



SHIRE OF DENMARK

Delegations, Authorisations & Appointments Register



Adopted by Council – ~~7 July 2015~~~~XXX~~/ Res: ~~440715~~~~XXX~~
Review required ~~July 2016~~~~XXX~~ ~~2018~~
~~Includes amendments to 10 November 2015~~

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PREFACE

- 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.
- 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.
- All conditions applying to delegations are as specified in the record of the delegation.
- Notwithstanding the requirement for the Council and/or delegator to review its delegations every year, all delegations are for an indefinite period of time unless another period of time is specified in the record of the delegation.
- All delegations contained in this Register were endorsed by Council by an Absolute Majority on the ~~7 July 2015~~XXX, unless another endorsement date is shown on the record of the delegation.
- An authorisation, appointment, duty or power may be delegated or provided for by another an Act (other than the Local Government Act 1995) to the CEO and/or other employees, the details of which are described in the instrument of delegation.

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with disability in alternative formats upon request. |

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Register of Delegations, Authorisations & Appointments from Council to Committees

Register of Delegations, Authorisations & Appointments from Other Agencies / Acts to Council

Delegations, Authorisations & Appointments

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 — (a) this Act other than those referred to in section 5.43; or (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* 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.

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) (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, b) 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) —

"conditions" includes qualifications, limitations or exceptions.

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

Notes on On-Delegating

Unless specifically provided for in the relevant delegation, Officers other than the CEO are not permitted to on-delegate any of the delegations delegated to them by the CEO or Council or other Legislation.

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.
- a) (2) Nothing in this Division is to be read as preventing —
 - i. (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - ii. (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. (refer Local Government (Administration) Regulations 1996, Regulations 18G & 19).

5.71. Employees to disclose interests relating to delegated functions

If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and —

- (1) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and
- (2) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter.

Penalty: \$10,000 or imprisonment for 2 years.

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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) — (a) — how the person exercised the power or discharged the duty;*
 - (b) — (b) — when the person exercised the power or discharged the duty;*
- and*
- (c) — (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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PRIMARY RETURNS & ANNUAL RETURNS

The CEO, Designated Staff (Senior Employees) and all Employees who have been granted or delegated responsibility are captured by the definition below and must complete a Primary Return within 3 months of their start day (or the date of being issued authority to perform a delegation). Thereafter, 'relevant' employees are required to submit an Annual Return every year, by the 31 August.

PRIMARY RETURNS

~~All 'relevant' employees are required to submit a Primary Financial Return which is pursuant to section 5.75 of the Local Government Act 1995 within 3 months of their start date.~~

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The sections of the Local Government Act 1995 which relate are copied below.

5.74. Definitions

"Relevant Person" means a person who is a Council member or a designated employee.

"Designated Employee" includes;

1. a CEO;
2. an employee, other than the CEO to whom any power or duty has been delegated under division 4.
3. an employee who is a member of a Committee comprising Council members and employees; and
4. an employee nominated by the local government to be a designated employee.

5.75. Primary returns

- A relevant person other than the CEO must lodge with the CEO a primary return in the prescribed form within 3 months of the start day.
- A CEO must lodge with the mayor or president a primary return in the prescribed form within 3 months of the start day.
- This section does not apply to a person who —
- has lodged a return within the previous year; or
- has, within 3 months of the start day, ceased to be a relevant person.

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Penalty: \$10 000 or imprisonment for 2 years.

ANNUAL RETURNS

5.76. Annual returns

- a) Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.
- b) Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.

Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.

Primary & Annual Return Templates are available from the Executive Assistant or from the following location on the Server [L:\Org_Wide_Reference_Documents_Forms_Photos_etc\Organisation_Forms_& Templates_Register\Governance](#)

REGISTER OF DELEGATIONS, AUTHORISATIONS & APPOINTMENTS

GENERAL PURPOSE FUNDING

RATES

D030101 [Rate Book](#)

OTHER GENERAL PURPOSE FUNDING

D030201 [Investments](#)

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D040113 ~~Awards Committee (REMOVED)~~

D040114 [Citizenship Ceremonies](#)

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D040202 [Disputes, Arbitration & Industrial](#)

D040203 [Legal Advice & Representation](#)

D040204 ~~Insurance~~ [Claims Against the Local Government](#)

D040205 [Disposal of Surplus Equipment, Materials, Tools etc.](#)

D040206 [Acting Chief Executive Officer](#)

D040207 [Telephones \(Private\) - Use of Employees for Council Business](#)

D040208 [Staff - Conferences, Seminars & Training Courses](#)

D040209 [Vehicles, Use of](#)

D040210 ~~Budget Expenditure (REMOVED)~~

D040211 ~~Tenders (REMOVED)~~

D040212 [Property - Acquisition and Disposal](#)

D040213 [Local Laws](#)

D040214 [Executive Functions -- Duties](#)

D040215 ~~Register of Delegations to Committees -- (REMOVED)~~

D040216 [Copies of Information](#)

D040217 [Tenders for Providing Goods and Services](#)

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D050203 [Cat Act 2011](#)
D050204 [Local Government \(Miscellaneous Provisions\) Act 1960](#)

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D050302 [Power of Entry](#)
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PREVENTATIVE SERVICES – IMMUNISATION

PREVENTATIVE SERVICES – MEAT INSPECTION

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D070406 [Health Local Law – Appointment of Authorised Persons](#)

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PREVENTATIVE SERVICES – OTHER

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D100602 [Local Law – Activities on Thoroughfares and Trading in Thoroughfares & Public Places](#)
D100603 [Issuing Infringement Notices for Alleged Breaches of the Town Planning Scheme Compliance](#)
D100604 [Development Assessment Panel](#)
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- D110101 [Council Facilities – Hire Fees \(Commercial/Non Commercial Determination\)](#)
D110102 *Chair & Trestle Table Hire (REMOVED)*

SWIMMING AREAS & BEACHES

- D110201 [Local Law – Local Government Property](#)

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- D110301 [Recreation Centre \(Denmark\) – Refunds](#)
D110302 [Recreation Centre Free Passes](#)

TELEVISION & RADIO RE-BROADCASTING

**LIBRARIES
HERITAGE
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D120102 [Events on Roads](#)
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Director of Finance & Administration

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Director of Infrastructure Services

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Principal Building Surveyor

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Building Surveyor

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Director of Planning & Sustainability

D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D100601	Town Planning Scheme
D100604	Development Assessment Panel

Chief Bush Fire Control Officer – appointed by Council refer Appointment D050109

D050103	Burning, Prohibited & Restricted Times (Variations)
D050105	Bush Fires Act 1954 – Prosecution of Offences

Senior Law Enforcement Officer

D050105	Bush Fires Act 1954 – Prosecution of Offences
D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments
D050307	Spear Guns Control Act 1955 – Appointment of Inspectors
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D100601	Town Planning Scheme

Law Enforcement Officer

D050105	Bush Fires Act 1954 – Prosecution of Offences
D050306	Control Of Vehicles (Off-Road Areas) Act 1978 – Local Government Appointments
D050307	Spear Guns Control Act 1955 – Appointment of Inspectors
D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D100601	Town Planning Scheme

Senior Town Planner

D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D100601	Town Planning Scheme

Community Emergency Services Manager

D050105	Bush Fires Act 1954 – Prosecution of Offences
D050108	Bush Fires Regulations 1954 – Permits to Burn Clover

Coordinator of Engineering Services

D100601	Town Planning Scheme
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Sustainability Officer

D100601	Town Planning Scheme
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Engineering Technical Officer

D100601	Town Planning Scheme
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Deputy Chief Bush Fire Control Officer – appointed by Council refer Appointment D050109

D050105	Bush Fires Act 1954 – Prosecution of Offences
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**REGISTER OF
DELEGATIONS, APPOINTMENTS, AUTHORISATIONS &
DESIGNATIONS FROM THE CEO TO EMPLOYEES**

Director of Finance & Administration

D030101	Rate Book
D030201	Investments
D040102	Financial Reports
D040110	Public Interest Disclosure – Investigations Officer
D040111	Freedom of Information – Coordinator
D040201	Creditors, Payment of
D040204	Insurance Claims Against the Local Government
D040212	Property – Acquisition & Disposal
D040216	Copies of Information
D040220	Trust Fund
D040222	Expenditure Before Adoption of Budget
D040223	Grants & Subsidies
D040228	Contract Variations
D050305	Enforcement & Legal Proceedings
D100603	Issuing Infringement Notices for Alleged Breaches of the Town Planning Scheme
D110101	Council Facilities – Hire Fees (Commercial/Non Commercial Determination)
D110201	Local Law - Local Government Property
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Director of Community & Regulatory Services

D040212	Property – Acquisition & Disposal
D040222	Expenditure Before Adoption of Budget
D040223	Grants & Subsidies
D040228	Contract Variations
D050201	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
D050202	Dogs – Local Laws & Dog Act 1976
D050203	Cat Act 2011
D050303	Impounding Goods
D050305	Enforcement & Legal Proceedings
D070402	Itinerant Food Vendors
D070403	Extended Trading Permits to Sell Packaged Liquor
D070404	Grant or Removal of a Liquor Licence – Certificate of Local Government
D100605	Peaceful Bay Holiday Cottage Full Time Occupancy Approvals
D110201	Local Law - Local Government Property
D120301	Local Law - Parking & Parking Facilities
D120401	Road Traffic (Administration) Act 2008 – Prescribed Persons
D130101	Local Law - Pest Plants
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons
D130309	Local Law – Fencing

Director of Planning & Sustainability

D040212	Property – Acquisition & Disposal
D040222	Expenditure Before Adoption of Budget
D040223	Grants & Subsidies

D040228	Contract Variations
D050305	Enforcement & Legal Proceedings
D070405	Grant or Removal of a Liquor Licence – Certificate of Local Planning Authority
D100603	Issuing of Infringements for Alleged Breaches of the Town Planning Scheme
D110201	Local Law - Local Government Property
D120103	Road Closures (Permanent)
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons
D130801	Local Law – Extractive Industries

Director of Infrastructure Services

D040212	Property – Acquisition & Disposal
D040217	Tenders for Providing Goods and Services
D040222	Expenditure Before Adoption of Budget
D040223	Grants & Subsidies
D040228	Contract Variations
D050303	Impounding Goods
D050305	Enforcement & Legal Proceedings
D110201	Local Law - Local Government Property
D120101	Temporary Closure of Thoroughfares to Vehicles
D120102	Events on Roads
D120104	Trees – Removal
D120105	Road Trains & Extra Mass Permits
D120106	Traffic Regulatory Signs
D120108	Gates Across Public Thoroughfares
D120109	Land Resumption
D120110	Dangerous Excavation in or near Public Thoroughfare
D120111	Crossovers
D120112	Public Thoroughfares – Fixing or Altering Levels or Alignments or Drainage onto Adjoining Land
D120113	Public Thoroughfares – Public Use and Plans
D120115	Traffic Signs & Control Devices – Temporary (Works)
D120116	Traffic Signs & Control Devices – Temporary (Events)
D120201	Light Vehicle Replacement
D130101	Local Law - Pest Plants
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Principal Environmental Health Officer

D050308	Fines, Penalties and Infringement Notices Enforcement Act 1994 – Appointment of Prosecution Officers
D070402	Itinerant Food Vendors
D070403	Extended Trading Permits to Sell Packaged Liquor
D070404	Grant or Removal of a Liquor Licence – Certificate of Local Government
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Senior Law Enforcement Officer

D050202	Dogs – Local Laws & Dog Act 1976
D050203	Cat Act 2011
D050204	Local Government (Miscellaneous Provisions) Act 1960
D050302	Power of Entry
D050303	Impounding Goods
D050305	Enforcement & Legal Proceedings

D110201	Local Law - Local Government Property
D120301	Local Law - Parking & Parking Facilities
D120401	Road Traffic (Administration) Act 2008 – Prescribed Persons
D130101	Local Law - Pest Plants
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Principal Building Surveyor

D050305	Enforcement & Legal Proceedings
D070403	Extended Trading Permits to Sell Packaged Liquor
D070404	Grant or Removal of a Liquor Licence – Certificate of Local Government
D130309	Local Law – Fencing

Law Enforcement Officer

D050202	Dogs – Local Laws & Dog Act 1976
D050203	Cat Act 2011
D050204	Local Government (Miscellaneous Provisions) Act 1960
D050302	Power of Entry
D050303	Impounding Goods
D050305	Enforcement & Legal Proceedings
D110201	Local Law - Local Government Property
D120301	Local Law - Parking & Parking Facilities
D120401	Road Traffic (Administration) Act 2008 – Prescribed Persons
D130101	Local Law - Pest Plants
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons

Customer Services Officer

D050202	Dogs – Local Laws & Dog Act 1976
D100603	Issuing Infringement Notices for Alleged Breaches of the Town Planning Scheme

Building Surveyor

D050305	Enforcement & Legal Proceedings
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**REGISTER OF
DELEGATIONS OR AUTHORISATIONS FROM OTHER
AGENCIES OR ACTS DIRECT TO OTHERS**

Road Traffic Code 2000

DELEGATION NUMBER	AUTHORISATION	DELEGATED TO
D120115	Traffic Signs & Control Devices – Temporary (Works)	Chief Executive Officer
D120116	Traffic Signs & Control Devices – Temporary (Events)	Chief Executive Officer

Road Traffic (Administration) Regulations 2014

DELEGATION NUMBER	DELEGATION	DELEGATED TO
D120401	Road Traffic (Administration) Act 2008 – Prescribed Persons	Chief Executive Officer

Freedom of Information Act 1992

DELEGATION NUMBER	DELEGATION	APPOINTEE
D040111	Freedom of Information – Internal Review Officer	Chief Executive Officer

Australian Citizenship Act 2007

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

Bush Fires Act 1954

DELEGATION NUMBER	DELEGATION	DELEGATED TO
D050104	Local Law – Bush Fire Brigades	Chief Executive Officer

Cat Act 2011

DELEGATION NUMBER	DELEGATION	DELEGATED TO
D050203	Cat Act 2011	Chief Executive Officer

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

DELEGATION NUMBER	DELEGATION	DELEGATED TO
D100503	Pollution Abatement	Chief Executive Officer

D100504	Noise Management Plans	Chief Executive Officer
D100506	Noise Management Plans	Chief Executive Officer
D100507	Authorised Person and Inspector – Environmental Protection Act 1986	Gregg Harwood, Director of Community & Regulatory Services and Robert Ohle, Principal Environmental Health Officer

Planning & Development Act 2005 (s227 & 228)

DELEGATION NUMBER	DELEGATION	DELEGATED TO
D100603	Issuing Infringements for Alleged Breaches of the Town Planning Scheme	Chief Executive Officer

Litter Act 1979

DELEGATION NUMBER	AUTHORISATION	AUTHORISED TO
D100203	Litter Act 1979 – Authorised Officers	All Elected Members All Shire of Denmark Employees

Caravan Parks & Camping Grounds Act 1995

DELEGATION NUMBER	AUTHORISATION	AUTHORISED TO
D130204	Caravan Parks and Camping Grounds - Appointment of Authorised Persons	Chief Executive Officer

DELEGATIONS, AUTHORISATIONS & APPOINTMENTS

GENERAL PURPOSE FUNDING - 03

RATES - 0301

RATE BOOK

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

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

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director 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 POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other General Purpose Funding

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

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

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

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director 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 POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

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

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

~~6. Periodical reports on donations made and applications refused are to be included within Council's monthly Information Bulletin.~~

CONDITIONS

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

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

AMENDED by Res: 250313 / 26 March 2013

AMENDED by Res: 110715 / 7 July 2015

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RECORDING REQUIREMENTS

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

Periodical reports on donations made and applications refused are to be included within Council's monthly Information Bulletin.

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

AMENDED by Res: 250313 / 26 March 2013

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX

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FINANCIAL REPORTS

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

~~The Chief Executive Officer is delegated authority to 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.~~

~~REPEALED by Res: XXX / XXX~~

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CONFERENCES/SEMINARS/TRAINING COURSES - EXPENSES OF COUNCILLORS

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

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

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

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

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 POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

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

RECORDING REQUIREMENTS

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

Applications and approvals to be in writing.

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

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

ANNUAL REPORT

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

~~The Chief Executive Officer is delegated authority to 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.~~

~~REPEALED by Res: XXX / XXX~~

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COUNCIL AND COMMITTEE MEETINGS

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

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

- ~~a) 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.~~
- ~~b) Give Local Public Notice of any change to the date, time or place of a meeting which is open to the public.~~
- ~~e) 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 (CR.2).~~

~~REPEALED by Res: XXX / XXX~~

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PUBLIC INSPECTION OF DOCUMENTS RELATING TO COUNCIL AND COMMITTEE MEETINGS

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

~~The Chief Executive Officer is delegated authority to 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

~~Documents made available.~~

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

REPEALED by Res: XXX / XXX

LOCAL LAW - STANDING ORDERS

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

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

CONDITIONS

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

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

RECORDING REQUIREMENTS

Council's Information Bulletin.

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

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

CODE OF CONDUCT – COMPLAINTS OFFICER

- DELEGATION NUMBER - **D040109**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.120 (1))
- DESIGNATED OFFICER - Director of Finance & Administration
- ACTIVITY - Members of Council

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

~~Res: 120408
22 APRIL 2008
AMENDED by Res: 110715 / 7 July 2015~~

RECORDING REQUIREMENTS

Refer to Local Government (Official Conduct) Amendment Act 2007, Sections 5.104 to 5.123 of the Local Government Act 1995.

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

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

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

~~Res: 120408
22 APRIL 2008
AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: XXX / XXX~~

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PUBLIC INTEREST DISCLOSURE - INVESTIGATIONS OFFICER

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

The Chief Executive Officer has designated the Director of Finance & Administration as the Local Government's Public Interest Disclosure Officer for receiving disclosures of public interest information, for receiving, investigating and, if deemed valid, registering and reporting Elected Member breaches or alleged breaches of the Council's Code of Conduct or Rules of Conduct.

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

Refer to Public Interest Disclosure Act 2003. (Relevant file & valid complaints to be recorded in the Council's Complaints Register Pursuant to section 23 (1) (f) of the Public Interest Disclosure Act 2003) the Chief Executive Officer is required to report annually to the Public Sector Commissioner on the number of public interest disclosures received over the report period.-

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

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX

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FREEDOM OF INFORMATION - COORDINATOR & REVIEW OFFICER

DELEGATION NUMBER	-	D040111
LEGISLATIVE POWERS	-	Freedom of Information Act 1992 (Section 9, 41 & 94)
APPOINTEE	-	Chief Executive Officer
ACTIVITY	-	Members of Council

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

AMENDED by Res: 110715 / 7 July 2015

CURRENT DESIGNATED PERSONS

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

1. The Director of Finance & Administration as the Council's Freedom of Information Coordinator, for receiving, investigating, registering and reporting Freedom of Information requests.

RECORDING REQUIREMENTS

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

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

AMENDED by Res: XXX / XXX

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EQUAL EMPLOYMENT OPPORTUNITY -- IMPLEMENTATION OFFICER APPOINTED PERSONS

- DELEGATION NUMBER - **D040112**
- LEGISLATIVE POWERS - Equal Opportunity Act 1984 (Section 145 (h))
- DESIGNATED OFFICER - Director of Finance & Administration
- ACTIVITY - Members of Council

~~Council appoints tThe Director of Finance & Administration is designated as the Local Government's Equal Employment Opportunity Officer for to implement the provisions referred to in Section 145 (a) to (g) of the Equal Opportunity Act 1984 to prepare and implement the implementing Council's Equal Employment Opportunity Management Plan and promoting Council's Equal Employment Opportunity Policy Management Plan.~~

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

RECORDING REQUIREMENTS

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

Refer Council's Equal Employment Opportunity Management Plan.
Refer Equal Employment Opportunity Human Resources Policy.

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

~~AMENDED by Res: XXX / XXX~~

AWARDS COMMITTEE

- DELEGATION NUMBER - **D040113**

ADDED by Res: 456/07 / 18 DECEMBER 2007

REMOVED by Res: 221011 / 18 October 2011

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CITIZENSHIP CEREMONIES

DELEGATION NUMBER	-	D040114
LEGISLATIVE POWERS	-	Australian Citizenship Act 2007, Subsection 27(5)
AUTHORISED PERSON(S)	-	Chief Executive Officer
	-	Shire President
	-	Deputy Shire President
ACTIVITY	-	Members of Council

Powers and duties authorised

The Minister for Immigration 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;
2. Deputy President of a Shire; and
3. Chief Executive Officer of a Shire.

~~AMENDED by Res: 080811 / 23 August 2011~~

~~AMENDED by Res: 100312 / 20 March 2012~~

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

RECORDING REQUIREMENTS

Pledge Verification List.

Copied onto relevant file.

Instrument of Authorisation Schedule - see File GOV.43.

~~AMENDED by Res: 080811 / 23 August 2011~~

~~AMENDED by Res: 100312 / 20 March 2012~~

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

ADMINISTRATION (OTHER GOVERNANCE) - 0402

CREDITORS. PAYMENT OF

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

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing -

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

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director of Finance & Administration, noting that dual signatures are required.

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

List of accounts recorded in monthly Council meeting minutes.

Refer also to the Organisation Procedure Manual.

AMENDED by Res: 110715 / 7 July 2015

DISPUTES, ARBITRATION & INDUSTRIAL

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

~~The Chief Executive Officer is delegated authority to provide the West Australian Local Government Association (WALGA) 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 to be kept on appropriate files.~~

REPEALED by Res: XXX / XXX

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LEGAL ADVICE & REPRESENTATION

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

The Chief Executive Officer is delegated authority to;

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

Note: Part 2 cannot be onward delegated.

RECORDING REQUIREMENTS

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

Relevant correspondence kept on appropriate files.

INSURANCE CLAIMS AGAINST THE LOCAL GOVERNMENT

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

~~The Chief Executive Officer is delegated authority to enter into appropriate contracts of insurance, subject to compliance with Council Policy P040204.~~

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

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

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

RECORDING REQUIREMENTS

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

Correspondence/~~Insurance Policies~~ kept on relevant file(s) ~~and Strong Room~~.

AMENDED by Res: XXX / XXX

DISPOSAL OF SURPLUS EQUIPMENT, MATERIALS, TOOLS, ETC.

- DELEGATION NUMBER - **D040205**
- ~~LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42); and
Local Government Act 1995 (Section 3.58); and
Regulation 30 — Local Government (Functions & General) Regulations 1996.~~
- 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.~~

CONDITIONS

~~This delegation applies only to items with an estimated value of less than \$2,000.~~

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

~~Section 5.46(3) — Local Government (Administration) Regulation No 19.
Section 3.58 — Local Government Act 1995 (Disposing of Property)
Local Government (Functions & General) Regulations — Regulation No. 30.~~

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

Refer also Council Delegations D040212 & D120201.

REPEALED by Res: XXX / XXX

ACTING CHIEF EXECUTIVE OFFICER

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

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

AMENDED by Res: 210315 / 24 March 2015

TELEPHONES (PRIVATE) - USE BY EMPLOYEES FOR COUNCIL BUSINESS

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

~~The Chief Executive Officer is delegated authority to make 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 Organisation Procedure Manual and written confirmation of arrangements be included in the Officer's personal file.~~

REPEALED by Res: XXX / XXX

STAFF - CONFERENCES, SEMINARS & TRAINING COURSES

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

~~The Chief Executive Officer is delegated authority to approve 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 & Organisation Procedure OP040206.~~

REPEALED by Res: XXX / XXX

VEHICLES, USE OF

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

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

RECORDING REQUIREMENTS

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

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

Refer also to the Organisation Procedure OP040223.

BUDGET EXPENDITURE

DELEGATION NUMBER	-	D040210
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REMOVED by Res: 110715 / 7 July 2015

TENDERS

DELEGATION NUMBER	-	D040211
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REMOVED by Res: 110715 / 7 July 2015

PROPERTY - ACQUISITION & DISPOSAL

- DELEGATION NUMBER - **D040212**
- LEGISLATIVE POWERS - 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.

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; the Director of Planning & Sustainability, the Director of Community & Regulatory Services; and the Director of Infrastructure Services with respect to trading of registered vehicles or road plant.

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

RECORDING REQUIREMENTS

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

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

Note also:

~~Council Delegation D040205~~

~~Council Delegation D120201~~

Organisation Procedure OP040233

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

~~AMENDED by Res: XXX / XXX~~

LOCAL LAWS

DELEGATION NUMBER	-	D040213
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

~~The Chief Executive Officer is delegated authority to perform the following duties 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 Council makes 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 Council's 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".~~

REPEALED by Res: XXX / XXX

EXECUTIVE FUNCTIONS - DUTIES

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

The Chief Executive Officer is delegated authority to perform the following duties, so far as is reasonable and practicable, on behalf of Council in regard to the performance of executive functions ~~(refer Section 3.24 referred to under Section 3.21 of the Local Government Act):~~ |

~~4.1.~~ 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. |

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~~2.~~ ~~2.~~ Ensure that as little as possible harm, inconvenience or damage is done. |

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~~3.~~ ~~3.~~ Ensure that danger to any person or property does not arise from anything done on land. |

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~~4.4.~~ 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. |

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~~2.5.~~ Ensure that buildings, fences, and other structures are neither disturbed nor damaged. |

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~~3.6.~~ 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. |

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~~4.7.~~ 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. |

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

RECORDING REQUIREMENTS

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

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

AMENDED by Res: XXX / XXX |

REGISTER OF DELEGATIONS TO COMMITTEES

DELEGATION NUMBER - **D040215**

REMOVED by Res: 150709 / 28 July 2009

COPIES OF INFORMATION

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

~~The Chief Executive Officer is delegated authority to ensure that copies are available to people seeking to view information required to be made available for inspection 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 those copies (refer Section 5.96 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 Finance & Administration.*~~

RECORDING REQUIREMENTS

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

~~Requests to be in accordance with the Organisation Procedure OP040241.~~

REPEALED by Res: XXX / XXX

TENDERS FOR PROVIDING GOODS & SERVICES

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

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

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

Condition

For the purposes of Section 5.43 (b) of the Local Government Act 1995,

e) ~~Unless otherwise specified by a Resolution of Council,~~ the Chief Executive Officer is delegated authority to accept a tender when the consideration involved does not exceed \$150,000 provided that appropriate provision is made in Council's Budget.

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

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

~~AMENDED by Res: 301015 / 20 October 2015~~

RECORDING REQUIREMENTS

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

Tenders Register.

~~Note: Delegation D120201 also relates.~~

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

~~AMENDED by Res: 301015 / 20 October 2015~~

~~AMENDED by Res: XXX / XXX~~

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EXECUTION OF DOCUMENTS

DELEGATION NUMBER	-	D040218
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42 & 9.49A (2))
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

Where:

1. Council has authorised entering into a formal contract, or
2. a formal contract is authorised under a delegated authority from Council, or
3. a formal contract is considered necessary by the Chief Executive Officer as part of the day-to-day operation of the Council,

The Chief Executive Officer is delegated authority to prepare the necessary documentation taking into account any specific or policy requirements of Council and arrange for execution of the contract documents including authorisation to affix the seal in accordance with Council Policy P040207 without further reference to Council.

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

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 recorded in the Council's monthly Information Bulletin.

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

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

COMMERCIAL ENTERPRISES

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

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

RECORDING REQUIREMENTS

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

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

TRUST FUND

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

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

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

RECORDING REQUIREMENTS

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

Accounting records.

PAYMENT OF ACCOUNTS

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

The Chief Executive Officer is delegated authority to:

a) 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.

b) 2. Develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that: -

1-a) the relevant debt was incurred by a person who was properly authorised to do so and

2-b) the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard.

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

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

RECORDING REQUIREMENTS

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

In accordance with the Organisation Wide Procedure OP040237.

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EXPENDITURE BEFORE ADOPTION OF BUDGET

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

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

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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.

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

In accordance with the Organisation Procedure OP040237.

AMENDED by Res: 110715 / 7 July 2015

GRANTS & SUBSIDIES

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

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

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

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

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

AMENDED by Res: XXX / XXX

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STAFF RELOCATION EXPENSES

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

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

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

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
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REMOVED by Res: 241213 / 3 December 2013

DEBTS - WRITE OFF, WAIVER OR CONCESSIONS

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

The Chief Executive Officer is delegated authority to write-off debts, ~~waive or grant concessions~~ in relation to any amount of money, ~~pursuant to Section 6.12 (1) (b) and (c) of the Local Government Act 1995, up to an amount of \$200.~~

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

CONDITIONS

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

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RECORDING REQUIREMENTS

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

Appropriate journal entry ~~and register of write-offs and evidentiary documents must be retained~~ on the Shire's record keeping database in ADMIN.9.

AMENDED by Res: XXX / XXX

STAFF PRODUCTIVITY INCENTIVE SCHEME

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

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

RECORDING REQUIREMENTS

Council's monthly Information Bulletin.

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

CONTRACT VARIATIONS

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

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director of Infrastructure Services; the Director of Finance & Administration; the Director of Community & Regulatory Services; and the Director of Planning & Sustainability.

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

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

Tender/Contracts Register.

AMENDED by Res: 110715 / 7 July 2015

BUSINESS CONTINUITY & RECOVERY PLAN

DELEGATION NUMBER	-	D040229
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Administration (Other Governance)

~~The Chief Executive Officer is delegated authority to amend the Administration Centre Business Continuity and Recovery Plan as required, no later than every two years, and approve subsequent Plans for other Council facilities.~~

ADDED by Res: 110712 / 24 July 2012

RECORDING REQUIREMENTS

~~Version control of the Business Continuity and Recovery Plan.~~

~~Any subsequent Plans for other Council facilities—and versions of such to be noted in Council Policy P040109 (Codes of Conduct & Required Plans).~~

REPEALED by Res: XXX / XXX

MASTER LENDING AGREEMENT

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

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

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

RECORDING REQUIREMENTS

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

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

Execution of the Documents to be pursuant to Council Policy P040207.

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LAW, ORDER & PUBLIC SAFETY - 05

FIRE PREVENTION - 0501

BURNING OF SHIRE CONTROLLED RESERVES

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

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

The conditions relating to each burn include;

1. The Burn to be conducted by appropriately trained Shire of Denmark Volunteer Bush Fire Brigade personnel / brigades with a Council Community Emergency Services Manager (CESM) in command of the burn.
2. To be performed in accordance with duly completed;
 - a. 'Shire of Denmark Prescription Form for Hazard Reduction' and;
 - b. ~~'Shire of Denmark~~ Pre-Burn Checklist' in all cases detailing the resources required and issues to be taken into account.
3. That Department of Fire & Emergency Services (DFES) / Brigade / Council SOP # 35 relating to 'Operational Safety on Roadways' is complied with where relevant.
4. That adequate notice is given to adjoining and likely directly affected residents of the location, timing and extent of the proposed burning and of any impacts on temporary road closures.
5. Temporary Rd closures are hereby permitted as required subject to the extent of closure being done with the approval of the Council's Director of Infrastructure Services.
6. That adequate notice is given to the Department of ~~Parks & Wildlife (DPaW)~~Biodiversity Conservation and Attractions Frankland Office of the location, timing and extent of the proposed burning.
7. That where possible (if time allows in this instance), forward notice of the intention to undertake hazard reduction prescription burns 'in the near future' be advertised in the Bulletin.
8. That the burning is done in such a way as to minimise any adverse impact or damage to Council or private fencing, signage or other infrastructure.
9. Following the burn, notification of any known damage to Council or private fencing, signage or other infrastructure is reported to the CESM who will refer the matter to the appropriate Council officer(s).
10. Following the burn, the area is referred, by the CESM in consultation with the Council's Sustainability Officer, to Council's Director of Infrastructure Services for determination of the need for any post fire emergent weed control (by Council or its agents).
11. That the burning is done in such a way as to minimise long term damage to the environmental values of the vegetation.
12. That any one side of the road reserve can be burnt in any one year.
13. That no known rare or endangered flora exists within the defined area (refer relevant roadside markers on road reserves if applicable in the area and liaise with the Flora Officer, DPaW Frankland District).

14. The proposed burns are not in an 'environmentally sensitive area' (the subject of a declaration under section 51B of the Environmental Protection Act 1986) (please refer to the Flora Officer, DPaW Frankland District for reference to the relevant database).
15. This approval is valid if outside of the prohibited and restricted burning times and until 30 November only. If after the 1 September & prior to the 1 December, the CEO must be satisfied that the intensity of the burn will not endanger native flora or fauna.
16. This approval is valid only on days approved by the FCO of the Brigade in charge of the burn and not on an 'extreme' or 'very high' fire danger day.

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

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

RECORDING REQUIREMENTS

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

'Application to Burn' form held by Council's Law Enforcement Officers.

OTHER LEGISLATIVE REQUIREMENTS

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

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

~~AMENDED by Res: XXX / XXX~~

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FIREBREAK ORDER, VARIATION TO

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

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

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

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

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

RECORDING REQUIREMENTS

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

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

BURNING, PROHIBITED & RESTRICTED TIMES (VARIATIONS)

DELEGATION NUMBER	-	D050103
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 17 (10))
DELEGATE	-	Shire President
	-	Chief Bush Fire Control Officer
ACTIVITY	-	Fire Prevention

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

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

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

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

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

AMENDED by Res: 110715 / 7 July 2015

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LOCAL LAW - BUSH FIRE BRIGADES

DELEGATION NUMBER	-	D050104
LEGISLATIVE POWERS	-	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:

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

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

RECORDING REQUIREMENTS

Written notice on the relevant file.

BUSH FIRES ACT 1954 – PROSECUTION OF OFFENCES

DELEGATION NUMBER	-	D050105
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 59 (3))
DELEGATES	-	Chief Executive Officer
	-	Director of Community & Regulatory Services
	-	Community Emergency Services Manager
	-	Senior Law Enforcement Officer
	-	Law Enforcement Officer
	-	Chief Bush Fire Control Officer
	-	Deputy Chief Bush Fire Control Officer
ACTIVITY	-	Fire Prevention

The Chief Executive Officer, the Director of Community & Regulatory Services, the Community Emergency Services Manager, Senior Law Enforcement Officer, Law Enforcement Officer, Chief Bush Fire Control Officer and Deputy Chief Fire Control Officer are delegated authority by Council to consider allegations of offences alleged to have been committed against the Bush Fires Act 1954 in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, any may pay out of its funds any costs and expenses incurred in or about the proceedings.

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

~~ADDED by Res: 110715 / 7 July 2015~~
~~AMENDED by Res: 081115 / 10 November 2015~~

RECORDING REQUIREMENTS

Notes with respect to the allegation & actions taken.

~~ADDED by Res: 110715 / 7 July 2015~~
~~AMENDED by Res: 081115 / 10 November 2015~~

BUSH FIRES ACT 1954 – ISSUING OF INFRINGEMENT NOTICES

DELEGATION NUMBER	-	D050106
LEGISLATIVE POWERS	-	Bush Fires Act 1954 (Section 59A (1))
AUTHORISED PERSONS	-	Chief Executive Officer
	-	Director of Community & Regulatory Services
ACTIVITY	-	Fire Prevention

The Chief Executive Officer and the Director of Community & Regulatory Services are authorised by Council to institute and carry on proceedings against a person for an offence alleged to be committed against the Bush Fires Act 1954 through the issuing of an Infringement Notice.

ADDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

Infringement Notice in the prescribed form.

ADDED by Res: 110715 / 7 July 2015

BUSH FIRES ACT 1954 – WITHDRAWAL OF INFRINGEMENTS

- DELEGATION NUMBER - **D050107**
- LEGISLATIVE POWERS - Bush Fires Act 1954 (Section 59A (5))
 - Bush Fires (Infringements) Regulations 1978 (Regulation 4)
- PRESCRIBED OFFICER - Chief Executive Officer
- ACTIVITY - Fire Prevention

Pursuant to Regulation 4 of the Bush Fires (Infringements) Regulations 1978, the Shire President and or the Chief Executive Officer are the Council's Prescribed Officers with respect to withdrawal of an infringement notice issued under the Bush Fires Act 1954, pursuant to Section 59A (5).

[ADDED by Res: 110715 / 7 July 2015](#)

RECORDING REQUIREMENTS

Withdrawal of Infringement Notice in prescribed form and to be retained on the relevant file in central records.

[ADDED by Res: 110715 / 7 July 2015](#)

BUSH FIRES REGULATIONS 1954 – PERMITS TO BURN CLOVER

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

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

| [ADDED by Res: 110715 / 7 July 2015](#)

RECORDING REQUIREMENTS

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

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

| [ADDED by Res: 110715 / 7 July 2015](#)

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

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

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

At its meeting held on 5 July 2016, Council appointed the following persons to the following appointments for the 2016/17 financial year, Resolution No 070716;

Bush Fire Control Officers authorised within the entire Shire of Denmark

Community Emergency Services Manager	Marcus Owen
Senior Law Enforcement Officer	Charmaine Shelley
Law Enforcement Officer	David Lonie
Fire Control Officer & Chief Fire Control Officer	Ross McDougall
Fire Control Officer & Deputy Chief Fire Control Officer	Leslie (Lez) Baines
Fire Control Officer	Graeme Thallon

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

Carmarthen Volunteer Bush Fire Brigade	Leslie (Lez) Baines
Denmark East Volunteer Bush Fire Brigade	Christopher (Chris) Hoare
Harewood Volunteer Bush Fire Brigade	Michael (Mike) Hills
Hazelvale/Tingledale Volunteer Bush Fire Brigade	Alex Williams
	Brian Vigus
Kordabup/Owingup Volunteer Bush Fire Brigade	Bruce Pringle
	Samantha (Sam) Blythe
Mehniup Volunteer Bush Fire Brigade	Rob Young
Mt Lindesay Volunteer Bush Fire Brigade	Malcolm Hick
Nornalup Volunteer Bush Fire Brigade	Jean-Marc Merat
Ocean Beach Volunteer Bush Fire Brigade	Derek (Joe) Baker
Parryville Volunteer Bush Fire Brigade	Kevin Hard
Peaceful Bay Volunteer Bush Fire Brigade	Ivars Sulcs
Scotsdale/Shadforth Volunteer Bush Fire Brigade	Arthur (Sid) Marshall
	Adrian Kranendonk
Somerset Hill Volunteer Bush Fire Brigade	Callum Baxter
William Bay Volunteer Bush Fire Brigade	Joan Merrifield

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

Denmark Fire & Rescue Service (Volunteer Brigade)	Gary Stanway
	Donald (Don) Atkinson

~~AMENDED by Res: 070716 / 5 July 2016~~

RECORDING REQUIREMENTS

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

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

ADDED by Res: 140715 / 7 July 2015
AMENDED by Res: 070716 / 5 July 2016

BUSH FIRES ACT 1954 - APPOINTMENT OF FIRE WEATHER OFFICERS

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

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

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

At its meeting held on 5 July 2016, Council appointed the following persons for the 2016/17 financial year, Resolution No 070716;

Fire Weather Officers authorised within the entire Shire of Denmark

Adrian Kranendonk

~~ADDED by Res: 140715 / 7 July 2015~~
~~AMENDED by Res: 070716 / 5 July 2016~~

RECORDING REQUIREMENTS

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

~~ADDED by Res: 140715 / 7 July 2015~~
~~AMENDED by Res: 070716 / 5 July 2016~~

ANIMAL CONTROL - 0502

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

DELEGATION NUMBER	-	D050201
LEGISLATIVE POWERS	-	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:

1. disposal of items to an appropriate landfill and recycling facility– where items are of an estimated scrap value nil;
2. disposal by way of sale – auction, tender or private treaty – where items have an estimated value in excess of any advertising or administrative cost.

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.

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

RECORDING REQUIREMENTS

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

Tenders Register.

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

DOGS – LOCAL LAWS & DOG ACT 1976

DELEGATION NUMBER	-	D050202
LEGISLATIVE POWERS	-	Dog Act 1976, Section 10AA
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Animal Control

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

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

The Chief Executive Officer in exercising authority under the Dog Act 1976 has delegated the following power/duty to the Director of Community & Regulatory Services and the Senior Law Enforcement Officer.

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

Conditions

Approvals for applications:

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

CURRENT AUTHORISED PERSONS

Pursuant to Section 29 (1) of the Dog Act 1976, the power to seize dogs, Council authorises the following persons:

- Chief Executive Officer;
- Director of Community & Regulatory Services; and
- Senior Law Enforcement Officer.

CURRENT REGISTRATION OFFICERS

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

- Chief Executive Officer;
- Director of Community & Regulatory Services;
- Senior Law Enforcement Officer;
- Law Enforcement Officer; and
- Customer Service Officers.

CURRENT AUTHORISED PERSONS & POUND KEEPERS

Council authorises the following persons with respect to the Shire of Denmark Dogs Local Law, including authorised Pound Keepers;

1. Chief Executive Officer
2. Director of Community & Regulatory Services
3. Senior Law Enforcement Officer
4. Law Enforcement Officer.

~~AMENDED by Res: 150515 / 26 May 2015~~
~~AMENDED by Res: 110715 / 7 July 2015~~

RECORDING REQUIREMENTS

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

Written notice on property files.

~~AMENDED by Res: 150515 / 26 May 2015~~
~~AMENDED by Res: 110715 / 7 July 2015~~

CAT ACT 2011

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

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

The Chief Executive Officer in exercising authority under Section 45 of the Cat Act 2011 has delegated this power/duty to the Council's Director of Community & Regulatory Services and Council's Law Enforcement Officers with the following exceptions;

- Sections 63, 64 and 65;
- Division 5 – Objections and Review; and
- Division 6 – Legal Proceedings.

CURRENT AUTHORISED PERSONS

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

- Director of Community & Regulatory Services;
- Senior Law Enforcement Officer; and
- Law Enforcement Officer.

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

As required under the Cat Act 2011.

Certificate of Authorisation – pursuant to section 48 (5)

AMENDED by Res: 110715 / 7 July 2015

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

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

CURRENT AUTHORISED PERSONS

Pursuant to Sections 450, 458 & 474 of the Local Government (Miscellaneous Provisions) Act 1960, the Council appoints the following persons as Pound Keepers and Rangers;

1. Chief Executive Officer
2. Director of Community & Regulatory Services
3. Senior Law Enforcement Officer
4. Law Enforcement Officer.

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

RECORDING REQUIREMENTS

To be recorded as required under the Act.

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

OTHER LAW, ORDER & PUBLIC SAFETY - 0503

CERTAIN THINGS TO BE DONE IN RESPECT OF LAND

- DELEGATION NUMBER - **D050301**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
Local Government Act 1995 (Section 3.24)
- 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.)~~ give an occupier a notice requiring them to do something to land if it is specified in Schedule 3.1. If the occupier is not the owner, the owner must also be informed.

RECORDING REQUIREMENTS

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

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

AMENDED by Res: XXX / XXX

POWER OF ENTRY

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

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

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

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

RECORDING REQUIREMENTS

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

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

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

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

IMPOUNDING GOODS

DELEGATION NUMBER	-	D050303
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Other Law, Order & Public Safety

The Chief Executive Officer is delegated authority to:

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.

CURRENT AUTHORISED PERSONS

The persons authorised pursuant to this delegation are;

- Chief Executive Officer
- Director of Community & Regulatory Services;
- Director of Infrastructure Services;
- Senior Law Enforcement Officer; and
- Law Enforcement Officer.

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

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

AMENDED by Res: 110715 / 7 July 2015

VEHICLE OFFENCES - ONUS OF PROOF

DELEGATION NUMBER - **D050304**

REMOVED by Res: 110715 / 7 July 2015

ENFORCEMENT & LEGAL PROCEEDINGS

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

The Chief Executive Officer is delegated authority, under Section 9.10 of the Local Government Act 1995, to appoint persons to be authorised for the purpose of performing specific functions initiate prosecutions on behalf of Council under the Local Government Act 1995 and Council's Local Laws, including pursuant to Section 9.24 and to appoint persons or classes of persons to be authorised for the purposes of performing particular functions as specified by the Chief Executive Officer, pursuant to the Local Government Act 1995 and / or the Shire of Denmark's Local Laws.

WITHDRAWAL OF NOTICE

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

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

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

CURRENT AUTHORISED PERSONS FOR SECTION 9.10 OF THE LOCAL GOVERNMENT ACT 1995 – Appointment of Authorised Persons, with respect to Local Laws Below.

1. Chief Executive Officer
2. Director of Community & Regulatory Services (with respect to the Shire of Denmark Local Laws)
3. Director of Finance & Administration (with respect to Shire of Denmark Local Laws)
4. Director of Infrastructure Services (with respect to Shire of Denmark Local Laws)
5. Director of Planning & Sustainability (with respect to Shire of Denmark Local Laws)
6. Seniors Law Enforcement Officer (with respect to the Property Local Law)
7. Law Enforcement Officer (with respect to the Property Local Law)

CURRENT AUTHORISED PERSONS FOR SECTION 9.11 OF THE LOCAL GOVERNMENT ACT 1995 – Demanding Certain Information

1. Chief Executive Officer
2. Director of Community & Regulatory Services
3. Director of Finance & Administration
4. Director of Planning & Sustainability
5. Director of Infrastructure Services
6. Senior Law Enforcement Officer
7. Law Enforcement Officer

CURRENT AUTHORISED PERSONS FOR SECTION 9.13 OF THE LOCAL GOVERNMENT ACT 1995 – Onus of Proof in Vehicle Offences

- ~~8.1.~~ Chief Executive Officer
- ~~9.2.~~ Director of Community & Regulatory Services
- ~~40.3.~~ Director of Finance & Administration
- ~~44.4.~~ Director of Planning & Sustainability
- ~~42.5.~~ Director of Infrastructure Services
- ~~43.6.~~ Senior Law Enforcement Officer
- ~~44.7.~~ Law Enforcement Officer

CURRENT AUTHORISED PERSONS FOR SECTIONS 9.16 & ~~9.17~~ OF THE LOCAL GOVERNMENT ACT 1995 – Issuing of Infringement Notice

- ~~45.1.~~ Director of Community & Regulatory Services
- ~~46.2.~~ Director of Finance & Administration
- ~~47.3.~~ Director of Planning & Sustainability
- ~~48.4.~~ Director of Infrastructure Services
- ~~49.5.~~ Senior Law Enforcement Officer
- ~~20.6.~~ Law Enforcement Officer
- ~~24.7.~~ Principal Building Surveyor (with respect to the Building Regulations 2012, Regulation 70)
- ~~22.8.~~ Building Surveyor (with respect to the Buildings Regulations 2012, Regulation 70)

CURRENT AUTHORISED PERSONS FOR ~~PROSECUTION (Section 9.24)~~ SECTION 9.24 OF THE LOCAL GOVERNMENT ACT 1995 – Prosecutions, commencing

- Director of Community & Regulatory Services; and
- Director of Planning & Sustainability.

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AMENDED by Res: 110715 / 7 July 2015

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~~ Delegations file and in Synergy Records (ADMIN.9).

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

Notice in prescribed form pursuant to Section 9.13.

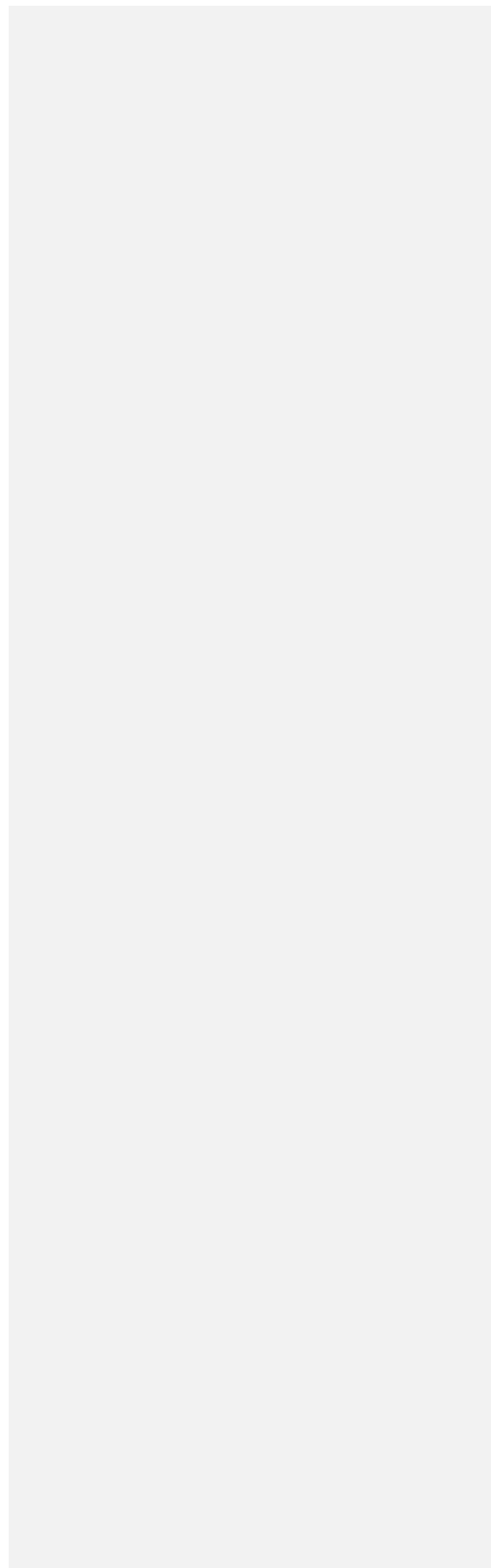
Infringement Notice given to an alleged offender pursuant to Sections 9.16 & 9.17.

Withdrawal of Infringement Notice pursuant to Section 9.20.

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

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX



CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978 – LOCAL GOVERNMENT APPOINTMENTS

DELEGATION NUMBER	-	D050306
LEGISLATIVE POWERS	-	Control of Vehicles (Off-Road Areas) Act 1978 (Section 38 (3))
AUTHORISED OFFICERS	-	Chief Executive Officer - Director of Community & Regulatory Services - Director of Finance & Administration - Director of Infrastructure Services - Director of Planning & Sustainability - Senior Law Enforcement Officer - Law Enforcement Officer
ACTIVITY	-	Other Law, Order & Public Safety

A local government may by resolution appoint –

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

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

CURRENT AUTHORISED PERSONS

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

1. Chief Executive Officer
2. Director of Community & Regulatory Services
3. Director of Finance & Administration
4. Director of Infrastructure Services
5. Director of Planning & Sustainability
6. Senior Law Enforcement Officer
7. Law Enforcement Officer

| [ADDED by Res: 110715 / 7 July 2015](#)

RECORDING REQUIREMENTS

Authorised Person to be issued with a Certificate in the prescribed form.

Recording requirements pursuant to the Act.

| [ADDED by Res: 110715 / 7 July 2015](#)

SPEAR GUNS CONTROL ACT 1955 – APPOINTMENT OF INSPECTORS

- DELEGATION NUMBER - **D050307**
- ~~LEGISLATIVE POWERS - Spear Guns Control Act 1955 (Section 3)~~
- ~~AUTHORISED OFFICERS - Chief Executive Officer
- Director of Community & Regulatory Services
- Senior Law Enforcement Officer
- Law Enforcement Officer~~
- ~~ACTIVITY - Other Law, Order & Public Safety~~

~~Pursuant to the Spear Guns Control Act 1955, unless the context requires otherwise –~~

~~“Inspector” means any member of the Police Force of the State and any fisheries officer referred to in the Fish Resources Management Act 1994 and in the application of this Act in a prohibited area that comprises an area vested in or under the care, control and management of a local government, includes any person appointed by that local government as an inspector.~~

~~CURRENT PERSONS APPOINTED AS INSPECTORS~~

- ~~8. Chief Executive Officer
9. Director of Community & Regulatory Services
10. Senior Law Enforcement Officer
11. Law Enforcement Officer~~

ADDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

~~Appointment to be in writing and a copy kept on the Officers personal record.~~

~~Details of exercising the Authorisation are to be recorded on the appropriate file or record.~~

REPEALED by Res: XXX / XXX

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

DELEGATION NUMBER	-	D050308
LEGISLATIVE POWERS	-	Fines, Penalties and Infringement Notices Enforcement Act 1994 (Section 13)
AUTHORISED OFFICERS	-	Chief Executive Officer Director of Community & Regulatory Services Director of Planning & Sustainability Senior Town Planner Principal Building Surveyor Principal Environmental Health Officer Senior Law Enforcement Officer - Law Enforcement Officer
ACTIVITY	-	Other Law, Order & Public Safety

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

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

CURRENT PERSONS DESIGNATED AS PROSECUTING OFFICERS BY THE CEO

1. Chief Executive Officer
2. Director of Community & Regulatory Services
3. Director of Planning & Sustainability
- ~~4. Senior Town Planner~~
- ~~5.4.~~ Principal Building Surveyor
- ~~6.5.~~ Principal Environmental Health Officer
- ~~7.6.~~ Senior Law Enforcement Officer
- ~~8.7.~~ Law Enforcement Officer

ADDED by Res: 110715 / 7 July 2015

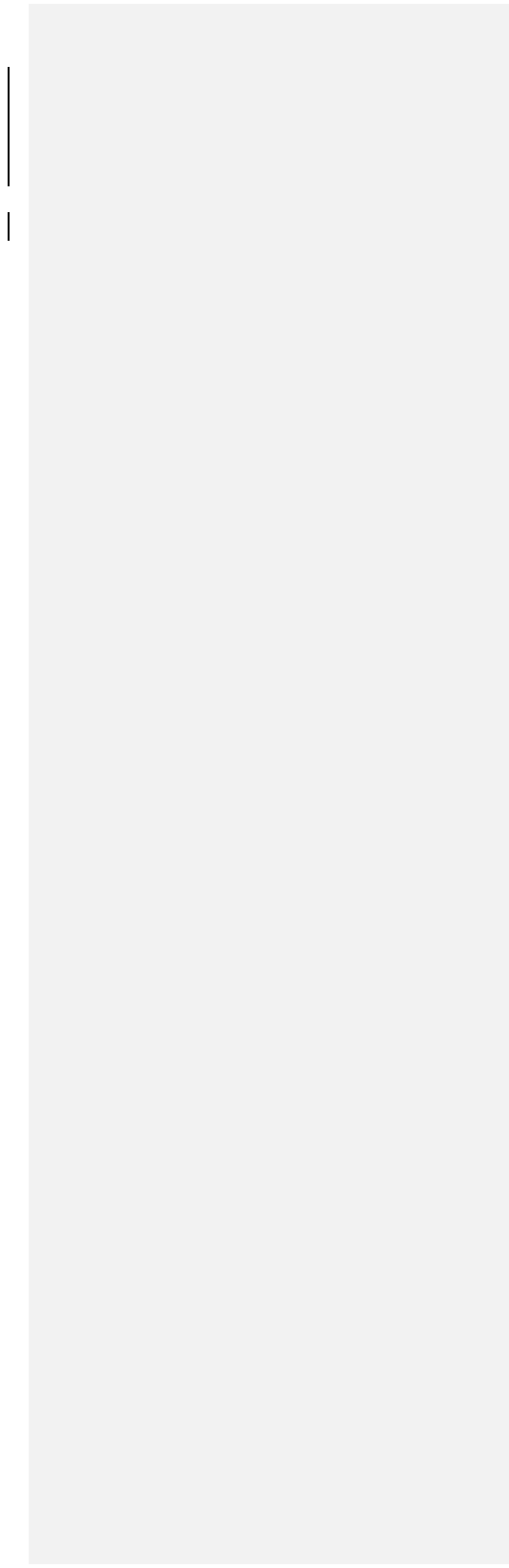
RECORDING REQUIREMENTS

Appointment to be in writing and a copy kept on the Officers personal ~~record~~ file.

~~Details of Appropriate evidentiary documents detailing the~~ exercising of the ~~a~~ Authorisation are to be recorded on the appropriate file ~~or record~~.

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX



HEALTH - 07

MATERNAL & INFANT HEALTH -0701

PREVENTATIVE SERVICES - IMMUNISATION - 0702

PREVENTATIVE SERVICES - MEAT INSPECTION - 0703

PREVENTATIVE SERVICES - HEALTH ADMINISTRATION - 0704

HEALTH ACT 1911 – LOCAL GOVERNMENT APPOINTED OFFICERS

DELEGATION NUMBER	- D070401
LEGISLATIVE POWERS	- Health Act 1911 (Sections 26 & 27)
DEPUTY	- Principal Environmental Health Officer
APPOINTEES	- Chief Executive Officer - Director of Community & Regulatory Services - Principal Environmental Health Officer - Principal Building Surveyor
ACTIVITY	- Preventative Services – Health Administration

~~APPOINTMENTS MADE UNDER SECTION 26 – Appointment of Deputy~~

~~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.~~

~~APPOINTMENTS MADE UNDER SECTION 27 (1) – Medical Officer of Health or Environmental Health Officers of Local Government~~

~~Nil~~

~~APPOINTMENTS MADE UNDER SECTION 27 (5) – Officers of Local Government~~

- ~~1. Chief Executive Officer~~
- ~~2. Director of Community & Regulatory Services~~
- ~~3. Principal Environmental Health Officer~~
- ~~4. Principal Building Surveyor~~

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

~~Records to be made and kept pursuant to the Health Act 1911.~~

~~Pursuant to Section 28, appointments of Medical Officer of Health, Environmental Health Officer or Analyst made under Section 27 (1) is subject to the approval of the Executive Director, Public Health.~~

REPEALED by Res: XXX / XXX

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ITINERANT FOOD VENDORS

DELEGATION NUMBER	-	D070402
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42) and - Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Preventative Services - Health Administration

The Chief Executive Officer is delegated authority to issue and renew Itinerant Food Vendors licenses and other licences to trade in public places subject to compliance of all vehicles and equipment to be used by the applicant with all relevant requirements of the Health (Miscellaneous Provisions) Act 1911, the Public Health Act 2016 & the Food Act 2008 and other relevant regulations and standards. 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 Director of Community & Regulatory Services and the Principal Environmental Health Officer.

AMENDED by Res: 090615 / 16 June 2015
AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 070915 / 8 September 2015

RECORDING REQUIREMENTS

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

Itinerant Food Vendor's License Application Form and Licence.

Note: Delegation D100602 ~~also~~ relates.
Policy P070404 relates.

AMENDED by Res: 090615 / 16 June 2015
AMENDED by Res: 110715 / 7 July 2015
AMENDED by Res: 070915 / 8 September 2015
AMENDED by Res: XXX / XXX

EXTENDED TRADING PERMITS TO SELL PACKAGED LIQUOR

- DELEGATION NUMBER - **D070403**
- LEGISLATIVE POWERS - Liquor Control Act 1988 (Sections 61 (1) (d) & 61 (2))
- AUTHORISED PERSON - Chief Executive Officer
- ACTIVITY - Preventative Services - Health Administration

The Chief Executive Officer is authorised to determine extended trading permits to sell packaged liquor in Denmark on school holidays and public holidays with exception of Christmas Day and Good Friday with or without conditions as the Officer so determines.

The Chief Executive Officer in exercising authority under Section 5.41 of the Local Government Act 1995 has authorised this power/duty to the Director of Community & Regulatory Services and/or the Principal Environmental Health Officer or the Principal Building Surveyor.

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

RECORDING REQUIREMENTS

Copy of approval on the relevant assessment file.

AMENDED by Res: 110715 / 7 July 2015

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

DELEGATION NUMBER	-	D070404
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42) and Liquor Control Act 1988 (Section 39)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Preventative Services - Health Administration

Notwithstanding that Council's Lawyers' advice, provided on the 7 July 2011, is that the issuing of these certificates is almost solely an administrative function, section 39 (4) relates to the use of some Officer discretion and for this reason the Chief Executive Officer includes this matter as a delegation from Council, pursuant to section 5.42 of the Local Government Act 1995.

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

- a) 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.
- b) A certificate referred to in subsection (1) shall state —
 - (1) whether or not the premises comply with all relevant requirements of —
 - a) the *Health (Miscellaneous Provisions) Act 1911*;
 - b) any written law relating to the sewerage or drainage of those premises;
 - c) the *Local Government Act 1995*;
 - d) the *Food Act 2008*; and
 - e) the *Building Act 2011*.
 - and
 - (2) 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.
- c) 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).

The Chief Executive Officer in exercising general authority under Section 5.41 of the Local Government Act 1995 has authorised this power/duty to the Director of Community & Regulatory Services and/or the Principal Environmental Health Officer or the Principal Building Surveyor.

~~ADDED by Res: 150709 / 28 July 2009~~
~~AMENDED by Res: 110715 / 7 July 2015~~

RECORDING REQUIREMENTS

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

~~ADDED by Res: 150709 / 28 July 2009~~

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX

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

DELEGATION NUMBER	-	D070405
LEGISLATIVE POWERS	-	Liquor Control Act 1988 (Section 40) Local Government 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Preventative Services - Health Administration

Notwithstanding that Council's Lawyers' advice, provided on the 7 July 2011, is that the issuing of these certificates is almost solely an administrative function, section 40 (4) relates to the use of some Officer discretion and for this reason the Chief Executive Officer also includes this matter as a delegation from Council, pursuant to section 5.42 of the Local Government Act 1995.

The Chief Executive Officer is delegated authority to perform the following duties as described under Section 40 of the Liquor Control Act 1988.

- a) 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.
 - b) A certificate referred to in subsection (1) shall state that the proposed use of the premises —
 - (1) will comply with the requirements of the written laws relating to planning specified;
 - (2) 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
 - (3) will not comply with the requirements specified for the reasons specified.
 - c) In this section —
specified means specified in the planning certificate.
- 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).

The Chief Executive Officer in exercising general authority under Section 5.41 of the Local Government Act 1995 has authorised this power/duty to the Director of Planning & Sustainability.

ADDED by Res: 150709 / 28 July 2009

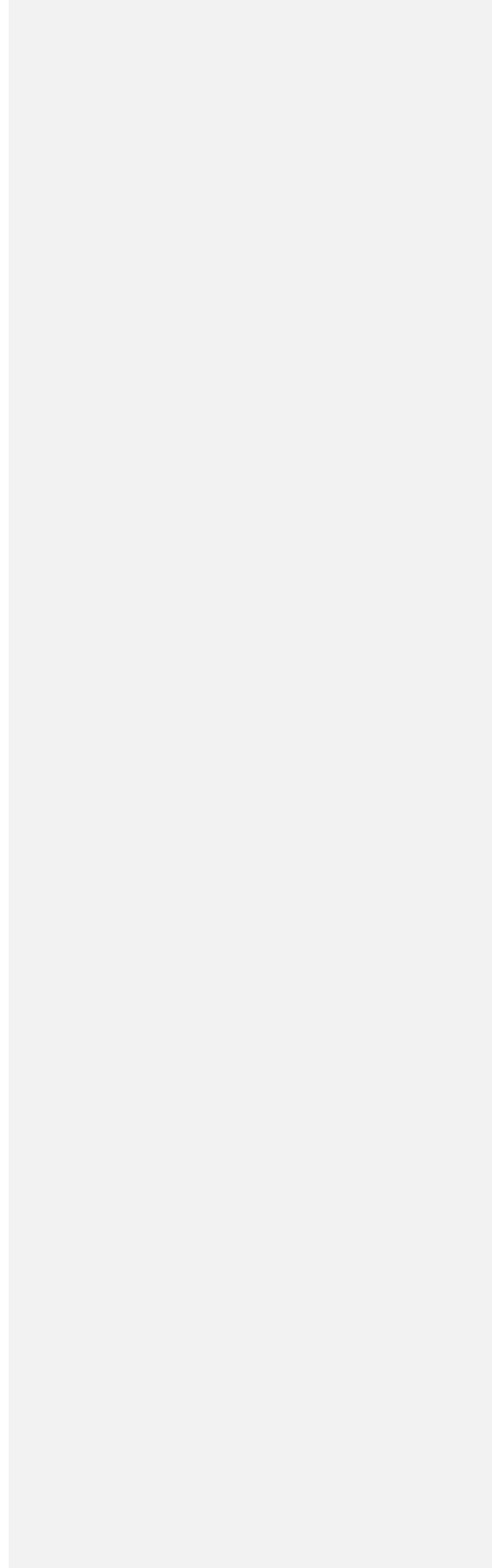
AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

ADDED by Res: 150709 / 28 July 2009

| AMENDED by Res: 110715 / 7 July 2015



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

DELEGATION NUMBER	-	D070406
LEGISLATIVE POWERS	-	Health Act 1911 Health (Miscellaneous Provisions) Act 1911 (Section 26) Shire of Denmark Health Local Laws 1998
APPOINTEES	-	Chief Executive Officer Director of Community & Regulatory Services Principal Building Surveyor Principal Environmental Health Officer
ACTIVITY	-	Preventative Services - Health Administration

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

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

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

Under the Shire of Denmark Health Local Laws 1998, the Shire of Denmark may appoint persons to exercise and discharge the powers and duties of the local government under the Local Laws.

CURRENT APPOINTED OFFICERS

Pursuant to the Shire of Denmark Health Local Laws 1998 the following Officers are appointed to exercise and discharge all of the powers and functions of the local government;

- ~~1. Chief Executive Officer~~
- ~~1. Director of Community & Regulatory Services~~
- ~~1. Principal Building Surveyor~~
- ~~1. Principal Environmental Health Officer~~

ADDED by Res: 110715 / 7 July 2015

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RECORDING REQUIREMENTS

Evidentiary records to be kept on relevant records file.

~~ADDED by Res: 110715 / 7 July 2015 Details of the authorisations must be in writing and all actions taken recorded in the appropriate record to meet legislative requirements (including personal file).~~

AMENDED by Res: XXX / XXX

PREVENTATIVE SERVICES - PEST CONTROL - 0705

PREVENTATIVE SERVICES - OTHER - 0706

OTHER HEALTH - 0707

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

DELEGATION NUMBER : D070407
LEGISLATIVE POWERS : Public Health Act 2016
APPOINTEES : Chief Executive Officer
: Principal Environmental Health Officer
ACTIVITY : Preventative Services - Health Administration

ENVIRONMENTAL HEALTH OFFICER APPOINTMENT

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

CURRENT APPOINTED ENVIRONMENTAL HEALTH OFFICERS

Robert Ohle, Principal Environmental Health Officer

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

RECORDING REQUIREMENTS

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

Evidentiary documents to be retained in appointees Personnel File.

ENFORCEMENT

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

RECORDING REQUIREMENTS

Delegation must be in writing.

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

AUTHORISED OFFICERS

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

CURRENT AUTHORISED OFFICERS

Principal Environmental Health Officer

RECORDING REQUIREMENTS

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

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

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FOOD ACT 2008 – AUTHORISED OFFICERS, PROHIBITION ORDERS AND REGISTRATIONS

DELEGATION NUMBER : **D070408**
LEGISLATIVE POWERS : Public Health Act 2016 (Section 24(1))
: Food Act 2008 (Section 118)
AUTHORISED OFFICERS : Principal Environmental Health Officer

ACTIVITY : Preventative Services - Health Administration

AUTHORISED OFFICERS

Pursuant to Section 24(1) the Environmental Health Officer is designated as an Authorised Officer for the purposes of the Food Act 2008.

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RECORDING REQUIREMENTS

Section 122 – Local Government must retain a list of authorised officers.
Section 123 – Authorised Officers must be provided with a certificate of authority in a format prescribed under Section 123 (2).

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PROHIBITION ORDERS

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

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RECORDING REQUIREMENTS

Evidentiary documents to be retained on appropriate record files.

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REGISTRATIONS

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

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RECORDING REQUIREMENTS

Evidentiary documents to be retained on appropriate record files.

ADDED by Res: XXX / XXX

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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 POWERS	-	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 Budget and operations.

The Chief Executive Officer may on delegate this responsibility.

The Chief Executive Officer in exercising general authority under Section 5.41 of the Local Government Act 1995 has authorised this power/duty to the Director of Infrastructure Services.

~~ADDED by Res: 130109 / 27 January 2009~~

RECORDING REQUIREMENTS

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

~~ADDED by Res: 130109 / 27 January 2009~~

~~AMENDED by Res: XXX / XXX~~

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

- DELEGATION NUMBER - **D100202**
- LEGISLATIVE POWERS - 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.

ADDED by Res: 284/96 / 25 June 1996

RECORDING REQUIREMENTS

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

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

Groups currently ~~(2013/2014)~~ approved;

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

Note also that the Council's ~~2013/14 Municipal~~ Annual Budget provides that domestic quantities of green waste are able to be disposed of at Council's Landfill and Recycling Centres free of charge, such that the need for issuing disposal passes to the Denmark Lions Club and the Denmark Weed Action Group, in particular, with respect to green waste is no longer required.

~~AMENDED by Res: XXX / XXX~~

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LITTER ACT 1979 – AUTHORISED OFFICERS

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

Pursuant to Section 26 (3);

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

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

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

Persons to whom the authorisation applies

1. All Elected Members
2. All Shire of Denmark Employees

| ~~ADDED by Res: 110715 / 7 July 2015~~

RECORDING REQUIREMENTS

In a relevant file and in accordance with Act.

| ADDED by Res: 110715 / 7 July 2015

LITTER ACT 1979 – HONORARY INSPECTORS

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

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

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

<u>CURRENT APPOINTED HONORARY INSPECTORS</u>

Nil

[ADDED by Res: 110715 / 7 July 2015](#) |

RECORDING REQUIREMENTS

In a relevant file and in accordance with Act.

[ADDED by Res: 110715 / 7 July 2015](#) |

LITTER ACT 1979 – WITHDRAWAL OF INFRINGEMENT NOTICES

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

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

| [ADDED by Res: 110715 / 7 July 2015](#)

RECORDING REQUIREMENTS

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

| [ADDED by Res: 110715 / 7 July 2015](#)

SEWERAGE - 1003

URBAN STORMWATER DRAINAGE – 1004

PROTECTION OF ENVIRONMENT - 1005

IRWIN INLET SANDBAR OPENING PROTOCOL

DELEGATION NUMBER	-	D100501
LEGISLATIVE POWERS	-	Local Government Act 1995
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection of the 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 the relevant agencies and stakeholders when the water level reaches the absolute minimum opening water level of 0.440m.

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

Relevant Agencies & Stakeholders

Agency / Stakeholder	Email	Phone	Fax
Department of Water & Environmental Regulation	southcoast@water.wa.gov.au	9841 0122	
Department of Parks & Wildlife's Biodiversity Conservation and Attractions Recreation & Trails Unit	recreationandtrails@dpaw.wa.gov.au	9334 0265	9334 0100
Department of Parks & Wildlife's Biodiversity Conservation and Attractions – Frankland District Office	Frankland.District@DPaW.wa.gov.au	9840 0400	9840 1251
Department of Fisheries Primary Industries and Regional Development.	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.	Greg Sharp George Ebbett georgeebbett@southernphone.com.au	0428 448 159 0428 528 584	
Affected Landholder (current owner of A5164)	Refer A5164 in Council records for contact details.		
The Bibbulmun Track Foundation	friends@bibbulmuntrack.org.au	9481 0551	9481 0546
Denmark Visitors Centre	ceo@denmark.com.au	9848 2055	9848 2271
Walpole Nornalup Visitors Centre	info@walpole.com.au	9840 1111	9840 1355
Peaceful Bay Progress Association Inc.	secretary@peacefulbayprogress.org.au	0409 446 993	
Peaceful Bay Commercial Fishermen	r.k.phillips@westnet.com.au		

The Chief Executive Officer may on delegate this responsibility.

ADDED by Res: 363/07 & 364/07 / 16 OCTOBER 2007
AMENDED by Res: 290242 / 28 FEBRUARY 2012

RECORDING REQUIREMENTS

Advice of decision is to be recorded on central records and in the Council's monthly Information Bulletin.

Refer to Council Policy P100513.

Opening Protocol - see File GOV.52.B

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

AMENDED by Res: 290212 / 28 FEBRUARY 2012

WILSON INLET SANDBAR OPENING PROTOCOL

- DELEGATION NUMBER - **D100502**
- LEGISLATIVE POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Protection of the 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 & Environmental Regulation, the Water Corporation and Council. |

ADDED by Res: 200108 / 22 JANUARY 08 |

RECORDING REQUIREMENTS

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

Advise Council in the monthly Information Bulletin.

Refer to Council Policy P100515.

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

ADDED by Res: 200108 / 22 JANUARY 08 |

POLLUTION ABATEMENT

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

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

Powers and duties delegated –

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

Persons to who delegation made –

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

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

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

RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

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

NOISE MANAGEMENT PLANS

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

Powers and duties delegated

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

Persons to whom the delegation applies

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

- ~~(2)~~(1) Chief Executive Officer under the Local Government Act 1995,
- ~~(3)~~(2) Director, Environmental Regulation Division, Department of Water & Environment Regulation,
- ~~(4)~~(3) Manger, Noise Regulation Branch, Environmental Regulation Division, Department of Environment Regulation,
- ~~(5)~~(4) Principal Environmental Officer, Noise Regulation Branch, Environmental Regulation Division, Department of Water & Environment Regulation,

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

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

CURRENT AUTHORISED PERSONS

Nil

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

AMENDED by Res: 110715 / 7 July 2015

PARRY INLET SANDBAR OPENING PROTOCOL

DELEGATION NUMBER	-	D100505
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Protection of the Environment

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

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

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

Relevant Agencies & Stakeholders

Agency / Stakeholder	Email	Phone	Fax
Department of Water & Environmental Regulation	Brett.WARD@water.wa.gov.au karen.mckeough@water.wa.gov.au	9841 0122	9842 1204
Department of Parks and Wildlife's Biodiversity Conservation and Attractions' Recreation & Trails Unit	recreationandtrails@dpaw.wa.gov.au	9334 0265	9334 0100
Department of Parks & Wildlife Biodiversity Conservation and Attractions – Frankland District Office	Frankland.District@DPaW.wa.gov.au	9840 0400	9840 1251
Department of Fisheries Primary Industries & Regional Development	Mark.kleeman@fish.wa.gov.au	9841 7766	9842 1112
Parry's Beach Voluntary Management Group	Belinda.dufall@agric.wa.gov.au	0427 417 260 or 9840 8123	9841 7268
Commercial Fishermen – by contacting the President of the South Coast Licensed Fisherman's Association Inc.	Greg Sharp, President	0428 448 159	
Current leaseholder of portion of Reserve 20928 (L Pinniger)	Refer Council records for contact details (A2678)		
The Bibbulmun Track Foundation	friends@bibbulmuntrack.org.au	9481 0551	9481 0546
Denmark Visitors Centre	ceo@denmark.com.au	9848 2055	9848 2271
Walpole Normalup Visitors Centre	info@walpole.com.au	9840 1111	9840 1355

The Chief Executive Officer may on delegate this responsibility.

ADDED by Res: 040114 / 21 January 2014

RECORDING REQUIREMENTS

Advice of decision is to be recorded on central records and in the Council's monthly Information Bulletin.

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

Refer to Council Policy P100514.

ADDED by Res: 040114 / 21 January 2014

NOISE MANAGEMENT PLANS

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

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

Powers and duties delegated –

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

1. waste collection and other works – noise management plans relating to specified works under regulations 14A & 14B;
2. bellringing or amplified calls to worship – the keeping of a log of bellringing or amplified calls to worship requested under regulation 15(3)(c)(vi);
3. community activities – noise control notices in respect of community noise under regulation 16;
4. motor sport venues – noise management plans in relation to motor sport venues under Part 2 Division 3;
5. shooting venues – noise management plans in relation to shooting venues under Part 2 Division 4;
6. calibration results – requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;
7. sporting, cultural and entertainment events – approval of events or venues for sporting, cultural and entertainment purposes under Part 2 Division 7, subject to the following limitation –
 1. Subregulation 18(13)(b) is not delegated.

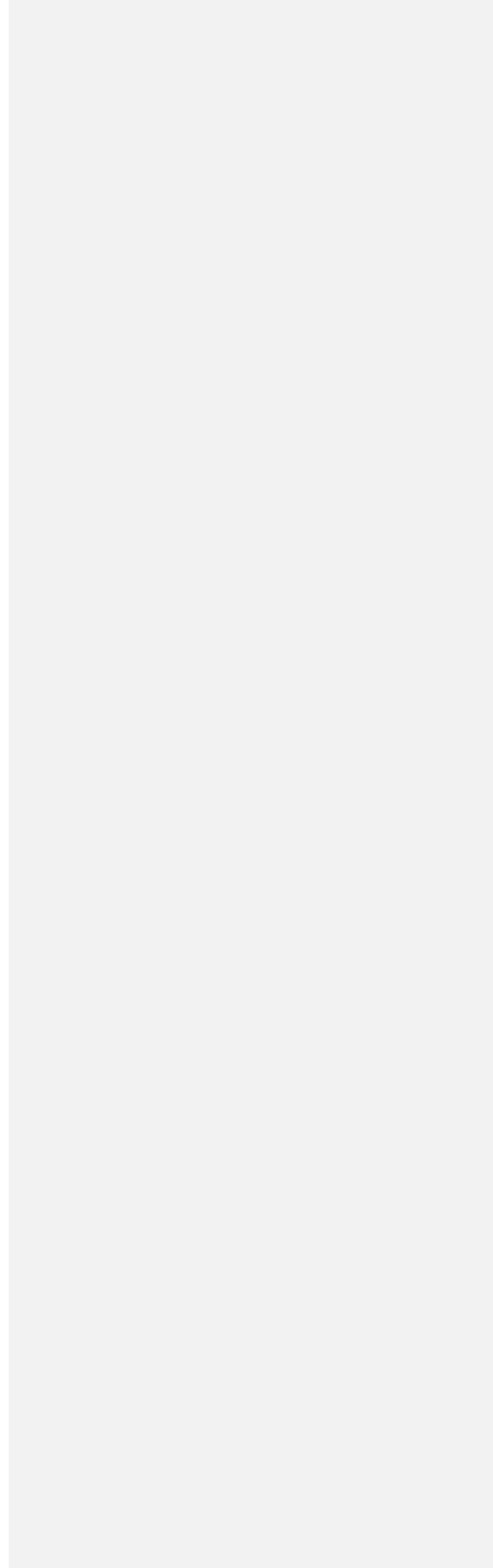
(Published in the Government Gazette 20 December 2013, Delegation No. 112)

ADDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

Complaint & action recorded on the relevant assessment file.

| [ADDED by Res: 110715 / 7 July 2015](#)



AUTHORISED PERSON AND INSPECTOR – ENVIRONMENTAL PROTECTION ACT 1986

DELEGATION NUMBER	-	D100507
LEGISLATIVE POWERS	-	Environmental Protection Act 1986 (section 87 and 87)
DELEGATE	-	Gregg Harwood, Director of Community & Regulatory Services
	-	Robert Ohle, Principal Environmental Health Officer
ACTIVITY	-	Protection of the Environment

Gregg Harwood and Robert Ohle have been appointed as Authorised Persons and Inspectors under section 87 and 88 of the Environmental Protection Act 1986 (EP Act) effective from 10 June 2016.

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

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

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

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

The appointments will be revoked should the officer;

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

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

RECORDING REQUIREMENTS

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

TOWN PLANNING & REGIONAL DEVELOPMENT - 1006

TOWN PLANNING SCHEME

DELEGATION NUMBER	-	D100601
LEGISLATIVE POWERS	-	Town Planning Scheme (No. 3) — Clauses 8.7 & 8 (1) (d) Planning & Development (Local Planning Schemes) Regulations 2015 – Schedule 2, Part 10, Division 2
DELEGATE	-	1. Chief Executive Officer 2. Director of Planning & Sustainability Services 3. Senior Town Planner
ACTIVITY	-	Town Planning & Regional Development

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That, in accordance ~~with clause with Regulation 82 8.7 of Town Planning Scheme No 3 of the Planning & Development (Local Planning Schemes) Regulations 2015 — Schedule 2, Part 10, Division 2~~ the Chief Executive Officer (CEO) ~~and / or Director of Planning & Sustainability (DPS) and/or Senior Town Planner (STP) have, in their individual right, is~~ 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 development approval~~ forms in line with the below delegations. ~~(DPS, STP and CEO).~~
2. (2.1) Approve all 'P', 'IP' and 'AA' ~~planning consent development~~ applications where the use ~~and~~ development complies with TPS No. 3 and any relevant Town Planning Scheme Policy provisions. ~~(DPS, STP and CEO).~~
(2.2) Refuse 'P', 'AA' and 'IP' ~~planning consent development~~ applications where the use or development does not comply with TPS No. 3 and any relevant Town Planning Scheme Policy provisions. ~~(DPS and CEO).~~
3. (3.1) Initiate the necessary public advertisement of 'SA' and 'Use Not Listed' ~~planning consent development~~ applications prior to consideration of the application ~~(DPS and CEO).~~
(3.2) Approve 'SA' ~~planning consent development~~ applications subject to:
 - a) Compliance with relevant TPS No. 3 provisions;
 - b) Compliance with the objectives of any relevant Town Planning Scheme Policies; and
 - c) No valid adjoining/affected landowner objection(s) being lodged during the advertising period (DPS and CEO).
(3.3) Refuse 'SA' planning consent applications when valid adjoining/affected landowner objections(s) have been received, the proposal will have an adverse impact on the orderly and/or proper locality and will be contrary to the objectives of TPS no. 3 and/or any relevant Town Planning Scheme Policies (DPS and CEO).
(3.4) Initiate the public advertisement of 'AA' ~~planning consent development~~ applications prior to consideration of the application where;
 - a) Such an application is to be determined by the ~~Great Southern Joint Development Assessment Panel or Planning Services (DPS)~~ consider such application is of a nature that public comments should be sought to assist with the formal assessment process.

- b) Such application is of a nature that public comments should be sought to assist with the formal assessment process. ~~(GEO, DPS)~~
- (3.5) Determine the appropriate means of public notification to be undertaken for any ~~planning development~~ application that is to be the subject of public notice as per Clause ~~6.4.1~~ of ~~Town Planning Scheme No. Planning & Development (Local Planning Schemes) Regulations 2015~~3. ~~(GEO, DPS)~~
- (4) Refuse ~~planning consent~~development applications that are not permitted in that zone as per Clause 3.2.3 of TPS No. 3. ~~(DPS and GEO)~~.
- (5) (5.1) Approve requests for boundary setback variations under the Residential Design Codes, TPS No. 3 or relevant Town Planning Scheme Policies (where there is power to vary the standards) where the proposed positioning will not impact adversely on the locality and/or amenity of adjoining properties. ~~(DPS, STP and CEO)~~.
- (5.2) Refuse requests for boundary setback variations under the Residential Design Codes, TPS No. 3 or relevant Town Planning Scheme Policies (where there is power to vary the standards) where the proposed positioning will impact adversely on the locality and/or amenity of adjoining properties. ~~(DPS and CEO)~~.
- (6) (6.1) 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/or the amenity of adjoining properties. ~~(DPS, STP and CEO)~~.
- (6.2) Refuse location and relocation of building envelopes, where the proposed positioning will adversely impact on remnant vegetation and/or the amenity of adjoining properties. ~~(DPS and CEO)~~.
- (7) Approve or refuse boundary setbacks in the Peaceful Bay leasehold area having regard to the provisions of the Peaceful Bay Conservation Plan and the associated Town Planning Scheme Policy No. 35. ~~(DPS and CEO)~~.
- (8) (8.1) Approve two storey houses in areas where there is a limit (by TPS No. 3 or Town Planning Scheme Policy provisions) 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. ~~(DPS, and CEO)~~.
- (8.2) Refuse two storey houses in areas where there is a limit (by TPS No. 3 or Town Planning Scheme Policy provisions) 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. ~~(DPS and CEO)~~.
- (9) (9.1) Approve applications for advertising signs where the proposal complies with TPS No. 3 and Town Planning Scheme Policy provisions. ~~(DPS, STP and CEO)~~.
- (9.2) Refuse applications for advertising signs where the proposed sign(s) does not comply with the TPS No. 3 and Town Planning Scheme policy provisions. ~~(DPS and CEO)~~.
- (10) (10.1) Approve proposals for outbuildings where such outbuildings exceed a maximum floor area or height limit specified by a TPS No. 3 or Town Planning Scheme

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Policy provision on the basis that the proposed outbuilding will not impact adversely on the locality and/or amenity of adjoining properties. ~~(DPS, STP and CEO).~~

(10.2) Determine proposals for outbuildings on vacant lots in accordance with the requirements of the relevant Town Planning Scheme Policy pertaining to Outbuildings ~~(DPS, STP & CEO).~~

(11) Approve and accept landscaping plans where required for subdivisional approvals or ~~planning consent~~ development approval conditions ~~(DPS and CEO).~~

(12) Approve or refuse requests to clear remnant vegetation where a condition of ~~planning consent~~ development approval or a subdivisional 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 ~~(DPS and CEO).~~

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.

(13) (13.1) Recommend approval, with appropriate and relevant conditions, to the Western Australian Planning Commission for subdivisional proposals where such proposals comply with TPS No. 3 and, where relevant, Town Planning Scheme Policy provisions ~~(DPS and CEO).~~

(13.2) Recommend refusal to the Western Australian Planning Commission for subdivisional proposals where they do not comply with TPS No. 3 provisions ~~(DPS and CEO).~~

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

(15) 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).~~

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

(17) 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).~~

(18) Provide responses to the ~~Minister or the~~ State Administrative Tribunal (SAT) in respect to appeals lodged against a refusal of ~~planning consent~~ development approval, unacceptable conditions imposed on a development approval ~~of planning consent~~ or supporting statements for the Western Australian 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 noting however that the delegated officers do not have the authority to settle a SAT mediation proceeding unless such direction/authority has been provided by Council ~~(DPS and CEO).~~

- (19) Provide responses to mobile phone carriers in accordance with the Deployment of Radio Communications Code in respect to:
- (1) The proposed method of community consultation; and
 - (2) The installation of low impact facilities. ~~(DPS and CEO).~~

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

The Chief Executive Officer in exercising authority under Regulation 83 of the Planning & Development (Local Planning Schemes) Regulations 2015 has delegated the following powers and duties under Delegation D100601 to the Senior Town Planner: (2) (2.1), (5) (5.1), (6) (6.1), (9) (9.1), (10) (10.1) and (10.2).

AUTHORISED PERSONS

Pursuant to ~~Clause 8 (1) (d) of the Shire of Denmark Town Planning Scheme No. 3, Regulation 79 of the Planning & Development (Local Planning Schemes) Regulations 2015,~~ the Chief Executive Officer designates the following persons ~~are as authorised officers authorised to undertake inspections of properties for the purpose of monitoring whether the local planning scheme is being complied with, at any reasonable time with any assistance reasonably required, by entering any building or land in the Scheme area and inspecting the building or land and anything in or on the building or land;~~

1. Chief Executive Officer
2. Director of Planning & Sustainability Services
3. Director of Community & Regulatory Services
4. Director of Infrastructure Services
5. Principal Building Surveyor
6. Principal Environmental Health Officer
7. Senior Town Planner
- 7-8. Town Planner
- 8-9. Coordinator of Engineering Services
- 9-10. Engineering Technical Officer
- 10-11. Sustainability Officer
- 11-12. Senior Law Enforcement Officer
13. Law Enforcement Officer
- 12-14. Community Emergency Services Manager

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AMENDED by Res: 130115 / 20 January 2015

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX

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

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

The Chief Executive Officer is delegated authority to 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 / conditions:

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

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

RECORDING REQUIREMENTS

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

Applications, permits, correspondence on property files.

Note: Delegation D070402 also relates.

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

ISSUING OF INFRINGEMENTS FOR ALLEGED BREACHES OF THE TOWN PLANNING SCHEME COMPLIANCE

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

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

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

CURRENT DESIGNATED PERSONS – SECTION 228

For the purpose of giving of Infringement Notices:

- 1. Chief Executive Officer
- 2. Director of Planning & Sustainability.

CURRENT DESIGNATED PERSONS – SECTION 229

For the purpose of receiving payment for infringements:

- 1. Chief Executive Officer
- 2. Director of Planning & Sustainability; and
- 3. Customer Services Officers.

CURRENT DESIGNATED PERSONS – SECTION 230

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

- 1. Chief Executive Officer
- 2. Director of Finance & Administration.

CURRENT DESIGNATED PERSONS – SECTION 231

For the withdrawal of infringement notices:

- ~~3.~~1. Chief Executive Officer
- ~~4.~~2. Director of Finance & Administration

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AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

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

~~“Section 234 — Appointment of Designated Persons~~

~~Appointment of designated persons~~

- ~~a) — 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.~~
- ~~b) — 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.”~~

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

~~AMENDED by Res: XXX / XXX~~

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DEVELOPMENT ASSESSMENT PANEL

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

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

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

Relevant Assessment File.

AMENDED by Res: 110715 / 7 July 2015

PEACEFUL BAY HOLIDAY COTTAGE FULL TIME OCCUPANCY APPROVALS

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

The Chief Executive Officer is delegated authority to approve full time occupancy on a case by case basis subject to the following conditions being imposed on each approval;

CONDITIONS

- (1) Advice to the applicant that Peaceful Bay leasehold area is first and foremost a holiday community and that the collective amenity expectations of the holiday leaseholders should take precedence over those of full time occupancy approval holders.
- (2) Advice to the applicant that full time occupancy recipients have an obligation to make a positive contribution to the Peaceful Bay Community.
- (3) That Peaceful Bay leasehold area fulltime occupancy approvals are to:
 - a) Be limited to a maximum 5 year period (noting the common expiry in part 3b) and considered on a case by case basis taking into account the suitability of the property for fulltime occupancy and the social, environmental and public health factors that will be associated with that approval when considered in context with the other approvals that have already been issued;
 - b) All have a common expiry date of the 30 June 2017 so that they can be renewed as a block which will allow consideration of their social, environmental and public health impacts on the Peaceful Bay community.
 - c) Be issued to the parties that apply rather than to a premises;
 - d) Be made by the lessee(s) or endorsed in writing by them;
 - e) Be non transferable and expire on the cessation of the lease or the sale of the property and;
 - f) Be able to be renewed for a further term at Council's discretion.
- (4) Payment of the scheduled fee that applies from time to time.

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ADDED by Res: 320512 / 22 May 2012

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.

ADDED by Res: 320512 / 22 May 2012

AMENDED by Res: 110715 / 7 July 2015

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RECORDING REQUIREMENTS

Relevant Assessment File.

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

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

ADDED by Res: 320512 / 22 May 2012
AMENDED by Res: 110715 / 7 July 2015

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OTHER COMMUNITY AMENITIES – 1007

RECREATION & CULTURE - 11

PUBLIC HALLS, CIVIC CENTRES - 1101

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

DELEGATION NUMBER	-	D110101
LEGISLATIVE POWERS	-	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.

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.

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

Approval of application to hire venue.

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

Note: Council's adopted Fees & Charges Schedule.

AMENDED by Res: 110715 / 7 July 2015

CHAIR & TRESTLE TABLE HIRE

DELEGATION NUMBER - **D110102**

REMOVED 24 August 2010 by Res: 220810

LOCAL LAW - LOCAL GOVERNMENT PROPERTY

DELEGATION NUMBER	-	D110201
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 9.10)
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) where ownership of the materials is transferred to the permit holder, not being the Council (refer clause 3.7).
- (5) 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.

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; the Director of Finance & Administration, the Director of Infrastructure Services, Director of Planning & Sustainability, the Senior Law Enforcement Officer and the Law Enforcement Officer.

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

CURRENT AUTHORISED PERSONS

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

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

RECORDING REQUIREMENTS

Section 5.46(3) - Local Government (Administration) Regulation No 19.
Permits and correspondence on relevant file(s).

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

SWIMMING AREAS & BEACHES - 1102

OTHER RECREATION & SPORT - 1103

RECREATION CENTRE (DENMARK) - REFUNDS

DELEGATION NUMBER	-	D110301
LEGISLATIVE POWERS	-	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.

CONDITIONS

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

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

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

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

~~ADDED by Res: 370/07 / 16 OCTOBER 2007~~
~~AMENDED by Res: 110715 / 7 July 2015~~

RECORDING REQUIREMENTS

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

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

ADDED by Res: 370/07 / 16 OCTOBER 2007
AMENDED by Res: 110715 / 7 July 2015

RECREATION CENTRE FREE PASSES

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

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

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

~~ADDED by Res: 365/07 / 16 OCTOBER 2007~~

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.

ADDED by Res: 365/07 / 16 OCTOBER 2007

TELEVISION & RADIO RE-BROADCASTING - 1104

LIBRARIES - 1105

HERITAGE - 1106

OTHER CULTURE - 1107

APPLICATIONS FOR USE OF LAND UNDER SECTION 18 OF THE ABORIGINAL HERITAGE ACT 1972

- DELEGATION NUMBER - **D110701**
- LEGISLATIVE POWERS
 - Aboriginal Heritage Act 1972 (Section 18)
 - Local Government Act 1995 (Section 5.41(i))
- AUTHORISED PERSON
 - Chief Executive Officer
 - [Director of Finance & Administration](#)
 - [Director of Planning & Sustainability](#)
 - [Director of Infrastructure Services](#)
 - [Director of Community & Regulatory Services](#)
- ACTIVITY - Other Culture

The Chief Executive Officer [and Designated Senior Employees](#) (pursuant to [Policy P040106](#)) ~~are~~ authorised to make applications under section 18 of the Aboriginal Heritage Act 1972 in relation to land owned or managed by the Shire.

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

RECORDING REQUIREMENTS

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

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

~~AMENDED by Res: XXX / XXX~~

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TRANSPORT - 12

STREETS, ROAD, BRIDGES, DEPOTS - 1201

TEMPORARY CLOSURE OF THOROUGHFARES TO VEHICLES

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

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

CONDITIONS

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

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

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

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

AMENDED by Res: 110715 / 7 July 2015

EVENTS ON ROADS

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

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

CONDITIONS

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

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

AMENDED by Res: 110715 / 7 July 2015

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.

Refer also

AMENDED by Res: XXX / XXX

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ROAD CLOSURES (PERMANENT)

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

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

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

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

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

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

AMENDED by Res: 110715 / 7 July 2015

TREES - REMOVAL

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

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

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

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

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

RECORDING REQUIREMENTS

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

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

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

ROAD TRAINS - EXTRA MASS PERMITS

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

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director 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 POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Streets, Roads, Bridges, Depots

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

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

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

REMOVED by Res: 110715 / 7 July 2015

GATES ACROSS PUBLIC THOROUGHFARES

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

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

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

RECORDING REQUIREMENTS

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

Gate Permit Register.

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

LAND RESUMPTION

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

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

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director 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 POWERS - Local Government Act 1995 (Section 5.42)
- DELEGATE - Chief Executive Officer
- ACTIVITY - Streets, Roads, Bridges, Depots

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director 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 POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to:

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

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director 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 POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

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

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

The Chief Executive Officer in exercising authority under Section 5.44 of the Local Government Act 1995 has delegated this power/duty to the Director 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 POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Streets, Roads, Bridges, Depots

The Chief Executive Officer is delegated authority to:

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

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

RECORDING REQUIREMENTS

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

Appropriate plans.

ENGINEERING STANDARD DRAWINGS

DELEGATION NUMBER	-	D120114
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REMOVED by Res: 110715 / 7 July 2015

TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY (WORKS)

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

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads has authorised the Chief Executive Officer of the local government to erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any works, survey or inspection, associated with the construction, maintenance or repair on a road (other than a main road or highway), any adjoining land or any portion thereof within its jurisdiction, subject always to the terms and conditions set out in the Instrument of Authorisation dated 17 July 1975.

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

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

TRAFFIC SIGNS & CONTROL DEVICES – TEMPORARY (EVENTS)

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

Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads has authorised the Chief Executive Officer of the local government to erect, establish, display, alter or take down such traffic signs and traffic control devices of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any;

1. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the Road Traffic Act 1974;
2. Race meeting or speed test for which the Minister referred to in section 83 of the Road Traffic Act 1974 has, under that provision, temporarily suspended the operation of any provisions of the Road Traffic Act 1974 or regulations made under that Act; or
3. Public meeting or procession the subject of a permit granted by the Commissioner of Policy under the Public Order in Streets Act 1984;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, subject always to the terms and conditions set out in the Instrument of Authorisation dated 18 July 2007.

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

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

CONDITIONS

~~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 all Directors with respect to vehicles under their Directorate.~~

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

~~Section 5.46(3) – Local Government (Administration) Regulation No 17.~~

~~Tenders Register where tenders are called.~~

~~Otherwise written quotations.~~

~~Refer also to Council Policy P100508 & Delegation D040217.~~

REPEALED by Res: XXX / XXX

PARKING FACILITIES - 1203

LOCAL LAW - PARKING & PARKING FACILITIES

DELEGATION NUMBER	-	D120301
LEGISLATIVE POWERS	-	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))

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, the Senior Law Enforcement Officer and the Law Enforcement Officer.

AMENDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

Written notice.

TRAFFIC CONTROL (VEHICLE LICENSING) - 1204

ROAD TRAFFIC (ADMINISTRATION) ACT 2008 – PRESCRIBED PERSONS

DELEGATION NUMBER	-	D120401
LEGISLATIVE POWERS	-	Road Traffic (Administration) Act (Section 14)
	-	Road Traffic (Administration) Regulations 2014 (Regulation 7 (2) (n))
PRESCRIBED PERSONS	-	Chief Executive Officer Director of Community & Regulatory Services Senior Law Enforcement Officer Law Enforcement Officer
ACTIVITY	-	Traffic Control (Vehicle Licensing)

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

CONDITIONS

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

CURRENT PRESCRIBED PERSONS

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

1. Director of Community & Regulatory Services
2. Senior Law Enforcement Officer
3. Law Enforcement Officer

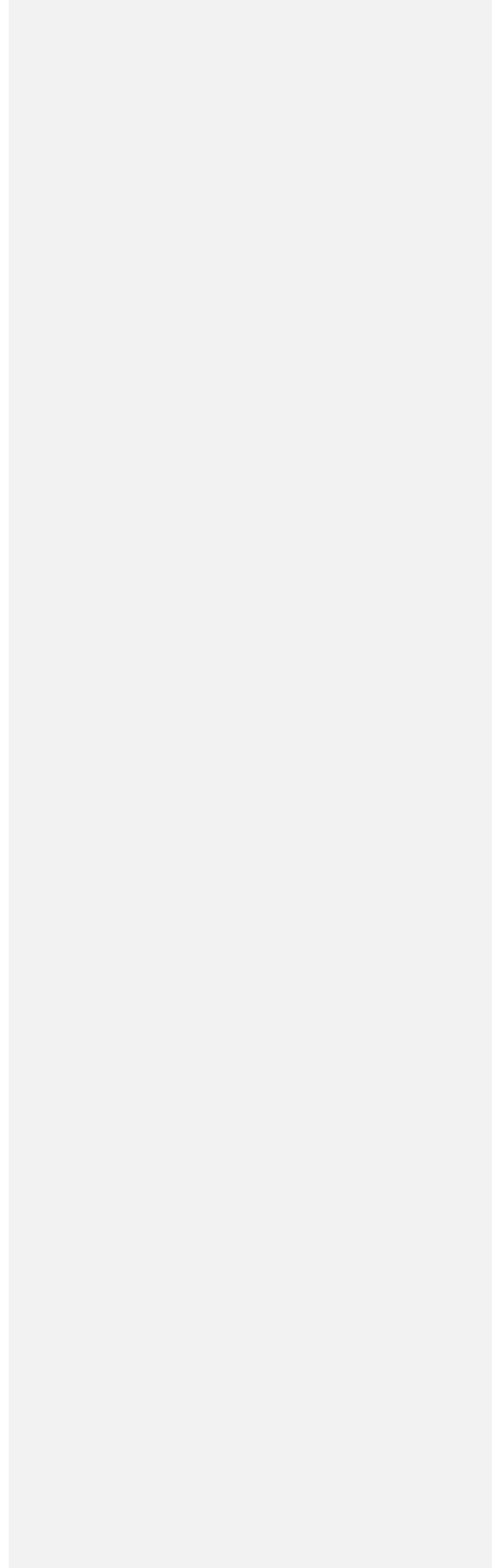
ADDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

AERODROMES - 1205

WATER TRANSPORT FACILITIES – 1206



ECONOMIC SERVICES - 13

RURAL SERVICES - 1301

LOCAL LAW - PEST PLANTS

DELEGATION NUMBER	-	D130101
LEGISLATIVE POWERS	-	Local Government Act 1995 (Section 5.42)
	-	Agriculture and Related Resources Protection Act 1976
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, the Director of Community & Regulatory Services, the Senior Law Enforcement Officer and the Law Enforcement Officer.

AMENDED by Res: 110715 / 7 July 2015

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 POWERS	-	Local Government Act 1995 (Section 5.42)
DELEGATE	-	Chief Executive Officer
ACTIVITY	-	Tourism & Area Promotion

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

CONDITIONS

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

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

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

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

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

RECORDING REQUIREMENTS

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

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

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

PEACEFUL BAY & RIVERMOUTH CARAVAN PARK LEASES

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

The Chief Executive Officer 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.

PARRY BEACH FISHERMAN'S LEASE AREA – ADDITIONAL CARAVANS

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

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

CONDITIONS

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

[AMENDED by Res: 110715 / 7 July 2015](#) |

RECORDING REQUIREMENTS

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

Correspondence in lease document file.

[AMENDED by Res: 110715 / 7 July 2015](#) |

CARAVAN PARKS AND CAMPING GROUNDS - APPOINTMENT OF AUTHORISED PERSONS

DELEGATION NUMBER	-	D130204
LEGISLATIVE POWERS	-	Caravan Parks & Camping Grounds Act 1995 (Section 17)
APPOINTER	-	Chief Executive Officer
ACTIVITY	-	Tourism & Area Promotion

Section 17 states –

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

CURRENT AUTHORISED PERSONS

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

- ~~Chief Executive Officer~~
- Director of Community & Regulatory Services
- Director of Finance & Administration
- Director of Infrastructure Services
- Director of Planning & Sustainability
- Principal Environmental Health Officer
- Senior Law Enforcement Officer
- Law Enforcement Officer

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

- Chief Executive Officer

ADDED by Res: 110715 / 7 July 2015

RECORDING REQUIREMENTS

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

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

Withdrawal of Infringement to be in prescribed form.

~~A local government is to issue to each person who is authorised to give infringement notices under this section a certificate stating that the person is so authorised, and the authorised person is to produce the certificate whenever required to do so by a person to whom he or she has given or is about to give an infringement notice.~~

ADDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX

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BUILDING CONTROL - 1303

NOTICES, ISSUE OF SECTION 401

DELEGATION NUMBER - **D130301**

REMOVED by Res: 070412 / 10 April 2012

BUILDING LICENSES

DELEGATION NUMBER - **D130302**

REMOVED by Res: 070412 / 10 April 2012

WORKS, UNLAWFUL

DELEGATION NUMBER - **D130303**

REMOVED by Res: 070412 / 10 April 2012

BUILDINGS, DANGEROUS

DELEGATION NUMBER - **D130304**

REMOVED by Res: 070412 / 10 April 2012

CERTIFICATES OF CLASSIFICATION

DELEGATION NUMBER - **D130305**

REMOVED by Res: 070412 / 10 April 2012

BUILDING - EXTENSION OF TIME TO COMPLETE

DELEGATION NUMBER - **D130306**

REMOVED by Res: 070412 / 10 April 2012

BUILDINGS, REMOVAL OF NEGLECTED & DILAPIDATED

DELEGATION NUMBER - **D130307**

REMOVED by Res: 070412 / 10 April 2012

BUILDING LICENSE PERMIT FEES - REFUNDS & EXEMPTIONS

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

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

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

CONDITIONS

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

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

RECORDING REQUIREMENTS

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

Notation on Building Permit and Chief Executive Officers' Donations Register and included in Council's monthly Information Bulletin.

Note also Organisation Procedure Manual OP040239.

AMENDED by Res: 110715 / 7 July 2015

AMENDED by Res: XXX / XXX

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LOCAL LAW - FENCING

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

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

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

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

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

RECORDING REQUIREMENTS

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

Correspondence on relevant assessment files.

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

DEMOLITION LICENSES

DELEGATION NUMBER	-	D130310
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REMOVED by Res: 070412 / 10 April 2012

BUILDING STRUCTURES ON COUNCIL LAND

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

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

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

CONDITIONS

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

[AMENDED by Res: 110715 / 7 July 2015](#)

RECORDING REQUIREMENTS

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

Relevant Assessment File.

Note Organisation Procedure OP040239.

[AMENDED by Res: 110715 / 7 July 2015](#)

BUILDING ACT 2011

DELEGATION NUMBER	-	D130312
LEGISLATIVE POWERS	-	Building Act 2011 & Building Regulations 2012
DELEGATE	-	Chief Executive Officer
	-	Director of Community & Regulatory Services
	-	Principal Building Surveyor
	-	Building Surveyor
	-	<u>Customer Service Officers</u>
ACTIVITY	-	Building

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

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

- Section 20 – Grant of Building Permit (CEO, DCRS, PBS & BS).
- Section 21 – Grant of Demolition Permit (CEO, DCRS, PBS & BS).
- Section 22 – Refuse an application for Building or Demolition Permit (CEO, DCRS & PBS).
- Section 27 (1) and (3) – Impose conditions, add, vary or revoke conditions imposed on a Building or Demolition Permit (CEO, DCRS, PBS & BS).
- Section 53 (1) of the Building Regulations – Inspections of Swimming Pool Enclosures (DCRS, PBS & BS)
- Section 55 – Seek further information to enable determination of an application for a Building or Demolition Permit (CEO, DCRS, PBS & BS).
- Section 58 – Grant an Occupancy Permit and Building Approval Certificate (CEO, DCRS, PBS & BS).
- Section 62 (1) & (3) – Impose conditions on Occupancy Permit and a Building Approval Certificate and impose conditions or add, vary or revoke conditions imposed (CEO, DCRS, PBS & BS).
- Section 65 (4) – Extend the period during which an Occupancy Permit or Building Approval Certificate has effect (CEO, DCRS, PBS & BS).

- Section 88 (3) – Finishes of walls close to boundaries. Impose a condition or make a building order in respect in which an outward facing side of a particular close wall as defined in the Act must be finished (CEO, DCRS, PBS & BS).
- Section 93 (2) – Authorised Persons – changing building standards, requirements, as to existing buildings (Nil)
- Section 96 (3) – Authorised Persons. Designate an employee as an authorised officer (CEO & DCRS).
- Section 110 (1) – Issue of Building Orders (CEO, DCRS, PBS & BS).
- Section 111 (1) – Notice of Proposed Building Orders. Issue of Notice of Proposed Building Orders (CEO, DCRS, PBS & BS).
- Section 117 – Revoke Building Orders (CEO, DCRS, PBS & BS).
- Section 118 – Give effect to Building Order if non compliance exists (CEO, DCRS, PBS & BS)
- Section 131 (2) – Inspection and copies of Building Records. Permit inspections or provide a copy of Building Records (CEO, DCRS, PBS, ~~BS~~ & CSO).
- Section 133 (1) (b) – Prosecution for an offence (CEO).
- Section 140 (2) – Certification of permits or building approval certificates (CEO, ~~PBS~~ & ~~DCRS~~).
- Regulation 70 (2) – Issuing Infringements (DCRS, PBS & BS)
- Regulation 70 (1) – Withdrawing of Infringements (CEO)

~~ADDED by Res: 070412 / 10 April 2012~~
~~AMENDED by Res: 110715 / 7 July 2015~~

RECORDING REQUIREMENTS

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

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

Authorised Persons must be issued with an identity card in accordance with Section 97 of the Act.

Certificate of appointment to be issued to all authorised persons under Section 70 (3) of the Building Regulations 2012.

~~ADDED by Res: 070412 / 10 April 2012~~
~~AMENDED by Res: 110715 / 7 July 2015~~
~~AMENDED by Res: XXX / XXX~~

SALEYARDS & MARKETS - 1304

PLANT NURSERIES - 1305

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ECONOMIC DEVELOPMENT - 1306

PUBLIC UTILITY SERVICES - 1307

OTHER ECONOMIC SERVICES - 1308

LOCAL LAW - EXTRACTIVE INDUSTRIES

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

The Chief Executive Officer is delegated authority to exercise all of the local government's powers/duties contained in the Council's Local Law relating to Extractive Industries published in the Government Gazette on the 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:

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

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

RECORDING REQUIREMENTS

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

Council Policy, permits, correspondence on assessment files.

OTHER PROPERTY & SERVICES - 14

PRIVATE WORKS - 1401

ADMIN OVERHEADS - 1402

PUBLIC WORKS OVERHEADS - 1403

PLANT OPERATION COSTS - 1404

SALARIES & WAGES - 1405

BUSINESS UNIT OPERATIONS - 1406

UNCLASSIFIED - 1407

TOWN PLANNING SCHEMES - 1408

Appendix 1



Denmark

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Administrative Protocol: Traffic Management for Works on Roads

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

Context

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

Statement

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

1. Comply with the requirements of the latest amendment to the Works Code of Practice AND AS1742.3 for all work within the road reserve undertaken by the Shire of Denmark and its agents;
2. Authorise other parties not subject to an IoA to implement roadworks traffic management within their jurisdiction. Prior to and after authorisation is given, the Shire of Denmark shall ensure that the traffic management is in accordance with the "Works Code of Practice".
3. Recognise that it has a duty of care under the Occupational Safety and Health Act 1984 to provide and maintain a safe place of work for its employees, consultants, agents and contractors to ensure that persons who have access to the workplace including road users are not exposed to hazards.
4. Ensure that a generic or specific (dependant on situation) traffic management plan (TMP) has been prepared for all works within the road reserve that require traffic management.
5. Keep a record of the traffic management plans and in particular the sign and device arrangement and any changes to such during the works for a period of seven (7) years from the date of completion of the works.

6. Ensure operational road works traffic management tasks are only undertaken by persons who are accredited or are directly managed onsite by a person with MRWA - Basic Worksite Traffic Management accreditation. Where persons are controlling traffic they shall have MRWA – Traffic controller accreditation.
7. Ensure that appropriate training is given to allow for the preparation, modification, review and recommendation of TMP's for roadworks sites.

Related documentation

Main Roads Western Australia Instrument of Authorisation for Works.
Main Roads Western Australia Traffic Management for Works on Roads Code of Practice.
Australian Standard AS 1742.3 Manual of Uniform Traffic Control Devices, Part 3 Traffic Control for Works on Roads.
AS/NZS ISO 31000 – Risk Management – Principles and Guidelines
Traffic Controllers' Handbook.

Related local law and legislation

Local Government Act 1995
Local Government (Uniform Local Provisions) Regulations 1996
Main Roads Act 1930
Occupational Safety and Health Act 1984
Road Traffic Act 1974
Road Traffic Code 2000
Thoroughfares Local Law

Issued

Approved by Executive 18/08/2015

Amendments

Nil

Procedure: Traffic Management for Works on Roads

Overview

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

Quality Assurance

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

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

Traffic Management Plan Process

TMP Preparation Process

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

TMP Authorisation Process

1. Authorising officer is to determine if the traffic management scheme is simple or complex in nature (as per section 5.2.2 of Works Code of Practice) and do the following:
 1. Complex –TMP is to be forwarded to a suitably qualified Roadworks Traffic Manager (RTM) for endorsement (RTM to liaise with plan author and authorising officer) prior to road authority authorisation.
 2. Simple – authorising officer to check the TMP for suitability (see section 2 above).

2. Where there is non-compliance, the author is to be contacted with the recommended changes and asked to either:
 1. Check the recommendations and modify the TMP if appropriate; or
 2. Justify the existing plan against the appropriate standards.
3. Once the TMP has been deemed to be suitable by the authorising officer, the TMP will be authorised for implementation by the Chief Executive Officer or their delegate (either by signature on the TMP cover page or by emailing and referencing the TMP number and revision number).

Post Implementation Review Process

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

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

Related documentation

Administrative Protocol – Traffic Management for Works in a Road Reserve.
Main Roads Western Australia Instrument of Authorisation for Works.
Main Roads Western Australia Traffic Management for Works on Roads Code of Practice.
Australian Standard AS 1742.3-2009 Manual of Uniform Traffic Control Devices, Part 3 Traffic Control for Works on Roads.
AS/NZS ISO 31000 – Risk Management – Principles and Guidelines
Traffic Controllers' Handbook.

Related local law and legislation

Local Government Act 1995
Local Government (Uniform Local Provisions) Regulations 1996
Main Roads Act 1930
Occupational Safety and Health Act 1984
Road Traffic Act 1974
Road Traffic Code 2000
Thoroughfares Local Law

Issued

Approved by Executive 18/08/2015

Amendments

Nil

Definitions

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