

Delegation Register

Shire of Quairading

Adopted 25th February 2021



Description of Review	Council Resolution Number
Delegation 32 – Certain Planning Functions Relating to the Town Planning Scheme	85-15/16: 25 th November 2015
Annual Delegation Review	63-16/17: 20 th October 2016
Annual Delegation Review	134-17/18: 22 nd February 2018
Annual Delegation Review	132-18/19: 28 th February 2019
Delegation A.14 – In-Kind Community Requests	195-18/19 30 th May 2019
Annual Delegation Review	114-19/20 27 th February 2020
Delegation F.3 – Tendering for Goods and Services	83-20/21 – 26 th November 2020
Annual Delegation Review	122-20/21 – 25 th February 2021

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Administration

Delegation A.1 – Administration of Local Laws

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
1. <i>Local Government Act 1995, Section 5.42</i>
2. <i>Local Government Act 1995, Section 3.18(1)</i>

Legal (Subsidiary):
1. <i>Local Government Act 1995, Sections 9.1 and 9.4</i>

Council delegates power to the Chief Executive Officer, to administer its Local Laws, and initiate legal action if considered necessary, subject to:

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

Delegation A.2 - Executing and Affixing of Common Seal to Documents

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	President and CEO Jointly where required
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
1. <i>Local Government Act 1995, Section 5.42</i>

Legal (Subsidiary):
1. <i>Local Government Act 1995, Section 9.49A(4)</i>

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

Delegation A.3 – Long Service Leave Applications

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

Legal (Parent): 1. <i>Local Government Act 1995, Section 5.42</i> 2. <i>Local Government Act 1995, Section 5.48</i>	Legal (Subsidiary): 1. Local Government (Long Service Leave) Regulations
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Council delegates power to the Chief Executive Officer to consider and decide on applications received from employees under the Local Government (Long Service Leave) Regulations, subject to:

- 1.0 The Chief Executive Officer to ensure operations of the Council will not be unduly hindered by the absence of the applicant on long service leave.
- 2.0 The Chief Executive Officer's Long Service leave to be considered and decided by Council.

Delegation A.4 – Making a Cash Advance to a Person

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

Legal (Parent): 1. <i>Local Government Act 1995, Section 5.42</i>

Legal (Subsidiary): 1. <i>Local Government Act 1995, Section 5.102</i>
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Council delegates power to the Chief Executive Officer to make a cash advance to a person in respect of an expense for which the person can be reimbursed, subject to:

- 1.0 Compliance with Division 8 of Part 5 of the *Local Government Act 1995*.

Delegation A.5 – Tenders: Minor Variation to Contracts

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p>1. <i>Local Government Act 1995, Section 5.42</i></p>
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<p>Legal (Subsidiary):</p> <p>1. Local Government (Functions and General) Regulations, Regulation 20</p>

Council delegates power to the Chief Executive Officer to –

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

Delegation A.6 – Payments from Municipal Fund and Trust Fund Bank Account

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	2.0: CEO, EMCS and/or EO
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
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<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. <i>Local Government Act 1995, Section 6.7(2)</i> 2. <i>Local Government Act 1995, Section 6.8</i> 3. <i>Local Government Act 1995, Section 6.10</i> 4. <i>Local Government Act 1995, Section 3.1</i> 5. <i>Local Government (Financial Management) Regulations 1996, Regulations 5, 11, 12 and 13</i>
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Council delegates power to the Chief Executive Officer to:

- 1.0 Authorise and make payments by cheque or electronic funds transfer (EFT) from the Municipal Fund or the Trust Fund, subject to:
 - (a) The payment(s) only being for items of expenditure detailed within the adopted annual budget, or for payments that have been authorised by a resolution of Council in advance, or authorised in advance by the President in an emergency; and
 - (b) The Chief Executive Officer, Executive Manager Corporate Services or Executive Officer (2 Signatories for EFT or Cheque Payments) jointly signing payments made by cheque, or jointly authorising payments made by EFT; and
 - (c) Compliance with the requirements of Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Delegation A.7 – Performing Functions Outside Own District

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.20(1) Performing functions outside district</p>

Council delegates power to the Chief Executive Officer to determine whether things done by the Shire in performing its executive function will be done outside its own district, subject to:

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

Delegation A.8 – Public Inspection of Certain Documents Relating to Council or Committee Meetings

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. <i>Local Government Act 1995, Section 5.42</i> 2. <i>Local Government Act 1995, Section 5.25(1)(i)</i>

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. <i>Local Government (Administration) Regulations, Regulation 14(1)</i> 2. <i>Local Government Act 1995, Section 5.95</i> 3. <i>Local Government (Administration) Regulations, Regulations 29A and 29B</i>

Council delegates power to the Chief Executive Officer to make available for inspection by the public notice papers and agendas relating to any Council or Committee Meeting that is open to the public, subject to:

- 1.0 The limits on right to inspect local government information detailed in Section 5.95 of the Act.
- 2.0 Compliance with Regulations 29A and 29B of the Local Government (Administration) Regulations 1996.

Delegation A.9 – Use of Shire Vehicles by Employees

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p>

<p>Legal (Subsidiary):</p>

Council delegate power to the Chief Executive Officer to:

- 1.0 Supply employees with means of transportation in order that they may provide effective and efficient services; and
- 2.0 Make all appropriate private use arrangements with all employees having use of a Council vehicle, whilst having regard for legislative implications, such Fringe Benefit Tax and the like.

Delegation A.10 – Bank Authorities

Date Adopted:	22/02/2018
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	CEO,EMCS and/or EO
Chief Executive Instruction/Procedure:	

<p>Legal (Parent): <i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO</p>

<p>Legal (Subsidiary):</p>

Council delegate power to the Chief Executive Officer to ensure compliance with Councils Banking Authority that:

- 1.0 All instructions and authorities to the Shire of Quairading’s Bankers are to be signed jointly by either, the Chief Executive Officer, Executive Manager Corporate Services and/or Executive Officer.

Delegation A.11 – Liquor Permits

Date Adopted:	22/02/2018
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
1. <i>Local Government Act 1995, Section 5.42</i>
2. <i>Liquor Control Act 1988</i>

Legal (Subsidiary):
Local Government Property Local Law 2016

Council delegate power to the Chief Executive Officer to:

- 1.0 Approve or reject applications to consume liquor in Council buildings or on Council controlled reserves without reference to Council. All applications to consume liquor are to be in writing and addressed to the Chief Executive Officer

Delegation A.12 – Disposing of Property (Public Auction or Public Tender)

Date Adopted:	28/02/2019
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.58(2) Disposing of Property</p>

Council delegate power to the Chief Executive Officer to:

- 1.0 Dispose of property in accordance with Section 3.58(2) of the *Local Government Act 1995* to the highest bidder at public auction or the most acceptable public tender.

Conditions and Exceptions:

- 2.0 Subject to the disposal being identified in the Shire's Annual Budget and the value of the property is less than \$50,000.

Delegation A.13 – Disposing of Property (Private Treaty)

Date Adopted:	28/02/2019	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.58(3) Disposing of Property</p>

Council delegate power to the Chief Executive Officer to:

1.0 Dispose of property in accordance with Section 3.58(3) of the *Local Government Act 1995*.

Conditions and Exceptions:

1.0 Subject to the disposal being identified in the Shire's Annual Budget.

Delegation applies to:

- a) All transactions to a maximum value of \$50,000 where no public submissions are received in response to public advertising as required by Section 3.58(3)(a).
- b) Any other transactions to a maximum value of \$50,000.

Delegation A.14 – In-Kind Community Requests

Date Adopted:	30/05/2019	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	EMCS
Policy Reference:	CS.3 Community Grants Policy	Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p>

<p>Legal (Subsidiary):</p>

Council delegate power to the Chief Executive Officer to:

- 1.0 Approve/reject applications from Community Groups and/or Clubs for an in-kind contribution towards events or projects throughout the year. This may include access to venues, equipment or staff (maximum amount \$500 annually) under Grant Scheme No. 1.

Conditions and Exceptions:

- 2.0 Subject to a Maximum Limit of \$500 per annum per organisation.
- 2.1 In accordance with CS.3 Community Grants Policy, that “each community group can apply to the CEO for in-kind contributions towards events or projects throughout the year. CEO has delegated authority to approve/reject applications”.

Delegation A.15 – Powers of Entry

Date Adopted:	27/02/2020
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.28 When this Subdivision applies</p> <p>s.3.32 Notice of entry</p> <p>s.3.33 Entry under warrant</p> <p>s.3.34 Entry in an emergency</p> <p>s.3.36 Opening fences</p>

Council delegate power to the Chief Executive Officer to:

- 1.0 Authority to exercise powers of enter 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].
- 1.2 Authority to give notice of entry [s.3.32].
- 1.3 Authority to seek and execute an entry under warrant [s.3.33].
- 1.4 Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].
- 1.5 Authority to give notice and effect entry by opening a fence [s.3.36].

Conditions and Exceptions:

- 2.0 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.

Building

Delegation B.1 – Extension of Period of Duration of Occupancy Permit or Building Approval Certificate

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	MH&B
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
1. <i>Building Act 2011</i> , Section 127

Legal (Subsidiary):
1. <i>Building Act 2011</i> , Section 65

Council delegates power to the Manager of Health & Building to approve or refuse to approve applications submitted under Section 65 of the *Building Act 2011*.

Delegation B.2 – Grant of Occupancy Permit or Building Approval Certificate

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	MH&B
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent): 1. <i>Building Act 2011</i> , Section 127

Legal (Subsidiary): 1. <i>Building Act 2011</i> , Section 58 2. <i>Building Act 2011</i> , Section 62
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Council delegates power to the Manager of Health & Building to approve, modify or refuse to approve applications submitted under Section 58 of the Act, and may impose conditions in accordance with Section 62 of the *Building Act 2011*.

Delegation B.3 – Applications for the Use of Battery Powered Smoke Alarms in Dwellings

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	MH&B
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent): <i>Building Act 2011, Section 127</i>

Legal (Subsidiary): Building Regulations 2012, Regulation 61
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Council delegates power to the Manager of Health & Building to approve or refuse to approve an application for the use of battery powered smoke alarms within a dwelling, or a part of a dwelling, subject to:

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

Delegation B.4 – Issue of Demolition Permits

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	MH&B
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
1. <i>Building Act 2011, Section 127</i>

Legal (Subsidiary):
1. <i>Building Act 2011, Section 21</i>
2. <i>Building Act 2011, Section 22</i>
3. <i>Building Act 2011, Section 119</i>
4. <i>Building Regulations 2012</i>

Council delegates power to the Manager of Health & Building to approve or refuse plans, specifications and an application for a demolition permit submitted under the *Building Act 2011*, subject to:

- 1.0 Compliance with Sections 21 and 22 of the *Building Act 2011*.
- 2.0 Notice being given to the applicant informing of their review rights under Section 119 of the *Building Act 2011*.

Delegation B.5 – Building Act 2011: Appointment of Authorised Persons

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <ol style="list-style-type: none"> 1. <i>Building Act 2011, Section 127</i> 2. <i>Building Act 2011, Section 96</i>

<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. Building Regulations 2012
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Council delegates power to the Chief Executive Officer to appoint authorised persons for the purposes of the *Building Act 2011* and the Building Regulations 2012, subject to:

- 1.0 Any appointment being in writing to the employee so appointed;
- 2.0 A Schedule of Authorisations being submitted to Council from time to time;
- 3.0 The employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

Delegation B.6 – Building Act 2011: Commencement of Legal Proceedings

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent): 1. <i>Building Act 2011</i> , Section 133

Legal (Subsidiary): 1. <i>Building Act 2011</i> , Section 96 2. <i>Building Regulations 2012</i>

Council delegates power to the Chief Executive Officer to commence proceedings for an alleged offence under the *Building Act 2011* and *Building Regulations 2012*.

Delegation B.7 – Issue and Revocation of Building Orders

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	MH&B
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p>1. <i>Building Act 2011, Section 127</i></p>

<p>Legal (Subsidiary):</p> <p>1. <i>Building Act 2011, Section 110</i> 2. <i>Building Act 2011, Section 117</i> 3. <i>Building Regulations 2012</i></p>
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Council delegates power to the Manager of Health & Building to:

- 1.0 Make a building order in respect of one or more of the following:
 - (a) Particular building work;
 - (b) Particular demolition work; or
 - (c) A particular building or incidental structure.

- 2.0 Revoke a building order, subject to compliance with Section 117(1) of the *Building Act 2011* by serving written notice to each person to whom the order is directed.

Delegation B.8 – Issue Licence to Deposit Material on Street and Excavate on Land Abutting a Street

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	MH&B
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. <i>Local Government Act 1995, Section 5.42</i> 2. <i>Building Act 2011, Section 127.</i>

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. <i>Building Act 2011, Section 166(3)(g)</i> 2. <i>Building Regulations 2012, Regulation 64.</i>

Council delegates power to the Chief Executive Officer to issue licenses for:

- 1.0 The deposit of materials on a street, way or other public place; or
- 2.0 The excavation on land abutting or adjoining a street, way or other public place, subject to:
 - (a) The requirements of Regulation 64 of the *Building Regulations 2012*; and
 - (b) The payment of the relevant licence fee set by Council annually in its Schedule of Fees and Charges.

Delegation B.9 – Private Swimming Pools: Alternative Barrier Approval

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	MH&B
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p>
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<p>Legal (Subsidiary):</p> <p><i>Building Act 2011:</i></p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p> <p>s.65 Extension of period of duration</p> <p><i>Building Regulations 2012:</i></p> <p>r.51 Approvals by permit authority</p>

Council delegates power to the Chief Executive Officer to: -

- 1.0 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)]
- 2.0 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)]
- 3.0 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)].

Delegation B.10 – Referrals and Issuing Certificates

Date Adopted:	27/02/2020
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	MH&B
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Building Act 2011:</i></p> <p>s.127(1) & (3) Delegation: special permit authorities and local government</p>
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<p>Legal (Subsidiary):</p> <p><i>Building Act 2011:</i></p> <p>s.145A Local Government functions</p> <p>s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</p>

Council delegates power to the Chief Executive Officer to: -

- 1.0 Refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].
- 2.0 Issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire's District [s.145A(2)].

Bushfire

Delegation FIR.1 – Bushfires Act 1954: Authorised Officers, Bushfire Control Officers, Prescribed Officers and Officers to Carry Out Enforcement Proceedings

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	CESM, Bushfire Control Officers, Rangers
Chief Executive Instruction/Procedure:	

Legal (Parent):
<i>Bushfires Act 1954:</i>
Sections 38, 48, 59(3), 59(5), 59A

Legal (Subsidiary):
<i>Bush Fires Act 1954:</i>
s.38 Local Government may appoint bush fire control officer
<i>Bushfires (Infringements) Regulations 1978:</i>
r4 Prescribed officers

Council delegates power to the Sub-delegates named in the “Schedule of Authorisations” to perform the specified duties under the Bushfires Act, subject to:

- 1.0 A Schedule of Authorisations being submitted to Council from time to time; and
- 2.0 The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

Delegation FIR.2 – Bushfires Act 1954: Powers and Duties

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

Legal (Parent): <i>Bush Fires Act 1954:</i> s.48 Delegation by local government	Legal (Subsidiary):
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Council delegates power to the Chief Executive Officer to perform all the functions and duties of the local government under the *Bushfires Act 1954*, subject to:

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

Delegation FIR.3 – Prohibited and Restricted Burning Times Variation

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	Shire President and Chief Bushfire Control Officer
On-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):

Bush Fires Act 1954:

s.48 Delegation by local government

s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))

s.18(5C) Restricted burning times may be declared by FES Commissioner (The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, as if those provisions were expressly incorporated in this section.)

Legal (Subsidiary):

1. *Bushfires Act 1954*, Section 17(7) and (8)
2. *Bushfires Act 1954*, Section 18(5)

Bush Fire Regulations 1954:

r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.

r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times

Council delegates power to the Shire President and Chief Bushfire Control Officer jointly to:

- 1.0 Vary the prohibited burning times within the district of the Shire of Quairading, subject to:
 - (a) The appropriate notice being given as required by Section 17(8) of the *Bushfires Act 1954*.
- 2.0 Vary the restricted burning times within the district of the Shire of Quairading, subject to:
 - (a) The appropriate notice being given as required by Section 18(5C) of the *Bushfires Act 1954*.

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

Finance

Delegation F.1 – Audit Committee: Meeting with Auditor and Audit Functions

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	Audit & Risk Committee
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.16 Delegation of some powers and duties to certain committees</p> <p>s.7.1B Delegation of some powers and duties to audit committees</p>
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<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits</p> <p>Local Government (Administration) Regulation 18G</p>

- 1.0 Council delegates power to the Risk & Audit Committee to meet with the local governments' Auditor at least once per year.
- 2.0 Power to:
 - i. examine the report of the Auditor and determine matters that require action to be taken by the Shire; and
 - ii. ensure that appropriate action is taken in respect of those matters [s.7.12A(3)].
- 2.1 Power to review and endorse the Shire's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s.7.12A(4)].

Delegation F.2 – Expression of Interest for Goods and Services

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.21 Limiting who can tender, procedure for</p> <p>r.23 Rejecting and accepting expressions of interest to be acceptable tenderer</p> <p>1.</p>
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Council delegates power to the Chief Executive Officer to:

- 1.0 Seek expressions of interest with respect to the supply of the goods or services before entering the tender process, because the CEO believes that there is good reason to make a preliminary selection from amongst prospective tenderers due to –
 - (a) the nature of the goods or services; or
 - (b) the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required,

and the CEO believes it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.
- 2.0 Determine in writing the criteria for the preliminary selection of prospective tenderers, subject to:
 - (a) Compliance with Regulation 21(1) of the Local Government (Functions and General) Regulations 1996;
 - (b) The goods or services being listed in the Shires Adopted Annual Budget;
 - (c) The criteria, once determined, are to be incorporated in the expression of interest documentation.
- 3.0 Consider any submissions of expression of interest that have not been rejected and decide which ones could satisfactorily supply the goods or services, subject to:
 - (a) Compliance with Regulation 23(3) of the Local Government (Functions and General) Regulations 1996; and
 - (b) Compliance with Regulations 14(2), 15(2), 17(2)(c) and 18(3) of the Local Government (Functions and General) Regulations 1996.

Delegation F.3 – Tendering for Goods and Services

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.57 Tenders for providing goods or services</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>r.11 When tenders have to be publicly invited</p> <p>r.13 Requirements when local government invites tenders though not required to do so</p> <p>r.14 Publicly inviting tenders, requirements for</p> <p>r.18 Rejecting and accepting tenders</p> <p>r.20 Variation of requirements before entry into contract</p> <p>r.21A Varying a contract for the supply of goods or services</p>

Council delegates power to the Chief Executive Officer to:

- 1.0 Call tenders for works or services prior to entering in to contract with others in respect to supply of goods or services exceeding \$250,000;
- 2.0 Call tenders for the provision of works or services not exceeding a value of \$250,000 and to accept what is to be deemed the most advantageous tender;
- 3.0 Determine that the Shire has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier and not publicly invite tenders before the Shire enters into a contract for the supply of goods or services even though the consideration under the contract is, or is expected to be, worth more than \$250,000;
- 4.0 Determine in writing the criteria for deciding which tender should be accepted, subject to Regulation 14(2a) of the Local Government (Functions and General) Regulations 1996;

Subject to:

- (a) Tenders called subject to (1) and (2) above, are to comply with Council's Purchasing Policy.
- (b) The goods or services being listed in the Shire's Adopted Annual Budget;
- (c) The criteria, once determined in (4) above, it is to be incorporated in the tender documentation.

Delegation F.4 – Investment of Surplus Funds

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes – Council Bank Signatories CEO, EMCS and/or EO
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.6.14 Power to invest</p> <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <p>r.19 Investments, control procedures for</p> <p><i>Trustees Act 1962, Part III</i></p>
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Council delegates power to the Chief Executive Officer to invest money held in the municipal or trust funds that is not required for the time being for any purpose in accordance with Part III of the *Trustees Act 1962*, subject to:

- 1.0 Compliance with the established and documented internal control procedures to ensure control over the investments; and
- 2.0 Compliance with Regulations 19c, 28 and 49 of the Local Government (Financial Management) Regulations 1996; and
- 3.0 Compliance with Council Policy – Investments.

Delegation F.5 – Reimbursement of Expenses Incurred by an Employee

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO</p>
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<p>Legal (Subsidiary):</p> <p>1. <i>Local Government Act 1995, Section 5.101(2)</i></p>
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Council delegates power to the Chief Executive Officer to reimburse an employee for an expense incurred in relation to a matter affecting the local government, subject to:

- 1.0 The expenditure being authorised by a Manager or Supervisor before the expense is incurred.

Delegation F.6 – Reimbursement of Expenses Incurred by Councillors

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p>

<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. <i>Local Government Act 1995, Section 5.98(2)(b)</i> 2. <i>Local Government Act 1995, Section 5.98(4)</i>

Council delegates power to the Chief Executive Officer to approve the reimbursement of expenses to Councillors, subject to:

- 1.0 The expenses to be approved for reimbursement are those prescribed by the Act and the Regulations.

Delegation F.7 – Waiving and Granting of Concessions and Write-Off of Debts

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.6.12 Power to defer, grant discounts, waive or write off debts</p>
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Council delegates power to the Chief Executive Officer to approve or refuse applications or requests for –

- 1.0 A waiver of a debt other than rates or a service charge.
- 2.0 The granting of a concession in relation to a debt other than rates or service charge.
- 3.0 The write-off of a debt to a maximum of \$5.00.

Subject to:

- (a) The amount of the request or application not exceeding \$100.00.

Health

Delegation H.1 – Caravan Parks and Camping Grounds Act 1995: Authorised Persons

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <ol style="list-style-type: none"> 1. <i>Local Government Act 1995, Section 5.42</i> 2. <i>Caravan Parks and Camping Grounds Act 1995, Section 17(1)</i>
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<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. <i>Caravan Parks and Camping Grounds Regulations 1997</i>
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Council delegates power to the Chief Executive Officer to appoint authorised person/s named in the “Schedule of Authorisations” to perform the duties of an authorised person under the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*, subject to:

- 1.0 A Schedule of Authorisations being submitted to Council from time to time; and
- 2.0 The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

Delegation H.2 – Food Act 2008: Administration

Date Adopted:	28/05/2015	Delegate:	CEO & MH&B
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Food Act 2008:</i></p> <p>s.118 Functions of enforcement agencies and delegation</p>
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<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. Food Act 2008: <ul style="list-style-type: none"> s.122(1)(2) Appointment of authorised officers 2. Food Regulations 2009 3. Shire of Quairading Activities in Thoroughfares and Trading in Thoroughfares And Public Places Local Law
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Council delegates power to the Chief Executive Officer and Manager of Health & Building, to:

- 1.0 Administer the functions of the Shire of Quairading as an 'enforcement agency' under the *Food Act 2008* and the Food Regulations 2009, subject to:
 - (a) this authority does not include the appointment of, or the authority to act as, 'authorised officers' or 'designated officers', pursuant to Sections 122, 123 and 126(3), (6), (7) and (13) of the *Food Act 2008*.
- 2.0 Approve food stalls where the proponent is a community or charitable organisation and if food is either cooked and presented for immediate consumption or low risk. Authority to inspect premises and take action under the *Food Act 2008*.

**Delegation H.3 – Health (Miscellaneous Provisions) Act 1911 and Relevant Regulations:
Administration and Notices of Breach**

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO & MH&B
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. <i>Local Government Act 1995</i>, Sections 5.42 and 5.46(3) 2. <i>Health (Miscellaneous Provisions) Act 1911</i>, Part IV, V, VI and VII 3. <i>Public Health Act 2016</i>

Legal (Subsidiary):
<p><i>Local Government (Administration) Regulations 1996:</i> Delegates to keep certain records (Act s. 5.46(3))</p> <p><i>Public Health Act 2016:</i> s.24(1) and (3) Designation of authorised officers</p>

Council delegates its authority, powers and functions under:

1.0 The *Health (Miscellaneous Provisions) Act 1911* to the Chief Executive Officer and Manager of Health & Building (“Environmental Health Officer”) relating to:

- (i) Part IV – Division 2, Division 4 and Division 7;
- (ii) Part V – Divisions 1, 2 and 3;
- (iii) Part VI; and
- (iv) Part VII – Division 1,

Subject to the conditions of –

- (a) With respect to Part IV – Divisions 2, 4 and 7, authority is limited to the approval of applications under Section 107; the forming of opinions; the issuing of notices, requisitions, directions and orders, subject to prior consultation with and agreement of the Environmental Health Officer; the carrying out or causing to be carried out, works in default of duly served notices, but does not include the undertaking or contracting of works, the provision of sanitary conveniences or receptacles, the making of charges for works or the supply of pans or receptacles for refuse.
- (b) With respect to Part V – Division 1 and 2, authority is limited to the forming of opinions and issuing of notices and directions subject to prior consultation with and agreement of the Environmental Health Officer, but does not include the carrying out of works in default of duly served notices.
- (c) With respect to Part VII Division 1, authority extends to the issuing of requisitions and, in the case of default, the causing of requisite work to be done, subject to prior discussion with and agreement of the Environmental Health Officer.

(v) *The Health (Miscellaneous Provisions) Act 1911* and the Regulations, Local-Laws and orders made thereunder relating to issue such notices as are deemed necessary for breaches of the Act, subject to the conditions of:

(a) Any non-compliance with any notice will be referred to the Council before proceeding with legal action.

- 2.0 Section 107 of the *Health (Miscellaneous Provisions) Act 1911* to the Environmental Health Officer relating to the approval of applications for effluent disposal systems.
- 3.0 The Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 to the Chief Executive Officer and the Environmental Health Officer.
- 4.0 The *Health (Miscellaneous Provisions) Act 1911* to the Chief Executive Officer relating to section 27 for the appointment of environmental health officers.
- 5.0 The Officers exercising Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty. All matters determined under Delegated Authority are to be listed at the first available Ordinary Meeting of Council.

Delegation H.4 – Appoint Authorised Officer or Approved Officer (Asbestos Regs)

Date Adopted:	27/02/2020
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Public Health Act 2016</i></p> <p><i>Health (Asbestos) Regulations 1992:</i></p> <p>r.15D(7) Infringement Notices</p>

<p>Legal (Subsidiary):</p> <p><i>Health (Asbestos) Regulations 1992:</i></p> <p>r.15D(5) Infringement Notices</p>
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Council delegates power to the Chief Executive Officer to:

- 1.0 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)].

Planning

Delegation P.1 – Certain Planning Functions Relating to the Town Planning Scheme

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <ol style="list-style-type: none"> 1. <i>Planning and Development Act 2005</i> 2. <i>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clauses 82 & 83</i>
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<p>Legal (Subsidiary):</p> <p><i>Quairading Town Planning Scheme No. 2</i></p>

Council delegates power to the Chief Executive Officer in accordance with Clauses 82 and 83 of the Planning and Development (Local Planning Schemes) Regulations 2015 as follows:

- 1.0 Advertising and Determining Applications for Development Approval
- 1.1 Notification and Advertising of Applications for Development Approval in accordance with Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 determine that a particular application will be advertised and carry out the means and extent of such advertising.
- 2.0 Consideration of Applications for Planning Approval
- 2.1 Determine applications with a use permissibility classification of 'P', 'D' and 'A' in Table 1 for Development Approval in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Shire of Quairading Town Planning Scheme No. 2 and/or Western Australian Planning Commission State Planning Policy No. 3.1 – Residential Design Codes where no objections have been received (if advertised) and impose conditions as required.
- 2.2 Refusal of all development applications where the proposed use is not permitted by the Scheme or where the development does not comply with the non-discretionary provisions of the Residential Design Codes or any mandatory statutory requirement or adopted Council policy.
- 2.3 Grant an extension of development approval for up to two (2) years.
- 3.0 Use Not Listed
- 3.1 To determine if a use that is not specifically listed in the Zoning Table (Table 1) of the Quairading Town Planning Scheme No. 2 is consistent, maybe consistent or is not consistent with the objectives of the zone.

Subject to:

- (a) An officer to whom delegated authority is granted is not to exercise that authority in circumstances where the Chief Executive Officer has received a request from a Councillor that the matter be referred to Council for consideration or determination.
- (b) With the exception of delegated power 2.0 above, all applications will be submitted to a meeting of Council for determination in the following circumstances:

- (c) Where the delegated decision would be contrary to the intent of a previous decision made at a Council meeting, or any law or regulation;
- (d) Where written objection is received to the proposal from any statutory agency;
- (e) Where the proposal is inconsistent with the intent of the Local Planning Scheme, relevant Policies, Residential Design Codes, or any Outline Development Plan adopted by Council;
- (f) Where notification has been given to adjoining and nearby owners or the general public for comment in accordance with the Local Planning Scheme or any Policy and written objections have been received within the time specified.

4.0 Advertising Extension for Town Planning Scheme Amendments

- 4.1 To extend the advertising period for planning scheme amendments where it is considered necessary to provide for adequate consultation and/or accommodate specific community consultation exercises (e.g. special electors' meetings, workshops etc.).

Subject to:

- (a) An officer to whom delegated authority is granted is not to exercise that authority in circumstances where the Chief Executive Officer has received a request from a Councillor that the matter be referred to Council for consideration or determination.

5.0 Directions regarding unauthorised development

- 5.1 To give directions in relation to unauthorised development and to authorise any action available to the responsible authority under the *Planning and Development Act 2005* incidental to such written direction, including but not limited to issuing a notice to correct or amend the development or to commence legal action in accordance with the Council's endorsed procedure for compliance and enforcement.

Subject to:

- (a) An officer to whom delegated authority is granted is not to exercise that authority in circumstances where the Chief Executive Officer has received a request from a Councillor that the matter be referred to Council for consideration or determination.

6.0 Structure Plans, Activity Centre Plans and Local Development Plans

- 6.1 Acceptance of Structure Plans and amendments to Structure Plans, Activity Centre Plans and Local Development Plans for the purposes of advertising in accordance with the provisions of Regulation 18 of the Planning and Development (Local Planning Schemes) Regulations 2015.

7.0 Responsible Authority Reports to the Development Assessment Panel

- 7.1 To submit Responsible Authority Reports to the Development Assessment Panel pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulations 2011 in relation to applications for planning approval under Shire of Quairading Town Planning Scheme No. 2.

Subject to:

- (a) The Chief Executive Officer is to advise Council of the lodgement and subsequent decision of a Development Assessment Panel (DAP) application at the next available Council meeting.

NOTES:

- (a) These Delegations do not preclude the Delegate or Sub-Delegate referring the categories of development or legal proceedings outlined above, to Council for determination, after having regard to the circumstances of a particular case.
- (b) All matters determined under Delegated Authority are to be listed at the first available Ordinary Meeting of Council.

Delegation P.2 – Response to Applications for Land Subdivisions and Amalgamations

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. <i>Planning and Development Act 2005</i> 2. <i>Quairading Local Planning Scheme No. 2</i>

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. <i>State Planning Policy 3.1 – Residential Design Codes</i>

Council delegates power to the Chief Executive Officer to:

- 1.0 Exercise discretion and make recommendations to the Western Australian Planning Commission on applications to subdivide, re-subdivide or amalgamate land as follows:
 - 1.1 No objection to the granting of approval of an application to amalgamate two (2) or more lots (including lots forming part of any strata-title scheme) into a single allotment.
 - 1.2 No objection to the granting of approval of an application to rationalise or reconfigure existing allotments where there is no nett increase in lots created, and the new lot sizes will conform with the relevant requirements of prevailing town planning schemes and their policies, and policies adopted pursuant to section 5AA of the *Planning and Development Act 2005*.

Subject to:

- (a) the imposition of relevant conditions on any approval proposed to be granted by the WAPC, that are considered necessary to secure the objectives of any prevailing regional or Shire town planning scheme/s, and any land use plan or strategy adopted by Council.
- 1.3 No objection to the granting of approval of an application of to up to five (5) lots where the application accords with an endorsed local area plan, structure plan and/or the Residential Design Codes of WA.

Subject to:

- (a) the imposition of relevant conditions on any approval proposed to be granted by the WAPC, that are considered necessary to secure the objectives of any prevailing regional or Shire town planning scheme/s, and any land use plan or strategy adopted by Council.
- 2.0 Certify to the WAPC that conditions imposed on an approval granted to subdivide, re-subdivide or amalgamate land contained within the municipality, that pertain to the Shire's jurisdiction, role and function, have been completed and fulfilled to the satisfaction of the Shire.

Delegation P.3 – State Administrative Tribunal: Response to Applications for Review

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. <i>State Administrative Tribunal Act 2004</i> 2. <i>Planning and Development Act 2005</i>

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. <i>Quairading Local Planning Scheme No. 2</i>

- 1.0 Council delegates power to the Chief Executive Officer, to respond to applications for review lodged with the State Administrative Tribunal, including preparation of statements by respondent, liaison with the State Administrative Tribunal and representation of the Council at review hearings, where a decision made by the Council, or a condition or conditions associated with that decision, is substantively in accordance with the Responsible Officer's recommendation, subject to :
- (a) The outcome of the SAT determination to be reported to Council.
 - (b) The exercise of these powers on the discharge of these duties, is subject to the Officers and/or Employees exercising the Delegation: keeping a written record of, and recording within an appropriate Database, details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty
- 2.0 Council delegates power to the Chief Executive Officer, to engage independent professional advice, including legal advice, where a decision made by the Council, or a condition or conditions associated with that decision, is substantially different from the Responsible Officer's recommendation.

Delegation P.4 – Taking of Land under the *Land Administration Act 1997* and the *Native Title Act 1993*

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent): <i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO
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Legal (Subsidiary): 1. <i>Land Administration Act 1997</i> 2. <i>Native Title Act 1993</i>

Council delegates power to the Chief Executive Officer to advise the Department of Land Services that the Shire has no interest in a proposed taking of land under the *Land Administration Act 1997* or the *Native Title Act 1993*, subject to:

- 1.0 The Shire having no registered interest in the land identified in the taking proposal.

Delegation P.5 – Town Planning Scheme: Responding to Appeals and Requests for Reconsideration

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
1. <i>Planning and Development Act 2005</i>

Legal (Subsidiary):
1. Quairading Local Planning Scheme No. 2

Council delegates power to the Chief Executive Officer to respond to any appeal against a discretionary decision of the Council under the Shire's Local Planning Scheme, subject to:

- 1.0 The response being in accordance with Council's decision on the matter.

Rangers

Delegation RNG.1 – Control of Vehicles (Off-road Areas) Act: Authorised Officer

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. <i>Local Government Act 1995 – Section 5.42</i> 2. <i>Control of Vehicles (Off-road Areas) Act 1978, Section 38(3)</i>

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. <i>Control of Vehicles (Off-road Areas) Regulations 1979.</i>

Council delegates power to the Chief Executive Officer to appoint authorised officers under the *Control of Vehicles (Off-road Areas) Act 1978*, for the whole of the district of the Shire of Quairading, subject to:

- 1.0 A Schedule of Authorisations being submitted to Council from time to time; and
- 2.0 The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

Delegation RNG.2 – Dog Act 1976: Authorised Persons, Registration Officer and Officers to Carry Out Enforcement Proceedings

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent): <i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties

Legal (Subsidiary): 1. <i>Dog Act 1976</i> , Sections 11, 12, 29, 33 and 44(2) 2. Dog Regulations 2013

Council delegates power to the Chief Executive Officer to appoint persons as Registration Officers and Authorised Officers under the *Dog Act 1976*, subject to:

- 1.0 A Schedule of Authorisations being submitted to Council from time to time; and
- 2.0 The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

Delegation RNG.3 – Cat Act 2011: Authorised Persons, Registration Officer and Officers to Carry Out Enforcement Proceedings

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (No Parent): <i>Cat Act 2011:</i> s.44 Delegation by local government</p>

<p>Legal (Subsidiary): <i>Cat Act 2011:</i> s. 48 Authorised persons <i>Cat (Uniform Local Provisions) Regulations 2013</i> <i>Cat Regulations 2012</i></p>
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Council delegates power to the Chief Executive Officer to appoint persons as Registration Officers and Authorised Officers under the *Cat Act 2011*, subject to:

- 1.0 A Schedule of Authorisations being submitted to Council from time to time; and
- 2.0 The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

Delegation RNG.4 – Hawkers, Stall Holders and Street Traders Licences

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO</p>
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<p>Legal (Subsidiary):</p> <p>1. Shire of Quairading Activities in Thoroughfares and Trading in Thoroughfares And Public Places Local Law</p>
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Council delegates power to the Chief Executive Officer to determine new applications for licence and renew existing licences for Stallholders, Street Traders, and Hawkers under the Shire of Quairading Thoroughfares Local Laws, subject to:

- 1.0 Compliance with the Shire of Quairading Thoroughfares Local Laws; and
- 2.0 The Applicant providing evidence of a minimum of \$10 million Personal Liability Insurance Cover.

Delegation RNG.5 – Litter Act 1979: Authorised Officers and Withdrawal of Infringement Notices

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent): <i>Litter Act 1979:</i> s.26 Authorised officers, appointment and jurisdiction of etc. <i>Litter Act 1979, Section 30(4a).</i></p>

<p>Legal (Subsidiary): <i>Litter Regulations 1981.</i></p>
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Council delegates power to the Chief Executive Officer to appoint authorised person/s to administer and enforce the Litter Act and to withdraw infringement notices under the Litter Act, subject to:

- 1.0 A Schedule of Authorisations being submitted to Council from time to time; and
- 2.0 The Officers and/or Employees exercising the Delegation, keeping a written record of details of how the Delegation was exercised, when the delegation was exercised, the persons or classes of persons directly affected by the exercise of the power on the discharge of the duty.

Delegation RNG.6 – Local Government Act 1995: Appointment of Authorised Persons

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. <i>Local Government Act 1995</i>, Sections 3.24, 9.10 and 9.23 2. <i>Local Government Act 1995</i>, Section 5.42

Legal (Subsidiary):
<ol style="list-style-type: none"> 1. Shire of Quairading Local Laws

1.0 Council delegate power to the Chief Executive Officer to appoint authorised persons to exercise the:

1.1 Powers and duties set out in the *Local Government Act 1995* in respect of:

- Section 3.25(1) – Notices requiring certain things to be done by owner or occupier of land.
- Section 3.27 – Things local government can do on land that is not local government property.
- Section 3.31 – Entering property.
- Section 3.39 – Power to remove and impound.
- Section 3.40A (1) – Abandoned vehicle wreck may be taken.
- Section 9.11 – Person found commit breach of Act to give name on demand.
- Section 9.13 – Onus of proof in vehicle offences may be shifted.
- Section 9.16 – Giving a Notice.
- Section 9.17 – Content of Notice.
- Section 9.19 – Extension of Time.
- Section 9.20 – Withdrawal of Notice.
- Section 9.24(1) and (2) – Enforcement and legal proceedings; Commencing prosecutions; and Offence against the Act or Shire’s Local Laws.
- Section 9.29(2) – Enforcement and legal proceedings and representing local government in court.

1.2 Duties and functions set out the Shire’s local laws, subject to:

- (a) The nominated officers being authorised only as detailed in a report to Council from time to time and listed in the Schedule of Authorisations.

Delegation RNG.7 – Removal and Impounding of Goods, Vehicles and Animals

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.3.39 Power to remove and impound</p> <p>s.3.40A(4) Abandoned vehicle wreck may be taken</p> <p>s.3.46 Goods May be withheld until costs paid</p> <p>s.3.47 Confiscated or uncollected goods, disposal of</p> <p>s.3.47A Sick or injured animals, disposal of</p> <p>s.3.48 Impounding expenses, recovery of</p> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <p>Regulations 29 and 29A</p>
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Council delegates power to the Chief Executive Officer to undertake the functions and duties required under Subdivision 4 of Division 3 of Part 3 of the *Local Government Act 1995*, in respect to:

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

Subject to:

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

Delegation RNG.8 – Notices Requiring Certain Things to be done by Owner or Occupier of Land

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
<ol style="list-style-type: none"> 1. <i>Local Government Act 1995, Section 5.42</i> 2. <i>Local Government Act 1995, Section 3.25</i> 3. <i>Local Government Act 1995, Section 3.26</i>

Legal (Subsidiary):

Council delegates power to the Chief Executive Officer to:

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

Rates

Delegation R.1 – Agreement as to Payment of Rates and Service Charges

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.6.49 Agreement as to payment of rates and service charges</p>

Council delegates power to the Chief Executive Officer to make an agreement with a person for the payment of rates and service charges, subject to:

- 1.0 The requirements of Councils “Recovery of Rates” procedures; and
- 2.0 The arrangements agreed to being on the basis that the total debt outstanding will be extinguished by 30th June next following.

Delegation R.2 – Amending the Rate Record

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Rates Officer/Senior Finance Officer
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.6.39(2)(b) Rate record</p>
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Council delegates power to the Chief Executive Officer to determine whether to amend the rate record for the preceding five years, subject to:

- 1.0 Compliance with the requirements of Section 6.39 of the *Local Government Act 1995*.

Delegation R.3 – Due Date for Payment of Rates and Service Charges

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p>Local Government Act 1995:</p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
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<p>Legal (Subsidiary):</p> <p>Local Government Act 1995:</p> <p>s.6.50 Rates or service charges due and payable</p> <p>1.</p>
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Council delegates power to the Chief Executive Officer to determine the date a rate or service charge becomes due and payable, subject to:

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

Delegation R.4 – Objection to Rate Record and Request for Extension of Time

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p>Local Government Act 1995:</p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>
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<p>Legal (Subsidiary):</p> <p>Local Government Act 1995:</p> <p>s.6.76 Grounds of objection</p> <p>1.</p>
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Council delegates power to the Chief Executive Officer to-

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

Delegation R.5 – Recovery of Rates Accruing Where Land Is Sold or Disposed of and Notice Is Not Given

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent):
Local Government Act 1995:
 s.5.42 Delegation of some powers or duties to the CEO

Legal (Subsidiary):
Local Government Act 1995, Section 9.68(5)

Council delegates power to the CEO to recover rates accruing on land, from a person, whether principal or agent, until such time the required notice of the sale or disposal of the land is given.

Delegation R.6 – Recovery of Unpaid Rate or Service Charge

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p>Local Government Act 1995:</p> <p>s.6.56 Rates or service charges recoverable in court</p> <p>s.6.64(3) Actions to be taken</p> <p style="text-align: center;"><i>Local Government Act 1995, Section 6.60(2)</i></p>

Council delegates power to the Chief Executive Officer to determine if –

- 1.0 Court action should be taken to recover an unpaid rate or service charge that is due and payable, subject to:
 - (a) Recovery action having been taken in accordance with Council's Rate Recovery Policy.
- 2.0 Notice should be given to the lessee of the land requiring the lessee to pay to the local government any rent as it falls due, in satisfaction of the rate or service charge.
- 3.0 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)].

Delegation R.7 – Recovery of Rates Debts - Actions to Take Possession of the Land

Date Adopted:	27/02/2020
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995:</i></p> <p>s.6.64(1) Actions to be taken</p> <p>s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings</p> <p>s.6.71 Power to transfer land to Crown or local government</p> <p>s.6.74 Power to have land revested in Crown if rates in arrears 3 years</p>

Council delegates power to the Chief Executive Officer: -

- 1.0 To take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including:
 - i. lease the land, or
 - ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months:
 - I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or
 - II. cause the land to be transferred to the Shire [s.6.71].
- 2.0 To agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].

Works

Delegation W.1 – Altering Thoroughfare Alignments

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent): <i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO
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Legal (Subsidiary): <i>Local Government Act 1995, Section 3.51(3)</i>

Council delegates power to the Chief Executive Officer to give notice of any proposal to:

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

Subject to:

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

Delegation W.2 – Crossing from Public Thoroughfare to Private Land or Private Thoroughfare

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. Local Government (Uniform Provisions) Regulations, Regulations 12, 13 and 14 2. <i>Local Government Act 1995</i>, Section 3.25(1)(b), Section 3.26(2) and (3) 3. <i>Local Government Act 1995</i>, Schedule 9.1(7)

Council delegates power to the Chief Executive Officer to:

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

Delegation W.3 – Entry to Any Land in an Emergency

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <ol style="list-style-type: none"> 1. <i>Local Government Act 1995, Section 5.42</i> 2. <i>Local Government Act 1995, Section 3.34</i>
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<p>Legal (Subsidiary):</p>

Council delegates power to the Chief Executive Officer to enter any land in an emergency and perform any of the local governments functions considered appropriate to deal with the emergency subject to the following conditions:

- 1.0 The Chief Executive Officer is to give notice of intended entry of land where it is practicable to do so, as required by Section 3.34(5).

Delegation W.4 – Excavation on Public Thoroughfares

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
On-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p> <p>s.5.43 Limitations on delegations to the CEO</p>

<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. <i>Local Government Act 1995</i>, Section 3.25(1)(b), Section 3.26(2) and (3) 2. <i>Local Government Act 1995</i>, Schedule 9.1(6) 3. <i>Local Government (Uniform Provisions) Regulations</i>, Regulation 11
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Council delegates power to the Chief Executive Officer to:

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

Delegation W.5 – Gates and Other Devices Across Thoroughfares

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p>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</p>
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<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. <i>Local Government Act 1995</i>, Section 3.25(1)(b), Section 3.26(2) and (3) 2. <i>Local Government Act 1995</i>, Schedule 9.1(5) 3. <i>Local Government Act 1995</i>, Schedule 3.1 4. <i>Local Government (Uniform Provisions) Regulations</i>, Regulation 9
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Council delegates power to the Chief Executive Officer to –

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

Delegation W.6 – Permits for Heavy Haulage Vehicles

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p>

<p>Legal (Subsidiary):</p>

Council delegate power to the Chief Executive Officer to recommend to Main Roads WA approval or refusal of any heavy haulage application.

Delegation W.7 – Private Works On, Over or Under Public Places

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p>

<p>Legal (Subsidiary):</p> <ol style="list-style-type: none"> 1. <i>Local Government Act 1995, Section 3.25(1)(b), Section 3.26(2) and (3)</i> 2. <i>Local Government Act 1995, Schedule 9.1(8)</i> 3. <i>Local Government (Uniform Provisions) Regulations, Regulation 17</i> 4. <i>Shire of Quairading Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law</i>
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Council delegates power to the Chief Executive Officer to –

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

Delegation W.8 – Regulatory Sign Applications (Stop, Give-Way, Speed, etc.)

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	Yes EMW&S
Chief Executive Instruction/Procedure:	

Legal (Parent):
Local Government Act 1995:
 s.5.42 Delegation of some powers or duties to the CEO

Legal (Subsidiary):

Council delegate power to the Chief Executive Officer to make applications to the Main Roads WA for the installation of regulatory signs and markings at such places as the Chief Executive Officer considers warranted.

Delegation W.9 – Temporary Road Closures

Date Adopted:	28/05/2015	Delegate:	CEO
Date Last Reviewed:	25/02/2021	Sub-Delegated:	EMW&S
Policy Reference:		Chief Executive Instruction/Procedure:	

Legal (Parent):

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

Legal (Subsidiary):

Local Government Act 1995:

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

Local Government Functions and General Regulations 1996, Regulations 4, 5 and 6

Road Traffic (Events on Roads) Regulations 1991

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

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

Subject to:

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

Delegation W.10 – Revocation of Temporary Road Closure to Vehicles

Date Adopted:	28/05/2015
Date Last Reviewed:	25/02/2021
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	EMW&S
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i></p> <p>s.5.42 Delegation of some powers or duties to the CEO</p>

<p>Legal (Subsidiary):</p> <p><i>Local Government Act 1995, Sections 3.50(6)</i></p>

Council delegate power to the Chief Executive Officer to revoke an order to close a thoroughfare subject to the provisions of Section 3.50(6) of the *Local Government Act 1995*.

Statutory Authorisations and Delegations to Local Government from State Government Entities

Delegations from other Agencies and Instruments of Delegation or other Acts

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, no delegation is required from the 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.

Date Gazetted:	19/03/2014
Date Last Reviewed:	19/03/2014
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

<p>Legal (Parent):</p> <p><i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO <i>Environmental Protection Act 1986</i></p>

<p>Legal (Subsidiary):</p>

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EV401

ENVIRONMENTAL PROTECTION ACT 1986

Section 20

Delegation No. 52

Pursuant to section 20 of the *Environmental Protection Act 1986*, the Chief Executive Officer hereby delegates as follows—

Powers and duties delegated—

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

Persons to whom delegation made—

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

Pursuant to section 59(1)(e) of the *Interpretations Act 1984*, Delegation No. 32, dated 4 February 2000 is hereby revoked.

Dated this 9th day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

Delegation 112 – Noise Management Plans – Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events

Date Gazetted:	20/12/2013	Delegate:	CEO
Date Last Reviewed:	20/12/2013	Sub-Delegated:	No
Policy Reference:		Chief Executive Instruction/Procedure:	

Legal (Parent): <i>Environmental Protection Act 1986</i>	Legal (Subsidiary):
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EV402

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to any person for the time being holding or acting in the office of a Chief Executive Officer under the *Local Government Act 1995*, my powers and duties under the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation, in relation to--

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

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

Delegation 119 – Noise Management Plans – Construction Sites

Date Gazetted:	16/05/2014
Date Last Reviewed:	16/05/2014
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent): <i>Local Government Act 1995</i> <i>Environmental Protection Act 1986</i>
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Legal (Subsidiary): <i>Environmental Protection (Noise) Regulations 1997</i> r.13 Construction sites

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EV405

ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 119

I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the *Environmental Protection Act 1986* ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of--

(a) Chief Executive Officer under the *Local Government Act 1995*; and

(b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

all my powers and duties in relation to noise management plans under regulation 13 of the *Environmental Protection (Noise) Regulations 1997*, other than this power of delegation.

Under section 59(1)(e) of the *Interpretation Act 1984*, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

Delegation 1738/2002v8; 858/2001 v9 – Instrument of Authorisation - Sign Development Applications for Crown Land as Owner

Date Authorised:	2/06/2016
Date Last Reviewed:	2/06/2016
Policy Reference:	

Delegate:	CEO
Sub-Delegated:	No
Chief Executive Instruction/Procedure:	

Legal (Parent): <i>Planning and Development Act 2005</i> <i>Land Administration Act 1997, section 7(1)</i> <i>Local Government Act 1995, section 267(A)</i>

Legal (Subsidiary):

DoL FILE 1738/2002v8; 858/2001v9

PLANNING AND DEVELOPMENT ACT 2005

INSTRUMENT OF AUTHORISATION

I, **Donald Terrence Redman MLA**, Minister for Lands, a body corporate continued by section 7(1) of the *Land Administration Act 1997*, under section 267A of the *Planning and Development Act 2005*, HEREBY authorise, in respect of each local government established under the *Local Government Act 1995* and listed in Column 2 of the Schedule, the person from time to time holding or acting in the position of Chief Executive Officer of the relevant local government, to perform the powers described in Column 1 of the Schedule subject to the conditions listed in Column 3 of the Schedule.

Dated the 2nd day of June 2016



**HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS**

SCHEDULE

This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the *Planning and Development Act 2005*

Column 1

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

- a reserve managed by the local government pursuant to section 46 of the *Land Administration Act 1997* and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or
- the land is a road of which the local government has the care, control and management under section 55(2) of the *Land Administration Act 1997* and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a "minor encroachment" in the Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,

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

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

Column 2

City of Albany
 City of Armadale
 Shire of Ashburton
 Shire of Augusta-Margaret River
 Town of Bassendean
 City of Bayswater
 City of Belmont
 Shire of Beverley
 Shire of Boddington
 Shire of Boyup Brook
 Shire of Bridgetown-Greenbushes
 Shire of Brookton
 Shire of Broome
 Shire of Broomehill-Tambellup
 Shire of Bruce Rock
 City of Bunbury
 Shire of Busselton
 Town of Cambridge
 City of Canning
 Shire of Capel
 Shire of Carnamah
 Shire of Carnarvon
 Shire of Chapman Valley
 Shire of Chittering
 Shire of Christmas Island
 Town of Claremont
 City of Cockburn
 Shire of Cocos (Keeling) Islands
 Shire of Collie
 Shire of Coolgardie
 Shire of Coorow
 Shire of Corrigin
 Town of Cottesloe
 Shire of Cranbrook
 Shire of Cuballing
 Shire of Cue
 Shire of Cunderdin
 Shire of Dalwallinu
 Shire of Dandaragan
 Shire of Dardanup
 Shire of Denmark
 Shire of Derby/West Kimberley
 Shire of Donnybrook-Balingup
 Shire of Dowerin
 Shire of Dumbleyung
 Shire of Dundas
 Town of East Fremantle
 Shire of East Pilbara
 Shire of Esperance
 Shire of Exmouth
 City of Fremantle
 City of Greater Geraldton

Shire of Nannup
 Shire of Narembeen
 Shire of Narrogin
 Town of Narrogin
 City of Nedlands
 Shire of Ngaanyatjaraku
 Shire of Northam
 Shire of Northampton
 Shire of Nungarin
 Shire of Peppermint Grove
 Shire of Perenjori
 City of Perth
 Shire of Pingelly
 Shire of Plantagenet
 Town of Port Hedland
 Shire of Quairading
 Shire of Ravensthorpe
 City of Rockingham
 Shire of Roebourne
 Shire of Sandstone
 Shire of Serpentine Jarrahdale
 Shire of Shark Bay
 City of South Perth
 City of Stirling
 City of Subiaco
 City of Swan

Shire of Nannup
 Shire of Narembeen
 Shire of Narrogin
 Town of Narrogin
 City of Nedlands
 Shire of Ngaanyatjaraku
 Shire of Northam
 Shire of Northampton
 Shire of Nungarin
 Shire of Peppermint Grove
 Shire of Perenjori
 City of Perth
 Shire of Pingelly
 Shire of Plantagenet
 Town of Port Hedland
 Shire of Quairading
 Shire of Ravensthorpe
 City of Rockingham
 Shire of Roebourne
 Shire of Sandstone
 Shire of Serpentine Jarrahdale
 Shire of Shark Bay
 City of South Perth
 City of Stirling
 City of Subiaco
 City of Swan

Column 3

In accordance with and subject to approved Government Land policies.

Any signature subject to the following endorsement:
 Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the *Planning and Development Act 2005* (including any planning scheme).
 The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.

Shire of Tammin
Shire of Three Springs
Shire of Toodyay
Shire of Trayning
Shire of Upper Gascoyne
Town of Victoria Park
Shire of Victoria Plains
Town of Vincent
Shire of Wagin
Shire of Wandering
City of Wanneroo
Shire of Waroona
Shire of West Arthur
Shire of Westonia
Shire of Wickepin
Shire of Williams
Shire of Wiluna
Shire of Wongan-Ballidu
Shire of Woodanilling
Shire of Wyalkatchem
Shire of Wyndham-East Kimberley
Shire of Yalgoo
Shire of Yilgarn
Shire of York



HON DONALD TERRENCE REDMAN MLA
MINISTER FOR LANDS

2nd day of June 2016