



ORDINARY COUNCIL MEETING

28 June 2022

Attachment Booklet – June 2022

Contents

CC01 Accounts for Payment – May 2022

Attachment 1 - Accounts for Payment – May 2022

CC02 Monthly Financial Statements for the Period Ended 31 May 2022

Attachment 1 - Monthly Financial Statements for the Period Ended 31 May 2022

CEO01 Register of Delegations – Council to CEO – Annual Review

Register of Delegations – Council to CEO – June 2022

ID01 Delegated and Authorised Actions for May 2022 – Development

Attachment 1 - Table of Delegated Actions for May 2022

ATTACHMENT: CC01
Accounts for Payment – May 2022

Attachment 1
Accounts for Payment – May 2022

Shire of Irwin

*List of Accounts paid May 2022 for presentation to the
Council Meeting 28 June 2022*

MUNICIPAL/(TRUST) PAYMENTS			
EFT/CHQ #	DATE	DESCRIPTION	PAYMENTS
EFT28758	03/05/2022	ASSETIC	ASSETIC SUBSCRIPTION FEE
EFT28759	19/05/2022	AHA! CONSULTING	CONSULTANT FOR INDUSTRY LEADERS WORKSHOP DESIGN
EFT28760	19/05/2022	ALTUS TRAFFIC PTY LTD	TRAFFIC MANAGEMENT FOR WORKS ON POINT LEANDER DRIVE, BOOKARA EAST
			ROAD AND SAFETY CRITICAL EMERGENCY WORKS
EFT28761	19/05/2022	AMPAC DEBT RECOVERY (WA) PTY LTD	RATES DEBT RECOVERY
EFT28762	19/05/2022	AMY CHADBOURNE	COMMUNICATION / MEDIA CONSULTANCY
EFT28763	19/05/2022	ATOM	WORKSHOP SUPPLIES
EFT28764	19/05/2022	AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY	ANNUAL LICENCE RENEWAL - GENERAL LICENCE
EFT28765	19/05/2022	AUSTRALIA POST	POSTAGE CHARGES
EFT28766	19/05/2022	AUSTRALASIAN PERFORMING RIGHT ASSOCIATION - ONEMUSIC AUSTRALIA	DRIVE IN LICENCE FEES
EFT28767	19/05/2022	AUS RECORD	DEVELOPMENT APPLICATION FOLDERS
EFT28768	19/05/2022	ARB GERALDTON	TRANSIT BAG FOR CESM VEHICLE
EFT28769	19/05/2022	BATAVIA COAST TRIMMERS	MANUFACTURE, SUPPLY AND INSTALL SHADE SAILS FOR DAMIA CIRCLE PLAYGROUND
EFT28770	19/05/2022	CONSTRUCTION TRAINING FUND	CONSTRUCTION TRAINING FUND RECONCILIATION
EFT28771	19/05/2022	BEAUREPAIRES GERALDTON	SUPPLY AND FIT TYRES TO PRIME MOVERS AND SIDE TIPPING TRAILER
EFT28772	19/05/2022	DEPARTMENT OF MINES INDUSTRY REGULATION AND SAFETY	BUILDING SERVICES LEVY RECONCILIATION
EFT28773	19/05/2022	BOB WADDELL & ASSOCIATES	FINANCIAL CONSULTING SERVICES
EFT28774	19/05/2022	CLEANAWAY DANIELS PTY LTD	CLINICAL WASTE SERVICE - MEDICAL CENTRE
EFT28775	19/05/2022	CORE BUSINESS AUSTRALIA	WHS MONITOR IMPLEMENTATION
EFT28776	19/05/2022	TOLL	FREIGHT CHARGES
EFT28777	19/05/2022	CIVIC WORKFORCE MANAGEMENT	PROFESSIONAL HR ADVICE AND SUPPORT
EFT28778	19/05/2022	CENTRAL WEST PEST CONTROL	ANNUAL PEST SPRAY AND TERMITE INSPECTION FOR THE VILLAGE
EFT28779	19/05/2022	DATA#3 LIMITED	ADDITIONAL ADOBE ACROBAT PRO LICENSE
EFT28780	19/05/2022	DC TWO PTY LTD	CUTOVER COST -TESTING, BUILD AND SERVER COST
EFT28781	19/05/2022	DELIVERING OUTCOMES	PROVIDE WHS ADVISORY, RESOURCES AND ONSITE TRAINING
EFT28782	19/05/2022	DELTA CLEANING SERVICES	ADDITIONAL CLEANING
EFT28783	19/05/2022	LANDGATE - WESTERN AUSTRALIAN LAND INFORMATION AUTHORITY	GRV & MINING SCHEDULES
EFT28784	19/05/2022	DONGARA HOLIDAY HOMES	ELECTRICITY USAGE FOR RENTAL
EFT28785	19/05/2022	DONGARA BODY BUILDERS	SERVICING & REPAIRS TO DROP DECK TRAILER & WATER TANK TRAILER
EFT28786	19/05/2022	DONGARA BUILDING & TRADE SUPPLIES	PARKS, GARDENS, ROAD & BUILDING MAINTENANCE SUPPLIES
EFT28787	19/05/2022	DONGARA DRILLING & ELECTRICAL	ELECTRICAL REPAIRS AT DEPOT AND THE VILLAGE
EFT28788	19/05/2022	DONGARA HARDWARE	GAS BOTTLE FOR 3 NEW UNITS AT HENRY ROAD AND WATER FOR DEPOT, ADMIN AND TRANSFER STATION
EFT28789	19/05/2022	DONGARA LOCAL RAG	ADVERTISING
EFT28790	19/05/2022	RIVERBEND FOODWORKS DONGARA	MONTHLY CONSUMABLES
EFT28791	19/05/2022	EASY AUTO CARE	SERVICE OF TOYOTA PRADO
EFT28792	19/05/2022	ELEMENT ADVISORY PTY LTD	LOCAL PLANNING STRATEGY COUNCIL WORKSHOP - OUTCOMES REPORTING & MAPPING
EFT28793	19/05/2022	EDGE DIGITAL TECHNOLOGY	DIAGNOSE AND REPAIR PROJECTOR AT DRIVE IN
EFT28794	19/05/2022	EJAN COMMUNICATIONS	RADIO INCLUDING ANTENNA
EFT28795	19/05/2022	FIRST HEALTH SERVICES	PRACTISE MANAGEMENT SUPPORT SERVICES - MEDICAL CENTRE
EFT28796	19/05/2022	DONGARA TOWN BUSHFIRE BRIGADE	DONATION FOR GREEN WASTE BURN AT TRANSFER STATION
EFT28797	19/05/2022	FIVESTAR BUSINESS SOLUTIONS & INNOVATION	PRINTER CHARGES - ADMIN, LIBRARY AND REC CENTRE
EFT28798	19/05/2022	GERALDTON MOWER & REPAIR	SUNDRY PLANT ITEMS
EFT28799	19/05/2022	ALL DECOR	SUPPLY AND INSTALL VINYL AT UNIT 33
EFT28800	19/05/2022	CITY OF GREATER GERALDTON	MERU WASTE DISPOSAL
EFT28801	19/05/2022	GERALDTON TROPHY & ENGRAVING CENTRE	DOUBLE NICHE WALL PLAQUES
EFT28802	19/05/2022	REFUEL AUSTRALIA	FUEL CARD PURCHASES AND BULK DIESEL FUEL PURCHASE
EFT28803	19/05/2022	DEBBIE MAREE GILLAM	BOND REFUND
EFT28804	19/05/2022	GLASS CO WA	GLASS/SECURITY REPAIRS TO THE VILLAGE
EFT28805	19/05/2022	GREENFIELD TECHNICAL SERVICES	BRIDGE INSPECTION
EFT28806	19/05/2022	GLOBAL SPILL & SAFETY	WORKSHOP SUPPLIES
EFT28807	19/05/2022	MOORE AUSTRALIA (WA) PTY LTD	FINAL PAYMENT - INTEGRATED PLANNING & REPORTING SERVICES - LONG TERM FINANCIAL PLAN, ASSET MANAGEMENT PLAN AND WORKFORCE PLAN.
EFT28808	19/05/2022	HOCKEY'S PEST SERVICE	MICE BAITING AT VARIOUS LOCATIONS
EFT28809	19/05/2022	HUGGABLE TOYS	VISITOR CENTRE STOCK
EFT28810	19/05/2022	INCITE SECURITY	TRAINING FOR SWIPE CARD USAGE
EFT28811	19/05/2022	IT VISION AUSTRALIA PTY LTD	ALTUS PAYROLL BALANCING CORRECTIONS
EFT28812	19/05/2022	JASON SIGNMAKERS	SOUTH BEACH INFORMATION SIGN
EFT28813	19/05/2022	JAYCAM INDUSTRIES	INSTALL NEW TV ANTENNAE & WIRING TO THE VILLAGE
EFT28814	19/05/2022	JB HI-FI GROUP PTY LTD	REPLACEMENT TABLET FOR COUNCILLOR
EFT28815	19/05/2022	JOSEPH THOMAS CLIFFORD	ONSITE METROCOUNT FAULT FINDING AND TRAINING
EFT28816	19/05/2022	KELLI DAWSON	SKATE PRECINCT YOUTH ARTS MURAL PROJECT - STAGE 1: WORKSHOPS & ART COMPETITIONS
EFT28817	19/05/2022	KPA ARCHITECTS	STAGE 2 HENRY RD INDEPENDENT LIVING UNITS INSPECTION
EFT28818	19/05/2022	LOCAL BLOKE MARKETING AND DISTRIBUTION	VISITOR CENTRE STOCK
EFT28819	19/05/2022	LG BEST PRACTICES	OUTSOURCED PAYROLL
EFT28820	19/05/2022	STATE LIBRARY OF WESTERN AUSTRALIA	FREIGHT RECOUP
EFT28821	19/05/2022	LOCAL GOVERNMENT PROFESSIONALS WA	CUSTOMER CONFLICT RESOLUTION TRAINING
EFT28822	19/05/2022	NODE 1 PTY LTD	FIXED WIRELESS - MEDICAL CENTRE
EFT28823	19/05/2022	MARKETFORCE PTY LTD	ADVERTISING
EFT28824	19/05/2022	METRO COUNT VEHICLE CLASSIFIER SYSTEMS	SUPPLY ROAD TUBE AND CENTRE FLAPS
EFT28825	19/05/2022	MEX MAINTENANCE SOFTWARE	MEX TRAINING
EFT28826	19/05/2022	MELBOURNE GLOBAL SYSTEMS	MERAKI ENTERPRISE LICENSE

Shire of Irwin

List of Accounts paid May 2022 for presentation to the
Council Meeting 28 June 2022

MUNICIPAL/(TRUST) PAYMENTS

EFT/CHQ #	DATE	DESCRIPTION	PAYMENTS
EFT28827	19/05/2022	SHIRE OF MINGENEW	REFUND
EFT28828	19/05/2022	MITCHELL AND BROWN COMMUNICATIONS	URGENT REPAIRS TO TV/RADIO TOWER EQUIPMENT
EFT28829	19/05/2022	MIDWEST SOLAR AND WATER	PLUMBING REPAIRS AT THE VILLAGE AND SHIRE FACILITIES AND ABLUTIONS
			INCLUDING REPLACING TOILETS AT HARBOUR MASTER
EFT28830	19/05/2022	OAKS CIVIL CONSTRUCTION PTY LTD	SUPPLY TRAFFIC MANAGEMENT FOR SIGNAGE INSTALLATION
EFT28831	19/05/2022	PROCUREMENT PLUS	SUBSCRIPTION SERVICE 21/22
EFT28832	19/05/2022	RAMSAY CONSTRUCTIONS PTY LTD	CONTRACT EHO
EFT28833	19/05/2022	ROAD RUNNER MECHANICAL SERVICES	SERVICE OF ISUZU TRUCK
EFT28834	19/05/2022	SANTA CRUZ BUILDING SERVICES PTY LTD	BUILDING MAINTENANCE REPAIRS AT THE VILLAGE & SHIRE INFRASTRUCTURE
EFT28835	19/05/2022	SUN CITY SOLAR	REFUND
EFT28836	19/05/2022	SUBTERRANEAN SERVICE LOCATIONS WA	SERVICE LOCATION ON BLENHEIM ROAD, MORETON TCE, DEPOT AND DENISON
			OVAL
EFT28837	19/05/2022	STARSTATE INVESTMENTS	REFUND
EFT28837	19/05/2022	CANCELLED	
EFT28839	19/05/2022	DONGARA IGA	MONTHLY CONSUMABLES
EFT28840	19/05/2022	DONGARA COMMUNITY RESOURCE CENTRE	CASE SUNDRY DONATION
EFT28841	19/05/2022	TOTALLY WORKWEAR GERALDTON	PROTECTIVE CLOTHING
EFT28842	19/05/2022	TYREPOWER LIMITED	SUPPLY AND FIT TYRES ON HOLDEN COLORADO'S
EFT28843	19/05/2022	VAC WEST INDUSTRIAL	CLEAN DRAINS ON MORETON TERRACE AND HUNTS ROAD
EFT28844	19/05/2022	VANGUARD PRESS	BROCHURE DISPLAY, TRANSPORT, HANDLING AND WAREHOUSING FEE
EFT28845	19/05/2022	PUBLIC TRANSPORT AUTHORITY OF WA	BUS TICKET SALES
EFT28846	19/05/2022	WA NATURALLY PUBLICATIONS	VISITOR CENTRE STOCK
EFT28847	19/05/2022	SYNERGY	VARIOUS ELECTRICITY CHARGES
EFT28848	19/05/2022	ON HOLD ON LINE	MONTHLY ON HOLD MESSAGES
EFT28849	19/05/2022	WINC AUSTRALIA PTY LTD	PRINTER CHARGES - DEPOT
EFT28850	24/05/2022	AUSTRALIAN TAXATION OFFICE - BAS	BAS RECONCILIATION
EFT28851	30/05/2022	N-COM PTY LTD	ANTENNA SYSTEM INCLUDING FREIGHT FOR REPLACEMENT ANTENNA AT TV
			TOWER DUE TO STORM DAMAGE
32106	03/05/2022	DEPARTMENT OF TRANSPORT	RENEWAL FEE FOR RECREATIONAL JETTY
32107	03/05/2022	DEPARTMENT OF TRANSPORT	SHIRE OF IRWIN NUMBER PLATES
32108	03/05/2022	SHIRE OF IRWIN	CONTAINER DEPOSIT SCHEME
32109	30/05/2022	DEPARTMENT OF TRANSPORT	SHIRE OF IRWIN NUMBER PLATES
32110	30/05/2022	WATER CORPORATION	VARIOUS WATER CHARGES
DD21536.1	02/05/2022	TELSTRA AUSTRALIA	VARIOUS MOBILE & DATA CHARGES
DD21541.1	04/05/2022	TELSTRA AUSTRALIA	MEDICAL CENTRE FALL OVER SIM CHARGES
DD21565.1	24/05/2022	TELSTRA AUSTRALIA	FREE WIFI DATA CHARGES
DD21581.1	30/05/2022	TELSTRA AUSTRALIA	VARIOUS MOBILE & DATA CHARGES
DD21538.1	04/05/2022	WA TREASURY CORPORATION	LOAN 99 -MEDICAL CENTRE
DD21543.1	09/05/2022	WA TREASURY CORPORATION	LOAN 93 - RECREATION CENTRE
SOL 05/22	16/05/2022	SHINE TECH SOLAR	SOLAR REPAYMENT MAY 2022
CR 030522	03/05/2022	NAB BUSINESS VISA	NAB BUSINESS VISA TRANSACTIONS INCLUDING POWER AND WATER METER
			INSTALLATION FEE AT HENRY ROAD, WATER COOLER EXPENSE FOR RETURNED
			COOLER, DOCKING STATIONS, BUILDING FEE - HENRY ROAD, ADVERTISING, RAPID
			ANTIGEN TESTS AND REC CENTRE EXPENSES
DD21547.1	10/05/2022	PEERMONT HOLDINGS PTY LTD	LAND USE AGREEMENT
DD21545.1	09/05/2022	SIMON TIMOTHY CAMPBELL	RENT CHARGES
DD21562.1	23/05/2022	SIMON TIMOTHY CAMPBELL	RENT CHARGES
30393/22	20/05/2022	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	BOND
30580/22	23/05/2022	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	BOND
31203/22	23/05/2022	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	BOND
DD21557.1	13/05/2022	AMP INVESTMENT LINKED PERSONAL SUPERANNUATION PLAN	SUPERANNUATION
DD21557.2	13/05/2022	ASGARD SUPERANNUATION	SUPERANNUATION
DD21557.3	13/05/2022	AUSTRALIAN SUPER	SUPERANNUATION
DD21557.4	13/05/2022	AWARE SUPER PTY LTD	SUPERANNUATION
DD21557.5	13/05/2022	EQUIPSUPER SUPERANNUATION FUND	SUPERANNUATION
DD21557.6	13/05/2022	HOSTPLUS	SUPERANNUATION
DD21557.7	13/05/2022	MLC SUPER FUND	SUPERANNUATION
DD21557.8	13/05/2022	THE M & L OLSEN SUPERANNUATION FUND	SUPERANNUATION
DD21557.9	13/05/2022	AMP CORPORATE SUPER - SIGNATURE SUPER	SUPERANNUATION
			-495,995.76

Sundry Creditors as at 31/05/2022 153,173.61

The Payments included in the above list of Accounts Paid, have been authorised by the Chief Executive Officer under delegation from Council.

14/6/22
DATE


Shane Ivers
Chief Executive Officer

Shire of Irwin

Corporate Credit Card Expenditure - Payment Reference CR 030522

S.Ivers Credit Card Expenses

Spotify	Rec Centre Gym Music	\$ 11.99
Rapid Antigen Australia	Rapid Antigen Tests	\$ 3,995.00
NAB	Card Fee	\$ 9.00
		<u>\$ 4,015.99</u>

D.Chandler Credit Card Expenses

Western Power	Multi Meter Installation Application Fee - Henry Road	\$ 834.48
Aussie Natural Geraldton	Cooler Rental Fee for returned cooler	\$ 40.00
Links Modular	Program - Rec Centre	\$ 205.02
Water Corporation	Sub Meter Installation Application Fee - Henry Road	\$ 119.72
Harvey Norman	Docking Stations	\$ 405.95
Shire of Irwin	CTF & BSL Fees for Building Application - Henry Road	\$ 208.94
Seek Australia	Advertising	\$ 512.61
NAB	Card Fee	\$ 9.00
		<u>\$ 2,335.72</u>

TOTAL PAYMENT TO CORPORATE CREDIT CARD ACCOUNT

\$ 6,351.71

ATTACHMENT: CC02

Monthly Financial Statements for the Period Ended
31 May 2022

Attachment 1
Monthly Financial Statements for the Period Ended 31 May 2022



SHIRE OF IRWIN

MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) For the Period Ended 31 May 2022

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Key Terms and Descriptions - Nature or Type Descriptions	2
Statement of Financial Activity by Nature or Type	3
Note 1 Adjusted Net Current Assets	4
Note 3 Receivables	5
Note 5 Payables	6
Note 8 Capital Acquisitions	7
Note 15 Explanation of Material Variances	10

SHIRE OF IRWIN

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 31 MAY 2022

NATURE OR TYPE DESCRIPTIONS

REVENUE

RATES

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts offered. Exclude administration fees, interest on instalments, interest on arrears and service charges.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

PROFIT ON ASSET DISPOSAL

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

SERVICE CHARGES

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial Management) Regulations 1996 identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

EXPENSES

EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Loss on the disposal of fixed assets.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

SHIRE OF IRWIN
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MAY 2022

BY NATURE OR TYPE

	Note	Annual Budget	Revised Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var. ▲▼	Significant Var. \$
		\$	\$	\$	\$	\$	%		
Opening Funding Surplus (Deficit)	1	808,457	926,109	926,109	926,109	0	0%		
Revenue from operating activities									
Rates	6	5,645,606	5,667,835	5,195,759	5,675,292	479,533	9%	▲	
Operating Grants, Subsidies and Contributions	12	791,224	870,224	794,604	1,427,895	633,292	80%	▲	\$
Fees and Charges		2,063,150	2,156,480	1,994,647	2,107,893	113,246	6%	▲	
Service Charges		0	0	0	0	0			
Interest Earnings		45,478	47,478	44,912	52,947	8,035	18%	▲	
Other Revenue		191,000	212,245	191,491	168,589	(22,902)	(12%)	▼	\$
Profit on Disposal of Assets	7	100,000	72,810	66,737	66,924	187	0%	▲	
Gain FV Valuation of Assets		0	0	0	0	0			
		8,836,458	9,027,073	8,288,150	9,499,541				
Expenditure from operating activities									
Employee Costs		(2,947,371)	(2,637,266)	(2,422,491)	(2,656,979)	(234,488)	(10%)	▼	
Materials and Contracts		(2,953,769)	(3,853,192)	(3,523,136)	(2,957,077)	566,059	16%	▲	\$
Utility Charges		(356,800)	(330,800)	(308,845)	(417,235)	(108,390)	(35%)	▼	\$
Depreciation on Non-Current Assets		(4,373,611)	(4,402,473)	(4,035,482)	(4,100,167)	(64,685)	(2%)	▼	
Interest Expenses		(228,839)	(228,839)	(216,240)	(179,831)	36,409	17%	▲	\$
Insurance Expenses		(210,188)	(212,769)	(207,918)	(230,088)	(22,170)	(11%)	▼	\$
Other Expenditure		(206,416)	(189,616)	(152,283)	(159,571)	(7,288)	(5%)	▼	
Loss on Disposal of Assets	7	0	(1,363)	(1,243)	(1,363)	(120)	(10%)	▼	
Loss FV Valuation of Assets		0	0	0	0	0			
		(11,276,994)	(11,856,318)	(10,867,638)	(10,702,314)				
Operating activities excluded from budget									
Add back Depreciation		4,373,611	4,402,473	4,035,482	4,100,167	64,685	2%	▲	
Adjust (Profit)/Loss on Asset Disposal	7	(100,000)	(71,447)	(65,494)	(65,560)	(66)	0%	▼	
Movement in Leave Reserve (Added Back)		190,418	96,107	374	478	104	28%	▲	
Movement in Deferred Pensioner Rates/ESL		0	0	0	0	0			
Movement in Employee Benefit Provisions		0	0	0	0	0			
Rounding Adjustments		0	0	0	0	0			
Movement Due to Changes in Accounting Standards		0	0	0	0	0			
Loss on Asset Revaluation		0	0	0	0	0			
Adjustment in Fixed Assets		0	0	0	0	0			
Amount attributable to operating activities		2,023,493	1,597,887	1,390,874	2,832,312				
Investing activities									
Non-Operating Grants, Subsidies and Contributions	13	3,396,931	3,461,784	2,912,437	1,927,305	(985,132)	(34%)	▼	\$
Proceeds from Disposal of Assets	7	1,631,184	1,631,028	1,495,109	93,957	(1,401,152)	(94%)	▼	\$
Land Held for Resale	8	0	0	0	0	0			
Land and Buildings	8	(1,693,981)	(1,748,481)	(1,602,150)	(1,494,539)	107,611	7%	▲	
Plant and Equipment	8	(924,300)	(457,500)	(368,889)	(208,577)	160,312	43%	▲	\$
Furniture and Equipment	8	(114,000)	0	0	0	0			
Infrastructure Assets - Roads	8	(2,777,844)	(2,733,449)	(2,528,230)	(2,137,498)	390,732	15%	▲	\$
Infrastructure Assets - Drainage	8	0	0	0	0	0			
Infrastructure Assets - Footpaths	8	0	0	0	0	0			
Infrastructure Assets - Public Facilities	8	0	0	0	0	0			
Infrastructure Assets - Other	8	(2,418,771)	(2,294,771)	(217,666)	(184,237)	33,429	15%	▲	\$
Amount attributable to investing activities		(2,900,781)	(2,141,389)	(309,389)	(2,003,589)				
Financing Activities									
Proceeds from New Debentures		674,000	0	0	0	0			
Repayment of Debentures	9	(427,905)	(427,905)	(397,840)	(397,467)	373	0%	▲	
Repayment of Lease Financing	9	(20,474)	(20,474)	(18,744)	(18,801)	(57)	(0%)	▼	
Advances to Community Groups		0	0	0	0	0			
Proceeds from Advances		0	0	0	0	0			
Self-Supporting Loan Principal	9	41,513	41,513	41,512	41,513	1	0%	▲	
Transfer to Restricted Cash - Other		(150,000)	(150,000)	0	0	0			
Transfer from Restricted Cash - Other		160,081	0	0	0	0			
Transfer from Reserves	10	290,345	384,656	352,594	0	(352,594)	(100%)	▼	\$
Transfer to Reserves	10	(295,000)	(295,000)	(4,576)	(5,719)	(1,143)	(25%)	▼	
Amount attributable to financing activities		272,560	(467,210)	(27,054)	(380,474)				
Closing Funding Surplus (Deficit)	1	203,729	(84,602)	1,980,540	1,374,359				

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

Refer to Note 15 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2021/22 year is \$10,000 and 10%.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

ADJUSTED NET CURRENT ASSETS

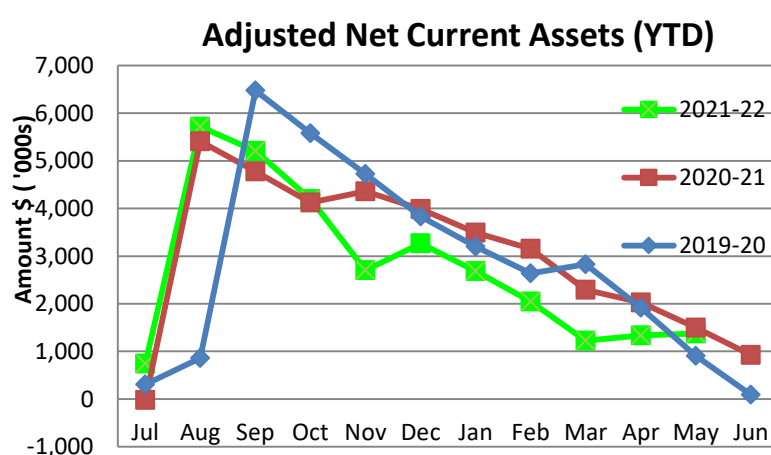
Adjusted Net Current Assets	Note	Last Years Closing 30/06/2021	This Time Last Year 31/05/2021	Year to Date Actual 31/05/2022
		\$	\$	\$
Current Assets				
Cash Unrestricted	2	2,960,321	3,150,201	1,928,508
Cash Restricted - Reserves	2	1,480,544	1,480,059	1,486,263
Cash Restricted - General	2	362,875	362,875	362,875
Cash Restricted - Bonds & Deposits	2	210,591	210,079	212,410
Receivables - Rates	3	387,388	463,403	389,296
Receivables - Other	3	653,932	252,859	608,672
Inventories	4	28,018	18,521	28,018
		6,083,668	5,937,997	5,016,042
Less: Current Liabilities				
Payables	5	(1,273,170)	(156,908)	(399,275)
Contract Liabilities	11	(1,356,232)	(2,160,293)	(857,881)
Financial Liabilities	5	(140,508)	(140,508)	(31,331)
Bonds & Deposits	14	(210,591)	(210,079)	(212,410)
Loan and Lease Liability	9	(448,379)	(30,988)	(32,111)
Provisions	11	(415,874)	(416,446)	(415,874)
		(3,844,754)	(3,115,221)	(1,948,882)
Less: Cash Reserves	10	(1,480,544)	(1,480,059)	(1,486,263)
Add Back: Component of Leave Liability not Required to be funded		123,748	123,702	124,226
Add Back: Loan and Lease Liability		448,379	30,988	32,111
Less : Loan Receivable - clubs/institutions		(41,513)	0	0
Less : Restricted Cash General	15	(362,875)	0	(362,875)
Net Current Funding Position		926,109	1,497,406	1,374,359

SIGNIFICANT ACCOUNTING POLICIES

Please see Note 1(a) for information on significant accounting policies relating to Net Current Assets.

KEY INFORMATION

The amount of the adjusted net current assets at the end of the period represents the actual surplus (or deficit if the figure is a negative) as presented on the Rate Setting Statement.



This Year YTD

Surplus(Deficit)

\$1.37 M

Last Year YTD

Surplus(Deficit)

\$1.5 M

SHIRE OF IRWIN

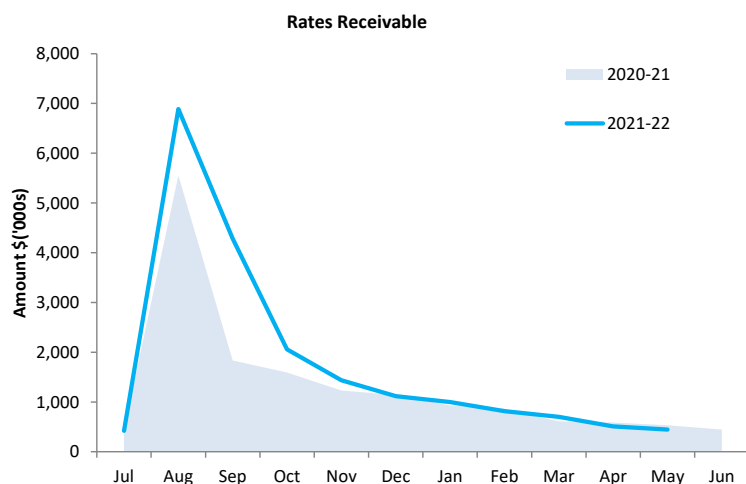
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MAY 2022

OPERATING ACTIVITIES NOTE 3 RECEIVABLES

Receivables - Rates & Rubbish	30 June 2021	31 May 22
	\$	\$
Opening Arrears Previous Years	472,740	444,976
Levied this year	6,130,640	6,434,184
Less Collections to date	(6,158,404)	(6,432,275)
Equals Current Outstanding	444,976	446,884
Net Rates Collectable	444,976	446,884
% Collected	93.26%	93.50%

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.



Collected

94%

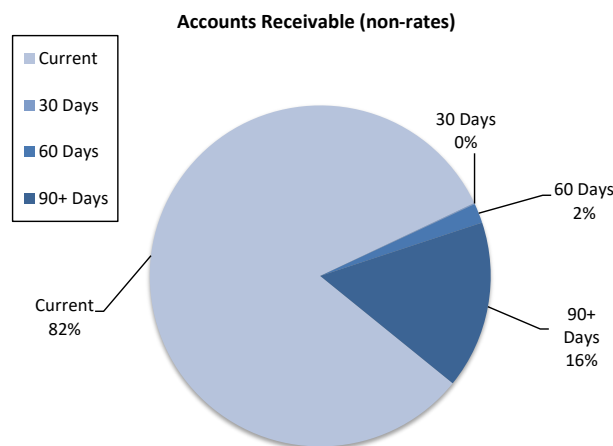
Rates Due

\$446,884

Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
Receivables - General	465,165	577	10,561	90,041	566,343
Percentage	82%	0%	2%	16%	
Balance per Trial Balance					
Sundry Debtors					566,343
Receivables - Other					42,330
Total Receivables General Outstanding					608,672
Amounts shown above include GST (where applicable)					

SIGNIFICANT ACCOUNTING POLICIES

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.



Debtors Due

\$608,672

Over 30 Days

18%

Over 90 Days

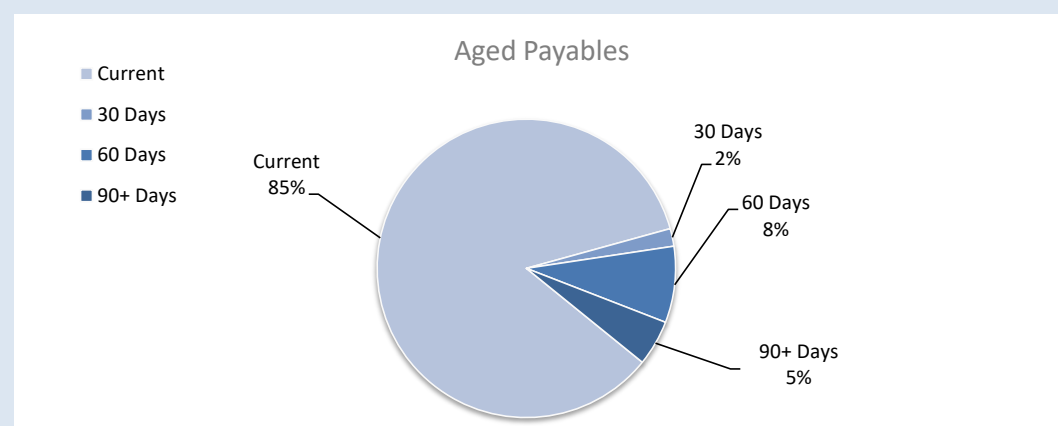
16%

Payables - General	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
Payables (Sundry Creditors) - General	130,007	2,936	12,659	7,572	153,174
Percentage	84.9%	1.9%	8.3%	4.9%	
Balance per Trial Balance					
Sundry creditors - General					153,174
Other creditors					181,110
ATO liabilities					64,992
Financial liabilities (Developer Contributions)					31,331
Total Payables General Outstanding					430,606

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.



Creditors Due

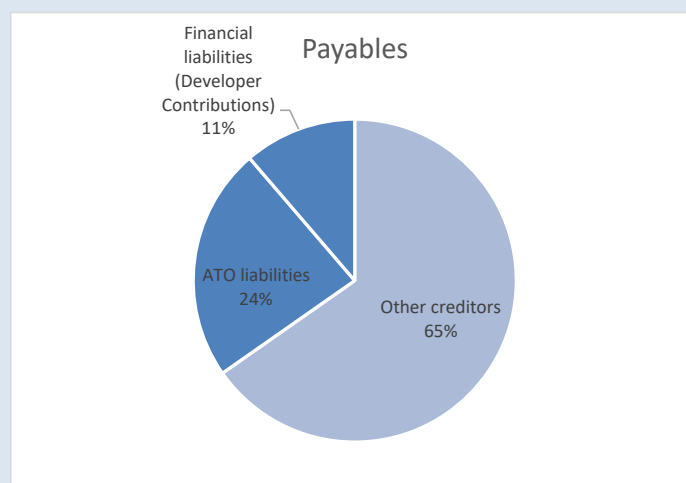
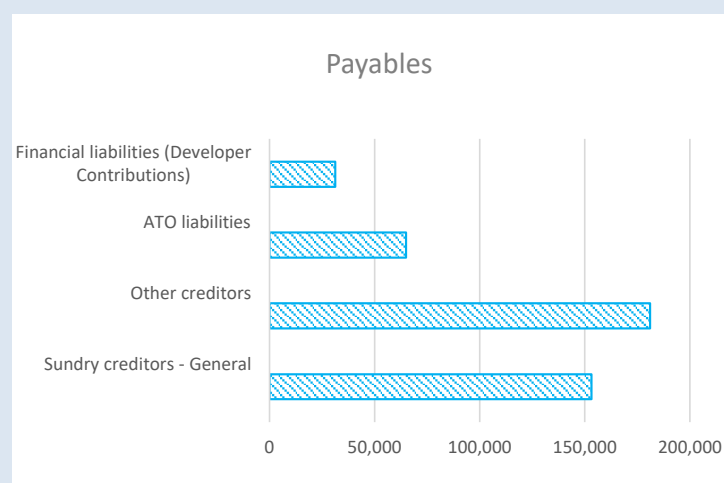
\$430,606

Over 30 Days

15%

Over 90 Days

4.9%

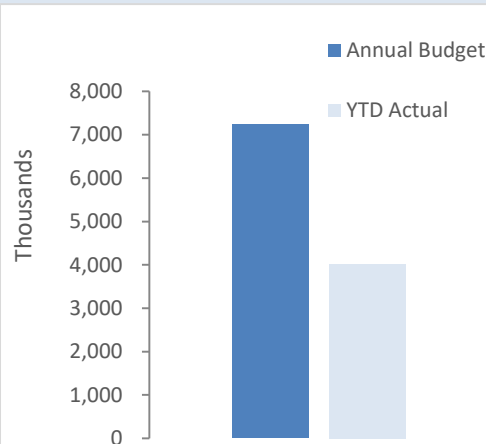


Capital Acquisitions	Adopted		Amended		YTD Budget Variance
	Annual Budget	YTD Budget	Annual Budget	YTD Actual Total	
	\$	\$	\$	\$	\$
Land Held for Resale	0	0	0	0	0
Land and Buildings	1,693,981	1,602,150	1,748,481	1,494,539	(107,611)
Plant and Equipment	924,300	368,889	457,500	208,577	(160,312)
Furniture and Equipment	114,000	0	0	0	0
Infrastructure Assets - Roads	2,777,844	2,528,230	2,733,449	2,137,498	(390,732)
Infrastructure Assets - Drainage	0	0	0	0	0
Infrastructure Assets - Footpaths	0	0	0	0	0
Infrastructure Assets - Public Facilities	0	0	0	0	0
Infrastructure Assets - Other	2,418,771	217,666	2,294,771	184,237	(33,429)
Capital Expenditure Totals	7,928,896	4,716,935	7,234,201	4,024,851	(692,084)
Capital acquisitions funded by:					
	\$	\$	\$	\$	\$
Capital Grants and Contributions	3,396,931	2,912,437	3,461,784	1,927,305	(985,132)
Borrowings	674,000	0	0	0	0
Other (Disposals & C/Fwd)	1,631,184	1,495,109	1,631,028	93,957	(1,401,152)
Council contribution - Cash Backed Reserves					
Various Reserves		352,594	290,345	0	(352,594)
Council contribution - operations		-43,205	1,851,044	2,003,589	2,046,794
Capital Funding Total		4,716,935	7,234,201	4,024,851	(692,084)

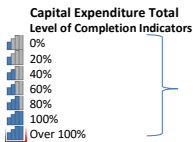
SIGNIFICANT ACCOUNTING POLICIES

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$7.23 M	\$4.02 M	56%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$3.46 M	\$1.93 M	56%



Percentage YTD Actual to Annual Budget
Expenditure over budget highlighted in red.

% of
Completion

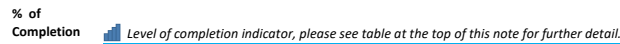
Level of completion indicator, please see table at the top of this note for further detail.

Level of completion indicator, please see table at the top of this note for further detail.					Adopted		Amended				
Assets		Account Number	Balance Sheet Category	Job Number	Annual Budget	Annual Budget	YTD Budget	Total YTD	Total Forecast	Variance (Under)/Over	
					\$	\$	\$	\$	\$	\$	
Buildings											
Housing											
1.00		AGED APPROPRIATE HOUSING - STAGE 1	2574	1311	1626	0	0	0	(3,960)	0	(3,960)
0.90		AGED APPROPRIATE HOUSING - STAGE 2	2574	1311	CJ18	(1,647,481)	(1,647,481)	(1,509,585)	(1,480,979)	(1,647,481)	28,606
0.00		BUILDING - THE VILLAGE - RENEWAL	2584	1311	CJ02	(26,500)	(26,500)	(24,288)	0	(26,500)	24,288
Total - Housing					(1,673,981)	(1,673,981)	(1,533,873)	(1,484,939)	(1,673,981)	48,934	
Community Amenities											
1.00		TRANSFER STATION RETAINING WALL	1944	1311	CJ67	(20,000)	0	0	0	(20,000)	0
0.00		AIR-CONDITIONING - TRANSFER STATION	1944	1311	CJ104	0	(5,000)	(4,576)	0	0	4,576
Total - Community Amenities					(20,000)	(5,000)	(4,576)	0	(20,000)	4,576	
Recreation And Culture											
0.00		BOWLING CLUB ACCESSIBLE ABLUTIONS RENOVATIONS	2404	1311	CJ107	0	(61,500)	(56,375)	0	0	56,375
1.00		DENISON HOUSE - CAPITAL RENEWAL WORKS	3344	1311	C910	0	0	0	(9,600)	0	(9,600)
Total - Recreation And Culture					0	(61,500)	(56,375)	(9,600)	0	46,775	
Other Property & Services											
0.00		ADMINISTRATION GLASS SCREENING	0394	1311	CJ106	0	(8,000)	(7,326)	0	0	7,326
Total - Other Property & Services					0	(8,000)	(7,326)	0	0	7,326	
0.85		Total - Buildings			(1,693,981)	(1,748,481)	(1,602,150)	(1,494,539)	(1,693,981)	107,611	
Plant & Equipment											
Fire Prevention											
1.00		CONCRETE TANK ON KAILUS DRIVE	0784	1312	F013	0	0	0	(9,875)	0	(9,875)
Total - Fire Prevention					0	0	0	(9,875)	0	(9,875)	
Other Law, Order & Public Safety											
1.00		COMMUNITY RANGER VEHICLE - REG 502IR	0884	1312	V502	(35,000)	0	0	0	(35,000)	0
Total - Other Law, Order & Public Safety					(35,000)	0	0	0	(35,000)	0	
TV RADIO - PLANT AND EQUIPMENT RENEWAL (CAPITAL)											
1.00		TV TOWER ANTENNA RENEWAL	7524	1312	V881	0	0	0	(6,021)	0	(6,021)
Total - TV RADIO - PLANT AND EQUIPMENT RENEWAL (CAPITAL)					0	0	0	(6,021)	0	(6,021)	
Recreation & Culture											
1.00		PARKS & GARDENS - TRACTOR MOWER - REG IR420	2844	1312	V420	(48,800)	(48,800)	(48,800)	(48,759)	(48,800)	41
1.00		NEW TRUCK - PARKS & GARDENS	2844	1312	V852	(77,000)	(77,000)	(77,000)	(76,960)	(77,000)	40
Total - Recreation & Culture					(125,800)	(125,800)	(125,800)	(125,719)	(125,800)	81	
Transport											
1.00		PRIME-MOVER	3534	1312	V850	(309,000)	0	0	0	(309,000)	0
0.00		SIDE TIPPING SEMI TRAILER	3534	1312	V851	(221,000)	0	0	0	(221,000)	0
0.00		GRADER MOUNTED RUBBER TYRE ROLLER	3534	1312	V853	(60,000)	0	0	0	(60,000)	0
0.00		BACK UP GENERATOR - DEPOT	3534	1312	V854	(15,000)	0	0	0	(15,000)	0
0.00		SPRAY RIG	3534	1312	V857	0	(30,000)	(27,500)	0	0	0
0.00		POSI-TRACK LOADER	3534	1312	V859	0	(230,000)	(210,826)	0	0	0
0.00		DROP DECK TRAILER MODIFY HYDRAULICS	3534	1312	V855	(8,000)	(5,200)	(4,763)	(5,175)	(8,000)	0
0.00		MOSQUITO FOGGER	3534	1312	V856	(5,500)	(5,500)	0	0	(5,500)	0
Total - Transport					(618,500)	(270,700)	(243,089)	(5,175)	(618,500)	0	
Other Property & Services											
1.01		CEO VEHICLE - REG 510IR	0554	1312	V510	(61,000)	(61,000)	0	(61,787)	(61,000)	(61,787)
1.00		MANAGER VEHICLE	0554	1312	V527	(34,000)	0	0	0	(34,000)	0
1.00		SURVEY VEHICLE	0554	1312	V528	(35,000)	0	0	0	(35,000)	0
1.00		DEPOT POOL VEHICLE	0554	1312	V529	(15,000)	0	0	0	(15,000)	0
Total - Other Property & Services					(145,000)	(61,000)	0	(61,787)	(145,000)	(61,787)	
0.46		Total - Plant & Equipment			(924,300)	(457,500)	(368,889)	(208,577)	(924,300)	(77,602)	
Furniture & Equipment											
Recreation & Culture											
1.00		GYM EQUIPMENT	2824	1314	CJ90	(50,000)	0	0	0	(50,000)	0
Total - Recreation & Culture					(50,000)	0	0	0	(50,000)	0	
Other Property & Services											
1.00		IT - HARDWARE SERVER UPGRADE	0264	1314	CJ33	(50,000)	0	0	0	(50,000)	0
1.00		OFFICE / CHAMBERS FURNITURE & EQUIPMENT	0264	1314	CJ96	(14,000)	0	0	0	(14,000)	0
Total - Other Property & Services					(64,000)	0	0	0	(64,000)	0	
1.00		Total - Furniture & Equipment			(114,000)	0	0	0	(114,000)	0	

INVESTING ACTIVITIES

NOTE 8

CAPITAL ACQUISITIONS

19

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2021/22 year is \$10,000 and 10%.

	Var. \$	Var. %	Var. ▲▼	Significant Var. \$	Timing/ Permanent	Explanation of Variance
Revenue from operating activities	\$	%				
Health	(30,769)	(36%)	▼	\$	Timing	Timing of Invoices
Transport	(33,517)	(14%)	▼	\$	Permanent	Contract Liability not recognised until expended
Expenditure from operating activities						
Governance	129,008	20%	▲	\$	Timing	Timing of Invoices
General Purpose Funding	114,659	18%	▲	\$	Timing	Administration Allocation Costs
Health	109,462	21%	▲	\$	Timing	Timing of Invoices
Housing	106,303	16%	▲	\$	Permanent	Timing of works and Invoices
Other Property and Services	(413,732)	(227%)	▼	\$	Timing	Additional Consultant Fees due to Staff Coverage & Additional IT and Recruitment Expenses than Budgeted
Investing Activities						
Non-operating Grants, Subsidies and Contributions	(985,132)	(34%)	▼	\$	Timing	Road grants received but cannot be recognised until road construction jobs completed
Proceeds from Disposal of Assets	(1,401,152)	(94%)	▼	\$	Permanent	Timing of purchases and disposals
Plant and Equipment	160,312	43%	▲	\$	Timing	Timing of purchases
Infrastructure Assets - Roads	390,732	15%	▲	\$	Timing	Timing of construction works
Infrastructure Assets - Other	33,429	15%	▲	\$	Timing	Timing of construction works
Financing Activities						
Transfer from Reserves	(352,594)	(100%)	▼	\$	Timing	Reserve Transfer yet to be completed
Reporting Nature or Type	Var. \$	Var. %	Var. pq	Significant Var. \$	Timing/ Permanent	Explanation of Variance
Revenue from operating activities						
Operating Grants, Subsidies and Contributions	633,292	80%	▲	\$	Timing	Grant funds to be received after audits completed
Other Revenue	(22,902)	(12%)	▼	\$	Timing	Unbudgeted Insurance reimbursement received
Expenditure from operating activities						
Materials and Contracts	566,059	16%	▲	\$	Timing	Timing of budget ahead of actual invoices
Utility Charges	(108,390)	(35%)	▼	\$	Timing	Timing of budget ahead of actual invoices.
Interest Expenses	36,409	17%	▲	\$	Timing	Timing of budget ahead of actual invoices.
Insurance Expenses	(22,170)	(11%)	▼	\$	Timing	Timing of Instalments
Investing Activities						
Non-operating Grants, Subsidies and Contributions	(985,132)	(34%)	▼	\$	Timing	Road grants received but cannot be recognised until road construction jobs completed
Proceeds from Disposal of Assets	(1,401,152)	(94%)	▼	\$	Timing	Truck disposal processed in November
Plant and Equipment	160,312	43%	▲	\$	Timing	Timing of purchases
Furniture and Equipment	0				Timing	Timing of Purchases
Infrastructure Assets - Roads	390,732	15%	▲	\$	Timing	Timing of construction works
Infrastructure Assets - Other	33,429	15%	▲	\$	Timing	Timing of construction works
Financing Activities						
Transfer from Reserves	(352,594)	(100%)	▼	\$	Timing	Reserve Transfer yet to be completed

ATTACHMENT: CEO01

**Register of Delegations - Council to CEO Delegations – Annual
Review**

Attachment 1

Register of Delegations – Council to CEO – June 2022



Shire of Irwin

Shire of Irwin Delegations Register

Adopted 25/05/2021

REVIEW

Reviewed by	Date approved	References
Council	25 May 2021	Council to CEO Delegations approved at OCM 25 May 2021. Altus Ref # INT21/16752ADD
Shane Ivers - CEO	30 Jun 2021	CEO to Employee Register of Delegations reviewed. Altus ref# INT21/2C44BCCD

TABLE OF CONTENTS

INTRODUCTION	6
Delegations under the Local Government Act 1995	6
Delegations and authorisations under other Legislation	7
DELEGATIONS	8
CEO100 - Tenders for Goods and Services – (Amended for a declared State of Emergency)	8
CEO101 - Payments from the Municipal or Trust Funds	11
CEO102 - Trust Fund	13
CEO103 - Expression of Interest Goods and Services	14
CEO104 - Application of Regional Price Preference Policy	16
CEO105 - Appoint Authorised Persons	17
CEO106 - Compensation for Damage Incurred when Performing Executive Functions	19
CEO107 - Powers of Entry	20
CEO108 - Declare Vehicle is Abandoned Vehicle Wreck	22
CEO109 - Confiscate or Uncollected Goods	23
CEO110 - Disposal of Sick or Injured Animals	25
CEO111 - Close Thoroughfares to Vehicles	26
CEO112 - Control Reserves and Certain Unvested Facilities	28
CEO113 - Obstruction of Footpaths and Thoroughfares	29
CEO114 - Gates Across Public Thoroughfares	31
CEO115 - Public Thoroughfare – Dangerous Excavations	33
CEO116 - Crossing – Construction, Repair and Removal	35
CEO117 - Private Works on, over or under Public Places	37
CEO118 - Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	39
CEO119 - Disposal of Property	40
CEO120 - Defer, Grant Discounts, Waive or Write off Debts	42
CEO121 - Power to Invest and Manage Investments	44
CEO122 - Rate Record Amendment	46
CEO123 - Agreement as to Payment of Rates and Service Charges	47
CEO124 - Determine Due Date for Rates or Service Charges	48
CEO125 - Recovery of Rates or Service Charges	49
CEO126 - Recovery of Rates – Lessee to Pay Rent	50
CEO127 - Rate Record - Objections	51
CEO128 - Issuing Notices to Owner or Occupier of Land	53
CEO129 - Actions on Land that is not Local Government Property	54
CEO130 - Works Required for Supply of Gas or Water	55
CEO131 - Complaints Officer	56
CEO200 - Grant a Building Permit	58
CEO201 - Demolition Permits	60

CEO202 - Occupancy Permits or Building Approval Certificates	62
CEO203 - Authorised and Approved Persons/Officers	64
CEO204 - Building Orders	66
CEO205 - Inspection and Copies of Building Records	68
CEO206 - Referrals and Issuing Certificates	69
CEO207 - Private Pool Barrier – Alternative and Performance Solutions	70
CEO208 - Smoke Alarms – Alternative Solutions	72
CEO300 - Firebreaks	73
CEO301 - Make Request to FES Commissioner – Control of Fire	75
CEO302 - Prohibited Burning Times - Vary	76
CEO303 - Restricted Burning Times - Vary	77
CEO304 - Prohibited and/or Restricted Burning Times – Control Activities	78
CEO305 - Control of Operations Likely to Create Bush Fire Danger	81
CEO306 - Burning Garden Refuse / Open Air Fires	82
CEO307 - Appoint Bush Fire Control Officer/s and Fire Weather Officer	84
CEO308 - Control and Extinguishment of Bush Fires	85
CEO309 - Recovery of Expenses Incurred through Contraventions of this Act	86
CEO310 - Prosecution of Offences	87
CEO311 - Withdrawal of Infringement Notices	88
CEO400 - Cat Registrations	89
CEO401 - Cat Control Notices	91
CEO402 - Approval to Breed Cats	92
CEO403 - Appoint Authorised Person	94
CEO404 - Recovery of Costs – Destruction of Cats	95
CEO405 - Applications to Keep Additional Cats	96
CEO500 - Refuse or Cancel Registration	98
CEO501 - Kennel Establishments	100
CEO502 - Appoint Authorised Persons	102
CEO503 - Recovery of Moneys Due Under this Act	103
CEO504 - Dispose of or Sell Dogs Liable to be Destroyed	104
CEO505 - Declare a Dangerous Dog	105
CEO506 - Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke	107
CEO507 - Determine Recoverable Expenses for Dangerous Dog Declaration	109
CEO600 - Food Business Registrations	110
CEO601 - Appoint Authorised Officers and Designated Officers	111
CEO602 - Determine Compensation	112
CEO603 - Prohibition Orders	114
CEO604 - Debt Recovery and Prosecutions	116
CEO605 - Food Business List – Preparation, Maintenance and Public Access	117
CEO700 - Give Notice Requiring Obliteration of Graffiti	118

CEO701 - Notices – Deal with Objections and Suspension of Effect of Notices	119
CEO702 - Obliterate Graffiti on Land not Local Government Property	120
CEO703 - Powers of Entry	121
CEO800 - Appoint Authorised Officer or Approved Officer (Asbestos Regs)	122
CEO801 - Enforcement Agency Reports to the Chief Health Officer	123
CEO802 - Designate Authorised Officers	124
CEO803 - Determine Compensation for Seized Items	125
CEO804 - Commence Proceedings	126
CEO900 - Illegal Development	127
CEO901 - Waiving or Refunding Planning Application Fee	129
CEO902 - Grant a Certificate	130
CEO903 - Subdivision Clearances	131
CEO904 - Local Planning Scheme No.5	132
CEO905 - Strata Title Applications - Certificates of Approval	138
CEO1000 - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000	139
CEO1001 - Bush Fire Brigades Local Law	140
CEO1002 - Cemeteries Local Law 2000	141
CEO1003 - Dogs Local Law	142
CEO1004 - Extractive Industries Local Law 2000	143
CEO1005 - Health Local Laws 2002	144
CEO1006 - Local Government Property Local Law	145
CEO1007 - Local Law Relating to Signs, Hoarding and Bill Posting	146
CEO1008 - Local Laws Relating to Fencing	147
CEO1009 - Meeting Procedures Local Law 2016	148
CEO1010 - Parking and Parking Facilities Local Law 2000	149
CEO1011 - Prevention and Abatement of Sand Drift Local Law 2004	150
AMENDMENTS	151

INTRODUCTION

Delegations under the Local Government Act 1995

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

Building Act 2011
Bush Fires Act 1954, regulations and local law created under that Act
Caravan Parks and Camping Grounds Act 1995;
Cat Act 2011 and regulations
Control of Vehicles (Off-Road Areas) Act 1978 and regulations
Dog Act 1976 and regulations
Environmental Protection (Noise) Regulations 1997
Environmental Protection Act 1986
Food Act 2008
Graffiti Vandalism Act 2016
Litter Act 1979 and regulations
Local Government (Miscellaneous Provisions) 1960 as amended
Planning and Development Act 2005 and associated regulations
Public Health Act 2016

N.B. – This is not an exhaustive list.

DELEGATIONS

Delegation	CEO100 Tenders for Goods and Services – (Amended for a declared State of Emergency)
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Function	<p>New regulation amendments in response to a declared State of Emergency are below in bold</p> <ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less [F&G.r.11(2). r.11(2)(aa) the supply of the goods or services is associated with a state of emergency; r.11(2)(h) the following apply- (i) the goods or services are to be supplied by — (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or (II) Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362; r.11(2)(ja) the contract is a renewal or extension of the term of a contract (the original contract) r.11(3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if — see [F&G r.11(3)] for further information 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the

	<p>close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)].</p> <p>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)].</p> <p>9. Authority to accept a tender which does not exceed the value detailed as a condition on this Delegation and in accordance with s.5.43(b). and; Authority to accept and reject tenders in accordance with the requirements of the Functions and General Regulations [F&G r.18].</p> <p>10 Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender and negotiate minor variations with the successful tenderer before entering into a contract, in accordance with Council Conditions on this delegation. [F&G r.20(1) (3)].</p> <p>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)].</p> <p>12. Authority to decline to accept any tender [F&G r.18(5)].</p> <p>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)]</p> <p>14. Authority to:</p> <ul style="list-style-type: none"> i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or as per Council conditions on this delegation ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j)(ja). [F&G r.21A] and before the contract is to expire. <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) (7)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.</i></p>
Delegates	Chief Executive Officer

Conditions	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, ii. current supply contract expiry is imminent, iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. <p>c. Tender exempt procurement is required to have the expense included in the adopted annual budget, unless exercising the requirement for emergency purchasing under the definition of Emergency or a declared State of Emergency.</p> <p>d. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</p> <p>e. A minor variation negotiation, in relation to an invitation to Tender, is subject to a maximum 20% variation and is not to exceed \$500,000.</p> <p>f. The variation of a contract is subject to a maximum limit of a 15% increase of the contract value.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegate conditions	Not sub-delegated
Statutory framework	<p>Local Government Act 1995</p> <p>Local Government (Functions and General) Regulations 1996</p>
Policy	<p>Council Policy - CP20 Purchasing – Amended for State of Emergency</p> <p>Management Policy MP04 Purchasing</p>
Record keeping	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 r.19</p>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO101 Payments from the Municipal or Trust Funds
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> <i>Local Government (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</i>
Delegates	Chief Executive Officer
Conditions	a. Authority to make payments is subject to Council approved budget. b. or the payments have been authorised by a resolution of Council in advance, or authorised in advance by the Shire President in an emergency. c. A list of payments is presented to Council in accordance with Financial Management Regulations 13. d. All payments are signed by two delegated signatories, one being the CEO the other sub-delegated by the CEO. <i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Corporate and Community A/Manager Infrastructure and Development
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Corporate & Community Executive Manager Infrastructure & Development Coordinator Administration Supervisor Finance
Statutory framework	Local Government Act 1995 – Section 5.46(3) Local Government (Financial Management) Regulations 1996
Policy	Council Policy – CP20 Purchasing

Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO102 Trust Fund
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.6.9(4) Trust fund
Function	<p>1. Authority to transfer money, where money has been held in the trust fund for 10 years it may be transferred to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Corporate and Community A/Manager Infrastructure and Development
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO103 Expression of Interest Goods and Services
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	<p>1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21].</p> <p>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Compliance with Delegation CEO100 - Tender for Goods and Services</p> <p>b. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995 Local Government (Functions and General) Regulations 1996
Policy	Council Policy - CP20 Purchasing
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720

Last reviewed	25 May 2021
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Delegation	CEO104 Application of Regional Price Preference Policy
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Functions and General) Regulations 1996:</i> r.24G Adopted regional price preference policy, effect of
Function	1. Authority to decide when not to apply the regional price preference policy to a particular tender in the future for a contract of that type [F&G r.24G]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995 – Section 5.46(3) Local Government (Functions and General) Regulations 1996
Policy	Council Policy - CP01 Localised Purchasing (Regional Price Preference) Council Policy - CP20 Purchasing
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO105 Appoint Authorised Persons
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Function	<p>1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act. [s.3.24 and s.9.10].</p> <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the Local Government Act 1995, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004.</p> <p>3. Authority to appoint authorised person for the purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. A Register of Authorised Persons is to be maintained as a Local Government Record.</p> <p>b. Only persons who are appropriately qualified and trained may be appointed as authorised persons.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995 Graffiti Vandalism Act 2016
Policy	Schedule of Authorised Persons Management Policy - MP02 Purchasing Order Authorisation

Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO106 Compensation for Damage Incurred when Performing Executive Functions
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
Function	<p>1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].</p> <p>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Delegation is limited to settlements which do not exceed a material value of \$5,000.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO107 Powers of Entry
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	<ol style="list-style-type: none"> 1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, without notice if not practicable. Using such force as is reasonable [s.3.34(1) (3) (5)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36]. <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020

Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO108 Declare Vehicle is Abandoned Vehicle Wreck
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.40A(4) Abandoned vehicle wreck may be taken
Function	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegation CEO109 Confiscated or Uncollected Goods or alternatively, referred for Council decision. <i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development
Statutory framework	Local Government Act 1995
Policy	Council Policy CP43 Disposal of Property
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO109 Confiscate or Uncollected Goods
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	<p>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A, or removed under s.3.40 or 3.40A to be collected until the costs of removing and/or impounding and keeping them have been paid to the local government. [s.3.46]</p> <p>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43. [s.3.47]</p> <p>3. Authority to recover expenses if goods are removed and impounded under section 3.39 and the alleged offender is convicted, by action in a court of competent jurisdiction. [s.3.48]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Function and General) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. May be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Local Government Act 1995 Local Government (Functions and General) Regulations 1996
Policy	Council Policy CP43 Disposal of Property
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19

Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO110 Disposal of Sick or Injured Animals
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	<p>1. Authority to determine when an impounded animal is ill or injured to an extent that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</p> <p>2. Authority to recover expenses if goods are removed and impounded under section 3.39 and the alleged offender is convicted, by action in a court of competent jurisdiction [s.3.48].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>As per the Local Government Act</p> <p>a. On the condition that the animal has been impounded for no less than 7 days and reasonable steps have been taken to notify the owner [s.3.47A(2)(3)].</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development
Statutory framework	Local Government Act 1995
Policy	Council Policy CP43 Disposal of Property
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO111 Close Thoroughfares to Vehicles
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function	<p>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</p> <p>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks [s.3.50(1a) (2) (4)].</p> <p>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</p> <p>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions & General) Regulations 1996.</i></p>
Delegates	Chief Executive Officer

Conditions	<p>As per the Local Government Act</p> <p>a. Before doing anything to which section 3.51 applies, fixing or alter the level or alignment of a public thoroughfare or draining water from a public thoroughfare or other public place onto adjoining land, a person having an interest is to be notified in writing. If any land is likely to be adversely affected by doing of the thing, give local public notice. Allow reasonable time for submissions and consider any submissions made. [s3.51].</p> <p>b. In determining to close a thoroughfare for a period exceeding 4 weeks [s.3.50(1a) (2) (4)] and before doing so, to:</p> <ul style="list-style-type: none"> • give; public notice • give written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a) (2) (4)]. <p>c. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</p> <p>d. Maintain access to adjoining land [s.3.52(3)] (relevant to the metropolitan area or a Townsite only).</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>A/Manager Infrastructure and Development Supervisor Works</p>
Statutory framework	<p>Local Government Act 1995</p>
Record keeping	<p>Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19</p>
Date adopted	<p>28 July 2020</p>
Adoption references	<p>130720</p>
Last reviewed	<p>25 May 2021</p>

Delegation	CEO112 Control Reserves and Certain Unvested Facilities
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	<p>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].</p> <p>2. Authority to do anything for the purpose of controlling and managing land that is vested in or placed under the control and management of the Shire of Irwin, that it could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO113 Obstruction of Footpaths and Thoroughfares
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	<p>1. Authority to give, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: [ULP r.5(2)]</p> <p>a. prevent damage to the footpath; or</p> <p>b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)].</p> <p>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) (4)].</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</p> <p>4. Authority to require an owner or occupier of land to remove anything that has fallen from the land or from anything on the land and is obstructing a public thoroughfare [ULP r.7A].</p> <p>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.</i></p>
Delegates	Chief Executive Officer

Conditions	<p>a. Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<p><i>Local Government Act 1995:</i></p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	A/Manager Infrastructure and Development Supervisor Works
Statutory framework	<p>Local Government Act 1995</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p>
Policy	<p>Local Law</p> <p>Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law</p>
Record keeping	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 – regulation 19</p>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO114 Gates Across Public Thoroughfares
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	<p>1. Authority to provide, or refuse to provide permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</p> <p>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</p> <p>3. Authority to impose conditions on granting permission [ULP r.9(4)].</p> <p>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</p> <p>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Each approval provided must be recorded in the Shire of Irwin's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 9(8).</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development Supervisor Works
Statutory framework	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996
Policy	Local Law Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law

Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO115 Public Thoroughfare – Dangerous Excavations
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	<p>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</p> <p>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</p> <p>3. Authority to impose conditions on granting permission [ULP r.11(6)].</p> <p>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p><i>Actions under this Delegation are required to comply with any related local law, policies and procedures.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development Supervisor Works

Statutory framework	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996
Policy	Local Law Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 – regulation 19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO116 Crossing – Construction, Repair and Removal
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	<p>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12 (1)].</p> <p>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</p> <p>3. Authority to, subject to regulation 14(2), give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</p> <p>4. Authority to, if the person fails to comply with the notice, construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law, policies and procedures.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development Supervisor Works
Statutory framework	Local Government Act 1995 – Section 5.46(3) Local Government (Uniform Local Provisions) Regulations 1996
Policy	Council Policy - P20 Vehicle Crossover Policy Local Law Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19

Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO117 Private Works on, over or under Public Places
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function	<p>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</p> <p>2. Authority to impose conditions on permission including but not limited to those prescribed in r.17(5) [ULP r.17(5)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>Permission may only be granted where, the proponent has:</p> <p>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</p> <p>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</p> <p>iii. Provided evidence of sufficient Public Liability Insurance.</p> <p>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</p> <p><i>Actions under this Delegation are required to comply with any related local law, policies and procedures.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996

Policy	Local Law Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO118 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government (Uniform Local Provisions) 1996</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Function	1. Authority to give notice to an owner and/or occupier of land if it is considered that clearing the owner and/or occupier's land might cause local government land having a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) 1996.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development Supervisor Works
Statutory framework	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996
Policy	Local Law Prevention and Abatement of Sand Drift Local Law 2004
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO119 Disposal of Property
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.58(2) & (3) Disposing of Property <i>Local Government (Functions & General) Regulations 1996</i> r.30 Disposition of property excluded from Act s.3.58
Function	<p>1. Authority to dispose of property: (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)].</p> <p>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of local public notice [s.3.58(3)].</p> <p>3. Authority to dispose of property excluded from Act s.3.58 [(F&G) r.30(1)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions & General) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph [s.5.43(d)], that amount being a maximum value of \$50,000 or less.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Corporate and Community A/Manager Infrastructure and Development
Statutory framework	Local Government Act Local Government (Functions and General) Regulations 1995
Policy	Council Policy CP43 Disposal of Property
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19

Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO120 Defer, Grant Discounts, Waive or Write off Debts
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.12 Power to defer, grant discounts, waive or write off debts
Function	<p>1. Waive a debt which is owed to the Shire of Irwin. [s.6.12(1)(b)]</p> <p>2. Waive or grant a concession in relation to money which is owed to the Shire of Irwin. [s.6.12(1)(b)]</p> <p>3. Write off any amount of money which is owed to the Shire of Irwin. [s.6.12(1)(c)]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.</p> <p>b. A debt may only be waived or concession be granted for charitable; or not for profit community groups.</p> <p>c. A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Irwin.</p> <p>i. Limited to individual debts valued below \$1,000 or cumulative debts of a debtor valued below \$1,000. Write off of debts greater than these values must be referred for Council</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Corporate and Community
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	13 July 2020
Adoption references	130720

Last reviewed	25 May 2021
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Delegation	CEO121 Power to Invest and Manage Investments
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996</i> r.19 Investments, control procedures for
Function	<p>1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose, under the Trustees Act Part III. [s.6.14(1)]</p> <p>2. Authority to establish and document internal control procedures to be followed by employees in the investment and management of investments. [FM r.19]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy C15 Management of Investments.</p> <p>b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports.</p> <p>c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</p> <p>d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Corporate and Community
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Corporate & Community Supervisor Finance

Statutory framework	Local Government Act 1995 Local Government (Financial Management) Regulations 1996
Policy	Council Policy C15 Management of Investments
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO122 Rate Record Amendment
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.39(2)(b) Rate record
Function	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. Delegates must comply with the requirements of s.6.40 of the Act. <i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Corporate and Community
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Corporate & Community Supervisor Finance
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO123 Agreement as to Payment of Rates and Service Charges
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.49 Agreement as to payment of rates and service charges
Function	1. Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person [s.6.49]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Corporate and Community
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Corporate & Community Supervisor Finance
Statutory framework	Local Government Act 1995
Policy	CP14 Debt Recovery CP41 Financial Hardship for a declared for a State of Emergency
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO124 Determine Due Date for Rates or Service Charges
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.50 Rates or service charges due and payable
Function	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Irwin [s.6.50]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. The annual budget process captures the due dates for rates and service charges, however this delegation allows for minor adjustments for administrative purposes. <i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO125 Recovery of Rates or Service Charges
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.56 Rates or service charges recoverable in court
Function	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. [s.6.56(1)] 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears. [s.6.64(3)] <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. Decisions under this delegation must comply with Council Policy CP14 Debt Recovery and CP41 Financial Hardship for a declared State of Emergency. <i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995
Policy	Council Policy CP14 Debt Recovery Council Policy CP41 Financial Hardship – for a declared State of Emergency
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO126 Recovery of Rates – Lessee to Pay Rent
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.60 Local Government may require lessee to pay rent
Function	<p>1. Authority to give notice, if payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the Shire of Irwin any rent as it falls due in satisfaction of the rate or service charge. [s.6.60(2)].</p> <p>2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Decisions under this delegation must comply with Council Policy CP14 Debt Recovery and CP41 Financial Hardship for a declared State of Emergency.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Policy	Council Policy CP14 Debt Recovery Council Policy CP41 Financial Hardship – for a declared State of Emergency
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO127 Rate Record - Objections
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.6.76 Grounds of objection
Function	<p>1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)].</p> <p>2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)(6)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Corporate and Community
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Corporate & Community Supervisor Finance
Statutory framework	Local Government Act 1995
Policy	Council Policy CP14 Debt Recovery
Record keeping	<p>Local Government Act 1995 – Section 5.46(3)</p> <p>Local Government (Administration) Regulations 1996 r.19</p> <p><i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i></p>
Date adopted	28 July 2020

Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO128 Issuing Notices to Owner or Occupier of Land
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.25 Notices requiring certain things to be done by owner or occupier of land s.3.26 Additional powers when notices given
Function	<p>1. Authority to give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice [s.3.25(1)].</p> <p>2. Authority to do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, If the person who is given the notice (notice recipient) fails to comply with it [s.3.26(2)].</p> <p>3. Authority to recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice [s.3.26(3)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO129 Actions on Land that is not Local Government Property
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	<i>Local Government Act 1995</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Local Government Act 1995</i> s.3.27 Particular things local Governments can do on land that is not local government property
Function	1. Authority to do any of the things prescribed in Schedule 3.2, in performing its general function, even though the land on which it is done is not local government property and the local government does not have consent to do it [s.3.27(1)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development Parks & Gardens Supervisor Supervisor Works
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO130 Works Required for Supply of Gas or Water
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995 s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.20(1) Works required for supply of gas or water — Sch. 9.1 cl. 11
Function	1. Where the Local Government is responsible for supplying water or gas, authority to carry out works that are necessary for the purpose of providing, maintaining or modifying the supply system [ULP r.20(1)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.</i>
Delegates	Chief Executive Officer
Conditions	a. Works may only be undertaken where there is an approved budget allocation. <i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	A/Manager Infrastructure and Development
Statutory framework	Local Government Act 1995 Local Government (Uniform Local Provisions) Regulations 1996
Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO131 Complaints Officer
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	The Local Government (Model Code of Conduct) Regulations 2021 11(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.
Function	Authority to receive complaints and withdrawals of complaints alleging a breach of a requirement set out in the Model Code of Conduct.
Delegates	Chief Executive Officer
Conditions	<p>The CEO may authorise, as Complaints Officers, one or more persons to receive complaints and withdrawals of complaints for the purposes of Division 3 of the Code of Conduct. Delegation is in accordance with section 5.42 of the Local Government Act 1995 [Council Decision 28/21(4)].</p> <p>It is noted that the CEO, or another employee designated by the CEO, is the Complaints Officer for the purposes of s5.120 of the Local Government Act 1995, to deal with matters pursuant to Division 4 of the Code of Conduct. The CEO has not chosen to designate another employee for these purposes.</p>
Express power to subdelegate	Local Government Act 1995 s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	Local Government Act 1995 Local Government (Model Code of Conduct) Regulations 2021
Date adopted	23 February 2021
Adoption references	Adopted by Absolute Majority OCM 23 Feb 2021 Minute#120221
Last reviewed	25 May 2021

Amendments			
Approved	Type	Amendment	References
23 Feb 2021	New delegation	OCM Decision #120221	OCM Decision #120221
23 Feb 2021	New delegation	OCM Decision #130221	OCM Decision #130221
23 Feb 2021	New delegation	Adopted by Absolute Majority OCM 23 Feb 2021 Minute#120221	Adopted by Absolute Majority OCM 23 Feb 2021 Minute#120221

Delegation	CEO200 Grant a Building Permit
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) <i>Delegation: special permit authorities and local government</i>
Express power or duty delegated	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information, within a specified time of not more than 21 days that it requires to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit before the building work is complete [s.27(1) (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23 and 24]. 5. Authority to approve an application for a new responsible person for a building permit [r.26]. <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. As per Building Regulation 2012</p> <p>Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.

Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Building Act 2011 Building Regulations 2012 Building Services (Registration Act) 2011 – Section 7 Home Building Contracts Act 1991–Part 3A, Division 2 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage of Western Australia Act 1990
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO201 Demolition Permits
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information, within a specified time of not more than 21 days that it requires to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit, before demolition works are complete. [s.27(1) (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26]. <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. As per Building Regulation 2012</p> <p>Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.

Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Building Act 2011 Building Regulations 2012 Building Services (Registration Act) 2011 – Section 7 Home Building Contracts Act 1991–Part 3A, Division 2 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage of Western Australia Act 1990
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO202 Occupancy Permits or Building Approval Certificates
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011:</i> Division 3 — Making and dealing with applications for occupancy permits and building approval certificates s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required, within a specified time of not more than 21 days in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit, while the occupancy permit or building approval certificate has effect. [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40]. <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. As per Building Regulation 2012</p> <p>Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section

Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Building Act 2011 Building Regulations 2012 Building Services (Registration Act) 2011 – Section 7 Home Building Contracts Act 1991–Part 3A, Division 2 – Part 7, Division 2 Building and Construction Industry Training Levy Act 1990 Heritage of Western Australia Act 1990
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO203 Authorised and Approved Persons/Officers
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011:</i> s.96(3)(6) Authorised persons s.99(3) Limitation on powers of authorised person <i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
Function	<p>1. Authority to designate a local government employee as an authorised person [s.96(3)].</p> <p>2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that employee [s.99(3)].</p> <p>3. Authority to appoint a specified employee of the local government as an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004 [70(1),(1A)].</p> <p>4. Authority to appoint to be an authorised officer for the purposes of the Criminal Procedure Act 2004 section 6(b), a person appointed under the Local Government Act 1995 section 9.10(1) and authorised for the purpose of performing functions under section 9.16 of that Act [70(2)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegate conditions	Not sub delegated
Statutory framework	Building Act 2011 Building Regulations 2012
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720

Last reviewed	25 May 2021
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Delegation	CEO204 Building Orders
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011:</i> s.110(1) Building Orders s.111(1) Notice of proposed building order other than building order (emergency) s.117 Revocation of building order s.118(2) (3) Permit authority may give effect to building order if non-compliance s.133(1) Prosecutions
Function	<p>1. Authority to make Building Orders in relation to:</p> <ol style="list-style-type: none"> Building work Demolition work An existing building or incidental structure [s.110(1)]. <p>2. Authority to give notice of a proposed building order and consider submissions received in response [s.111(1)(c)].</p> <p>3. Authority to, by notice in writing revoke a building order at any time. [s.117(1)].</p> <p>4. If there is non-compliance with a building order, authority to cause an authorised person to:</p> <ol style="list-style-type: none"> take any action specified in the order; or commence or complete any work specified in the order; or if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. <p>5. Authority to take court action to recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) in relation to the order. [s.118(3)].</p> <p>6. Authority to initiate a prosecution for an offense against this Act [s.133(1)] (see Council conditions)</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.</p> <p>b. Authority to initiate a prosecution for an offense against this Act [s.133(1)] is limited to non-compliance with a building order made pursuant to section 110 of the Building Act 2011.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>

Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development - limited
Statutory framework	Building Act 2011
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO205 Inspection and Copies of Building Records
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
Function	1. Authority to, on application by an interested person and on payment of the prescribed fee, if any — (a) allow the interested person to inspect a building record; and (b) provide to the interested person a copy of a building record [s.131(2)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Executive Manager Corporate & Community Manager Regulatory Services Coordinator Administration Supervisor Finance
Statutory framework	Building Act 2011
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO206 Referrals and Issuing Certificates
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Act 2011:</i> s.145A Local Government functions
Function	<p>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</p> <p>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance that is signed by a building surveyor who is employed by the local government whether or not -</p> <p>a. the building or incidental structure that is the subject of the application is, or is proposed to be, located in the local government's district; or</p> <p>b. the applicant is an owner or occupier of land in the local government's district [s.145A(2)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Building Act 2011
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO207 Private Pool Barrier – Alternative and Performance Solutions
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
Function	<p>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)].</p> <p>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51 (3)].</p> <p>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Building Act 2011:</i> s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Building Act 2011
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO208 Smoke Alarms – Alternative Solutions
Category	Council to CEO
Head of power	Building Act 2011
Delegator	Local Government
Express power to delegate	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	1. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61]. In accordance with Division 3 – Smoke Alarms. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Building Act 2011
Record keeping	<i>Building Act 2011 s.130</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO300 Firebreaks
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	<p>1. Authority to, subject to subsection s.33(2) give written notice to all owners or occupiers of land within the District, or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring within a time specified in the notice and to the satisfaction of the Shire of Irwin:</p> <p>a. clearing and maintaining of firebreaks as determined necessary and specified in the notice; and</p> <p>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</p> <p>c. as a separate or coordinated operation with any other person carry out a similar operation on adjoining or neighbouring land [s.33(1)].</p> <p>2. Authority to direct a Bush Fire Control Officer or any other officer of the local government to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].</p> <p>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government [s.33(5)].</p> <p>3. Authority to, at the request of the owner or occupier of land within Shire of Irwin district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier in a court of competent jurisdiction as a debt due from the owner or occupier to the local government. [s.33(6)]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Policy	Council Policy - CP02 Fire Management
Date adopted	28 July 2020
Adoption references	130720

Last reviewed	25 May 2021
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Delegation	CEO301 Make Request to FES Commissioner – Control of Fire
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Function	1. Authority to request on behalf of the Shire of Irwin that the FES Commissioner authorise a Bush Fire Liaison Officer or another person to take control of all operations in relation to the fire. [s.13(4)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Policy	Council Policy - CP02 Fire Management
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO302 Prohibited Burning Times - Vary
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s. 17(10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8)
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister.
Function	1. Authority to, subject to subsection s.17(7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by — (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or (b) imposing a further period of prohibited burning times. [s.17(7)] In accordance with the provisions of s.17(7B) (8). <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i>
Delegates	Chief Bush Fire Control Officer Shire President
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Policy	Council Policy - CP02 Fire Management
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO303 Restricted Burning Times - Vary
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: s.18(5) Restricted burning times may be declared by FES Commissioner Bush Fire Regulations 1954: r.15C Local government may prohibit burning on certain days
Function	<p>1. Authority, subject to subsection s.18(5B), where seasonal conditions warrant it and after consultation with an authorised CALM Act officer if forest land is situated in its district, to -</p> <p>(a) vary the restricted burning times in respect of that year in the district or a part of the district by —</p> <p>(i) shortening, extending, suspending or reimposing a period of restricted burning times; or</p> <p>(ii) imposing a further period of restricted burning times;</p> <p>or</p> <p>(b) vary the prescribed conditions by modifying or suspending all or any of those conditions. [s.18(5)].</p> <p>2. Authority, by notice published in a newspaper circulating in its district, to prohibit the burning of the bush in that district on Sundays and specified public holidays during restricted burning times, and may, by subsequent notice so published, revoke that notice. [r.15C]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Policy	Council Policy - CP02 Fire Management
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO304 Prohibited and/or Restricted Burning Times – Control Activities
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<p>Bush Fires Act 1954:</p> <p>s.18(11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) (3) (4) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p>Bush Fire Regulations 1954:</p> <p>r.15 Permit to burn form of and applying for after refusal etc.</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>

Function	<p>1. Authority to, during restricted burning times, where a person starts a fire on land, if the fire escapes from the land or if the fire is in the opinion of a bush fire control officer or an officer of a bush fire brigade out of control on the land, the person shall be liable to pay to the local government on the request of and for recoup to its bush fire brigade, any expenses up to a maximum amount of \$10,000 incurred by it in preventing the extension of or extinguishing the fire, and such expenses may be recovered in any court of competent jurisdiction [s.18(11)].</p> <p>2. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks on the respective lands. The local government shall notify the occupier of the adjoining land of the date the burning is to take place and require him to provide by that date ploughed or cleared fire-breaks parallel to the common boundary and of a distance therefrom of not more than 60m and as specified by the local government [s.22(6) and (7)].</p> <p>3. Authority to prohibit the operation in its district of any tractor, or self-propelled harvester other than a tractor or self-propelled harvester that is equipped with a fire extinguisher, during a prohibited or restricted burning times, and to give permission for use of same during the prohibited or restricted burning time subject to compliance with requirements specified in a notice [s.27(2) (3) (4)].</p> <p>4. Authority to recover the cost of measures taken by the Bush Fire Liaison Officer or Bush Fire Control Officer or authorised CALM Act Officer, to extinguish a fire burning during prohibited and restricted burning times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p> <p>5. Authority to grant permits to burn during prohibited and restricted burning times that have previously been refused or granted with special conditions by a Bush Fire Control Officer [r.15].</p> <p>6. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during prohibited or restricted burning times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</p> <p>7. Authority to determine, during a prohibited or restricted burning time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</p> <p>8. Authority to issue directions, during a prohibited or restricted burning time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Policy	Council Policy - CP02 Fire Management

Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO305 Control of Operations Likely to Create Bush Fire Danger
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times r.39D Explosives, use of r.39E Fireworks, use of
Function	<p>1. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning), in accordance with provisions in s.27D (2) (3). Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</p> <p>2. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:</p> <ul style="list-style-type: none"> a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, or a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3)]. <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Policy	Council Policy - CP02 Fire Management
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO306 Burning Garden Refuse / Open Air Fires
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
Function	<p>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</p> <p>2. Authority to, by notice of published in the Gazette and a newspaper circulating in the its district, prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]:</p> <p>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27 (3) and r.33(5)].</p> <p>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District, specified by the Shire of Irwin in a notice in writing given by it to the duly authorised officer for the Shire of Irwin [r.34].</p> <p>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:</p> <p>a. camping or cooking [s.25(1)(a)].</p> <p>b. conversion of bush into charcoal or in or about a lime kiln for the production of lime, in consultation with a bush fire control officer or authorised CALM Act officer [s.25(1)(b)].</p> <p>4. Authority to prohibit the lighting of fires in the open area for the purposes of camping or cooking for such period during the prohibited burning times, as specified in a note published in the Gazette and newspaper circulating in the District and authority to cancel or vary such notice [s.25(1a) and (1b)].</p> <p>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person and any person acting under his instructions from lighting a fire and to determine conditions on the notice [s.25A(5)(6)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>

Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO307 Appoint Bush Fire Control Officer/s and Fire Weather Officer
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Function	<p>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and</p> <p>a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and</p> <p>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</p> <p>2. Authority to issue directions to an appointed Bush Fire Control Officer or to an officer of a bush fire brigade registered by the Shire of Irwin to burn, subject to the provision of the Bush Fires Act 1954, on or at the margins of a road reserve under the care, control and management of the Shire of Irwin [s.38(5A)].</p> <p>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].</p> <p>a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Policy	Bush Fire Brigades Local Law
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO308 Control and Extinguishment of Bush Fires
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	<p>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].</p> <p>a. Where it is proposed that the fire will be lit on land within 3km of the boundary of forest land, and an authorised CALM Act officer is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO309 Recovery of Expenses Incurred through Contraventions of this Act
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Function	<p>1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Irwin or those on behalf of the Shire of Irwin to do, in accordance with the provisions of s.58 (3) (3A) (3B) (4).</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO310 Prosecution of Offences
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Function	<p>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act in accordance with the provisions of s.59 (1) (2) (3) (4) (5).</p> <p>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Bush Fire Control Officer Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO311 Withdrawal of Infringement Notices
Category	Council to CEO
Head of power	Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954: s.59A(5) Alternative procedure – infringement notices
Function	<p>1. Authority to withdraw an infringement notice for an offence against this Act, at any time within 60 days after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded [s.59A (5)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. The person who issued an infringement and/or notice is not permitted to determine an objection, extend time, withdraw or revoke an infringement and/or notice, as is applicable, for the same applicant and/or issue.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO400 Cat Registrations
Category	Council to CEO
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
Function	<p>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9 (1)].</p> <p>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</p> <p>3. Authority to cancel a cat registration [s.10].</p> <p>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</p> <p>5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the shire of Irwin's District [Regs. Sch. 3 cl.1(4)].</p> <p>6. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat. [Schedule 3 s.1(4)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and Cat Regulations 2012.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</p> <p>b. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government

Subdelegate conditions	Not sub-delegated
Statutory framework	Cat Act 2011 Cat Regulations 2012
Record keeping	Cat Act 2011 s.47
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO401 Cat Control Notices
Category	Council to CEO
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: s.26 Cat control notice may be given to cat owner
Function	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Irwin's District [s.26]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. <i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Cat Act 2011 Cat Regulations 2012
Record keeping	Cat Act 2011 s.47
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO402 Approval to Breed Cats
Category	Council to CEO
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	<p>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</p> <p>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information, within a specified time of not more than 21 days, required to determine the application [s.37(4)].</p> <p>3. Authority to cancel an approval to breed cats if one or more of the things set out in s.37(2) applies in respect of the approved cat breeder [s.38].</p> <p>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</p> <p>5. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Cat Act 2011 Cat Regulations 2012

Record keeping	Cat Act 2011 s.47
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO403 Appoint Authorised Person
Category	Council to CEO
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> s. 48 Authorised persons
Function	1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Statutory framework	Cat Act 2011 Cat Regulations 2012
Record keeping	Cat Act 2011 s.47
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO404 Recovery of Costs – Destruction of Cats
Category	Council to CEO
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
Function	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat from the owner in a court of competent jurisdiction. [s.49(3)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	Cat Act 2011 Cat Regulations 2012
Record keeping	Cat Act 2011 s.47
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO405 Applications to Keep Additional Cats
Category	Council to CEO
Head of power	Cat Act 2011
Delegator	Local Government
Express power to delegate	<i>Cat Act 2011:</i> s.44 Delegation by local government
Express power or duty delegated	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	<p>1. Authority to require any document or additional information to be provided within a specified time of not more than 21 days to determine an application. [r.8(3)]</p> <p>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application. [r.8 (4)]</p> <p>3. Authority to grant or refuse approval for additional number of cats specified in an application or less than the amount specified in the application, to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats. [r.9]</p> <p>4. Notices of decisions must include advice as to review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.</p> <p><i>Actions under this Delegation are required to comply with any related local law and/or policies.</i></p>
Express power to subdelegate	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Manager Regulatory Services
Statutory framework	Cat Act 2011 Cat (Uniform Local Provision) Regulations 2013
Record keeping	Cat Act 2011 s.47

Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO500 Refuse or Cancel Registration
Category	Council to CEO
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.15(2) (4A) Registration periods and fees s.16(2) (3) Registration procedure s.17A(2) If no application for registration made
Function	<p>1. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Irwin's District [s15(4A)].</p> <p>2. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</p> <p>3. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions as per the requirements the Dog Act 1976 because - [s.16(3) and s.17A(2)].</p> <p>a. the applicant, owner or registered owner has been convicted or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or</p> <p>b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or</p> <p>c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or</p> <p>d. the dog is required to be microchipped but is not microchipped; or</p> <p>e. the dog is a dangerous dog [s.16(3) and s.17A(2)].</p> <p>4. Authority to apply to a Justice of the Peace for an order to seize a dog following a decision to refuse or cancel a registration where the owner/applicant was given proper notice of the reason for the decision and has not applied to the State Administrative Tribunal for the decision to be reviewed within the time fixed. [s.17(4)].</p> <p>5. Authority to cause the dog to be seized, if an order for the seizure of the dog is made under subsection (4) or (5), and detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>

Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	Dog Act 1976
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO501 Kennel Establishments
Category	Council to CEO
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments
Function	<p>1. Authority to grant a licence to keep an approved kennel establishment, upon an application received in the Shire's prescribed manner and form. If due notice of the proposed use of the land was required to be given to persons in the locality, the Shire shall have regard to any objections raised. [s.27(4)].</p> <p>2. Authority to cancel a licence for a kennel by the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months [s.27(6)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	Dog Act 1976
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720

Last reviewed	25 May 2021
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Delegation	CEO502 Appoint Authorised Persons
Category	Council to CEO
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.11 Staff and Services
Function	1. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.3 s.11(1)(2)(3) and s.29(1)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	Dog Act 1976
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA
Date adopted	28 July 2020
Adoption references	310720
Last reviewed	25 May 2021

Delegation	CEO503 Recovery of Moneys Due Under this Act
Category	Council to CEO
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
Function	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. <i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	Dog Act 1976
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO504 Dispose of or Sell Dogs Liable to be Destroyed
Category	Council to CEO
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
Function	1. Authority to dispose of or sell a dog which is liable to be destroyed pursuant to subsection (10) [s.29(11)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. <i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	Dog Act 1976
Policy	Dog Local Law 2000 Council Policy CP43 Disposal of Property
Record keeping	Dog Act 1976 s.10AA
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO505 Declare a Dangerous Dog
Category	Council to CEO
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	1. Authority to declare an individual dog to be a dangerous dog by notice in writing given in accordance with section 33F [s.33E(1)]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. If the Chief Executive Officer declares a Dangerous Dog, objections are to be referred to Council. b. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. <i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Sub-delegates (appointed by CEO): Executive Manager Infrastructure & Development Executive Manager Corporate & Community
Statutory framework	Dog Act 1976
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO506 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
Category	Council to CEO
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1)(2)(5) Local government may revoke declaration or proposal to destroy
Function	<p>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)].</p> <p>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)].</p> <p>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)].</p> <p>4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</p> <p>5. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. If the Chief Executive Officer declares a Dangerous Dog, objections are to be referred to Council.</p> <p>b. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated

Statutory framework	Dog Act 1976
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO507 Determine Recoverable Expenses for Dangerous Dog Declaration
Category	Council to CEO
Head of power	Dog Act 1976
Delegator	Local Government
Express power to delegate	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
Express power or duty delegated	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
Function	<p>1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. The Chief Executive Officer may further delegate to a person which are determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	<i>Dog Act 1976:</i> s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	Dog Act 1976
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO600 Food Business Registrations
Category	Council to CEO
Head of power	Food Act 2008
Delegator	Enforcement Agency (Local Government)
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Function	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112]. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, see ww2.health.wa.gov.au for up-to-date DoH CEO approved documents. <i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	Food Act 2008
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO601 Appoint Authorised Officers and Designated Officers
Category	Council to CEO
Head of power	Food Act 2008
Delegator	Enforcement Agency (Local Government)
Express power to delegate	<p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>
Express power or duty delegated	<p><i>Food Act 2008:</i></p> <p>s.122(1) Appointment of authorised officers</p> <p>s.126(6), (7) and (13) Infringement Officers</p>
Function	<p>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</p> <p>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].</p> <p>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. In accordance with s.122(2) the Department of Health (DoH) CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer. See ww2.health.wa.gov.au for up-to-date DoH CEO approved guidelines.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	Food Act 2008
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO602 Determine Compensation
Category	Council to CEO
Head of power	Food Act 2008
Delegator	Enforcement Agency (Local Government)
Express power to delegate	<p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>
Express power or duty delegated	<p><i>Food Act 2008:</i></p> <p>s.56(2) Compensation to be paid in certain circumstances</p> <p>s.70(2) and (3) Compensation</p>
Function	<p>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)(3)].</p> <p>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2)(3)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.</i></p>
Delegates	A/Manager Infrastructure and Development Chief Executive Officer
Conditions	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time.</p> <p>b. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$1,000. Compensation requests above this value are to be reported to Council.</p> <p>c. The person who seized an item is not permitted to determine an objection, extend time, withdraw or revoke and/or compensation, as is applicable.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	<p>Food Act 2008</p> <p><i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i></p>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO603 Prohibition Orders
Category	Council to CEO
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	<p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>
Express power or duty delegated	<p><i>Food Act 2008:</i></p> <p>s.65(1) Prohibition orders</p> <p>s.66 Certificate of clearance to be given in certain circumstances</p> <p>s.67(4) Request for re-inspection</p>
Function	<p>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)].</p> <p>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</p> <p>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	<p>Food Act 2008</p> <p><i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i></p>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO604 Debt Recovery and Prosecutions
Category	Council to CEO
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Function	<p>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs s.54(1) and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].</p> <p>2. Authority to institute proceedings for an offence under the Food Act 2008 within 12 months after the date of which the offense is alleged to have been committed, or within 6 months if proceedings are in respect of a food sample [s.125].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	Food Act 2008
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO605 Food Business List – Preparation, Maintenance and Public Access
Category	Council to CEO
Head of power	Food Act 2008
Delegator	Local Government
Express power to delegate	<p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p> <p>(2)(b) Enforcement agency may delegate a function conferred on it</p> <p>(3) Delegation subject to conditions [s.119] and guidelines adopted [s.120]</p> <p>(4) Sub-delegation permissible only if expressly provided in regulations</p>
Express power or duty delegated	<p><i>Food Act 2008:</i></p> <p>r.51 Enforcement agency may make list of food businesses publicly available</p>
Function	<p>1. Authority to prepare and maintain a list of —</p> <p>(a) food businesses notified to the agency in respect of any premises under section 107; and</p> <p>(b) food businesses registered by the agency in respect of any premises under section 110 [s.115].</p> <p>2. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	Food Act 2008
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO700 Give Notice Requiring Obliteration of Graffiti
Category	Council to CEO
Head of power	Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function	<p>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, if applicable with s.18(1), requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</p> <p>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner s.19(3) and to take action to recover reasonable costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	Graffiti Vandalism Act 2016 <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO701 Notices – Deal with Objections and Suspension of Effect of Notices
Category	Council to CEO
Head of power	Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	<p>1. Authority to deal with an objection to a notice [s.22(3)].</p> <p>2. Authority, where an objection has been lodged against a notice or a decision or for a review of a decision, to:</p> <ul style="list-style-type: none"> i. determine that there are urgent reasons why the effect of the notice or decision should not be suspended; or ii. suspension of the effect of the notice or decision is reasonably likely to endanger the safety of any person, cause damage to property or to create a serious public nuisance [s.24(1)(b)]; and ii. to give notice to the affected person in writing of its decision explaining its reasons under subsection s.24(1)(b) [s.24(3)]. <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. The person who issued an infringement and/or notice is not permitted to determine an objection, extend time, withdraw or revoke an infringement and/or notice, as is applicable, for the same applicant and/or issue.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	Graffiti Vandalism Act 2016 <i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</i>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO702 Obliterate Graffiti on Land not Local Government Property
Category	Council to CEO
Head of power	Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.25(1) Local government graffiti powers on land not local government property
Function	<p>1. Authority to determine to obliterate graffiti that is visible from a public place and has been applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent to do it [s.25 (1)].</p> <p>a. Subject to exercising Powers of Entry.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	Graffiti Vandalism Act 2016
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO703 Powers of Entry
Category	Council to CEO
Head of power	Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016</i> s.28 Notice of entry s.29 Entry under warrant
Function	<p>1. Authority to give notice, not less than 24 hours before, of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28].</p> <p>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	Graffiti Vandalism Act 2016
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO800 Appoint Authorised Officer or Approved Officer (Asbestos Regs)
Category	Council to CEO
Head of power	Public Health Act 2016
Delegator	Local Government
Express power to delegate	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
Express power or duty delegated	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
Function	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2. [r.15D(5)] <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
Statutory framework	Health (Asbestos) Regulations 1992 Criminal Procedure Act 2004 – Part 2
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO801 Enforcement Agency Reports to the Chief Health Officer
Category	Council to CEO
Head of power	Public Health Act 2016
Delegator	Enforcement Agency (Local Government)
Express power to delegate	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
Function	<p>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Irwin [s.22(1)].</p> <p>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	Public Health Act 2016
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO802 Designate Authorised Officers
Category	Council to CEO
Head of power	Public Health Act 2016
Delegator	Enforcement Agency (Local Government)
Express power to delegate	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.24(1) and (3) Designation of authorised officers
Function	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> a. The Public Health Act 2016 or other specified Act b. Specified provisions of the Public Health Act 2016 or other specified Act c. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers; OR c. a mixture of the two [s.24(1) and (3)]. <p>Subject to each person so appointed being appropriately qualified and experienced s.25(1)(a) and has regard to any guidelines issued under s.29.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	Public Health Act 2016
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO803 Determine Compensation for Seized Items
Category	Council to CEO
Head of power	Public Health Act 2016
Delegator	Enforcement Agency (Local Government)
Express power to delegate	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.264 Compensation
Function	<p>1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act in relation to the item and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.</i></p>
Delegates	Chief Executive Officer
Conditions	<p>a. Compensation is limited to a maximum value of \$100, with any proposal for compensation above this value to be referred for Council's determination.</p> <p><i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i></p>
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	<p>Public Health Act 2016</p> <p><i>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.</i></p>
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO804 Commence Proceedings
Category	Council to CEO
Head of power	Public Health Act 2016
Delegator	Enforcement Agency (Local Government)
Express power to delegate	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
Express power or duty delegated	<i>Public Health Act 2016</i> s.280 Commencing Proceedings
Function	1. Authority to commence proceedings for an offence under the Public Health Act 2016 [s.280] <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local laws and/or policies.</i>
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	Public Health Act 2016
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	25 May 2021

Delegation	CEO900 Illegal Development
Category	Council to CEO
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Planning and Development Act 2005: s.16(3)(e) - Delegation by Commission
Express power or duty delegated	Planning and Development Act 2005: s.214(2), (3) and (5) Illegal development, responsible authority's powers as to s.215 Illegal development, responsible Authority's powers to remove
Function	<p>1. Authority to give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. [s.214(2)]</p> <p>2. Authority to give a written direction to the owner or any other person who undertook an unauthorised development: (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. [s.214(3)]</p> <p>3. Authority to give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order. [s.214(5)]</p> <p>4. Authority to recover any expenses incurred by a responsible authority under subsection s.215 (1) may be recovered from the person to whom the direction was given as a debt due in a court of competent jurisdiction. [s.215] See Council conditions.</p> <p>Note - Authority to prosecute a person for an offence under Division 2 Offences irrespective of whether or not a direction has been given under section 214. [s.224] Authority to give an infringement notice can be issued under section 234.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Planning Scheme 05.</i></p>
Delegates	A/Manager Infrastructure and Development Chief Executive Officer Manager Development
Conditions	a. The authority to recover expenses is only exercisable by the Chief Executive Officer. <i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Statutory framework	Planning and Development Act 2005 Part 13

Date adopted	22 September 2020
Adoption references	060920
Last reviewed	25 May 2021

Delegation	CEO901 Waiving or Refunding Planning Application Fee
Category	Council to CEO
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Planning and Development Act 2005: s.16(3)(e) - Delegation by Commission
Express power or duty delegated	Planning and Development Regulations 2009 r.52 Local Government may waive or refund fee
Function	<p>1. Authority to waive or refund, in whole or in part, payment of a fee for a planning service. [r.52]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Planning Scheme 05.</i></p>
Delegates	A/Manager Infrastructure and Development Chief Executive Officer Manager Development
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Statutory framework	Planning and Development Act 2005 Part 13
Date adopted	22 September 2020
Adoption references	060920
Last reviewed	25 May 2021

Delegation	CEO902 Grant a Certificate
Category	Council to CEO
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Planning and Development Act 2005: s.16(3)(e) - Delegation by Commission
Express power or duty delegated	Liquor Control Act 1988: s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Function	1. Authority to grant a certificate, with or without conditions, to support an application for a licence under the Liquor Control Act 1988. [s.40(1) & (4)] <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Planning Scheme 05.</i>
Delegates	A/Manager Infrastructure and Development Chief Executive Officer Manager Development
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Statutory framework	Planning and Development Act 2005 Part 13
Date adopted	22 September 2020
Adoption references	060920
Last reviewed	25 May 2021

Delegation	CEO903 Subdivision Clearances
Category	Council to CEO
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Planning and Development Act 2005: s.16(3)(e) - Delegation by Commission
Express power or duty delegated	Planning and Development Act 2005: s.157(1) When approval of subdivision deemed to be approval under planning scheme
Function	<p>1. Upon subdivision approval by the Commission, authority under the planning scheme to approve the carrying out of works necessary to enable the subdivision of the land that are —</p> <p>(a) shown on the plan of subdivision; or</p> <p>(b) required by the Commission to be carried out as a condition of approval of the plan of subdivision.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Planning Scheme 05.</i></p>
Delegates	A/Manager Infrastructure and Development Chief Executive Officer Manager Development
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Date adopted	22 September 2020
Adoption references	060920
Last reviewed	25 May 2021

Delegation	CEO904 Local Planning Scheme No.5
Category	Council to CEO
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p>Planning and Development (Local Planning Schemes) Regulations 2015 s.82 Delegations by local government s.84 Other matters relevant to delegations under this Division</p> <p>Local Government Act 1995: s.5.45 Other matters relevant to delegations under this Division s.5.46 Register of, and records relevant to, delegations to CEO and employees</p> <p>Local Planning Scheme 5 (The Scheme) 11.3 Delegation of functions</p>

<p>Express power or duty delegated</p>	<p>PART 4 – ZONES AND THE USE OF THE LAND 4.3 Zoning table</p> <p>PART 5 – GENERAL DEVELOPMENT REQUIREMENTS 5.3 Special application of residential design codes 5.5 Variations to site and development standards and requirements 5.7 Home businesses, home occupations and cottage industries 5.8 Car Parking Standards 5.9 Car Parking – Cash in Lieu or Staging 5.10 Secondhand Dwellings 5.11 Ancillary Dwellings 5.12 Waste Disposal 5.15 Development of land without constructed road frontage 5.16 Land liable to flooding and the Irwin River Floodplain 5.17 Development of lots with more than one street frontage 5.18 Outbuildings 5.21 Retaining Walls, fence or screen wall construction 5.22 Traffic Entrances 5.23 Flora preservation and planting 5.25 Residential Zone 5.26 Special Residential Zone 5.30 Rural Residential Zone and the Rural Smallholdings Zone 5.34 Structure Planning Areas</p> <p>PART 6 SPECIAL CONTROL AREAS 6.2 Water Supply Protection Area</p> <p>PART 7 HERITAGE 7.4 Heritage Assessment 7.5 Variations to Scheme provisions for a heritage place or heritage area</p> <p>PART 8 – DEVELOPMENT OF LAND 8.1 Requirement for approval to commence development 8.3 Amending or revoking a planning approval 8.4 Unauthorised existing developments</p> <p>PART 9 – APPLICATION FOR PLANNING APPROVAL 9.4 Advertising of applications</p> <p>PART 10 PROCEDURE FOR DEALING WITH APPLICATIONS 10.1 Consultations with other authorities 10.6 Temporary planning approval</p> <p>PART 11 ENFORCEMENT AND ADMINISTRATION 11.1 Powers of the Local Government 11.2 Removal and repair of existing advertisements</p>
<p>Function</p>	<p>PART 4 – ZONES AND THE USE OF LAND 1 Change the use of land from one use to another. [cl.4.3.3 & 4.3.4]</p> <p>PART 5 – GENERAL DEVELOPMENT REQUIREMENTS</p>

- 2 Approve a Grouped Dwelling development containing a maximum of two (2) dwelling units, subject to relevant provision of R20 and The Scheme. [cl.5.3.1]
- 3 Approve Ancillary Dwelling as per the provision of the development application process, Zoning Table and the Residential Design Codes. [cl.5.3.3 & 5.11]
- 4 Approve an application for planning approval that does not comply with a standard or requirement prescribed under The Scheme, unconditionally or subject to such conditions as the local government thinks fit. Except for development in respect of which the Residential Design Codes apply. [cl.5.5.1] In accordance with cl.5.5.2 & 5.5.3.
- 5 Issue an annual approval to conduct a home business, home occupation or industry-cottage. Re-issue or refuse to re-issue annual approvals. [cl.5.7.1 & 5.7.2].
- 6 Authority to determine parking standards not specified in The Scheme [cl.5.8.1]
- 7 Authority to permit car parking to be provided in stages subject to the landowner setting aside an area of land sufficient to accommodate the total car parking requirement for the development and entering into a legal agreement to satisfactorily complete all the remaining parking when required to do so by the local government. [cl.5.9.1]
- 8 Refuse a development application until the road has been constructed or access by means of a constructed road is provided. Or grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose. Or require other legal arrangements are made for permanent access. [cl.5.15]
- 9 Refuse an application for planning approval for any building or development located on land which is considered as being liable to flooding or inundation. [cl.5.16]
- 10 Decide which street frontage the street setback shall be applied and allow up to a 50% reduction in the street frontage setback to the other street, where development is proposed on a lot with frontage to more than one street or road, and the lot is in a zone or zones other than Residential. Except where development is subject to the Residential Design Codes. [cl.5.17]
- 11 Approve Outbuildings, through a development application, that are consistent with The Scheme. [cl.5.18]
- 12 Approve, through a development application, retaining walls or boundary fences in accordance with The Scheme. [cl.5.21.1 & 5.21.2]
- 13 Refuse to permit more than one vehicular entrance or exit to or from any lot. May require separate entrances and exits; or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or reduce traffic hazards. [cl.5.22.1]
- 14 Authority to as a condition of any approval for new development or change of use, require existing accesses to major roads to be closed where access from a secondary street is or can be made possible. [cl.5.22.2]
- 15 Authority to approve to vary the position of any required firebreak to avoid destruction of vegetation due to the physical features on the subject land. [cl.5.23.4]
- 16 May, by notice served upon individual landowners or developers of land, require the preservation of groups and/or corridors of indigenous flora and thereafter no landowner shall cut, remove or otherwise destroy any such flora unless the Shire rescinds the notice or orders. And may impose conditions on a planning approval or request conditions on a subdivision approval. [cl.5.23.5 & 5.23.6]

17 Approve the parking of a commercial vehicle on a lot in the Residential Zone in accordance with The Scheme. [cl.5.25.3]

18 At the time of subdivision, the local government may request the Western Australian Planning Commission to impose conditions related to the subdivision, in accordance with The Scheme.

19 Refuse planning approval for any outbuildings on any Rural Residential zoned lot which does not contain a residence unless forming Stage 1 of a planning application containing a residence, the local government may require a performance bond for the future construction of the residence [cl.5.30.12]

20 Notwithstanding clause 5.34.4.1 may recommend subdivision or approve the development of land within a Structure Planning Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements for the Structure Planning Area. [cl.5.34.4.2]

21 Notwithstanding the provisions of sub-clause 5.34.4.4, may approve the construction of the following structures outside of the building envelopes—

- Water tanks;
 - Windmills;
 - Stock watering and feed troughs; and
 - Roofed structure open on all sides for the purposes of providing shelter to animals.
- [cl.5.34.4.5]

PART 6 SPECIAL CONTROL AREAS

22 Authority to refuse a use or development where DWER advises that a use or development should be refused, notwithstanding that a use or development may be classified as 'P' in the zoning table. [cl.6.2.5]

PART 7 HERITAGE

23 May require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List. [cl.7.4]

24 May vary any site or development requirement specified in The Scheme or the Residential Design Codes, where desirable to –

- a) Facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under Clause 7.1.1; or
 - b) Enhance or preserve heritage values in a heritage area designated under Clause 7.2.1.
- In accordance with the procedures set out in Clause 5.5.2.

PART 8 – DEVELOPMENT OF LAND

25 Approve and or refuse, with or without conditions, subject to Clause 8.2, all development on land zoned and reserved under The Scheme and in accordance with Part 9 Application for Planning Approval [8.1] With regard to the following:

- a) For the purpose of a use of land mentioned in the Zoning table of the LPS5 and designated 'P', 'D' or 'A'.
- b) On a Local Reserve under the LPS05 for the purpose for which the land is reserved under. [cl.3.4]
- c) On Land specified in Schedule No.2 Additional Uses of the LPS05 for the purpose specified with respect to that land in Schedule No.2.
- d) On land specified in Schedule No.3 Restricted Uses for the purpose specified with respect to that land in Schedule No.3.
- e) For the purpose of a use of land mentioned in Schedule No.4 Special Use Zones of LPS05 and designated 'P', 'D' or 'A'.
- f) To the erection placement and display of advertisements and the use of land or buildings for that purpose in accordance with The Scheme.

	<p>26 Revoke or amend, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval. [cl.8.3]</p> <p>27 Grant planning approval, for an unauthorised development, if the development conforms to the provisions of The Scheme and in accordance with Part 9 Application for Planning Approval. [cl.8.4]</p> <p>PART 9 APPLICATION FOR PLANNING APPROVAL</p> <p>28 May give notice or require the applicant to give notice of an application for planning approval in accordance with Part 9 and for the purpose of a use or commence or carry out development which involves a use which is-</p> <p>a) An 'A' use under Clause 4.3.2; or</p> <p>b) A use not listed in the Zoning Table [cl.9.4.1]</p> <p>PART 10 PROCEDURE FOR DEALING WITH APPLICATIONS</p> <p>29 May consult with any other statutory, public, or planning authority it considers appropriate in considering any application for planning approval. [cl.10.1.1]</p> <p>30 May impose conditions limiting the period of time for which a temporary planning approval is granted. [cl.10.6]</p> <p>PART 11 ENFORCEMENT AND ADMINISTRATION</p> <p>31 May, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of The Scheme are being observed. [cl.11.1.2]</p> <p>32 May by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement, where an existing advertisement at, or at any time after, the coming into force of The Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality. [cl.11.2.1]</p> <p>33 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of The Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to –</p> <p>a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or</p> <p>b) remove the advertisement. [cl.11.2.2]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Planning Scheme 05, local planning policies and the standards and policies of the Western Australia Planning Commission.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	<p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>s.83 Local Government CEO may delegate powers</p> <p>s.84 Other matters relevant to delegations under this Division</p>
Subdelegate conditions	<p>Sub-Delegate/s (Appointed by CEO):</p> <p>A/Manager Infrastructure and Development</p> <p>Manager Development</p>

Statutory framework	Planning and Development Act 2005 Part 13 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme 05
Policy	Local Planning Policy – Advertising Signs Local Planning Policy – Developer Contributions for Upgrades to Roads and Footpaths Local Planning Policy – Extractive Industries LPP01 Local Planning Policy – Shipping Containers Local Planning Policy – Water Sensitive Urban Design Local Planning Policy – Wind Turbines Council Policy CP24 Recordkeeping
Record keeping	Local Government Act s.5.46
Date adopted	22 September 2020
Adoption references	060920
Last reviewed	25 May 2021

Delegation	CEO905 Strata Title Applications - Certificates of Approval
Category	Council to CEO
Head of power	Planning and Development Act 2005
Delegator	Council
Express power to delegate	Planning and Development Act 2005: Section 16(3)(e) - Delegation by Commission
Express power or duty delegated	Strata Titles Act 1985: s.23 Requirement for local government approval
Function	<p>1 Authority to provide written subdivision approval in accordance with s.15 if the parcel is situated in the Shire of Irwin district, if the subdivision involves —</p> <p>(a) 2 or more lots being consolidated into 1 lot; or</p> <p>(b) 1 or more lots being converted into common property; or</p> <p>(c) the removal, from the parcel, of land comprised of common property. [s.23(1)]</p> <p>2 If the subdivision is approved, it is subject to any planning (scheme by-laws) condition attached to the local government approval. [s.23(2)]</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Strata Titles Act 1985 and associated legislation.</i></p>
Delegates	A/Manager Infrastructure and Development Chief Executive Officer Manager Development
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Statutory framework	Planning and Development Act 2005 Part 13 Strata Titles Act 1985 SOI Local Planning Scheme No.5
Date adopted	22 September 2020
Adoption references	060920
Last reviewed	25 May 2021

Delegation	CEO1000 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000</i>
Function	Authority to administer the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Policy	P22 Stallholder Permits
Record keeping	Local Government Act 1995 – Section 5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1001 Bush Fire Brigades Local Law
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power or duty delegated	Bush Fire Brigades Local Law
Function	<p>Authority to administer the Bush Fire Brigades Local Law, subject to Part 9, Division 1 of the Local Government Act 1995.</p> <p><i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Bush Fire Brigades Local Law.</i></p>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995
Policy	CP02 Bush Fire Management E21 Protective Clothing Volunteer Bush Fire Brigades
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1002 Cemeteries Local Law 2000
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Cemeteries Local Law 2000
Function	Authority to administer the Cemeteries Local Law, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Cemeteries Local Law.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-delegates (appointed by CEO): Manager Infrastructure and Development Manager Corporate and Community
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1003 Dogs Local Law
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Dogs Local Law
Function	Authority to administer the Dogs Local Law, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Dogs Local Law.</i>
Delegates	Chief Executive Officer
Conditions	Actions under this Delegation are required to comply with any related local law and/or policies.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1004 Extractive Industries Local Law 2000
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Extractive Industries Local Law 2000
Function	Authority to administer the Extractive Industries Local Law, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Extractive Industries Local Law 2000.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Policy	LLP Extractive Industries
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1005 Health Local Laws 2002
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health Local Laws 2002
Function	Authority to administer the Health Local Laws, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Health Local Laws 2002.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1006 Local Government Property Local Law
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Property Local Law
Function	Authority to administer the Local Government Property Local Law, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government Property Local Law.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-Delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1007 Local Law Relating to Signs, Hoarding and Bill Posting
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Law Relating to Signs, Hoarding and Bill Posting
Function	Authority to administer the Local Law Relating to Signs, Hoarding and Bill Posting, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Law Relating to Signs, Hoarding and Bill Posting.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-Delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Policy	LLP Advertising Signs
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1008 Local Laws Relating to Fencing
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Law Relating to Fencing
Function	Authority to administer the Local Law Relating to Fencing, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Law Relating to Fencing.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-Delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1009 Meeting Procedures Local Law 2016
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Meeting Procedures Local Law 2016
Function	Authority to administer the Meeting Procedures Local Law 2016, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Meeting Procedures Local Law 2016.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995
Policy	CP36 Council or Committee Meeting attendance by telephone, video conference or other electronic means
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1010 Parking and Parking Facilities Local Law 2000
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Parking and Parking Facilities Local Law 2000
Function	Authority to administer the Parking and Parking Facilities Local Law 2000, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Parking and Parking Facilities Local Law 2000.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-Delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

Delegation	CEO1011 Prevention and Abatement of Sand Drift Local Law 2004
Category	Council to CEO
Head of power	Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Prevention and Abatement of Sand Drift Local Law 2004
Function	Authority to administer the Prevention and Abatement of Sand Drift Local Law 2004, subject to Part 9, Division 1 of the Local Government Act 1995. <i>Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Prevention and Abatement of Sand Drift Local Law 2004.</i>
Delegates	Chief Executive Officer
Conditions	<i>Actions under this Delegation are required to comply with any related local law and/or policies.</i>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Sub-Delegates (appointed by CEO): Manager Infrastructure and Development Manager Regulatory Services
Statutory framework	Local Government Act 1995
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	25 May 2021

AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
CEO131 Complaints Officer	23 Feb 2021	New delegation	OCM Decision #120221	OCM Decision #120221
CEO131 Complaints Officer	23 Feb 2021	New delegation	OCM Decision #130221	OCM Decision #130221
CEO131 Complaints Officer	23 Feb 2021	New delegation	Adopted by Absolute Majority OCM 23 Feb 2021 Minute#120221	Adopted by Absolute Majority OCM 23 Feb 2021 Minute#120221

ATTACHMENT: ID01

Delegated and Authorised Actions for May 2022 – Development

Attachment 1
Table of Delegated Actions for May 2022

Residential & Rural				
Matter Summary	Address	Type	Action Date	Details
Hidden Valley Estate	Lot 250 Brennand Rd, Dongara	Subdivision		Following WAPC approval, developer has indicated 12 lots have been 'sold' (many being eastern states). Developer has indicated escalating cost of sewer infrastructure making subdivision close to unviable.
			June 2022	Subdivision application lodged to split the lot into two. WAPC have highlighted some concerns such as the commitments for the overall subdivision of POS, road connections etc.
			June 2022	Looks like an approval will be given but with conditions that ensure residential requirements are able to be implemented and not undermined.

Industry				
Matter Summary	Address	Type	Action Date	Details
Perpetual Resources – Mineral Sands	Mt Adams Rd/Carson Rd area	Liaison	13/11/2020	Received phone call from a logistics consultant on behalf of Perpetual Resources notifying their intent to progress a mineral sands operation near Mt Adams/Carson Rd area. Further details will be supplied shortly and a meeting with the stakeholders likely for 3rd week December.
			Dec 2020	In person meeting with Perpetual to explain proposal.
			Jan/Feb 2021	Ongoing liaison regarding local road use and crossings.

			May 2021	Planning meeting to confirm road upgrade/use requirements for late June.
			June 2021	Meeting held between Shire and Perpetual Resources with their traffic consultant Shawmac. Discussed road upgrade requirements and potential linkages with other industry users. Perpetual Resources provided a good update on their status, currently looking into feasibility options for road and rail (more likely at a road option).
			August 2021	Perpetual progressing road upgrade requirements with MRWA
			March 2022	Perpetual proceeding through feasibility studies for board approval.
			June 2022	Shire developing Deed for shared road upgrade costs with relevant industries
Mitsui E& P – Mining Camp and Stage 2 operations	East/Southeast of Dongara/Port Denison townsite	Liaison/Development Application	June/July 2021	Received Development Application for assessment (it is an optional DAP). Process will require public, neighbour and stakeholder advertising over late June/July. Application will be presented to Council for final determination likely August/September.
			August 2021	Council approved workforce accommodation at August OCM.
			October 2021	Other approvals such as camp kitchen/mess coming through. Received a call from DPLH enquiring about the

				gas development for the Director General.
			November 2021	Liaised with Mitsui on mobile rig for drilling of 6 well sites.
			March/April 2022	Drilling almost complete at Watsia 05. Drilling will shift to Watsia 06 shortly. Well testing at Watsia 05 to commence May. EHO visited camp in April.
Infinite Blue Energy	Brand Hwy, Arrowsmith	Liaison/Development Application		
			June 2021	IBE also purchased corner lot of service station site.
			June 2021	IBE presented to Council on project.
			July/August 2021	Liaising with consultants on plans for a 150m high monitoring tower and new temporary access from Brand Hwy. A DA will likely be submitted shortly.
			September 2021	DA for 150m mast tower submitted in August. Referred to CASA and approval granted under delegation. Progress is being made on the Hydrogen Plant and Solar/Wind Farm application. Yet to confirm the exact approach to this application i.e DA or JDAP.
			September/October 2021	Provided email advice to planning consultant on the hydrogen plant and approval process. Currently appears to be an industry defined use which will require a scheme amendment. Waiting to hear back how they wish to proceed and if through a JDAP or SDAU process.

			November 2021	Received and responded in support to subdivision referral for amalgamation of lots covering Hydrogen site.
			January 2022	Met with IBE where they provided updates on their plans – both for expansion and power extension proposal.
			March/April 2022	IBE met with Shire staff to discuss bushfire management for the Arrowsmith property and how this will work with their EPA submission for clearing.
DDG Operations Pty Ltd – gas plant (West Erregulla)	Mt Adams Rd (east of Shire boundary)	Liaison		
			Jan/Feb 2021	Request received via DPLH for water pipeline along Mt Adams Rd to their proposed gas plant in Three Springs Shire. Assessing internally for potential impacts such as use/upgrade needs for Mt Adams Rd.
			June 2021	Shire aiming to meet with MRWA to discuss this in light of multiple industries using the road infrastructure.
			July 2021	Met with MRWA to discuss this project, confirmed multiple uses and upgrade requirements.
			September 2021	Will look to establish a joint discussion with other industry operators of Mt Adams Road aiming for an equitable outcome.
			Feb-March 2022	Significant Development Assessment Unit (SDAU) application received for their camp/well site. Submission made to DPLH seeking consideration for Mt

				Adams Rd contribution and extension to align with proposed pipeline.
Mid West Geothermal Power		Liaison	08/03/2021	Shire staff met with Mark Ballesteros from Mid West Geothermal Power. Mark provided an update on their intentions for the Shire which will involve testing of 4 locations in our district over the next 12-18 months. Following testing permits from DMIRS will be applied for to support their venture for generating geothermal power in the region.
Illuka	Eneabba	Liaison	April 2022	Illuka announced their Rare Earth Refinery expansion in Eneabba with the successful Federal funding.
Mount Adams Road upgrade	Mount Adams	Liaison	May 2022	As a result of multiple industries relying on Mount Adams Rd for their operations, the Shire has engaged lawyers to assist preparing an Agreement to support the upgrade of the road with fair financial input by all parties.
			June 2022	Draft Deed/Agreement prepared.
Strike Energy	Three Springs	Announcement	June 2022	Strike announced their \$3b urea fertiliser plant ("Project Haber") being relocated from north of Geraldton to Three Springs.

Commercial/Tourism				
Matter Summary	Address	Type	Action Date	Details
Seaspray Caravan Park	Church St, Dongara	Shire Lease/Development	March 2022	Proceed with actions from Council's Resolution from February OCM. A final LDP will be presented to Council at a later date. The disposal/lease process will then proceed.
			June 2022	Enquiry sitting with DPLH regarding consent of the reserve boundary changes. This can take several months. No works on the sewer connection have commenced.
Big 4 Caravan Park		Liaison/Shire Approvals	October 2021	Providing Big 4 with 3 options to consider in moving forward. Big 4 elected to proceed with the option that will formalise the expanded fenced area to the north as well as excised portion of Grannies Beach for redevelopment. A report will be presented to Council shortly to reflect the revised lease area.
			December 2021	Engaged surveyor to provide a revised survey plan of new reserve boundary layout for Council to consider (likely February 2022).
			February 2022	Council supported excision. Waiting on confirmation from DPLH that we can proceed lodging the survey plan and commence the disposal/lease process.
			April 2022	Maintained contact with DPLH for the approval to proceed with excision. DPLH advised still

				waiting on other agency comments/requirements as part of the standard process.
			June 2022	DPLH have received agency comments but now waiting on native title process.
Eco-resort concept	Lot 2 Wakeford Rd, Bookara	Development	May 2022	Met with new owner who has some ambitious plans to develop the property with an eco-resort theme via a community titles scheme. The owner is aware of some of the key issues such as bushfire risk and the landscape. Whilst a long term prospect, there is opportunity for Wakeford Rd to be constructed and access to the beach established.
Moreton Terrace properties	Several	FYI	May 2022	<p>The Dongara Hotel Motel property is progressing through a sale in the next month. The Shire's EHO has been undertaking revised inspections as a result of settlement.</p> <p>39-43 Moreton Terrace (3 lots owned by Dawson's with the hardware, fuel station and other leased building) have recently sold.</p>
Dongara Denison Tourist Park	George St, Port Denison	Liaison	May 2021	Operator proposing further chalet development with enquiries into potential 2 story design options.
			July 2021	Intentions to liaise with operator to address entry with resheet or seal improvements.
			September-October 2021	Operator failed to resheet/seal entry prior to school holidays. Shire notified operator that dust from entry needs to be addressed as part of the

				Caravan Park licensing renewal (annual licence due to expire end of calendar year).
			November 2021	Shire met with Park operator to work on a dust management plan to resolve any dust nuisance/lift off from the entry. The Shire will include routine sweeping of the George St road surface. A longer term option to develop the entry is in discussion for next year.
			April 2022	New EHO in contact with complainant and assessing extent of dust issue.

Miscellaneous				
Matter Summary	Address	Type	Action Date	Details
Telstra Tower communications	Dee St (Transfer Station)	Liaison	May 2022	Shire is working through draft MOU to establish a backup power supply to the tower to ensure communications are more reliable through the frequent power outtages.