (Administration) Regulation Section 19, which are detailed on each delegation.
3. All conditions applying to delegations are as specified in the record of the delegation.
- ~~4.~~ 4. All delegations are for an indefinite period of time unless another period of time is specified in the record of the delegation.
- ~~5.~~ 5. All delegations contained in this Register were endorsed by Council on the 28 July 2009, unless another endorsement date is shown on the record of the delegation.
6. A power or duty may be delegated from under any other Act to the CEO or other employees, the details of which are described in the delegation.

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Delegations

LEGISLATION RELATING

LOCAL GOVERNMENT ACT 1995

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor;
or
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47.]

5.44. CEO may delegate powers and duties to other employees

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —

- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and

(b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.

(4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

(5) In subsections (3) and (4) —

(a) “**conditions**” includes qualifications, limitations or exceptions.

[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

(1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —

(a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and

(b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.

(2) Nothing in this Division is to be read as preventing —

(a) a local government from performing any of its functions by acting through a person other than the CEO; or

(b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO's and employees

(1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

(3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

19. Records to be kept by delegates — s. 5.46(3)

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

(a) how the person exercised the power or discharged the duty;

(b) when the person exercised the power or discharged the duty; and

(c) 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.

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**REGISTER OF
DELEGATIONS FROM COUNCIL TO COMMITTEES**

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D070405	Grant or Removal of a Liquor Licence – Certificate of Local Planning Authority	Director of Planning & Sustainability

Road Traffic Code 2000		
DELEGATION NUMBER	DELEGATION	DELEGATED TO
D120115	Traffic Signs & Control Devices Temporary Removal or Alteration	Chief Executive Officer

Public Interest Disclosure Act 2003		
DELEGATION NUMBER	DELEGATION	DELEGATED TO
D040110	Public Interest Disclosure Investigations Officer	Director of Finance & Administration

Freedom of Information Act 1992		
DELEGATION NUMBER	DELEGATION	DELEGATED TO
D040111	Freedom of Information Coordinator	Director of Finance & Administration

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DELEGATION NUMBER	DELEGATION	DELEGATED TO
D040112	Equal Employment Opportunity implementation Officer	Director of Finance & Administration

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DELEGATION NUMBER	DELEGATION	DELEGATED TO
D040114	Citizenship Ceremonies	Chief Executive Officer Shire President Deputy Shire President

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DELEGATION NUMBER	DELEGATION	DELEGATED TO
D050102	Firebreak Order, Variation to	Chief Executive Officer
D050103	Burning, Prohibited & Restrictive Times (Variations)	Chief Executive Officer
D050104	Local Law – Bush Fire Brigades	Chief Executive Officer

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Health Act 1911		
DELEGATION NUMBER	DELEGATION	DELEGATED TO
D070401	Health Act (Deputy)	Principal Environmental Health Officer

Environmental Protection Act 1986		
DELEGATION NUMBER	DELEGATION	DELEGATED TO
D100503	Pollution Abatement	Chief Executive Officer
D100504	Noise Management Plans	Chief Executive Officer

Shire of Denmark Local Planning Strategy (No. 3)		
DELEGATION NUMBER	DELEGATION	DELEGATED TO
D100601	Implementation of Town Planning Scheme	Chief Executive Officer
		Director of Planning & Sustainability
		Senior Management Group

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DELEGATION NUMBER	DELEGATION	DELEGATED TO
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DELEGATIONS

GENERAL PURPOSE FUNDING - 03

RATES - 0301

RATE BOOK

DELEGATION NUMBER	-	D030101
LEGISLATIVE POWER	-	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 of Finance & Administration.

RECORDING REQUIREMENTS

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

Rate Book.

OTHER GENERAL PURPOSE FUNDING - 0302

INVESTMENTS

DELEGATION NUMBER	-	D030201
LEGISLATIVE POWER	-	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 of Finance & Administration.

RECORDING REQUIREMENTS

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

Investments Register [and inclusion in monthly Financial Report to Council](#). |

GOVERNANCE - 04

MEMBERS OF COUNCIL - 0401

DONATIONS

DELEGATION NUMBER	-	D040101
LEGISLATIVE POWER	-	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 \$2,400 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 municipality 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.
6. Periodical reports on donations made and applications refused are to be included within Councillors' information file/Status Report.

~~Any request refused by the CEO is to be submitted to Council for determination.
(DELETED by Resolution No. 466/07 - 18 December 2007)~~

RECORDING REQUIREMENTS

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

Running record of donations to be maintained and included in Council's monthly Information Bulletin.

FINANCIAL REPORTS

DELEGATION NUMBER	-	D040102
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to prepare the annual financial reports and such other financial reports as prescribed in Local Government (Financial Management) Regulation No 34. Refer Section 6.4(1) of the Act.

Further, the Chief Executive Officer is delegated authority to submit the accounts and financial reports to the Council's auditors in accordance with Section 6.4(2) of the 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 of Finance & Administration.

RECORDING REQUIREMENTS

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

Reports prepared.

CONFERENCES/SEMINARS/TRAINING COURSES - EXPENSES OF COUNCILLORS

DELEGATION NUMBER	-	D040103
LEGISLATIVE POWER	-	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.

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	-	D040104
LEGISLATIVE POWER	-	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 for use on projects organised by non-profit organisations (eg sporting clubs) provided that, at all times, the plant is operated by Council employees.

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.

ANNUAL REPORT

DELEGATION NUMBER	-	D040105
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to prepare, each financial year, the Annual Report as required by Section 5.53(1) of the Act.

RECORDING REQUIREMENTS

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

Annual Report.

COUNCIL AND COMMITTEE MEETINGS

DELEGATION NUMBER	-	D040106
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to perform the following duties:

1. At least once each year, give Local Public Notice of the dates on which and the time and place at which ordinary Council meetings and Committee meetings are to be held that are required under the Act to be open to the public.
2. Give Local Public Notice of any change to the date, time or place of a meeting which is open to the public.
3. Give Local Public Notice of the date, time, place and purpose of any special meeting of the Council that is to be open to the public.

(Reference: Local Government (Administration) Regulation No 12.)

RECORDING REQUIREMENTS

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

Copies of notices to be included on "Meetings & Functions" file (~~CON~~CR 2).

PUBLIC INSPECTION OF DOCUMENTS RELATING TO COUNCIL AND COMMITTEE MEETINGS

DELEGATION NUMBER	-	D040107
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

The Chief Executive Officer is delegated authority to ensure that unconfirmed minutes of each Council meeting and each Committee meeting are available for inspection by the public within 10 and 5 business days respectively.

The Chief Executive Officer is delegated authority to ensure that notice papers and agenda relating to any Council or Committee meeting and which have been made available to members of the Council or Committee are available for inspection by the public from the time the documents are made available to Councillors.

(Reference: Local Government (Administration) Regulation Numbers 13 and 14.)

RECORDING REQUIREMENTS

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

Documents made available.

LOCAL LAW - STANDING ORDERS

DELEGATION NUMBER	-	D040108
LEGISLATIVE POWER	-	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)).

Before exercising this delegated authority the Chief Executive Officer shall consult with the Shire President and will only exercise the delegated authority if the Shire President agrees.

RECORDING REQUIREMENTS

Councillors Information Bulletin.

CODE OF CONDUCT - COMPLAINTS OFFICER

DELEGATION NUMBER	-	D040109
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.120 (1))
DELEGATE	-	Director of Finance & Administration
ACTIVITY	-	Members of Council

The Director of Finance & Administration is designated as the Councils Complaints Officer for receiving, investigating and, if deemed valid, registering and reporting Elected Member breaches or alleged breaches of the Councils Code of Conduct or Rules of Conduct.

RECORDING REQUIREMENTS

Refer to Local Government (Official Conduct) Amendment Act 2007, Sections 5.104 to 5.123. (Relevant file & valid complaints to be recorded in the Councils Complaints Register)

Res: 120408
22 APRIL 2008

Refer also Council Policy P040128

PUBLIC INTEREST DISCLOSURE - INVESTIGATIONS OFFICER

DELEGATION NUMBER	-	D040110
LEGISLATIVE POWER	-	Public Interest Disclosure Act 2003 (Section 23 (1) (a))
DELEGATE	-	Director of Finance & Administration
ACTIVITY	-	Members of Council

The Director of Finance & Administration is designated as the Councils Public Interest Disclosure Officer for receiving, investigating and, if deemed valid, registering and reporting Elected Member breaches or alleged breaches of the Councils Code of Conduct or Rules of Conduct.

RECORDING REQUIREMENTS

Refer to Public Interest Disclosure Act 2003. (Relevant file & valid complaints to be recorded in the Councils Complaints Register)

Refer also Councils Public Interest Disclosure Procedures

FREEDOM OF INFORMATION - COORDINATOR

DELEGATION NUMBER	-	D040111
LEGISLATIVE POWER	-	Freedom of Information Act 1992 (Section 94)
DELEGATE	-	Director of Finance & Administration
ACTIVITY	-	Members of Council

The Director of Finance & Administration is designated as the Councils Public Freedom of Information Coordinator for receiving, investigating and registering and reporting Freedom of Information requests.

RECORDING REQUIREMENTS

Refer to Freedom of Information Act 1992. (Relevant file & valid complaints to be recorded in the Councils Complaints Register)

Refer also Council Freedom of Information (FOI) Statement

EQUAL EMPLOYMENT OPPORTUNITY - IMPLEMENTATION OFFICER

DELEGATION NUMBER	-	D040112
LEGISLATIVE POWER	-	Equal Employment Opportunity Act 1984 (Section 145)
DELEGATE	-	Director of Finance & Administration
ACTIVITY	-	Members of Council

The Director of Finance & Administration is designated as the Councils Equal Employment Opportunity Officer for implementing Councils Equal Employment Opportunity Management Plan and promoting Councils Equal Employment Opportunity Policy.

RECORDING REQUIREMENTS

Refer also to Delegation D040205

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

Refer Councils Equal Employment Opportunity Management Plan
Refer Equal Employment Opportunity Human Resources Policy

SCHOLARSHIPS, SPORTSPERSON & CITIZENSHIP AWARDS

DELEGATION NUMBER	-	D040113
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.17)
DELEGATE	-	Awards Selection Committee
ACTIVITY	-	Members of Council

The Awards Committee is delegated authority to advertise, assess and award Education Scholarships, Citizenship Awards and Sportspersons Awards made available by Council and in accordance with Policies P040113, P080201 and P040126, noting that the conferral of the title of Freeman is not so delegated.

RECORDING REQUIREMENTS

Minutes and relevant correspondence kept on appropriate file.

ADDED by Res: 456/07 / 18 DECEMBER 2007

CITIZENSHIP CEREMONIES

DELEGATION NUMBER	-	D040114
LEGISLATIVE POWER	-	Australian Citizenship Act 2007, Subsection 27(5)
DELEGATE	-	Chief Executive Officer Shire President
ACTIVITY	-	Members of Council

Powers and duties delegated

The Minister for Immigration and Citizenship, 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;

1. President of a Shire Council;
2. Deputy President of a Shire Council; and
3. Chief Executive Officers of a city, municipality or town.

RECORDING REQUIREMENTS

Pledge Verification List.

Instrument of Authorisation Schedule - see File GOV 43

ADMINISTRATION (OTHER GOVERNANCE) - 0402

CREDITORS, PAYMENT OF

DELEGATION NUMBER	-	D040201
LEGISLATIVE POWER	-	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 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 of Finance & Administration.

RECORDING REQUIREMENTS

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

List of accounts recorded in monthly Council meeting minutes.

| Refer also the CEO's Organisation Wide Procedure Manual.

DISPUTES, ARBITRATION & INDUSTRIAL

DELEGATION NUMBER	-	D040202
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to provide the West Australian Local Government Association with consent to act on the Council's behalf in any matter regarding disputes with employees of Council.

RECORDING REQUIREMENTS

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

Relevant correspondence kept on appropriate files.

LEGAL ADVICE & REPRESENTATION

DELEGATION NUMBER	-	D040203
LEGISLATIVE POWER	-	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 Municipality, 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.

RECORDING REQUIREMENTS

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

Relevant correspondence kept on appropriate files.

INSURANCE

DELEGATION NUMBER	-	D040204
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to enter into appropriate contracts of insurance, [subject to compliance with Council Policy P040201](#).

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

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 an appropriate 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 of Finance & Administration.

RECORDING REQUIREMENTS

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

Correspondence/Insurance Policies.

DISPOSAL OF SURPLUS EQUIPMENT, MATERIALS, TOOLS, ETC.

DELEGATION NUMBER	-	D040205
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to sell, by calling for expressions of interest, auction, or any other fair means, items of surplus equipment, materials, tools, etc., which are no longer required, or are no longer serviceable. This delegation applies only to items with an estimated value of less than \$2,000.

RECORDING REQUIREMENTS

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

Preparation of list of item/s for disposal, advertising and recording of purchaser details and disposal price.

ACTING CHIEF EXECUTIVE OFFICER

DELEGATION NUMBER	-	D040206
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to appoint a senior employee of Council's staff 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 of Finance & Administration is to act as Chief Executive Officer.

RECORDING REQUIREMENTS

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

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

TELEPHONES (PRIVATE) - USE BY EMPLOYEES FOR COUNCIL BUSINESS

DELEGATION NUMBER	-	D040207
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to make appropriate financial and other arrangements with any employee to have a telephone installed in his/her principal place of residence if a telephone is required for Council business. The Chief Executive Officer is further delegated authority to make appropriate arrangements to reimburse any employee with any telephone expense incurred on Council business.

RECORDING REQUIREMENTS

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

Arrangements to be in accordance with guidelines in the CEO's Organisation Wide Procedure Manual and written confirmation of arrangements be included in the officer's personnel file.

STAFF - CONFERENCES, SEMINARS & TRAINING COURSES

DELEGATION NUMBER	-	D040208
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to approve the attendance by Council staff at conferences, seminars and training courses where, in the opinion of the Chief Executive Officer, attendance will enhance the professional development of the officer, provide benefits to the Council and is relevant to the duties and responsibilities of the officer. The Chief Executive Officer is further delegated authority to meet "up front" or reimburse any appropriate expense involved. This delegation is to be exercised in accordance with any Council Policy on the issue that may be in force from time to time and shall be subject to funds being available for the purpose within 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 with the following exception:
All interstate and / or international conferences shall be determined by the CEO*

RECORDING REQUIREMENTS

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

Application from officers to be in writing, detailing particulars of the conference, seminar or training course and endorsed by the CEO.

Refer also to Council Policy P040209 & Organisational Wide Procedure [OP040206.Manual](#).

VEHICLES, USE OF

DELEGATION NUMBER	-	D040209
LEGISLATIVE POWER	-	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 Wide Procedure [ManualOP040223](#).

BUDGET EXPENDITURE

DELEGATION NUMBER	-	D040210
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to approve expenditure on goods and/or services and programs/projects for which funds have been provided in the Annual Budget without further reference to the Council. In exercising this delegated authority the Chief Executive Officer shall:

1. Provide for appropriate internal control over all expenditure.
2. Ensure all statutory requirements are met.
3. Ensure all Council policies are observed.
4. Ensure adequate budgetary provisions relate.
5. Not appoint any consultants, including architects, valuers, planning consultants and the like if the amount is greater than \$30,000.

*The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has also delegated this power/duty to the Director of Infrastructure Services; Director of Finance & Administration; Director of Community & Regulatory Services ~~and the~~ Director of Planning & Sustainability.
Such delegation applies to each officer for his/her area of responsibility.*

RECORDING REQUIREMENTS

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

In accordance with the procedures contained in the **CEO's** Organisation Wide Procedure Manual.

TENDERS

DELEGATION NUMBER	-	D040211
LEGISLATIVE POWER	-	Local Government Act 1995 (Sections 5.42/5.43(b))
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

Unless otherwise specified, the Chief Executive Officer is delegated authority to accept a tender when the consideration involved does not exceed \$100,000 provided that appropriate provision is made in Council's Budget.

RECORDING REQUIREMENTS

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

Tenders Register.

PROPERTY - ACQUISITION & DISPOSAL

DELEGATION NUMBER	-	D040212
LEGISLATIVE POWER	-	Local Government Act 1995 (Sections 5.42/5.43(d))
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.

RECORDING REQUIREMENTS

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

Accounting records.

[Note also Council Delegation D040205.](#)

LOCAL LAWS

DELEGATION NUMBER	-	D040213
LEGISLATIVE POWER	-	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 in relation to local laws made under the Local Government Act 1995 and any other Act:

1. Give Statewide public notice and provide the appropriate Minister with a copy of the proposed local law and the Statewide public notice as required under Section 3.12(3).
2. After making a local law, publish it in the Gazette and give a copy to the appropriate Minister as required under Section 3.12(5).
3. After the local law has been published in the Gazette give local public notice in accordance with Section 3.12(6).
4. Take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws as required under Section 3.15.
5. Give Statewide public notice stating intention to review a local law as required under Section 3.16(2).
6. After the last day for submissions on the proposed review of a local law, consider the submissions and prepare a report for submission to Council as required under Section 3.16(3).
7. After the Council has made a determination in respect of the local law review, give Statewide public notice as required under Section 3.16(5).

RECORDING REQUIREMENTS

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

Details of advertising to be included on the [WALGA](#) "Making Local Laws – Procedure Checklist".

EXECUTIVE FUNCTIONS - DUTIES

DELEGATION NUMBER	-	D040214
LEGISLATIVE POWER	-	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 (refer Section 3.21):

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 ~~not disturbed nor~~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.

RECORDING REQUIREMENTS

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

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

COPIES OF INFORMATION

DELEGATION NUMBER	-	D040216
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to ensure that copies are available to people ~~inspecting~~ seeking to view information required to be made available for inspection ~~under~~ pursuant to Division 7, Part 5 of the Local Government Act 1995 and to ensure that the price at which the copies are sold does not exceed the cost of providing ~~the~~those copies (refer Section 5.96).

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 of Finance & Administration.

RECORDING REQUIREMENTS

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

Requests to be ~~recorded~~ in accordance with ~~the CEO's~~ Organisation Wide Procedure Manual-OP040241.

TENDERS FOR PROVIDING GOODS & SERVICES

DELEGATION NUMBER	-	D040217
LEGISLATIVE POWER	-	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:

1. Publicly invite tenders for the supply of goods and services expected to be worth more than \$100,000.
(Reference: Regulations 11(1), 12 and 13.)
2. Determine, in writing, the criteria for deciding which tenders should be accepted and give Statewide public notice in accordance with Regulation 14.
3. Give each tenderer notice in writing containing particulars of the successful tender or advising that no tender was accepted.
(Reference: Regulation 19.)

NB: The decision to select a successful tender is still one for the Council to determine.

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—~~of Infrastructure Services~~; for the supply of goods and services within that officers his area of responsibility.

RECORDING REQUIREMENTS

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

Tenders Register.

EXECUTION OF CONTRACTS

DELEGATION NUMBER	-	D040218
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

Where:

- a) Council has authorised entering into a formal contract, or
- b) a formal contract is authorised under a delegated authority from Council, or
- c) 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 affixing of the seal in accordance with Council Policy P040207 without further reference to Council.

RECORDING REQUIREMENTS

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

An outline of the Contract documentation to be recorded in the Seal Register and to be recorded in the Council's monthly Information Bulletin.

Execution of the Contract pursuant to Council Policy P040207.

COMMERCIAL ENTERPRISES

DELEGATION NUMBER	-	D040219
LEGISLATIVE POWER	-	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.

RECORDING REQUIREMENTS

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

Copy of Business Plan.

TRUST FUND

DELEGATION NUMBER	-	D040220
LEGISLATIVE POWER	-	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 of Finance & Administration.

RECORDING REQUIREMENTS

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

Accounting records.

PAYMENT OF ACCOUNTS

DELEGATION NUMBER	-	D040221
LEGISLATIVE POWER	-	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, purchasing 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).

RECORDING REQUIREMENTS

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

In accordance with ~~“Procedure for Authorising Payment of Accounts” contained in the~~ CEO's Organisation Wide Procedure ManualOP040237.

EXPENDITURE BEFORE ADOPTION OF BUDGET

DELEGATION NUMBER	-	D040222
LEGISLATIVE POWER	-	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 Plan for the Future, 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 of Infrastructure Services; Director of Finance & Administration; Director of Community & Regulatory Services; and Director of Planning & Sustainability.

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

RECORDING REQUIREMENTS

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

In accordance with ~~"Procedure for Authorising Payment of Accounts"~~ contained in the ~~CEO's~~ Organisation Wide Procedure ManualOP040237.

GRANTS & SUBSIDIES

DELEGATION NUMBER	-	D040223
LEGISLATIVE POWER	-	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. 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 of Infrastructure Services; Director of Finance & Administration; Director of Community & Regulatory Services; and Director of Planning & Sustainability.

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

RECORDING REQUIREMENTS

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

STAFF RELOCATION EXPENSES

DELEGATION NUMBER	-	D040224
LEGISLATIVE POWER	-	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 \$5000 unless otherwise approved by Council.
-

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.

SALARIES

DELEGATION NUMBER	-	D040225
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

The Chief Executive Officer is delegated authority to alter salaries payable to all staff who are not employed on performance based term contracts. The alteration may be within the employee's assigned band/classification, may involve a change of ~~salary bands~~[salary band](#)/classification or may involve an appropriate over award payment.

In exercising this delegated authority the Chief Executive Officer shall ensure that the variation is the result of a satisfactory performance appraisal and appropriate funding is available in Council's ~~budget~~[Budget](#). If any salary change is likely to involve over budget expenditure, the change will require endorsement of Council.

RECORDING REQUIREMENTS

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

Salary records.

Confirmation of alterations in writing with a copy included on the relevant officer's personal file.

DEBTS - WRITE OFF, WAIVER OR CONCESSIONS

DELEGATION NUMBER	-	D040226
LEGISLATIVE POWER	-	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 in relation to any amount of money, up to an amount of \$200.

RECORDING REQUIREMENTS

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

Appropriate journal entry and register of write-offs.

STAFF PRODUCTIVITY INCENTIVE SCHEME

DELEGATION NUMBER	-	D040227
LEGISLATIVE POWER	-	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.

RECORDING REQUIREMENTS

Councils monthly Information Bulletin.

Copy of Memo to Employee to be placed on the relevant Personal File.

CONTRACT VARIATIONS

DELEGATION NUMBER	-	D040228
LEGISLATIVE POWER	-	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.

RECORDING REQUIREMENTS

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

Tender/Contracts Register.

FIRE PREVENTION - 0501

BURNING OF SHIRE CONTROLLED RESERVES

DELEGATION NUMBER	-	D050101
LEGISLATIVE POWER	-	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;

- The Burn to be conducted by appropriately trained Shire of Denmark Volunteer Bush Fire Brigade personnel / brigades with a Council Fire Community Officer in command of the burn.
- To be performed in accordance with duly completed;
 - 'Shire of Denmark Prescription Form for Hazard Reduction' and;
 - 'Shire of Denmark Pre-Burn Checklist' in all cases detailing the resources required and issues to be taken into account.
- That FESA / Brigade / Council SOP # 35 relating to 'Operational Safety on Roadways' is complied with where relevant.
- 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.
- Temporary Rd closures are hereby permitted as required subject to the extent of closure being done with the approval of the Councils Director of Infrastructure Services.
- That adequate notice is given to the DEC Frankland Office of the location, timing and extent of the proposed burning.
- 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.
- 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.
- Following the burn, notification of any known damage to Council or private fencing, signage or other infrastructure is reported to the CFM who will refer the matter to the appropriate Council officer(s).
- Following the burn, the area is referred, by the Community Fire Manager, to Councils Director of Infrastructure Services for determination of the need for any post fire emergent weed control (by Council or its agents).
- That the burning is done in such a way as to minimise long term damage to the environmental values of the vegetation.

- 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, DEC Frankland District).
- 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, DEC Frankland District for reference to the relevant database).
- This approval is valid if outside of the prohibited and restricted burning times and until 30 September 2009 only.
- 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).

RECORDING REQUIREMENTS

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

'Application to Burn' form held by Shire Ranger.

OTHER LEGISLATIVE REQUIREMENTS

- Sections 8, 9 & 18 of the Bush Fire Act 1954.
- Section 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004
- Section 51B of the Environmental Protection Act 1986
- 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).

FIREBREAK ORDER, VARIATION TO

DELEGATION NUMBER	-	D050102
LEGISLATIVE POWER	-	Bush Fires Act 1954, Section 48
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Fire Prevention

Pursuant to the provisions of 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.

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 of Community & Regulatory Services.

RECORDING REQUIREMENTS

Section 5.46

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

BURNING, PROHIBITED & RESTRICTED TIMES (VARIATIONS)

DELEGATION NUMBER	-	D050103
LEGISLATIVE POWER	-	Bush Fires Act 1954
DELEGATE	-	Shire President and Chief Bush Fire Control Officer
ACTIVITY	-	Fire Prevention

That pursuant to Sections 17(10) and 18(5)(c) of the Bush Fires Act, the Shire President and the Chief Bush Fire Control Officer be delegated jointly the Council's powers and duties under Section 17(7) and (8) and Section 18(5) of the Bush Fires Act in respect to varying the prohibited burning times and restricted burning times, provided that the Officer in Charge, Frankland District of the Department of Environment & Conservation (DEC), Fire & Emergency Services Authority (FESA) Albany Regional Office and senior brigade officers are consulted before the authority under this delegation is exercised.

RECORDING REQUIREMENTS

Section 17 8) & 9) – Advise relevant authorities and advertise on Council Notice Boards, Council's website and in the local newspaper.

LOCAL LAW - BUSH FIRE BRIGADES

DELEGATION NUMBER	-	D050104
LEGISLATIVE POWER	-	Bush Fires Act 1954
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 29th May 2001:

- (1) 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(4))
- (2) 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).
- (3) 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)
- (4) 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)
- (5) 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.

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

RECORDING REQUIREMENTS

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

Written notice.

ANIMAL CONTROL - 0502

SALE OF IMPOUNDED/SEIZED/CONFISCATED VEHICLES, ANIMALS OR GOODS

DELEGATION NUMBER	-	D050201
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

The Chief Executive Officer is delegated authority to dispose in accordance with the provisions of sections 3.47, 3.47A and 3.58 of the Local Government Act 1995 of any vehicles, animals or goods that have been impounded, seized or confiscated.

The Chief Executive Officer may determine the method of disposal as:

- a) disposal of items to an the appropriate landfill and recycling facility~~refuse tip~~ – where items are of an estimated scrap value nil;
- b) disposal by way of sale – auction, tender or private treaty – where items have an estimated ~~dollar~~ value in excess of any advertising or administrative cost.

RECORDING REQUIREMENTS

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

Tenders Register.

LOCAL LAW - DOGS

DELEGATION NUMBER	-	D050202
LEGISLATIVE POWER	-	Dog Act 1976
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 Local Law relating to Dogs, published in the Government Gazette on the 29th May 2001, with the exception of the following specific powers/duties:

- (1) The setting of any fees or charges.
 - (2) 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.
 - (3) The cancellation of a licence as provided for in clauses 4.13 (2) and (c).
-

RECORDING REQUIREMENTS

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

Written notice on property files.

OTHER LAW, ORDER & PUBLIC SAFETY - 0503

CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

DELEGATION NUMBER	-	D050301
LEGISLATIVE POWER	-	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 authorise any person to exercise on behalf of the local government the powers given to a local government by Subdivision 2 (Certain Provisions about Land) of the Act. (Refer Section 3.24.)

RECORDING REQUIREMENTS

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

Authorisation to be in writing and details to be included in officer's personnel file.

POWER OF ENTRY

DELEGATION NUMBER	-	D050302
LEGISLATIVE POWER	-	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.

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

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 **[CEO Chief Executive Officer](#)**.

IMPOUNDING GOODS

DELEGATION NUMBER	-	D050303
LEGISLATIVE POWER	-	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:

1. Authorise an employee in accordance with Section 3.39 to remove and impound any goods that are involved in a contravention that can lead to impounding.
2. Take appropriate action in respect to impounded non-perishable goods in accordance with Section 3.42.
3. Give notice in accordance with Section 3.44 to collect goods.
4. Refuse to allow goods to be collected until all costs have been paid in accordance with Section 3.46.
5. Sell confiscated or uncollected goods in accordance with Section 3.47.
6. Take action to recover expenses in accordance with Section 3.48.

RECORDING REQUIREMENTS

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

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

VEHICLE OFFENCES - ONUS OF PROOF

DELEGATION NUMBER	-	D050304
LEGISLATIVE POWER	-	Local Government Act (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Law, Order & Public Safety

The CEO is delegated authority to appoint authorised persons for the purposes of Section 9.13 of the Local Government Act 1995.

RECORDING REQUIREMENTS

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

Notice in writing and copy of authorisation to be included on the officer's personal file.

ENFORCEMENT & LEGAL PROCEEDINGS

DELEGATION NUMBER	-	D050305
LEGISLATIVE POWER	-	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 appoint persons to initiate prosecutions on behalf of Council under the Local Government Act 1995 and Council's Local Laws. Further, the Chief Executive Officer is delegated authority to appoint persons or classes of persons to be authorised for the purposes of performing particular functions as specified by the Chief Executive Officer. The appointments being those referred to in Section 9.10 of the Local Government Act 1995.

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 legal file.

HEALTH - 07

MATERNAL & INFANT HEALTH -0701

PREVENTATIVE SERVICES - IMMUNISATION - 0702

PREVENTATIVE SERVICES - MEAT INSPECTION - 0703

PREVENTATIVE SERVICES - HEALTH ADMINISTRATION - 0704

HEALTH ACT - (DEPUTY)

DELEGATION NUMBER	-	D070401
LEGISLATIVE POWER	-	Health Act 1911
DELEGATE	-	Principal Environmental Health Officer
ACTIVITY	-	Preventative Services - Health Administration

In accordance with provisions of Section 26 of the Health Act 1911, the Principal Environmental Health Officer is authorised to be the Council's "Deputy" –and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

RECORDING REQUIREMENTS

Written notices, directions, forms placed on relevant property files.

ITINERANT FOOD VENDORS

DELEGATION NUMBER	-	D070402
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Preventative Services - Health Administration

The Chief Executive Officer is delegated authority to issue and renew Itinerant Food Vendors licenses subject to compliance of all vehicles and equipment to be used by the applicant with all relevant requirements of the Health Act 1911. Council will establish an annual licence fee when it prepares its annual budget and the Chief Executive Officer is to apply that fee and a pro-rata fee for any licences 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 this power/duty to the Principal Environmental Health Officer.

RECORDING REQUIREMENTS

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

Itinerant Food Vendor's License application form and licence.

EXTENDED TRADING PERMITS TO SELL PACKAGED LIQUOR

DELEGATION NUMBER	-	D070403
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Preventative Services - Health Administration

The Chief Executive Officer is delegated authority to approve extended trading permits to sell packaged liquor in Denmark on school holidays and public holidays with exception of Christmas Day and Good Friday.

RECORDING REQUIREMENTS

Copy of approval on the relevant assessment file.

GRANT OR REMOVAL OF A LIQUOR LICENCE – CERTIFICATE OF LOCAL GOVERNMENT

DELEGATION NUMBER	-	D070404
LEGISLATIVE POWER	-	Liquor Control Act 1988
DELEGATE	-	Principal Environmental Health Officer
ACTIVITY	-	Preventative Services - Health Administration

The Principal Environmental Health Officer is delegated authority to perform the following duties as described under Section 39 of the Liquor Control Act 1988.

- (1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the local government for the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
- (2) A certificate referred to in subsection (1) shall state —
 - a) whether or not the premises comply with all relevant requirements of —
 - (i) the *Health Act 1911*;
 - (ii) any written law applying to the sewerage or drainage of those premises;
 - (iii) the *Local Government Act 1995*; and
 - (iv) the *Local Government (Miscellaneous Provisions) Act 1960*;and
 - b) where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply.
- (3) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

RECORDING REQUIREMENTS

Copy of the Certificate is to be placed on the relevant Assessment File.

ADDED by Res: 150709 / 28 July 2009

GRANT OR REMOVAL OF A LIQUOR LICENCE – CERTIFICATE OF LOCAL PLANNING AUTHORITY

DELEGATION NUMBER	-	D070405
LEGISLATIVE POWER	-	Liquor Control Act 1988
DELEGATE	-	Director of Planning & Sustainability
ACTIVITY	-	Preventative Services - Health Administration

The Director of Planning & Sustainability is delegated authority to perform the following duties as described under Section 39 of the Liquor Control Act 1988.

- (1) An application made to the licensing authority for the grant or removal of a licence, or for a change in the use or condition of any premises shall be accompanied by a certificate from the authority responsible for planning matters in the district in which the premises to which the application relates are situated, or are to be situated, unless the licensing authority otherwise determines.
- (2) A certificate referred to in subsection (1) shall state that the proposed use of the premises —
 - (a) will comply with the requirements of the written laws relating to planning specified;
 - (b) would comply with the requirements specified if consent were to be given by a specified authority, if it is known whether that authority will give the consent, and what specified conditions or specifications should be, or are likely to be, imposed; or
 - (c) will not comply with the requirements specified for the reasons specified.
- (3) In this section —

specified means specified in the planning certificate.
- (4) The licensing authority may, where it is satisfied that it is desirable to do so, impose a condition on a licence relating to the submission, or further submission, to the licensing authority of a certificate referred to in subsection (1).

RECORDING REQUIREMENTS

Copy of the Certificate is to be placed on the relevant Assessment File.

ADDED by Res: 150709 / 28 July 2009

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	-	D100201
LEGISLATIVE POWER	-	Local Government Act 1995
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 ~~B~~udget and operations. |

The Chief Executive Officer may on delegate this responsibility.

RECORDING REQUIREMENTS

Advice of the decision is to be recorded on the relevant Reserve or Assessment file and in the Council's ~~Monthly~~ monthly Information Bulletin. |

ADDED by Res: 130109 / 27 January 2009 |

SEWERAGE - 1003

URBAN STORMWATER DRAINAGE - 1004

PROTECTION OF ENVIRONMENT - 1005

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

DELEGATION NUMBER	-	D100202
LEGISLATIVE POWER	-	Local Government Act 1995
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.

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 quantity refuse quantity is to be recorded in a Register.

Groups currently (~~2009/10~~/2011) approved;

- Denmark Red Cross – 4 refuse disposal passes per year.
- Denmark Lions Club – 4 refuse disposal passes per year.
- Denmark Historical Society – 4 refuse disposal passes per year.
- Denmark Community Collective – 4 refuse disposal passes per year.
- 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.

ADDED by Res: 284/96 / 25 June 1996

IRWIN INLET SANDBAR OPENING PROTOCOL

DELEGATION NUMBER	-	D100501
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection Environment

The Chief Executive Officer is delegated authority 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 stakeholders when water level reaches a level of 100mm below normal opening level (to be decided). Representing affected landholders will be the current owner of Location 1414. The president of the South Coast Licensed Fisherman's Association shall be the contact person for commercial fishermen. 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	Fax
Department of Water	Margi.bond@water.wa.gov.au	9842 5760	9842 1204
Department of Environment & Conservation Track's & Trails Unit	tracksandtrails@dec.wa.gov.au	9334 0265	9334 0100
Department of Environment & Conservation – Frankland District Office	Frankland.District@dec.wa.gov.au	9840 0400	9840 1251
Department of Fisheries	Mark.kleeman@fish.wa.gov.au	9841 7766	9842 1112
Commercial Fishermen – by contacting the President of the South Coast Licensed Fisherman's Association Inc.		0427 417 260	9841 7268
Affected Landholders (current owner of location 1414)	Refer A5164 in Council records for contact details.		
The Bibbulmun Track Foundation	linda@bibbulmuntrack.org.au friends@bibbulmuntrack.org.au	9481 0551	9481 0546
Denmark Visitors Centre	manager@denmark.com.au	9848 2055	9848 2271
Walpole Nornalup Visitors Centre	wnta@wn.com.au	9840 1111	9840 1355
Peaceful Bay Progress Association	to186jo@westnet.com.au	9840 8242	

The Chief Executive Officer may on delegate this responsibility.

RECORDING REQUIREMENTS

Advice of decision is to be recorded on central records and in the Council's mMonthly Information Bulletin/Status Report.

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

Opening Protocol - see File ORG 24

WILSON INLET SANDBAR OPENING

DELEGATION NUMBER	-	D100502
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection Environment

The Chief Executive Officer is delegated authority 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, the Water Corporation and Council.

RECORDING REQUIREMENTS

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

Advise Council in the monthly Information Bulletin/Status Report.

| ADDED by Res: 200108 / 22 JANUARY 08

| Opening Protocol (revised June 2009) - see File REM_-10

POLLUTION ABATEMENT

DELEGATION NUMBER	-	D100503
LEGISLATIVE POWER	-	Environmental Protection Act 1986 (Section 99)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection Environment

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 a pollution abatement notice under section 55 in respect of those premises and, where a pollution abatement 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 pollution abatement notice.

Persons to whom the delegation applies:

This delegation applies 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 15 Feb 2000)

RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

NOISE MANAGEMENT PLANS

DELEGATION NUMBER	-	D100504
LEGISLATIVE POWER	-	Environmental Protection Act 1986 Environmental Protection (Noise) Regulations 1997, Regulation 13
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection Environment

Powers and duties delegated

The Chief Executive Officer of the Department of Environment and Conservation 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-

- a) Chief Executive Officer under the Local Government Act 1995,
- b) Director, Environmental Regulation Division, Department of Environment & Conservation,
- c) Manger, Noise Regulation Branch, Environmental Regulation Division, Department of Environment and Conservation,
- d) Principal Environmental Officer, Noise Regulation Branch, Environmental Regulation Division, Department of Environment and Conservation,

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 9 May 2008)

RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

TOWN PLANNING & REGIONAL DEVELOPMENT - 1006

IMPLEMENTATION OF TOWN PLANNING SCHEME

DELEGATION NUMBER	-	D100601
LEGISLATIVE POWER	-	Local Planning Scheme (No. 3) – Clause 8.7
DELEGATE	-	Chief Executive Officer Director of Planning & Sustainability Senior Management Group
ACTIVITY	-	Town Planning & Regional Development

That, in accordance with clause 8.7 of Town Planning Scheme No 3 the [Senior Management Group \(SMG\)](#) (as designated by Council pursuant to section 5.37 of the [Local Government Act 1995 \(Council Policy P040106\)](#)), Chief Executive Officer (CEO) ~~and / or,~~ Director of Planning & Sustainability (DPS) have, in their individual right, delegated authority to perform the following functions in relation to town planning matters (the acronym in brackets following each part relates to whom the delegation is applicable):

- (1) Endorse planning consent forms ((DPS and CEO).
- (2) Approve single houses and outbuildings on Multiple Occupancy zones (Director of Planning & Sustainability and CEO).
- (3) (3.1) Approve location and relocation of building envelopes, subject to the positioning of the building envelope being such that it does not impact adversely on remnant vegetation and the amenity of adjoining residences (DPS [and,](#) CEO ~~and SMG~~).
- (3.2) Refuse location and relocation of building envelopes, where the proposed positioning will adversely impact on remnant vegetation and the amenity of adjoining residents (DPS [and,](#) CEO ~~and SMG~~).
- (4) (4.1) Approve boundary setbacks in the Peaceful Bay leasehold area to a minimum of 1.0m side boundary and 3.25m front and rear boundaries with carports being allowed 0.5m from side boundaries or otherwise as in accordance with the Peaceful Bay Conservation Plan ([DPS](#) and CEO).
- (4.2) Refuse boundary setbacks not in accordance with the Peaceful Bay Conservation Plan (DPS [and,](#) CEO ~~and SMG~~).
- (5) Approve all 'P' and 'IP' planning consent applications where the use proposed complies with standards prescribed by Town Planning Scheme No 3 and any Town Planning Scheme Policies made under that Scheme (~~Director~~ [DPS](#) and CEO).
- (6) Approve all 'AA' planning consent applications subject to:

- (i) compliance with the objectives of Council's Town Planning Scheme Policies
- (ii) compliance with Town Planning Scheme No 3. (DPS ~~and,~~ ~~CEO~~ ~~and~~ ~~SMG~~).

(7) Refuse 'P', 'AA', and 'IP' planning consent applications where the use or development does not comply with Scheme standards or any relevant Town Planning Scheme Policies made under the Scheme. (DPS ~~and,~~ ~~CEO~~ ~~and~~ ~~SMG~~)

(8) (8.1) Initiate the necessary public advertisement of 'SA' planning consent applications prior to determination by Council (DPS and CEO).

(8.2) Approve 'SA' planning consent applications subject to:

- (i) compliance with the objectives of Council's Town Planning Scheme Policies;
- (ii) compliance with relevant Town Planning Scheme No.3 provisions;
- (iii) no valid adjoining/affected landowner objection has been received during the advertising. (DPS ~~and,~~ ~~CEO~~ ~~and~~ ~~SMG~~)

~~(iv)~~ (8.3) Refuse 'SA' planning consent applications when valid adjoining/affected landowner objection has been received, the proposal will have an adverse impact on the orderly and proper planning of the locality and will be contrary to the objectives of Council's Town Planning Scheme Policies.

~~(v)~~ (DPS and CEO)
~~(DPS, CEO and SMG).~~

~~(vi)~~ (9.1) Approve requests for boundary setback variations which include setbacks required by the Residential Planning Codes, the Town Planning Scheme or relevant Town Planning Scheme Policies (where there is power to vary the standards)

~~(vii)~~ (DPS and CEO)

~~(9)~~ ~~(DPS, CEO and SMG).~~

~~(i)~~ (9.2) Refuse requests for boundary setback variations which include setbacks required by the Residential Planning Codes, the Town Planning Scheme or relevant Town Planning Scheme Policies (where there is power to vary the standards) where they are considered to adversely impact on remnant vegetation and the amenity of adjoining residences.

~~(ii)~~ (DPS and CEO).

~~(DPS, CEO and SMG)~~

~~(viii)~~ Approve and accept tree planting and landscaping plans required for subdivisional approvals or planning consent conditions where the plans involve the use of local native plant and tree species

~~(ix)~~ (DPS and CEO).

~~(10)~~ ~~(DPS, CEO and SMG).~~

~~(x)~~ Recommend approval to the WA Planning Commission for subdivisional proposals where those proposals comply with Town Planning Scheme Policy and Town Planning Scheme No 3 provisions and ensure appropriate and relevant conditions are requested of the WA Planning Commission

~~(xi)~~ (DPS and CEO)

~~(11)(10) (DPS, CEO and SMG).~~

(xii) Recommend refusal to the WA Planning Commission for subdivision proposals where they do not comply with Town Planning Scheme No 3 non discretionary provisions

(xiii) (DPS and CEO)

~~(12)(11) (SMG).~~

~~(13)(12) Endorse clearance of freehold title and strata title subdivisions on Diagrams or Plans of Survey and strata documents (CEO).~~

~~(14)(13) Require proponents to modify Town Planning Scheme Amendment and Structure Plan documents to the satisfaction of Council officers prior to them being considered by Council (DPS and CEO).~~

~~(15)(14) Make inconsequential text and grammatical modifications to Scheme Amendment and Structure Plan documentation at any stage of the process (DPS and CEO).~~

~~(16)(15) Accept modifications to Scheme Amendments required by the Minister for Planning:~~

~~(i) prior to advertising; and~~

~~(ii) following consideration of submissions. This will include accepting the Minister for Planning's decision not to require modifications which were requested by Council following consideration of submissions (DPS and CEO).~~

(xiv) (17.1) Approve applications for advertising signs where the proposed sign(s) comply with the standards prescribed in Town Planning Scheme No.3 and any adopted Town Planning Scheme Policy

(xv) (DPS and CEO)

~~(17)(16) (DPS, CEO and SMG).~~

(i) (17.2) Refuse applications for advertising signs where the proposed sign(s) do not comply with the standards prescribed in Town Planning Scheme No.3 and any adopted Town Planning Scheme Policy.

(ii) (DPS and CEO).

~~(DPS, CEO and SMG)~~

~~(18)(17) The Chief Executive Officer is delegated authority to appoint persons to initiate prosecutions and legal proceedings for breaches of the Town Planning Scheme in accordance with Section 10 of the Town Planning & Development Act 1928 (as amended) on behalf of Council [CEO]. Clause 18 repealed by enactment of the Planning & Development Act 2005.~~

(xvi) (19.1) Approve two storey houses in areas where there is a limit (by TPS Policy or Scheme provision) to single storey on the basis that adjoining/affected landowners support has been received and the two storey house will not have an adverse visual impact on the amenity of the locality.

(xvii) (DPS and CEO).

~~(19)(18) (DPS, CEO and SMG)~~

(i) (19.2) Refuse two storey houses in areas where there is a limit (by TPS Policy or Scheme provision) to single storey when valid adjoining/affected landowner objection is received and the two storey house will have an adverse visual impact on the amenity of the locality.

(ii) (DPS and CEO).

~~(DPS, CEO and SMG)~~

(xviii) Approve or refuse requests to clear remnant vegetation where a condition of planning consent or a subdivision approval requires Council approval. Approval can be granted when the clearing is not considered to have an adverse visual or environmental impact or where it is required for fire safety reasons.

(xix) (DPS and CEO).

~~(20)(19) (DPS, CEO and SMG)~~

NB: Applicants must be advised that approval for the proposed clearing must also comply with the Environmental Protection Act (Clearing of Native Vegetation) Regulations 2004

(xx) (21.1) Approve proposals for outbuildings where such outbuildings exceed a maximum floor area or height limit specified by a TPS Policy or Scheme provision on the basis that adjoining owners support has been received and the outbuilding will not have an adverse visual impact on the amenity of the locality. The approval can include conditions which may limit the floor area or height or specify external colours and finishes.

(xxi) (DPS and CEO).

~~(21)(20) (DPS, CEO and SMG)~~

(xxii) (21.2) Determine proposals for outbuildings on vacant Residential, Special Residential, Landscape Protection and Special Rural zoned lots in accordance with the requirements of TPS Policy No.13.2 (Outbuildings).

(xxiii) (DPS and CEO).

~~(DPS, CEO and SMG).~~

(i) (22) Provide responses to the Minister or the ~~Town Planning Appeal~~ **State Administrative** Tribunal in respect to appeals lodged against a refusal of planning consent, unacceptable conditions imposed on an approval of planning consent or supporting statements for the WA Planning Commission in respect to an appeal involving a subdivision application decision made by the Commission. This also includes advising the Minister or the Tribunal if mediation is an option to consider for the appeal process.

(ii) (DPS and CEO).

~~(DPS, CEO and SMG)~~

(23) Provide responses to mobile phone carriers in accordance with the Deployment of Radio Communications Code in respect to –

- (a) the proposed method of community consultation and;
- (b) the installation of low impact facilities. (DPS and CEO)

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

DELEGATION NUMBER	-	D100602
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer is 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, published in the Government Gazette on the 29th May 2001, with the following exceptions:

- (1) The setting of any fees or charges.
- (2) The declaration of a thoroughfare to be a flora road (refer clause 5.3).
- (3) The designation of a thoroughfare or any part of a thoroughfare as a special environmental area (refer clause 5.7).
- (4) 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)).
- (5) The power to approve an application for a permit to establish or conduct an outdoor eating facility as provided for in Division 2 of Part 6.

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 of the Chief Executive Officer to impose other conditions on the permit.

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 of the Chief Executive Officer to refuse the application for a permit on other grounds.

RECORDING REQUIREMENTS

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

Applications, permits, correspondence on property files.

ISSUING OF INFRINGEMENTS FOR ALLEGED BREACHES OF THE TOWN PLANNING SCHEME

DELEGATION NUMBER	-	D100603
LEGISLATIVE POWER	-	Planning & Development Act 2005 (s227 & 228)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Town Planning & Regional Development

The Chief Executive Officer is delegated authority under sections 227 & 228 of the Planning & Development Act 2005 as follows;

“227 Prescribed Offences

- (1) The regulations may prescribe an offence under this Act, or under any regulations made under this Act, to be an offence for which an infringement notice may be issued under this Division.*

228 Giving of Infringement Notices

- (2) A designated person who has reason to believe that a person has committed a prescribed offence may give an infringement notice to the alleged offender.”*

The Chief Executive Officer in exercising his authority under section 234 of the Planning & Development Act has delegated this power/duty to the Director of Planning & Sustainability.

RECORDING REQUIREMENTS

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.

“Section 234 Appointment of Designated Persons

Appointment of designated persons

- (1) The chief executive officer of a responsible authority may, in writing, appoint persons or classes of persons to be designated persons for the purposes of section 228, 229, 230 or 231 or for the purposes of 2 or more of those actions.*
- (2) A person who is authorised to give infringement notices under section 228 is not eligible to be a designated person for the purposes of any of the other sections.”*

RECREATION & CULTURE - 11

PUBLIC HALLS, CIVIC CENTRES - 1101

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

DELEGATION NUMBER	-	D110101
LEGISLATIVE POWER	-	Local Government Act 1995
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.

RECORDING REQUIREMENTS

Approval of application to hire venue.

CHAIR & TRESTLE TABLE HIRE

DELEGATION NUMBER	-	D110102
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Public Halls, Civic Centres

~~In Council's fees and charges specific mention is made in the fees applicable to the Civic Centre that "Council's tables and chairs are not available for hire outside of the complex." As there is a demonstrated requirement for their use on occasions within the community the Chief Executive Officer is delegated authority to hire out on request, the chairs and trestle tables located in the Denmark Recreation and Civic Centres at the annually adopted hire charges.~~

RECORDING REQUIREMENTS

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

~~The name of hirer and date of hire is to be recorded in Councils facility bookings book and a copy of the receipts is to be kept in Councils financial records.~~

ADDED by Res: 450/07 / 18 DECEMBER 07

~~REMOVED as no longer required as fees and charges for tables & chairs are now included in the Fees & Charges Schedule.~~

LOCAL LAW - LOCAL GOVERNMENT PROPERTY

DELEGATION NUMBER	-	D110201
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Swimming Areas & Beaches

The Chief Executive Officer is 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, published in the Government Gazette on the 29th May 2001, with the exception of the following powers/duties:

- (1) The setting of any fee or charge.
- (2) The power to make a determination in accordance with clauses 2.1 and 2.2.
- (3) The power to amend or revoke a determination in accordance with clause 2.6.
- (4) The power to issue a permit for the erection of a building on local government property (refer clause 3.13 (1) (l) and the power to enter into an agreement with a permit holder in respect of the ownership of the materials in the building (refer clause 3.7).

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 of the Chief Executive Officer to impose other conditions on the permit.

RECORDING REQUIREMENTS

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

Permits and correspondence on files.

SWIMMING AREAS & BEACHES - 1102

OTHER RECREATION & SPORT - 1103

RECREATION CENTRE (DENMARK) - REFUNDS

DELEGATION NUMBER	-	D110301
LEGISLATIVE POWER	-	Local Government Act 1995
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. The refund is to be made in accordance with Council Policy P1 10303 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 remittance and on central records.

RECREATION CENTRE FREE PASSES

DELEGATION NUMBER	-	D110302
LEGISLATIVE POWER	-	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.

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.

Details of each donation with a financial year to date tally, to be recorded in the monthly Information Bulletin/Status Report.

ADDED by Res: 365/07 / 16 OCTOBER 2007

TELEVISION & RADIO RE-BROADCASTING - 1104

LIBRARIES - 1105

HERITAGE - 1106

OTHER CULTURE - 1107

STREETS, ROAD, BRIDGES, DEPOTS - 1201

TEMPORARY CLOSURE OF THOROUGHFARES TO VEHICLES

DELEGATION NUMBER	-	D120101
LEGISLATIVE POWER	-	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.

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 of Infrastructure 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.

EVENTS ON ROADS

DELEGATION NUMBER	-	D120102
LEGISLATIVE POWER	-	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 the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991. 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 of Infrastructure Services.

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.

ROAD CLOSURES (PERMANENT)

DELEGATION NUMBER	-	D120103
LEGISLATIVE POWER	-	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. 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.

Nothing in this delegation excludes the Chief Executive Officer from taking a road closure application to Council first.

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 of Infrastructure Services.

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.

TREES - REMOVAL

DELEGATION NUMBER	-	D120104
LEGISLATIVE POWER	-	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 on any townsite or rural street or road reserve where the street or road 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 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 of Infrastructure Services.

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.

ROAD TRAINS - EXTRA MASS PERMITS

DELEGATION NUMBER	-	D120105
LEGISLATIVE POWER	-	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 of Infrastructure Services.

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	-	D120106
LEGISLATIVE POWER	-	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 of Infrastructure Services.

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.

CONTRACTORS - USE ON WORKS

DELEGATION NUMBER	-	D120107
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to engage private contractors to assist and complement Council's works staff in carrying out any works and services. In exercising this delegated authority, the Chief Executive Officer shall have due regard to the following:

- a) It must be demonstrated that by engaging the private contractors, it will be in the best interests of Council.
- b) Appropriate funds are provided in the budget.
- c) The engagement of private contractors shall only take place with due compliance with the Local Government (Functions and General) Regulations relating to tenders.

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 of Infrastructure Services.

RECORDING REQUIREMENTS

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

Works Order to be issued and where possible to include the cost for such works and services.

GATES ACROSS PUBLIC THOROUGHFARES

DELEGATION NUMBER	-	D120108
LEGISLATIVE POWER	-	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 of Infrastructure Services.

RECORDING REQUIREMENTS

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

Gate Permit Register.

[Reference to Council's adopted Fees & Charges Schedule for the relevant fees.](#)

LAND RESUMPTION

DELEGATION NUMBER	-	D120109
LEGISLATIVE POWER	-	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~~**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 of Infrastructure Services.

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 POWER	-	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 of Infrastructure Services.

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	-	D120111
LEGISLATIVE POWER	-	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 of Infrastructure Services.

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 POWER	-	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 of Infrastructure Services.

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	-	D120113
LEGISLATIVE POWER	-	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 of Infrastructure Services.

RECORDING REQUIREMENTS

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

Appropriate plans.

ENGINEERING STANDARD DRAWINGS

DELEGATION NUMBER	-	D120114
LEGISLATIVE POWER	-	Local Government Act 1995
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to include drawings that reflect urban water sensitive design principles and to make minor changes to the Standard Engineering Drawings and issue amended Standard Engineering Drawings.

RECORDING REQUIREMENTS

Endorsement on drawing.

Refer also to Policy P100505

ADDED by Res: 382/06 / 19DEC06

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TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY REMOVAL OR ALTERATION

DELEGATION NUMBER	-	D120115
LEGISLATIVE POWER	-	Road Traffic Code 2000 Road Traffic Act 1974
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depot

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads the Chief Executive Officer is authorised 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.

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 of Infrastructure Services.

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

LIGHT VEHICLES - REPLACEMENT

DELEGATION NUMBER	-	D120201
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Road Plant Purchases

The Chief Executive Officer is delegated authority to call tenders and/or quotations for the changeover of light vehicles.

The Chief Executive Officer is further delegated authority to purchase the appropriate light vehicle or to accept a tender for the light vehicle provided the tender amount does not exceed the amount determined by Council in accordance with Section 5.43(b).

This delegation shall only be exercised when provision of sufficient funds for the purpose has been made in Council's budget in accordance with Council Policy P100508.

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 of Infrastructure Services.

RECORDING REQUIREMENTS

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

Tenders Register where tenders are called.

Otherwise written quotations.

Refer also to Council Policy P100508.

PARKING FACILITIES - 1203

LOCAL LAW - PARKING & PARKING FACILITIES

DELEGATION NUMBER	-	D120301
LEGISLATIVE POWER	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Parking Facilities

The Chief Executive Officer is 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, published in the Government Gazette on the 29th May 2001:

- (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) Grant approval for the exhibition, removal or other treatment of signs in accordance with clause 4.2.
- (3) 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))

RECORDING REQUIREMENTS

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

Written notice.

TRAFFIC CONTROL (VEHICLE LICENSING) - 1204

AERODROMES - 1205

WATER TRANSPORT FACILITIES - 1206

ECONOMIC SERVICES - 13

RURAL SERVICES - 1301

LOCAL LAW - PEST PLANTS

DELEGATION NUMBER	-	D130101
LEGISLATIVE POWER	-	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 of Infrastructure Services and Shire Rangers.

RECORDING REQUIREMENTS

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

Public advertising and notices in writing as appropriate.

TOURISM & AREA PROMOTION - 1302

PEACEFUL BAY HOLIDAY COTTAGE LEASES

DELEGATION NUMBER	-	D130201
LEGISLATIVE POWER	-	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 assignment and/or mortgage of Peaceful Bay Holiday Cottage Leases.

The delegation is granted on the basis that if the ~~GEO~~ 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 a fee will be charged. 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 Environmental Health section and in compliance with State legislation before the lease will be assigned.

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.

PEACEFUL BAY & RIVERMOUTH CARAVAN PARK LEASES

DELEGATION NUMBER	-	D130202
LEGISLATIVE POWER	-	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 assignment and/or mortgage of Peaceful Bay and Rivermouth Caravan Park Leases.

RECORDING REQUIREMENTS

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

Copy of assignment document.

PARRYS BEACH FISHERMAN'S LEASE AREA – ADDITIONAL CARAVANS

DELEGATION NUMBER	-	D130203
LEGISLATIVE POWER	-	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 Parrys Beach Fisherman's Lease area.

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

RECORDING REQUIREMENTS

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

Correspondence in lease document file.

BUILDING CONTROL - 1303

NOTICES, ISSUE OF SECTION 401

DELEGATION NUMBER	-	D130301
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to issue notices pursuant to Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.

RECORDING REQUIREMENTS

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

Copy of Notice required in accordance with Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 to be included on property file.

BUILDING LICENSES

DELEGATION NUMBER	-	D130302
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Principal Building Surveyor & Building Surveyor
ACTIVITY	-	Building Control

That pursuant to Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, the Principal Building Surveyor and Building Surveyor are delegated authority to approve or refuse to approve plans and specifications, but where a plan and specification so submitted conforms to:

- a) all Local Laws and Regulations in force in the district or part of the district in respect of building matters, and the Council's pre-determined policy in respect of building matters; and
- b) all Local Laws and schemes in force in the district or part of the district in respect of town and regional planning matters, and the Council's predetermined policy in respect of town and regional planning matters,

The Principal Building Surveyor or Building Surveyor shall not refuse to approve that plan or those specifications without first obtaining the consent of the Council.

Furthermore, the issuing of a building licence under Section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 may be subject to such conditions as the Principal Building Surveyor or Building Surveyor considers necessary.

All licences issued under this delegated authority shall, in addition to any conditions imposed by the Principal Building Surveyor or Building Surveyor, contain and be subject to the following conditions:

1. The building licence is valid for a maximum period of twenty-four (24) months.
2. The licence is void if the work covered by it is not substantially commenced within 12 months of the date of issue.
3. Whenever required to do so by the Principal Building Surveyor or Building Surveyor the holder of the licence shall produce the approved plans, drawings and specifications for inspection.

NOTE: This delegation does not apply to applications for residential buildings with a floor area of 60m² or less. Such applications are to be referred to Council for determination.

RECORDING REQUIREMENTS

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

Building Licenses

WORKS, UNLAWFUL

DELEGATION NUMBER	-	D130303
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

- (a) The Chief Executive Officer is delegated authority to issue stop work notices pursuant to Section 401A of the Local Government (Miscellaneous Provisions) Act 1960 where a breach of building requirements is considered by the Chief Executive Officer to be of a magnitude sufficient to warrant issue of a notice.
- (b) The Chief Executive Officer is delegated authority to withdraw stop work notices pursuant to Section 401A of the Local Government (Miscellaneous Provisions) Act 1960 where the breach for which the notice has been issued is corrected to the satisfaction of the Chief Executive Officer.
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RECORDING REQUIREMENTS

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

Notice in writing specifying reasons for Stop Work Order.

BUILDINGS, DANGEROUS

DELEGATION NUMBER	-	D130304
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated the following functions as provided in Section 403 of the Local Government (Miscellaneous Provisions) Act 1960:

1. Issue a certificate which states that the subject building is in a dangerous state.
2. Shore up or otherwise secure the building, as well as providing a hoarding or fence around the building to protect the public from danger.
3. Serve written notice upon the owner or the occupier of the building requiring that the building be taken down, secured or repaired.

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

RECORDING REQUIREMENTS

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

Written notice.

CERTIFICATES OF CLASSIFICATION

DELEGATION NUMBER	-	D130305
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to issue Certificates of Classification of Buildings in accordance with Section 374C of the Local Government (Miscellaneous Provisions) Act 1960.

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

RECORDING REQUIREMENTS

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

Issue of certificate.

BUILDING - EXTENSION OF TIME TO COMPLETE

DELEGATION NUMBER	-	D130306
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Principal Building Surveyor and Building Surveyor
ACTIVITY	-	Building Control

That in accordance with Section 374(1a) of the Local Government (Miscellaneous Provisions) Act 1960 Council's Principal Building Surveyor and Building Surveyor are delegated authority to approve of an extension of time where it was not possible to complete the building within the period specified in the building licence, subject to the payment of an additional building licence fee calculated in the following manner:

The fee payable is to be in proportion to the extent of the building to be completed.
For example:

If 25% of the building is completed then 75% of the fee is charged
If 50% of the building is completed then 50% of the fee is charged
If 75% of the building is completed then 25% of the fee is charged.

RECORDING REQUIREMENTS

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

Appropriate notations on Building License.

BUILDINGS, REMOVAL OF NEGLECTED & DILAPIDATED

DELEGATION NUMBER	-	D130307
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to serve upon the owners and occupiers of neglected and dilapidated buildings the written notices required by Sections 408 and 409 of the Local Government (Miscellaneous Provisions) Act 1960.

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

RECORDING REQUIREMENTS

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

Copy of Notice issued.

BUILDING LICENCE FEES - REFUNDS & EXEMPTIONS

DELEGATION NUMBER	-	D130308
LEGISLATIVE POWER	-	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 licence fees where a building project is abandoned after issue of the building licence. Any refund shall not exceed 50% of the building licence 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 licence.

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 licence fees [in accordance with Council Policy P100606](#).

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

RECORDING REQUIREMENTS

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

Notation on Building Licence and ~~CEO's~~ [Chief Executive Officers' Donations register](#) ~~Register and included in Council's monthly Information Bulletin.~~

[Note also Organisation Wide Procedure Manual OP040239.](#)

LOCAL LAW - FENCING

DELEGATION NUMBER	-	D130309
LEGISLATIVE POWER	-	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 29th May 2001:

- (1) 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)
 - (2) 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)
 - (3) Cancel a licence as provided for under clause 15.
 - (4) Issue a 'notice of breach' and take other actions in accordance with clause 16.
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RECORDING REQUIREMENTS

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

Correspondence on property files.

DEMOLITION LICENSES

DELEGATION NUMBER	-	D130310
LEGISLATIVE POWER	-	Local Government (Miscellaneous Provisions) Act 1960
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Building Control

The Chief Executive Officer is delegated authority to approve the issue of a demolition [license](#) (Section 374A) to take down a building or part of a building and such license may be subject to such conditions as the Chief Executive Officer considers necessary for the safe and proper execution of the work.

RECORDING REQUIREMENTS

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

Building Demolition Licence.

SALEYARDS & MARKETS - 1304

PLANT NURSERIES - 1305

ECONOMIC DEVELOPMENT - 1306

PUBLIC UTILITY SERVICES - 1307

OTHER ECONOMIC SERVICES - 1308

LOCAL LAW - EXTRACTIVE INDUSTRIES

DELEGATION NUMBER	-	D130801
LEGISLATIVE POWER	-	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 29th May 2001 and Extractive Industries Amendment Local Law published in the Government Gazette on 9th August 2005, with the exception of the following specific powers/duties:

- (1) The setting of any fee or charge.
- (2) The cancellation of any licence as provided for in clause 4.2.
- (3) 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 of Planning & Sustainability.

RECORDING REQUIREMENTS

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

Council Policy, permits, correspondence on property files.

OTHER PROPERTY & SERVICES - 14

PRIVATE WORKS - 1401

ADMIN OVERHEADS - 1402

PUBLIC WORKS OVERHEADS - 1403

PLANT OPERATION COSTS - 1404

~~SALERIES~~SALARIES & WAGES - 1405

BUSINESS UNIT OPERATIONS - 1406

UNCLASSIFIED - 1407

TOWN PLANNING SCHEMES - 1408