SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

Attachment Booklet
June 2024

ATTACHMENT BOOKLET

Item	Description
8.1	Ordinary Council Meeting Minutes – 28 May 2024
8.2	Agenda Forum Notes – 18 June 2024
CC01-06/24	Accounts for Payment – June 2024
CC02-06/24	Statement of Financial Activity – April 2024
CC03-06/24	May 2024 Budget Amendments
CEO01-06/24	Register of Delegated Authority 2024
ID01-06/24	May 2024 Development Delegated Authority Report
ID02-06/24	Proposed Road Naming Plan
ID03-06/24	Attachment 1 – Application – Shipping Container
ID03-06/24	Attachment 2 – Street Photos
ID03-06/24	Attachment 3 – Shipping Containers Policy
IO01-06/24	Attachment 1 – GHD Report – Black Spot Information
IO01-06/24	Attachment 2 – Point Leander Drive Kerb and Drainage Survey

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

25 June 2024

Item 8.1

Ordinary Council Meeting Minutes
28 May 2024

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

MINUTES

Of the

Ordinary Council Meeting

held on

Tuesday 28 May, 2024

in the

Council Chambers
11-13 Waldeck Street, Dongara

ling

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MINUTES

of the

ORDINARY COUNCIL MEETING

Held on

28 May 2024

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff and Members of the Gallery then declared the Meeting open at 6.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Leonard	President
Councillor B Wyse	Deputy President
Councillor I Scott	
Councillor A J Gillam	
Councillor E Tunbridge	
Councillor P Summers	

Staff

Mr S D Ivers	Chief Executive Officer
Miss P Machaka	Manager Finance
Mr M Connell	Manager Development
Ms F Boksmati	Acting Manager Community Services
Mr M Jones	Acting Manager Operations
Ms S Mearns	Acting Executive Assistant

Guests

Nil

Apologies

Mr S Stubbs	Community Emergency Services Manager

Approved Leave of Absence

Nil

Gallery

Mr Bruce Baskerville, Indiaview', Port Denison

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following questions relate to item ID02-04/24 'Proposed Gas Extraction and Processing Facility – Lots 3558 and 3561 Midlands Road, Mount Horner', from the April 2024 Ordinary Meeting of Council.

Question 1: Mr Bruce Baskerville, 'Indiaview', Port Denison
Neither the documents provided by the proponents, nor the Shire officer's report or recommendations, make any reference to the site and associated pipelines once its proposed uses come to an end. Can Councillors please include a specific condition, similar in character to conditions d, e, f and g, requiring the restoration of native vegetation, and rehabilitation of agricultural land, on affected land by the facility owners at the end of the facility's life?

Response: *Rehabilitation requirements are usually only placed on a development application if there is a definitive end timeframe for the operations. The application (at this stage) does not have an end timeframe for operations. Notwithstanding, it is the Shire's understanding that the landowner has an agreement in place with the operator that will require the land to be returned to its former state.*

Question 2: Mr Bruce Baskerville, 'Indiaview', Port Denison
Neither the documents provided by the proponents, nor the Shire officer's report or recommended conditions, make any reference to Scope 1, Scope 2 and Scope 3 emissions resulting from the project. Can the Shire either ask the proponents to provide estimates of that information now, **and/or** can include a condition to require the owners/operators to regularly update the Shire on these emissions, over the life of the project, so that the Shire can in turn regularly report that data to the Shire community?

- Scope 1 emissions – direct emissions released into the atmosphere as a direct result of activities on the site.
- Scope 2 emissions – indirect emissions released into the atmosphere beyond the site but a direct result of site activities, such as electricity generation for use on the site.
- Scope 3 emissions – broad emissions released into the atmosphere as a result of actions on the site, such as emissions generated by the use of the gas by the end consumer (upstream), or in transporting the condensate to the port (downstream).

Response: *The project was subject to an environmental impact assessment under the Environmental Protection Act 1986. The Environmental Protection Authority (EPA) considered that the likely environmental effects of the proposal were not so significant as to warrant formal assessment due to the proponent's detailed designs and strategies to minimise and mitigate impacts on environmental factors. The proposal is mostly located within a previously disturbed area and the native vegetation is in a degraded condition, and scope 1 and 2 greenhouse gas emissions are below the 100,000 CO2-e per annum threshold. The EPA is of the view that the potential impacts of the proposal can be adequately managed through the implementation of the proposal in accordance with the referral documentation and the proponent's management and mitigation measures.*

Question 3: Mr Bruce Baskerville, 'Indiaview', Port Denison
Are any of the proponents or entities involved in the proposed development members of the IAAC, and if so, have they agreed, in writing, to reimbursing the Shire for its IAAC expenditures?

Response: *Yes*

4. PUBLIC QUESTION TIME

Question 1: Mr Bruce Baskerville, 'Indiaview', Port Denison
With reference to a budget line item (Capital Expenditure – Assets – Recreation & Culture) Hall (Capital Expenditure – Assets – Recreation & Culture) of $240,000 for Dongara Town Hall, can you please tell me 'What is the project, works or purpose of the funding'?

Response: *The purpose of the project is to repair the Dongara Town Hall which will be utilised as the Shire of Irwin Emergency Centre with funds received via Cyclone Seroja Recovery Grant Programs.*

Question 2: Mr Bruce Baskerville, 'Indiaview', Port Denison
With reference to a budget line item (Capital Expenditure – Assets – Recreation & Culture) Hall (Capital Expenditure – Assets – Recreation & Culture) of $240,000 for Dongara Town Hall, can you please tell me 'Has any of the work commenced'?

Response: *No works have commenced however, a scope of works is currently with the Architects and once completed, required works will go out to tender.*

Question 3: Mr Bruce Baskerville, 'Indiaview', Port Denison
With reference to a budget line item (Capital Expenditure – Assets – Recreation & Culture) Hall (Capital Expenditure – Assets – Recreation & Culture) of $240,000 for Dongara Town Hall, can you please tell me 'If work has not commenced by the end of this financial year, will the funds be carried over in full (or increased at least for inflation) to the 2024/25 financial year for the same or similar work on the Hall'?

Response: *Minor funds have been expended by the Shire while seeking architectural advice in relation to this Project. All unexpended funds will be carried over to the 2024/25 financial year. The amount of $240,000 will not be affected/increased in relation to inflation.*

5. DECLARATIONS OF INTEREST

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS AND DEPUTATIONS

Nil

8. CONFIRMATION OF MINUTES AND TABLING OF AGENDA FORUM NOTES

8.1 Minutes of the Ordinary Council Meeting held 23 April 2024

The Minutes of the Ordinary Council Meeting held 23 April 2024 have been provided to all Councillors under separate cover.

OFFICER RECOMMENDATION AND COUNCIL DECISION	**020524**
MOVED: Cr Gillam	**SECONDED: Cr Summers**
That Council confirms the Minutes of the Ordinary Council Meeting held 23 April 2024.	
VOTING DETAILS:	**CARRIED: 6/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**
Against:	**Nil**

8.2 Minutes of the Special Council Meeting held 21 May 2024

The Minutes of the Special Council Meeting held 21 May 2024 have been provided to all Councillors under separate cover.

OFFICER RECOMMENDATION AND COUNCIL DECISION	**030524**
MOVED: Cr Wyse	**SECONDED: Cr Gillam**
That Council confirms the Minutes of the Special Council Meeting held 21 April 2024.	
VOTING DETAILS:	**CARRIED: 6/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**
Against:	**Nil**

8.3 Agenda Forum Notes 21 May 2024

At the Agenda Forum held 21 May 2024, Shire Officers presented background information and answered questions on Items to be considered at the May Ordinary Council Meeting. Notes from the Agenda Forum are included in the *Attachment Booklet – May 2024*.

OFFICER RECOMMENDATION AND COUNCIL DECISION	**040524**
MOVED: Cr Gillam	**SECONDED: Cr Wyse**
That Council notes that the Agenda Forum was held on 21 April 2024.	
VOTING DETAILS:	**CARRIED: 6/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**
Against:	**Nil**

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

24 April 2024	The Shire President attended the DDHS ANZAC Day Ceremony at Memorial Park
25 April 2024	The Shire President attended the ANZAC Day Dawn Service and ANZAC Day March
2 May 2024	The Shire President and the CEO attended the monthly MWDC Meeting
7 May 2024	The Shire President and the CEO attended the Local Emergency Management Committee (LEMC) Meeting
14 May 2024	The Shire President and CEO attended the Council Budget Workshop
21 May 2024	Shire President attended a meeting with Sandra Carr MLC
21 May 2024	Shire President attended a catchup with the MWDC Chair
27 May 2024	Shire President and CEO met with Jessica Shaw MLA, Lara Dalton MLA and Sandra Carr MLC

10. REPORTS

10.1 Officer Reports

CORPORATE AND COMMUNITY	CC02-05/24
Subject:	**CC02-05/24 Accounts for Payment**
Author:	**S Clarkson, Senior Finance Officer**
Responsible Officer:	**P Machaka, Manager Finance**
File Reference:	**2.00057**
Voting Requirements:	**Simple Majority**

Council Role:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☒	**Executive**	The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to receive the list of accounts paid under delegated authority during April 2024.

Background:
A list of accounts paid under delegated authority is attached showing all payments made during the month of April 2024.

Officer's Comment:
Nil

Consultation:
Nil

Statutory Environment:
The *Local Government (Financial Management) Regulations 1996* provides as follows:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment; and
(d) sufficient information to identify the transaction.

(3) A list prepared under sub-regulation (1) or (2) is to be —
(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
(b) recorded in the minutes of that meeting.

Policy Implications:
Under Delegation CEO101 Council has delegated authority to the Chief Executive Officer to authorise payments from the municipal or trust fund.

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Attachment Booklet – May 2024
CC02-05/24 Attachment 1 Accounts for Payment – April 2024

OFFICER RECOMMENDATION AND COUNCIL DECISION 050524

MOVED: Cr Wyse **SECONDED: Cr Summers**

That Council by Simple Majority, receives the Accounts paid during April 2024 as contained in CC01-05/24 Attachment 1 of the Attachment Booklet – May 2024, represented by:

Payment Type/Numbers	Total Amount
EFT 31778 – 31896	**$396,933.21**
Muni Cheques – 32189 – 32189	**$114,145.15**
Direct Debit – Telstra	**$7,522.30**
Direct Debit – WA Treasury Corporation	**$137,512.51**
Direct Debit – Credit Card	**$25,201.53**
Direct Debit – N-Able Pty Ltd	**$1,146.57**
Direct Debit – Australian Phone Company	**$225.23**
Direct Debit – Insurance Premium Repayments	**$54,988.20**
Direct Debit – Rental Allowance/Charges	**$4,100.00**
Direct Debit – Bonds Administrator	**$4,600.00**
Direct Debit – Superannuation	**$53,026.07**
Grand Total	**$799,400.77**

VOTING DETAILS: **CARRIED: 6/0**

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**

Against: **Nil**

CORPORATE AND COMMUNITY	CC03-05/24
Subject:	**CC03-05/24 Notice to Change Previous Council Decision**
Author:	**P Machaka, Manager Finance**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0169**
Voting Requirements:	**Absolute Majority**

Council Role:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☒	**Executive**	The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council, to resolve to change Part 1 of its decision (CC01-05/24) made at the Special Council Meeting on 21 May 2024 as detailed in the Notice of Revocation of Council Decision submitted by Cr Mark Leonard. The Notice of Revocation can be found in Attachment Booklet – May 2024, CC03-05/24 Attachment 1.

Background:
At the Special Council Meeting held 21 May 2024, Council adopted the following:

OFFICER RECOMMENDATION AND COUNCIL DECISION	010524

MOVED: Cr Wyse **SECONDED: Cr Gillam**

That Council:

1) **Adopts the following rates in the dollar and minimum rates for the differential rating categories specified for the 2024/25 financial year:**

Rate Category	Rate in Cents in the Dollar	Minimum Rates
Gross Rental Valuations		
General Rate	**13.065**	**$1050**
Unimproved Valuations		
General Differential Rate	**1.0910**	**$1050**
Mining Differential Rate	**22.335**	**$1050**

2) Approves the advertising of its intention in accordance with Section 6.36 of the *Local Government Act 1995*;

3) Endorses the Statement of Objects and Reasons, as presented in Attachment Booklet – May 2024 under separate cover; and

4) Confirms that expenditure has been reviewed and the following efficiency measures have been considered as part of budget deliberations:

Efficiency Measures:

- **Service levels and core business**
- **Process improvement strategy to increase efficiencies**
- **Rural roads infrastructure improvement strategy**
- **Asset management strategy**
- **Improve utility efficiencies for future savings**

VOTING DETAILS **CARRIED: 6/0**

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**

Against: **Nil**

Officer's Comment:
Whilst undertaking a review of the details contained within the Officer Recommendation relating to Item CC01-05/24 Differential Rates 2024/25 prior to advertising to the community, it was noted that the GRV Rate in the dollar was calculated based on the 2019 Landgate Valuations. As such, rates in the dollar for each category have been recalculated as follows:

Rate Category	Rate in Cents in the Dollar	Minimum Rates
Gross Rental Valuations:		
General Rate	**~~13.065~~ 9.825**	**$1050**
Unimproved Valuations:		
General Differential Rate	**~~1.0910~~ 1.0891**	**$1050**
Mining Differential Rate	**~~22.335~~ 21.147**	**$1050**

It should be noted that the revenue distribution for each rate category aligns to the modelling scenario that Council opted for at the 2024/25 budget workshop on the 21 May 2024.

In accordance with the requirements of Regulation 10(2) of the *Local Government (Administration) Regulations 1996*, an Absolute Majority of Council is required for the Revocation Motion to be carried.

Consultation:
Consultation has been conducted with WALGA Governance specialists.

Statutory Environment:
Section 10 *Local Government (Administration) Regulations 1996*

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Nil

OFFICER RECOMMENDATION AND COUNCIL DECISION 060524

MOVED: Cr Summers **SECONDED: Cr Tunbridge**

That Council, by absolute majority in accordance with *Local Government Administration Regulation 10*, resolves to change Part 1 of its decision (CC01-05/24) made at the Special Council Meeting on 21 May 2024 as follows:

1. **Adopts the following rates in the dollar and minimum rates for the differential rating categories specified for the 2024/25 financial year:**

Rate Category	Rate in Cents in the Dollar	Minimum Rates
Gross Rental Valuations:		
General Rate	**9.825**	**$1050**
Unimproved Valuations:		
General Differential Rate	**1.0891**	**$1050**
Mining Differential Rate	**21.147**	**$1050**

VOTING DETAILS: **CARRIED: 6/0**

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**

Against: **Nil**

DEVELOPMENT SERVICES	ID01-05/24
Subject:	**ID 01-05/24 April 2024 Development Delegated Authority Report**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.00125**
Voting Requirements:	**Simple Majority**

Council Role:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☒	**Executive**	The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to receive the April 2024 Development Delegated Authority Report.

Background:
Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire.

The use of delegated authority means the large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

Officer's Comment:
This report presents the details of development functions made under delegated authority for the month of April 2024, with 7 building permits, 6 applications for development approval and 1 subdivision clearance having been issued.

Consultation:
Nil.

Statutory Environment:
- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future – Strategic Community Plan 2021 – 2031
Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles
Strategy 4.3.2 Adopt and follow better practice processes

Attachments:
Attachment Booklet – May 2024
ID01-05/24 Attachment 1: April 2024 Development Delegated Authority Report

OFFICER RECOMMENDATION AND COUNCIL DECISION	**070524**
MOVED: Cr Gillam	**SECONDED: Cr Tunbridge**
That Council by Simple Majority, receives the April 2024 Development Delegated Authority Report, as contained in ID01-05/24 Attachment 1 of the Attachment Booklet – May 2024.	
VOTING DETAILS:	**CARRIED: 6/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**
Against:	**Nil**

REGULATORY SERVICES	ID02-05/24
Subject:	**ID 02-05/24 Proposed Road Name – Sikh Lane, Dongara**
Author:	**M Connell, Manager Development**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**P24/27**
Voting Requirements:	**Simple Majority**

Council Role:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☒	**Executive**	The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☐	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to approve, subject to advertising the proposed road name 'Sikh Lane' to be applied to the unnamed road that runs east off Hepburn Street, Dongara in between Smith Street and Moreton Terrace.

Background:
A request has been received from the Irwin Districts Historical Society (IDHS) for Council to consider formally naming the un-named public road behind the old newsagents that runs into the Chemist/Batavia Boulevard carpark as 'Sikh Lane'. Should Sikh Lane not be approved then the alternate names of Punjab and Sojan have been suggested by the IDHS.

A copy of the IDHS request is contained in ID02-05/24 Attachment 1 which includes the survey diagrams that depict the road extents. In summary the reasons/origins of the proposed names are as follows:

Sikh Lane

The Sikh community is an integral component of Dongara's cultural history and heritage, forming a large community in the town in the early twentieth century, with notable Sikh leaders Sojan Singh and Rur Singh also engaged in Dongara's business and civic life. The lane runs from Hepburn Street into the former commercial and residential properties of Sojan Singh (c1906-1920) and Rur Singh (1920-1947) that formed Dongara's early twentieth century 'Sikh Quarter'. The buildings were all demolished in 1989, and naming the lane is requested is a means of interpreting and marking this historical presence.

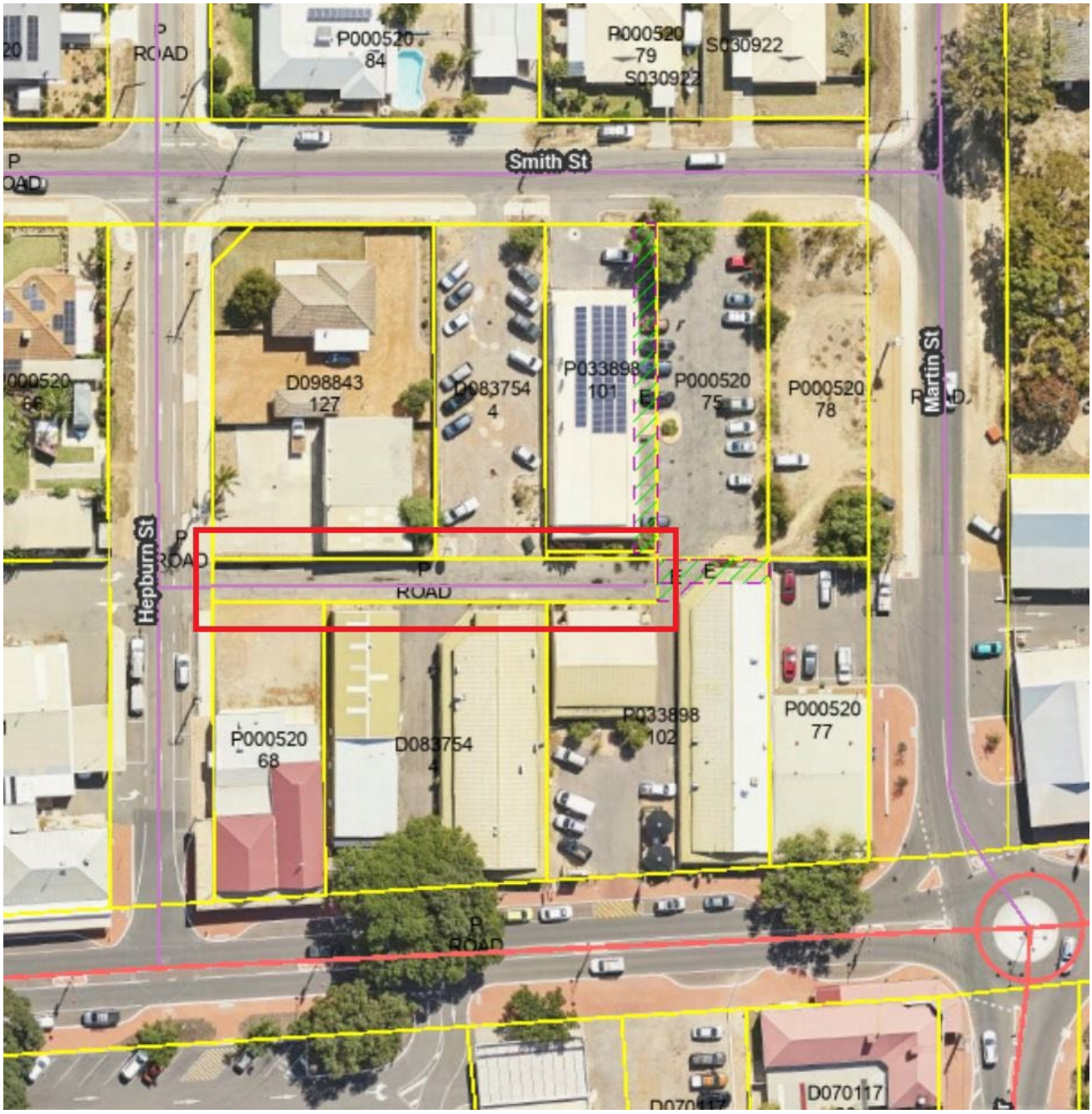
Punjab Lane

Punjab is the English-language name of the homeland of all Sikhs. All the Sikhs that lived in Dongara migrated to WA from Punjab, apart from the children of Sojan Singh and some children of Attra Singh who were born in Irwin or Dongara.

Sojan Lane

The first Sikh settlers in Dongara were Sojan Singh and his brother Pola Singh. Sojan was ex-Indian Army, operated a hawker's cart with his brother, then opened a rented general store in 1901 (now the old newsagency). In 1906 he built a new store and residence, and Pola built another store beside the 1906 store in 1930. These stores and residences were the 'Sikh Quarter'.

Location Plan



Officer's Comment:
The proposed names are considered appropriate given the Sikh community's strong historical linkages with the locality and all the names have passed preliminary validation for availability from Landgate.

Consultation:
The *Policies and Standards for Geographical Naming in Western Australia* requires that any new naming proposal considered to be of significance to the immediate or extended community must include evidence of consultation with the community.

IDHS has advised that in 2022 they informally consulted, face to face, with all proprietors whose premises adjoin the un-named lane which indicated support for the proposed name.

It is recommended that the Shire formally advertise the proposed road names for a period of 21 days in the following ways:

- A notice being published in the Dongara Denison Local Rag;
- A copy of the application being made available for public inspection at the Shire office;
- The application being published on the Shire's website; and
- A written notice being sent to abutting landowners and the Sikh Association of WA.

Statutory Environment:
The practice of officially naming roads is covered under section 26A of the *Land Administration Act 1997*. The local government must first approve proposed road names and then forward them to the Minister for Lands for final approval.

The legislation is supported by the *Policies and Standards for Geographical Naming in Western Australia* which provides the necessary information and details the principles and standards which apply to all naming. The proposed names are considered to be in accordance with the policy and standards.

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 1.2.1 Recognise places of cultural and heritage value.
Strategy 1.2.3 Support community-initiated projects and activities.

Attachments:
Attachment Booklet – May 2024
ID02-05/24 Attachment 1: IDHS Road Naming Request

OFFICER RECOMMENDATION AND COUNCIL DECISION	**080524**
MOVED: Cr Wyse	**SECONDED: Cr Summers**

That Council, by Simple Majority:

1. **Advertise the proposed road names of Sikh, Punjab and Sojan.**
2. **Should no objections be received following the advertising period, approve the use of the following road names in order of preference for the road as shown on Survey Diagrams 63877, 63878 and 63879:**

a. Sikh Lane;
b. Punjab Lane; and
c. Sojan Lane

3. Should any objections be received following the advertising period then require a further report to be presented to Council.

VOTING DETAILS: CARRIED: 6/0

For: **Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**

Against: **Nil**

OFFICE OF CEO	CEO01-05/24
Subject:	**CEO 01-05/24 Local Emergency Management Arrangements (LEMA)**
Author:	**S Stubbs, Community Emergency Services Manager**
Responsible Officer:	**S Ivers, Chief Executive Officer**
File Reference:	**3.0169**
Voting Requirements:	**Simple Majority**

Council Role:

☐	**Advocacy**	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
☐	**Executive**	The substantial direction setting and oversight role of the Council e.g., performance of the Local Government's function under law, administration of Local Laws, adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
☒	**Legislative**	Includes adopting local laws and local planning schemes.
☐	**Review**	When Council reviews decisions made by Officers.
☐	**Quasi-judicial**	When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g., local planning applications, building permits, other permits/licences (e.g. under the Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:
For Council to endorse the Shire's Local Emergency Management Arrangements (LEMA) 2024.

Background:
The Shire of Irwin Local Emergency Management Arrangements (LEMA) recently underwent its 5 yearly review and was endorsed by the Local Emergency Management Committee at its meeting held 7 May 2024.

Officer's Comment:
All stakeholders consulted and were provided the opportunity to participate in review. The LEMA was streamlined to assist as a more efficient guide during emergency situations when time is critical.

Consultation:
Local Emergency Management Committee

Statutory Environment:
Section 36(a) *Emergency Management Act 2005*
Section 38(1) *Emergency Management Act 2005*
Sections 41, 42 & 43 *Emergency Management Act 2005*

Policy Implications:
Nil

Financial/Resource Implications:
Nil

Strategic Implications:
Our Brilliant Future - Strategic Community Plan 2021 – 2031
Strategy 1.3.1 Partner with relevant agencies in relation to emergency services management

Attachments:
Attachment Booklet – May 2024
CEO01-05/24 Attachment 1 – Local Emergency Management Arrangements (LEMA) 2024

OFFICER RECOMMENDATION AND COUNCIL DECISION	**090524**
MOVED: Cr Summers	**SECONDED: Cr Scott**

That Council, by Simple Majority:

1. **Endorse the Shire of Irwin Local Emergency Management Arrangements (LEMA) 2024; and**
2. **Authorise the Chief Executive Officer to sign the document.**

VOTING DETAILS:	**CARRIED: 6/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**
Against:	**Nil**

10.2 Committee Reports

10.2.1 LEMC Meeting

The unconfirmed minutes of the LEMC Meeting held 21 February 2024 can be found in the *Attachment Booklet – May 2024*.

OFFICER RECOMMENDATION AND COUNCIL DECISION	**100524**
MOVED: Cr Tunbridge	**SECONDED: Cr Summers**
That Council receives the unconfirmed minutes of the LEMC Meeting held 18 March 2024.	
VOTING DETAILS:	**CARRIED: 6/0**
For:	**Cr Leonard, Cr Wyse, Cr Scott, Cr Gillam, Cr Summers, Cr Tunbridge**
Against:	**Nil**

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

14. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

15. CLOSURE

There being no further business the Presiding Member declared the meeting closed at 6.16pm.

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

25 June 2024

Item 8.2

Agenda Forum Notes
18 June 2024

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

AGENDA FORUM NOTES

Tuesday 18 June, 2024

in the

Council Chambers

11-13 Waldeck Street, Dongara

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors and Staff and declared the June 2024 Agenda Forum open at 5.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M Leonard	President
Councillor B Wyse	Deputy President
Councillor I Scott	
Councillor A J Gillam	
Councillor E Tunbridge	
Councillor P Summers	

Staff

Mr S D Ivers	Chief Executive Officer
Miss P Machaka	Manager Finance
Mr M Connell	Manager Development
Ms F Boksmati	Acting Manager Community Services
Mr M Jones	Acting Manager Operations
Ms S Mearns	Acting Executive Assistant

Apologies

Cr Isabelle Scott	
Cr Barry Wyse	
Mr Shannon Stubbs	Community Emergency Services Manager

Approved Leave of Absence
Nil

Gallery
Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

This matter will be dealt with at the Ordinary Council Meeting being held on 25 June 2024.

4. PUBLIC QUESTION TIME

Nil

5. DECLARATIONS OF INTEREST

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

This matter will be dealt with at the Ordinary Council Meeting being held on 25 June 2024.

7. PETITIONS AND DEPUTATIONS

Nil

8. CONFIRMATION OF MINUTES

8.1 Minutes of the Ordinary Council Meeting held 28 May 2024

This matter will be dealt with at the Ordinary Council Meeting being held on 25 June 2024.

9. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

10. DRAFT JUNE 2024 OCM REPORTS

The Shire President, Cr Mark Leonard, gave a brief summary of the June 2024 OCM Agenda items to be considered by Council as follows:

CC01-06/24	**Accounts for Payment**
Report Purpose	For Council to receive the list of accounts paid under delegated authority during May 2024.
Questions	Nil

CC02-06/24	**Monthly Financial Statements for the Period Ended 30 April 2024**
Report Purpose	For Council to consider and receive the Monthly Financial Statements for the period 1 July 2023 to 30 April 2024.
Questions	Nil

CC03-06/24	**Budget Amendments 31 May 2024**
Report Purpose	For Council to approve amendments to the 2023/24 budget as detailed in the attachment.
Questions	Nil

CEO01-06/24	**Register of Delegations 2024 – Council to CEO – Annual Review**
Report Purpose	For Council to review the Register of Delegations – Council to Chief Executive Officer (the 'Register'), provided as Attachment Booklet June 2024.
Questions	Nil

ID01-06/24	**May 2024 Development Delegated Authority Report**
Report Purpose	For Council to receive the May 2024 Development Delegated Authority Report.

Questions	Nil
ID02-06/24	**Proposed Road Name and Albatross Lane Extension, Port Denison**
Report Purpose	For Council to approve the road name extension of 'Albatross Lane' and the new road name 'Pelican Lane' to be applied to the unnamed road that runs south-west between Samuel and Herbert Streets, Port Denison.
Questions	Query as to whether there was any statutory reason for the order of street names and if not, could Shearwater move to being the first option?
ID03-06/24	**Proposed Shipping Container Outbuilding – Lot 55 (No. 43) Philbey Road, Dongara**
Report Purpose	For Council to determine an application for development approval for a 'Shipping Container' to be used as an 'Outbuilding' on Lot 55 (No. 43) Philbey Road, Dongara.
Questions	Nil
IO01-06/24	**Point Leander Blenheim Roundabout Design Sole Sourcing**
Report Purpose	For Council by Absolute Majority, to approve the sole sourcing to engage consultants to complete a detailed design for the Point Leander Drive/Blenheim Road roundabout at a budgeted cost of $107,791 (plus GST).
Questions	Query why just one quote and response provided there is only one local company with the required skills for this project plus the Shire's Local Price Preference Policy would apply. It was also noted that the road safety report attachment had been left out. Some discussion why a reasonably new roundabout was non-compliant in the first instance and noted that there were concerns raised back at this time. A map of the works was requested within the report or as an attachment.
CEO02-06/24	**LG Corporate Services Association**
Report Purpose	To seek Council's approval to create a not-for-profit association for the purpose of establishing a consolidated or standardised corporate service model that may expand to include other local governments.
Questions	Query as to the envisaged optimal number of member councils and whether geographical proximity was an issue? The ideal number is around 10 to 20 and geographical proximity is not required. It was also queried whether there would be an impact on staff numbers and the response is no, though it is up to each Shire regarding their individual staff requirements and rather the focus is on compliance and efficiency plus the ability to share resources should it be required.

10.2 Committee Reports

Nil

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

This matter will be dealt with at the Ordinary Council Meeting being held on 25 June 2024.

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

This matter will be dealt with at the Ordinary Council Meeting being held on 25 June 2024.

13. URGENT BUSINESS APPROVED BY PERSON PRESIDING OR BY DECISION

Nil

14. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil

15. CLOSURE

There being no further business, the Agenda Forum was closed at 5.44pm.

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

25 June 2024

Item CC01-06/24
Attachment 1
Accounts for Payment

Shire of Irwin

List of Accounts paid May 2024 for presentation to the Council Meeting 25 June 2024

MUNICIPAL/(TRUST) PAYMENTS

EFT/CHQ #	DATE	PAYEE	DESCRIPTION	PAYMENTS
EFT32010	10/05/2024	EVIDENCE ADVISORY PTY LTD	CONSULTANCY SERVICES	-2,750.00
EFT32011	15/05/2024	AMY CHADBOURNE	COMMUNICATIONS AND MEDIA CONSULTANCY SERVICES	-5,580.00
EFT32012	15/05/2024	AUSTRALIAN TAXATION OFFICE - BAS	BAS RECONCILIATION	-46,360.00
EFT32013	15/05/2024	DONGARA TOWING & 4X4 RECOVERY	REMOVE AND DISPOSE OF WRECKED VEHICLES	-110.00
EFT32014	15/05/2024	MOORE AUSTRALIA (WA) PTY LTD	PROFESSIONAL SERVICES	-6,235.35
EFT32015	15/05/2024	IRWIN SHIRE - RATES	PAYROLL DEDUCTIONS	-4,200.00
EFT32016	15/05/2024	LOCALISE PTY LTD	FACILITATION OF COUNCILLOR WORKSHOP	-3,464.03
EFT32017	15/05/2024	SHIRE OF IRWIN - LOTTO FUND	PAYROLL DEDUCTIONS	-255.00
EFT32018	15/05/2024	RAECO	LIBRARY SHELVING, DISPLAYS AND BAY END PANELS	-5,292.10
EFT32019	15/05/2024	R & J TRUST - PEARCE PAINTING & DECORATING	PAINTING OF FOUNDATIONS POTTERY CLUB/LOCAL RAG BUILDING	-6,434.34
EFT32020	15/05/2024	SONY PICTURES RELEASING PTY LTD	FILM RENTAL	-554.00
EFT32021	15/05/2024	UNIVERSAL PICTURES INTERNATIONAL	FILM RENTAL	-1,120.00
EFT32022	23/05/2024	ABLE SALES PTY LTD	WORKSHOP SUPPLIES	-165.00
EFT32023	23/05/2024	AMY CHADBOURNE	COMMUNICATIONS AND MEDIA CONSULTANCY SERVICES	-6,525.00
EFT32024	23/05/2024	AUSTRALIA POST	POSTAGE & FREIGHT CHARGES	-371.52
EFT32025	23/05/2024	AVON WASTE	240LT WASTE COLLECTION	-30,770.62
EFT32026	23/05/2024	BATAVIA COAST TRIMMERS	REMOVAL OF ALL SHADE SAILS AND REPAIRS TO REC CENTRE SHADE SAIL	-3,100.00
EFT32027	23/05/2024	BENARA NURSERIES	PLANTS	-762.85
EFT32028	23/05/2024	BLACKWOODS	WORKSHOP SUPPLIES	-983.91
EFT32029	23/05/2024	TARTS & CO	WREATHS FOR ANZAC DAY SERVICES	-350.00
EFT32030	23/05/2024	BRAND MECHANICAL SERVICES	SERVICE AND REPAIRS TO JOHN DEERE TRACTOR & KUBOTA TRACTOR	-747.78
EFT32031	23/05/2024	DEPARTMENT OF ENERGY, MINES, INDUSTRY REGULATION AND SAFETY	BUILDING SERVICE LEVY RECONCILIATION	-1,228.86
EFT32032	23/05/2024	BOB WADDELL & ASSOCIATES PTY LTD - RATES	ASSISTANCE WITH RATE SERVICES	-618.75
EFT32033	23/05/2024	CARL SCUDDER	BUILDING MAINTENANCE REPAIRS	-5,715.00
EFT32034	23/05/2024	CORSIGN WA	SIGNAGE	-753.50
EFT32035	23/05/2024	CIVIC WORKFORCE MANAGEMENT	HR CONSULTANCY SERVICES	-8,291.25
EFT32036	23/05/2024	DATA#3 LIMITED	MICROSOFT LICENCES	-3,389.02
EFT32037	23/05/2024	DAZFAB ENGINEERING	REBUILD OF BENCH SEAT	-731.50
EFT32038	23/05/2024	DONGARA FREIGHT	FREIGHT CHARGES	-242.00
EFT32039	23/05/2024	DELTA CLEANING SERVICES	FULL CLEAN AND PRESSURE CLEAN TO REC CENTRE FACILITIES	-3,137.20
EFT32040	23/05/2024	LANDGATE	GROSS RENTAL VALUATIONS CHARGEABLE	-74.15
EFT32041	23/05/2024	DONGARA BODY BUILDERS	CUSTOMIZED FABRICATION FOR TOWN MAINTENANCE TRUCK	-9,735.00
EFT32042	23/05/2024	DONGARA BUILDING & TRADE SUPPLIES	PARKS, GARDENS, BUILDING MAINTENANCE AND ROAD CONSUMABLES	-1,237.88
EFT32043	23/05/2024	DONGARA DRILLING & ELECTRICAL	ELECTRICAL REPAIRS	-1,756.60
EFT32044	23/05/2024	DONGARA DENISON SMASH REPAIRS	EXCESS	-300.00
EFT32045	23/05/2024	TYREPOWER DONGARA	TYRES FOR WATER TANKER, SIDE TIPPING TRAILERS, HINO PRIME MOVER AND REPLACE STEERERS ON NISSAN PRIME MOVER	-8,153.10
EFT32046	23/05/2024	DONGARA DISTRICT HIGH SCHOOL P & C	DRIVE IN GATE CONTRIBUTION	-1,500.00
EFT32047	23/05/2024	DONGARA HOTEL MOTEL	ACCOMMODATION FOR YOUTH WEEK BAND & LAND USE AGREEMENT	-1,391.67
EFT32048	23/05/2024	DONGARA TREE SERVICES	TRIMMING OF TREES ON CORNER OF PLESTER ST AND ROWLAND ST	-2,365.00
EFT32049	23/05/2024	FIRST HEALTH SERVICES	MEDICAL PRACTISE MANAGEMENT SUPPORT - MEDICAL CENTRE	-13,475.00
EFT32050	23/05/2024	DONGARA TOWN BUSHFIRE BRIGADE	REIMBURSEMENT	-746.50
EFT32051	23/05/2024	CITY OF GREATER GERALDTON	MERU WASTE DISPOSAL CHARGES	-21,686.76
EFT32052	23/05/2024	REFUEL AUSTRALIA	FUEL CARD PURCHASES, AD BLUE AND GREASE & BULK DIESEL FUEL PURCHASES	-41,047.74
EFT32053	23/05/2024	GREENFIELD TECHNICAL SERVICES	INDEPENDENT ENGINEERING DRAINAGE ASSESSMENT	-2,101.00
EFT32054	23/05/2024	GREAT NORTHERN RURAL SERVICES	HERBICIDE FOR WEED SPRAYING	-1,719.37
EFT32055	23/05/2024	GLOBAL SPILL & SAFETY	RURAL STREET SIGNS	-56.43
EFT32056	23/05/2024	G ANDERSON	REFUND	-1,000.00
EFT32057	23/05/2024	ILLION TENDERLINK	ADVERTISING	-60.50
EFT32058	23/05/2024	INCITE SECURITY	REPAIRS AT MEDICAL CENTRE AND ADMIN	-1,428.57
EFT32059	23/05/2024	JUST DIGITAL SIGNAGE	FINAL PAYMENT - ELECTRONIC LED DIGITAL SIGNAGE	-17,622.00
EFT32060	23/05/2024	JOHN PHILLIPS CONSULTING	CONSULTANCY SERVICES	-880.00
EFT32061	23/05/2024	K HILL	REFUND	-26.30
EFT32062	23/05/2024	BRYAN HENDRICK KLEINSMAN	LEVELING OUT OF GRANNIES BEACH NEW LAWN AREA	-979.00
EFT32063	23/05/2024	LG BEST PRACTICES	OUTSOURCED PAYROLL FUNCTION	-12,408.00
EFT32064	23/05/2024	DONGARA DENISON LIONS CLUB INC	DRIVE IN GATE CONTRIBUTION	-300.00
EFT32065	23/05/2024	LO-GO APPOINTMENTS	CONTRACT LABOUR HIRE	-72,701.92
EFT32066	23/05/2024	NODE 1 PTY LTD	NBN FIBRE CONNECTION FEES	-515.95
EFT32067	23/05/2024	LUMEN IT PTY LTD	IT SUBSCRIPTION	-13,741.20
EFT32068	23/05/2024	MARSH PTY LTD	CONSULTANCY SERVICES	-21,724.51
EFT32069	23/05/2024	MAURICE BATTILANA - LOCAL GOVERNMENT CONSULTANT	CONSULTANCY SERVICES	-375.00
EFT32070	23/05/2024	MCLEODS BARRISTERS & SOLICITORS	LEGAL FEES	-15,780.60
EFT32071	23/05/2024	METRO COUNT VEHICLE CLASSIFIER SYSTEMS	MATERIALS FOR ROAD CLASSIFIERS	-627.00
EFT32072	23/05/2024	M BUTCHER	REFUND	-60.00
EFT32073	23/05/2024	ML COMMUNICATIONS	TRANSCEIVER AND SPARE BATTERY FOR LANDING STRIP	-785.30
EFT32074	23/05/2024	MIDWEST POWER SOLUTIONS	ELECTRICAL REPAIRS	-451.00
EFT32075	23/05/2024	MIDWEST SOLAR AND WATER	PLUMBING REPAIRS	-9,519.52
EFT32076	23/05/2024	OFFICEWORKS	STATIONERY SUPPLIES	-518.50
EFT32077	23/05/2024	OMNICOM MEDIA GROUP AUSTRALIA PTY LTD	ADVERTISING	-990.57
EFT32078	23/05/2024	CANCELLED		0.00
EFT32079	23/05/2024	P MCDONALD	REFUND	-60.00
EFT32080	23/05/2024	PEMCO DIESEL	REPAIRS TO HINO PRIME MOVER	-1,268.98
EFT32081	23/05/2024	PERTH IRRIGATION CENTRE	RETICULATION SUPPLIES	-11,784.95
EFT32082	23/05/2024	PIXIES SCREEN PRINTS	PROTECTIVE CLOTHING	-482.00
EFT32083	23/05/2024	RIP-IT SECURITY SHREDDING	QUARTERLY SHREDDING BIN SERVICES	-141.00
EFT32084	23/05/2024	R & J TRUST - PEARCE PAINTING & DECORATING	REPAINT OF A UNIT AT THE VILLAGE AFTER TENANT VACANCY	-4,994.00
EFT32085	23/05/2024	E & MJ ROSHER PTY LTD	WORKSHOP SUPPLIES	-2,319.86
EFT32086	23/05/2024	SABAI ACCOMMODATION	ACCOMMODATION	-242.00

Shire of Irwin

List of Accounts paid May 2024 for presentation to the Council Meeting 25 June 2024

MUNICIPAL/(TRUST) PAYMENTS

EFT/CHQ #	DATE	PAYEE	DESCRIPTION	PAYMENTS
EFT32087	23/05/2024	SETON	MATERIALS FOR ADMIN AND REC CENTRE	-701.73
EFT32088	23/05/2024	SHIRE OF IRWIN	RETAINED BOND	-360.00
EFT32089	23/05/2024	SHORELINE OUTDOOR WORLD	REPAIRS TO GARAGE DOOR AT HENRY ROAD UNIT	-220.00
EFT32090	23/05/2024	S REEVES	REFUND	-50.00
EFT32091	23/05/2024	SMS GROUP WA	SERVICE OF TOYOTA PRADOS AND HOLDEN COLORADO'S	-2,949.35
EFT32092	23/05/2024	SUBTERRANEAN SERVICE LOCATIONS WA	BORING ON BLENHEIM ROAD	-5,516.50
EFT32093	23/05/2024	SUNSET TAKEAWAY DINER	CATERING	-478.00
EFT32094	23/05/2024	ST JOHN AMBULANCE	REPLACEMENT PARTS FOR DEFIBRILLATOR AT THE VILLAGE	-264.95
EFT32095	23/05/2024	DONGARA IGA	MONTHLY CONSUMABLES	-812.66
EFT32096	23/05/2024	DONGARA COMMUNITY RESOURCE CENTRE	SUNDRY DONATION	-550.00
EFT32097	23/05/2024	TEAM GLOBAL EXPRESS PTY LTD	FREIGHT CHARGES	-684.95
EFT32098	23/05/2024	TOTAL UNIFORMS	CORPORATE UNIFORM	-440.15
EFT32099	23/05/2024	CLEANAWAY CO PTY LTD	FRONT LIFT RENTAL & COLLECTION	-12,775.06
EFT32100	23/05/2024	T-QUIP	PARTS FOR SWEEPER	-1,321.29
EFT32101	23/05/2024	VANGUARD PRINT	HOLIDAY PLANNER STORAGE AND HANDLING COSTS	-498.11
EFT32102	23/05/2024	WELL DONE INTERNATIONAL	CALL CENTRE CHARGES	-284.13
EFT32103	23/05/2024	SYNERGY	ELECTRICITY CHARGES	-30,542.03
EFT32104	23/05/2024	WESTRAC EQUIPMENT	SERVICE OF TELEHANDLER AND CAT GRADER & REPAIRS TO CAT LOADER	-3,080.58
EFT32105	23/05/2024	WINC AUSTRALIA PTY LTD	PRINTER CHARGES - DEPOT	-297.15
EFT32106	24/05/2024	AUSTRALIAN TAXATION OFFICE - FBT	FRINGE BENEFIT TAX RETURN 2023/24	-33,057.91
EFT32107	24/05/2024	DONGARA GOLF CLUB INC	SELF SUPPORTING LOAN TO PURCHASE MACHINERY (LOAN 105)	-80,000.00
EFT32108	28/05/2024	MDS LEGAL PTY LTD	REFUND	-589.81
EFT32109	28/05/2024	DONGARA NETBALL CLUB INC (NORTH MIDLANDS)	DRIVE IN GATE CONTRIBUTION	-300.00
EFT32110	28/05/2024	PERPETUAL RESOURCES LIMITED	REFUND	-949.95
EFT32111	28/05/2024	S VALENTINE	REFUND	-124.50
32194	13/05/2024	SHIRE OF IRWIN	PETTY CASH RECONCILIATION INCLUDING IT EQUIPMENT, CHANGE OF PLATE FEES, EQUIPMENT FOR POUND, FUEL REIMBURSEMENT AND FLOAT FOR DRIVE IN	-980.50
32195	13/05/2024	CANCELLED		0.00
32196	14/05/2024	COMMISSIONER OF STATE REVENUE	OVERCLAIM REPAYMENT	-434.35
32197	20/05/2024	SHIRE OF IRWIN	CONTAINER DEPOSIT SCHEME	-7,286.10
32198	28/05/2024	C CARNSEW	REFUND	-199.75
32199	28/05/2024	R NICHOLS	REFUND	-790.57
32200	28/05/2024	DEPARTMENT OF TRANSPORT	SHIRE OF IRWIN NUMBER PLATES	-200.00
DD22847.1	07/05/2024	TELSTRA AUSTRALIA	SATELLITE PHONE CHARGES	-110.00
DD22866.1	27/05/2024	TELSTRA AUSTRALIA	FREE WIFI DATA CHARGES	-90.00
DD22868.1	30/05/2024	TELSTRA AUSTRALIA	VARIOUS MOBILE & DATA CHARGES	-3,627.51
DD22843.1	06/05/2024	WA TREASURY CORPORATION	LOAN 99 - MEDICAL CENTRE	-44,623.21
DD22845.1	07/05/2024	WA TREASURY CORPORATION	LOAN 93 - RECREATION CENTRE	-20,727.35
CR 060524	06/05/2024	NAB BUSINESS VISA	NAB BUSINESS VISA TRANSACTIONS INCLUDING IT HOSTING, SUBSCRIPTION AND EQUIPMENT, ACCOMMODATION, REC JETTY RENEWAL FEE, CAR HIRE AND REC CENTRE EXPENSES	-15,946.35
DD22864.1	16/05/2024	N-ABLE PTY LTD	N-ABLE MONTHLY IT CHARGES	-1,688.25
DD22859.1	03/05/2024	AUSTRALIAN PHONE COMPANY PTY LTD	VOIP PHONE CHARGES - MEDICAL CENTRE	-225.23
DD22841.1	02/05/2024	S CHIPENDO	RENTAL ALLOWANCE	-900.00
DD22862.1	16/05/2024	S CHIPENDO	RENTAL ALLOWANCE	-900.00
DD22853.1	02/05/2024	PAKLS PTY LTD	RENTAL CHARGES	-2,300.00
DD22855.1	16/05/2024	PAKLS PTY LTD	RENTAL CHARGES	-2,300.00
DD22857.1	30/05/2024	PAKLS PTY LTD	RENTAL CHARGES	-2,300.00
25692/24	08/05/2024	DEPARTMENT OF MINES, INDUSTRY REGULATION & SAFETY	BONDS ADMINISTRATION - BOND	-1,080.00
DD22818.1	07/05/2024	ASGARD SUPERANNUATION	SUPERANNUATION	-1,129.87
DD22818.2	07/05/2024	MERCER	SUPERANNUATION	-683.81
DD22818.3	07/05/2024	AMP CORPORATE SUPER - SIGNATURE SUPER	SUPERANNUATION	-430.58
DD22818.4	07/05/2024	AUSTRALIAN SUPER	SUPERANNUATION	-2,694.13
DD22818.5	07/05/2024	AWARE SUPER PTY LTD	SUPERANNUATION	-20,035.72
DD22818.6	07/05/2024	CBUS SUPER	SUPERANNUATION	-211.14
DD22818.7	07/05/2024	COLONIAL FIRST STATE FIRST CHOICE SUPER	SUPERANNUATION	-754.99
DD22818.8	07/05/2024	HOSTPLUS	SUPERANNUATION	-1,533.39
DD22825.1	17/05/2024	ASGARD SUPERANNUATION	SUPERANNUATION	-832.53
DD22825.2	17/05/2024	AWARE SUPER PTY LTD	SUPERANNUATION	-1,617.00
DD22833.1	21/05/2024	AUSTRALIAN SUPER	SUPERANNUATION	-2,749.15
DD22833.2	21/05/2024	AWARE SUPER PTY LTD	SUPERANNUATION	-19,546.82
DD22833.3	21/05/2024	CBUS SUPER	SUPERANNUATION	-263.05
DD22833.4	21/05/2024	COLONIAL FIRST STATE FIRST CHOICE SUPER	SUPERANNUATION	-701.68
DD22833.5	21/05/2024	HOSTPLUS	SUPERANNUATION	-1,616.71
DD22833.6	21/05/2024	MERCER	SUPERANNUATION	-664.62
DD22833.7	21/05/2024	AMP CORPORATE SUPER - SIGNATURE SUPER	SUPERANNUATION	-490.86
				-790,887.04

Sundry Creditors as at 31/05/2024 **365,279.38**

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

9 June 2024

DATE

Shane Ivers
Chief Executive Officer

Shire of Irwin

Corporate Credit Card Expenditure - Payment Reference CR 060524

S.IVERS CREDIT CARD EXPENSES

Date	Payee	Description	Amount
02/04/2024	Dongara Hotel Motel	Accommodation - Refund	-$ 400.00
03/04/2024	Links Modular	Program - Rec Centre	$ 264.50
05/04/2024	Dongara Hotel Motel	Accommodation	$ 930.00
08/04/2024	Spotify	Rec Centre Gym Music	$ 12.99
08/04/2024	JAMF Software	Subscription - IT	$ 559.99
08/04/2024	Australian Training Management	Training Course Fee	$ 375.00
08/04/2024	Dongara Hotel Motel	Accommodation - Refund	-$ 220.00
10/04/2024	Booking.Com	Accommodation	$ 162.20
15/04/2024	Batavia Coast Firearms	Ammunition	$ 20.50
15/04/2024	Dongara Hotel Motel	Accommodation	$ 310.00
16/04/2024	Attained	IT - Virtual Machine Fees	$ 209.00
18/04/2024	Dongara Hotel Motel	Accommodation	$ 155.00
19/04/2024	City of Greater Geraldton	Venue Hire and Bond	$ 543.00
24/04/2024	Terry Truck Rentals	Car Hire - Doctor	$ 1,481.38
26/04/2024	Seek	Advertising	$ 269.50
29/04/2024	NAB	Card Fee	$ 9.00
			$ 4,682.06

P.BRACEGIRDLE CREDIT CARD EXPENSES

Date	Payee	Description	Amount
17/04/2024	Apple	iCloud Storage Fee	$ 1.49
29/04/2024	NAB	Card Fee	$ 9.00
			$ 10.49

P.MACHAKA CREDIT CARD EXPENSES

Date	Payee	Description	
02/04/2024	Auvik Networks	Network Management	$ 540.75
04/04/2024	Amazon Web Services	Web Hosting	$ 4,013.73
05/04/2024	Zoom	IT Subscription	$ 1,683.02
08/04/2024	WALGA	Training Course Fees	$ 1,727.00
12/04/2024	Landgate	Document Fee	$ 30.50
12/04/2024	Microsoft	Licence/s	$ 29.59
12/04/2024	Microsoft	Licence/s	$ 22.77
12/04/2024	Microsoft	Licence/s	$ 83.05
12/04/2024	Microsoft	Licence/s	$ 1,291.95
12/04/2024	Microsoft	Licence/s	$ 172.26
12/04/2024	Microsoft	Licence/s	$ 167.97
18/04/2024	Department of Transport	Transfer Fee	$ 20.40
18/04/2024	GO Fax Pty Ltd	E-Fax Service - Medical Centre	$ 15.00
18/04/2024	Department of Transport	Recreational Jetty Renewal Fee	$ 785.70
18/04/2024	Department of Transport	Registration Fee	$ 124.35
19/04/2024	Landgate	Document Fee	$ 30.50
19/04/2024	Landgate	Document Fee	$ 61.00
29/04/2024	CodeTwo	Email Signature for Office 365 Subscription	$ 125.94
29/04/2024	NAB	Card Fee	$ 9.00
			$ 10,934.48

S.STUBBS CREDIT CARD EXPENSES

Date	Payee	Description	Amount
05/04/2024	The Print Shop Bunbury	Business Cards	$ 148.50
22/04/2024	Bunnings	Outdoor Mat for CESM Office	$ 30.87
29/04/2024	Officeworks	IT Supplies	$ 130.95
28/03/2024	NAB	Card Fee	$ 9.00
			$ 319.32

TOTAL PAYMENT TO CORPORATE CREDIT CARD ACCOUNT	$ 15,946.35

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

25 June 2024

Item CC02-06/24
Attachment 1

Monthly Financial Statements
Period Ending 30 April 2024

SHIRE OF IRWIN

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 30 April 2024

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF IRWIN

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 APRIL 2024

NATURE DESCRIPTIONS

REVENUE

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS
Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

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

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

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

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

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

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

EXPENSES

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

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

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)
Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

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

LOSS ON ASSET DISPOSAL
Loss on the disposal of fixed assets.

DEPRECIATION ON NON-CURRENT ASSETS
Depreciation expense raised on all classes of assets.

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

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

SHIRE OF IRWIN
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 APRIL 2024

BY NATURE

	Note	Adopted Annual Budget	Revised Annual Budget (d)	YTD Budget (a)	YTD Actual (b)	Var. $ (b)-(a)	Var. % (b)-(a)/(a)	Var. ▲▼	Significant Var. S
		$	$	$	$	$	%		
Opening Funding Surplus (Deficit)	1	973,616	744,915	744,915	**744,915**	0	0%		
Revenue from operating activities									
Rates	6	6,338,638	6,378,690	6,365,549	**6,383,669**	18,120	0%	▲	
Operating Grants, Subsidies and Contributions	12	602,978	633,274	271,673	**262,858**	(8,815)	(3%)	▼	
Fees and Charges		2,541,697	2,601,832	2,317,289	**2,249,303**	(67,986)	(3%)	▼	
Interest Earnings		211,311	233,838	200,837	**231,309**	30,472	15%	▲	S
Other Revenue		527,100	426,648	205,702	**197,555**	(8,147)	(4%)	▼	
Profit on Disposal of Assets	7	114,707	159,308	0	**0**	0			
		10,336,431	**10,433,591**	**9,361,050**	**9,324,695**				
Expenditure from operating activities									
Employee Costs		(3,706,031)	(3,619,042)	(2,953,533)	**(3,580,402)**	(626,869)	(21%)	▼	S
Materials and Contracts		(3,689,148)	(4,391,011)	(3,632,273)	**(3,495,299)**	136,974	4%	▲	
Utility Charges		(501,047)	(472,507)	(418,962)	**(441,532)**	(22,570)	(5%)	▼	
Depreciation on Non-Current Assets		(4,518,458)	(4,527,700)	(3,772,960)	**(4,032,248)**	(259,288)	(7%)	▼	
Interest Expenses		(278,367)	(273,453)	(170,014)	**(164,225)**	5,789	3%	▲	
Insurance Expenses		(266,279)	(266,279)	(255,823)	**(236,590)**	19,233	8%	▲	
Other Expenditure		(211,016)	(209,016)	(156,822)	**(156,130)**	692	0%	▲	
Loss on Disposal of Assets	7	0	(4,200)	(4,200)	**(4,541)**	(341)	(8%)	▼	
		(13,170,345)	**(13,763,208)**	**(11,364,587)**	**(12,110,968)**				
Operating activities excluded from budget									
Add back Depreciation		4,518,458	4,527,700	3,772,960	**4,032,248**	259,288	7%	▲	
Adjust (Profit)/Loss on Asset Disposal	7	(114,707)	(155,108)	4,200	**4,541**	341	(8%)	▲	
Movement in Leave Reserve (Added Back)		4,769	7,210	6,000	**6,457**	457	8%	▲	
Amount attributable to operating activities		**1,574,606**	**1,050,185**	**1,779,623**	**1,256,974**				
Investing activities									
Non-Operating Grants, Subsidies and Contributions	13	7,247,034	5,611,474	555,923	**608,476**	52,553	9%	▲	
Proceeds from Disposal of Assets	7	2,209,126	226,350	0	**4,359**	4,359		▲	
Land and Buildings	8	(382,690)	(344,690)	(32,240)	**(34,677)**	(2,437)	(8%)	▼	
Plant and Equipment	8	(2,017,500)	(1,734,940)	(1,319,850)	**(1,441,887)**	(122,037)	(9%)	▼	
Furniture and Equipment	8	(60,000)	(78,631)	(72,188)	**(76,030)**	(3,842)	(5%)	▼	
Infrastructure Assets - Roads	8	(2,531,040)	(1,394,169)	(996,609)	**(1,069,056)**	(72,447)	(7%)	▼	
Infrastructure Assets - Other	8	(5,985,564)	(4,665,339)	(569,867)	**(558,075)**	11,792	2%	▲	
Amount attributable to investing activities		**(1,520,634)**	**(2,379,945)**	**(2,434,830)**	**(2,566,891)**				
Financing Activities									
Proceeds from New Debentures		1,029,000	1,029,000	1,029,000	**1,029,000**	0	0%		
Repayment of Debentures	9	(720,751)	(689,903)	(449,578)	**(447,696)**	1,882	0%	▲	
Repayment of Lease Financing	9	(32,860)	(32,860)	(27,370)	**(31,836)**	(4,466)	(16%)	▼	
Advances to Community Groups		(100,000)	(100,000)	0	**0**	0			
Proceeds from Advances		0	0	0	**0**	0			
Self-Supporting Loan Principal	9	57,539	57,539	57,539	**34,194**	(23,345)	41%	▼	S
Transfer from Restricted Cash - Other		17,285	17,285	0	**0**	0			
Transfer from Reserves	10	799,066	350,000	0		0			
Transfer to Reserves	10	(2,076,317)	(45,642)	(38,010)	**(61,796)**	(23,786)	(63%)	▲	s
Amount attributable to financing activities		**(1,027,038)**	**585,419**	**571,581**	**521,867**				
Closing Funding Surplus (Deficit)	1	**549**	**574**	**661,289**	**(43,134)**				

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 15 for an explanation of the reasons for the variance.
The material variance adopted by Council for the 2023/24 year is $10,000 and 10%.

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

SHIRE OF IRWIN
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 30 April 2024

	30 June 2023	30-Apr-24
	$	$
CURRENT ASSETS		
Cash and cash equivalents	3,685,139	3,368,256
Trade and other receivables	958,316	793,237
Other financial assets	34,193	(0)
Inventories	32,618	32,618
TOTAL CURRENT ASSETS	4,714,781	4,194,110
NON-CURRENT ASSETS		
Trade and other receivables	43,472	43,472
Other financial assets	315,011	315,011
Property, plant and equipment	41,635,542	42,090,646
Infrastructure	65,760,799	64,476,863
Right-of-use assets	218,795	186,204
TOTAL NON-CURRENT ASSETS	107,973,619	107,112,195
TOTAL ASSETS	112,688,400	111,306,306
CURRENT LIABILITIES		
Trade and other payables	877,137	476,084
Other liabilities	546,405	1,193,692
Lease liabilities	32,860	1,025
Borrowings	576,842	129,146
Employee related provisions	705,081	705,081
TOTAL CURRENT LIABILITIES	2,738,324	2,505,027
NON-CURRENT LIABILITIES		
Lease liabilities	104,720	104,720
Borrowings	4,885,433	5,914,433
Employee related provisions	68,744	68,744
TOTAL NON-CURRENT LIABILITIES	5,058,897	6,087,897
TOTAL LIABILITIES	7,797,221	8,592,924
NET ASSETS	**104,891,179**	**102,713,382**
EQUITY		
Retained surplus	39,650,349	37,410,757
Reserve accounts	1,600,342	1,662,138
Revaluation surplus	63,640,487	63,640,487
TOTAL EQUITY	**104,891,179**	**102,713,382**

This statement is to be read in congunction with the accompanying notes.

OPERATING ACTIVITIES
NOTE 1
ADJUSTED NET CURRENT ASSETS

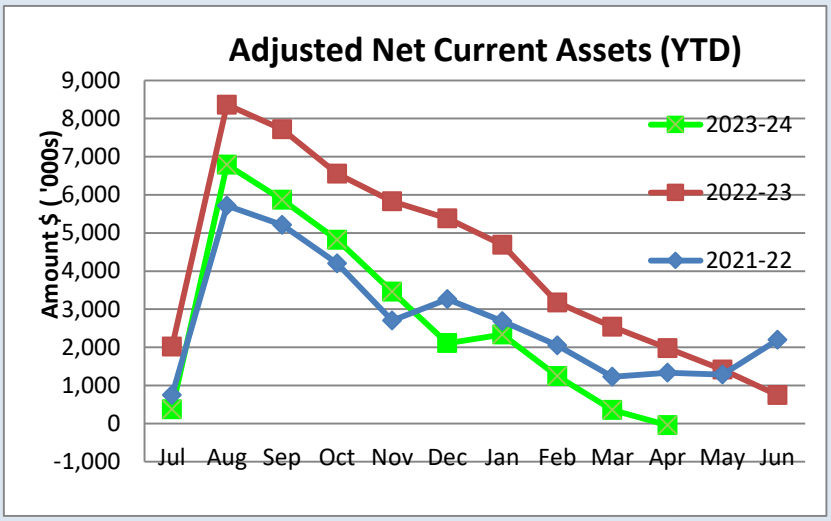
Adjusted Net Current Assets	Note	Last Years Closing 30/06/2023	This Time Last Year 30/04/2023	Year to Date Actual 30/04/2024
		$	$	$
Current Assets				
Cash Unrestricted	2	1,474,777	2,460,417	1,001,583
Cash Restricted - Reserves	2	1,600,342	1,417,919	1,662,138
Cash Restricted - General	2	373,935	373,935	373,935
Cash Restricted - Bonds & Deposits	2	236,084	241,154	330,599
Receivables - Rates	3	329,597	474,988	466,798
Receivables - Other	3	667,427	364,350	326,439
Inventories	4	32,618	21,521	32,618
		4,714,781	5,354,284	4,194,110
Less: Current Liabilities				
Payables	5	(641,053)	(224,074)	(145,485)
Contract Liabilities	11	(515,074)	(786,791)	(1,162,361)
Financial Liabilities	5	(31,331)	(31,331)	(31,331)
Bonds & Deposits	14	(236,084)	(241,154)	(330,599)
Loan and Lease Liability	9	(609,702)	(135,239)	(130,171)
Provisions	11	(705,081)	(469,818)	(705,081)
		(2,738,324)	(1,888,407)	(2,505,027)
Less: Cash Reserves	10	(1,600,342)	(1,417,919)	(1,662,138)
Add Back: Component of Leave Liability not Required to be funded		167,227	165,560	173,685
Add Back: Loan and Lease Liability		609,702	135,239	130,171
Less : Loan Receivable - clubs/institutions		(34,193)	0	0
Less : Restricted Cash General	15	(373,935)	(373,935)	(373,935)
Net Current Funding Position		**744,915**	**1,974,823**	**(43,134)**

SIGNIFICANT ACCOUNTING POLICIES

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

KEY INFORMATION

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



This Year YTD Surplus(Deficit)

Last Year YTD Surplus(Deficit)
$1.97 M

OPERATING ACTIVITIES
NOTE 3
RECEIVABLES

Receivables - Rates & Rubbish	30 June 2023	30 Apr 24
	$	$
Opening Arrears Previous Years	365,548	373,069
Levied this year	6,849,083	7,160,326
Less Collections to date	(6,841,562)	(7,023,125)
Equals Current Outstanding	373,069	510,270
Net Rates Collectable	**373,069**	**510,270**
% Collected	94.83%	93.23%

Receivables - General	Current	30 Days	60 Days	90+ Days	Total
	$	$	$	$	$
Receivables - General	26,979	855	63,053	127,528	218,416
Percentage	12%	0%	29%	58%	
Balance per Trial Balance					
Sundry Debtors					218,416
Receivables - Other					108,023
Total Receivables General Outstanding					**326,439**

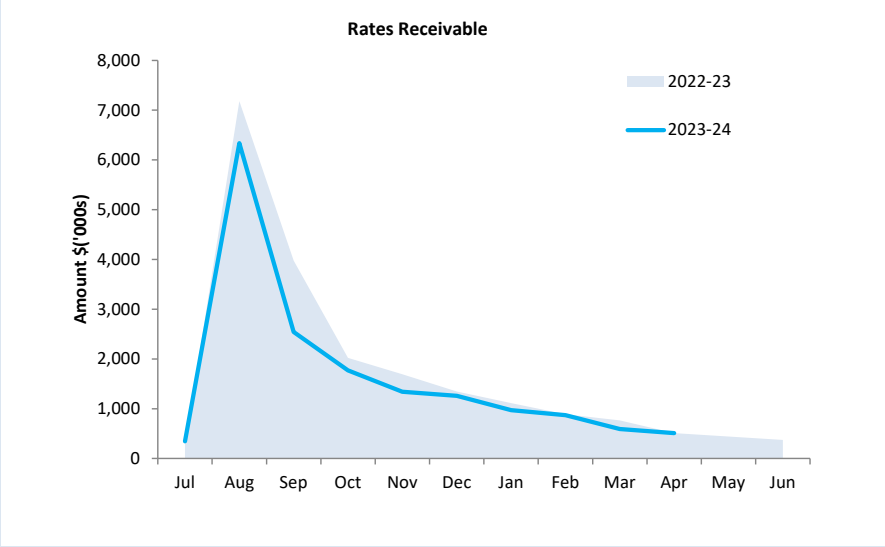
Amounts shown above include GST (where applicable)

KEY INFORMATION

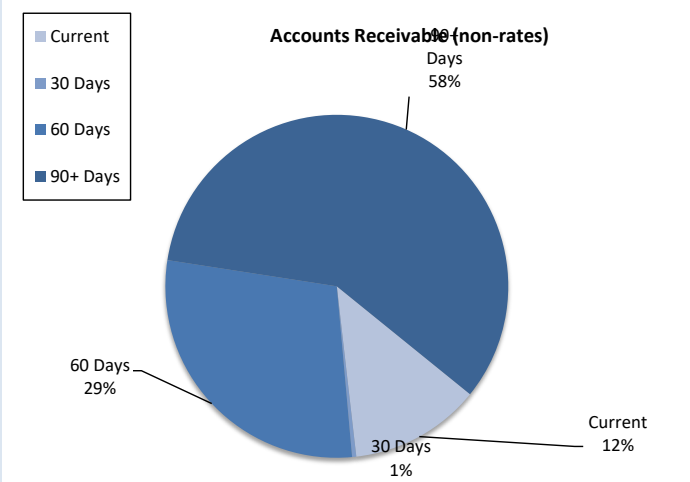
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

SIGNIFICANT ACCOUNTING POLICIES

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



Collected	Rates Due
93%	$510,270



Debtors Due
$326,439

Over 30 Days
88%

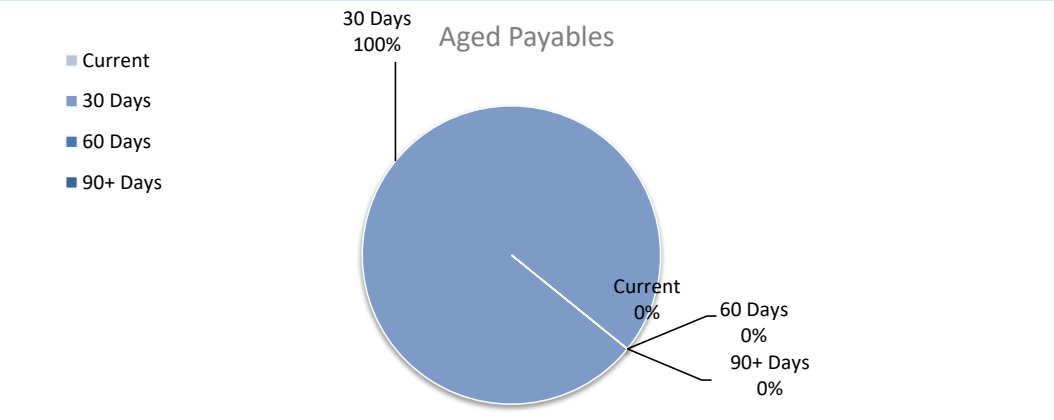
Over 90 Days
58%

OPERATING ACTIVITIES
NOTE 5
Payables

Payables - General	Current	30 Days	60 Days	90+ Days	Total
	$	$	$	$	$
Payables (Sundry Creditors) - General	0	6,235	0	0	6,235
Percentage	0%	100%	0%	0%	
Balance per Trial Balance					
Sundry creditors - General					6,235
Other creditors					70,121
ATO liabilities					69,128
Financial liabilities (Developer Contributions)					31,331
Total Payables General Outstanding					**176,816**
Amounts shown above include GST (where applicable)					

KEY INFORMATION

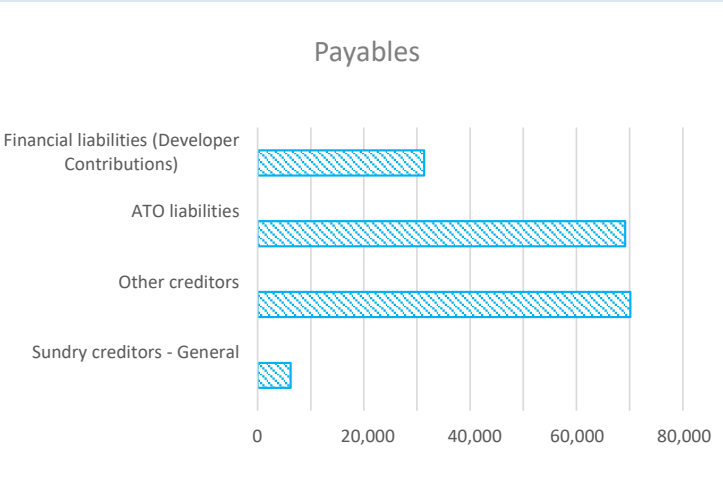
Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are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

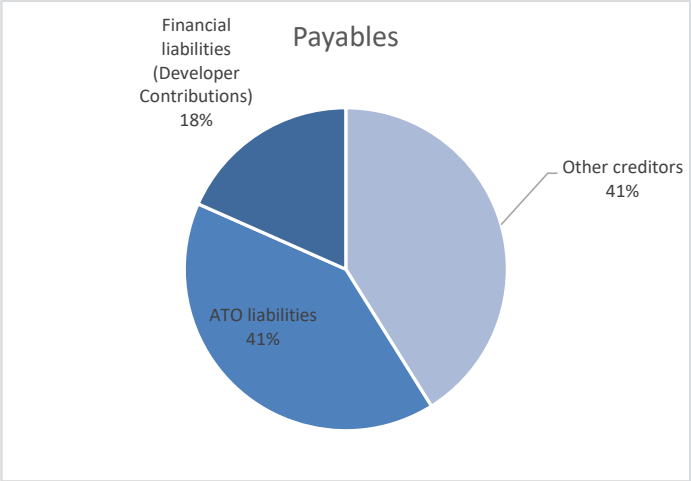


Creditors Due
$176,816

Over 30 Days
100%

Over 90 Days
0%





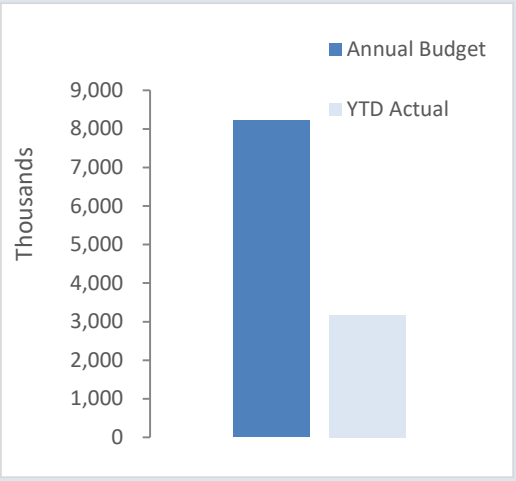
INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS

Capital Acquisitions	Adopted Annual Budget	YTD Budget	Amended Annual Budget	YTD Actual Total	YTD Budget Variance
	$	$	$	$	$
Land Held for Resale	0	0	0	**0**	0
Land and Buildings	382,690	32,240	344,690	**34,677**	2,437
Plant and Equipment	2,017,500	1,319,850	1,734,940	**1,441,887**	122,037
Furniture and Equipment	60,000	72,188	78,631	**76,030**	3,842
Infrastructure Assets - Roads	2,531,040	996,609	1,394,169	**1,069,056**	72,447
Infrastructure Assets - Drainage	0	0	0	**0**	0
Infrastructure Assets - Footpaths	0	0	0	**0**	0
Infrastructure Assets - Public Facilities	0	0	0	**0**	0
Infrastructure Assets - Other	5,985,564	569,867	4,665,339	**558,075**	(11,792)
Capital Expenditure Totals	10,976,794	2,990,753	8,217,769	**3,179,725**	188,972
Capital acquisitions funded by:					
	$	$	$	$	$
Capital Grants and Contributions	7,247,034	555,923	5,611,474	**608,476**	52,553
Borrowings	1,029,000	1,029,000	1,029,000	**1,029,000**	0
Other (Disposals & C/Fwd)	2,209,126	0	226,350	**4,359**	4,359
Council contribution - Cash Backed Reserves					
Various Reserves		0	0	**0**	0
Council contribution - operations		**1,405,830**	**1,350,945**	**1,537,891**	132,060
Capital Funding Total		**2,990,753**	**8,217,769**	**3,179,725**	**188,972**

SIGNIFICANT ACCOUNTING POLICIES

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

KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	$8.22 M	$3.18 M	39%

Capital Grant	Annual Budget	YTD Actual	% Received
	$5.61 M	$.61 M	11%

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS

Capital Expenditure Total
Level of Completion Indicators
0%
20%
40%
60%
80%
100%
Over 100%

Percentage YTD Actual to Annual Budget

Expenditure over budget highlighted in red.

% of Completion	*Level of completion indicator, please see table at the top of this note for furt*	Adopted Annual Budget	Amended Annual Budget	YTD Budget	Total YTD	Variance (Under)/Over
	Assets	$	$	$	$	$
	Recreation And Culture					
1.00	BOWLING CLUB ACCESSIBLE ABLUTIONS RENOVATIONS	(14,690)	(14,690)	(12,240)	(14,691)	(2,451)
0.00	DONGARA PUBLIC TOWN HALL	(240,000)	(240,000)	0	0	0
0.12	IRWIN REC CENTRE ROOF UPGRADE - PARTIALLY GRANT FUNDED	(70,000)	(80,000)	(10,000)	(9,990)	10
1.00	RSL - CAPITAL RENEWAL WORKS	(8,000)	0	0	0	0
1.00	RUSS COTTAGE-ASBOSTOS REMOVAL	(50,000)	(10,000)	(10,000)	(9,996)	4
	Total - Recreation And Culture	**(382,690)**	**(344,690)**	**(32,240)**	**(34,677)**	**(2,437)**
0.10	**Total - Buildings**	**(382,690)**	**(344,690)**	**(32,240)**	**(34,677)**	**(2,437)**
	Plant & Equipment					
	Fire Prevention					
1.00	NEW CESM VEHICLE	(90,000)	0	0	0	0
0.89	PORTABLE VARIABLE MESSAGE BOARD	(25,000)	(28,000)	(28,000)	(24,880)	3,120
0.53	STATIC VARIABLE MESSAGE BOARD UPGRADES	(30,000)	(30,000)	(16,000)	(16,020)	(20)
	Total - Fire Prevention	**(145,000)**	**(58,000)**	**(44,000)**	**(40,900)**	**3,100**
	Health					
0.00	DOCTORS VEHICLES	(82,000)	(82,000)	0	0	0
	Total - Health	**(82,000)**	**(82,000)**	**0**	**0**	**0**
	Recreation & Culture					
1.00	TORO Z MASTER MOWER	(37,000)	(37,000)	(30,830)	(37,135)	(6,305)
1.06	OPERATIONAL TOOLS & EQUIPMENT	(6,500)	(6,500)	(5,410)	(6,900)	(1,490)
0.04	GENERATOR - RECREATION CENTRE	(45,000)	(45,000)	0	(1,980)	(1,980)
0.00	GROUNDMASTER MOWER ENC CAB	(50,000)	(60,140)	(60,140)	0	60,140
	Total - Recreation & Culture	**(138,500)**	**(148,640)**	**(96,380)**	**(46,015)**	**50,365**
	Transport					
1.01	PRIME-MOVER & TWO TIPPERS	(620,000)	(617,200)	(617,200)	(625,852)	(8,652)
0.00	RETICULATION TRAILER FIT OUT	(10,000)	(10,000)	0	(9,890)	(9,890)
0.00	NEW ISUZU FTS 139-260	(110,000)	(126,890)	0	0	0
0.00	NEW SIGN TRAILER	(10,000)	(10,780)	0	(10,778)	(10,778)
0.00	TRUCK	(70,000)	(81,800)	(81,800)	(81,800)	0
0.00	NEW HEAVY DUTY DROP DECK TRAILER	(120,000)	(106,100)	(106,100)	(106,100)	0
1.00	NEW PLANT TRAILER FOR POSI TRACK	(15,000)	(10,120)	(8,430)	(10,123)	(1,693)
1.05	UTE SUP ROADS	(44,000)	(45,370)	(37,800)	(47,476)	(9,676)
1.07	UTE RURAL ROAD - MAINTENANCE	(44,000)	(45,370)	(45,370)	(48,626)	(3,256)
1.00	PROJECTS SUPERVISOR	(44,000)	(45,080)	(45,080)	(45,058)	22
1.05	VEHICLE - PATROL OFFICER	(44,000)	(45,370)	(45,370)	(47,476)	(2,106)
1.00	NEW SHIRE POOL	(44,000)	0	0	0	0
1.00	MANAGER VEHICLE	(44,000)	(54,530)	(54,530)	(54,534)	(4)
1.00	NEW MANAGER VEHICLE	(44,000)	0	0	0	0
0.94	EXCAVATOR AND TRAILER	(30,000)	(30,000)	(25,000)	(28,287)	(3,287)
1.04	OPS MAINTENANCE SUPEVISOR VEHICLE	(44,000)	(45,370)	(45,370)	(47,366)	(1,996)
1.00	EHO VEHICLE	0	(56,320)	(46,930)	(56,318)	(9,388)
	Total - Transport	**(1,337,000)**	**(1,273,980)**	**(1,112,050)**	**(1,219,683)**	**(51,315)**
0.84	**Total - Plant & Equipment**	**(1,702,500)**	**(1,562,620)**	**(1,252,430)**	**(1,306,598)**	**2,149**
	Furniture & Equipment					
	Recreation & Culture					
1.00	REC CENTRE CARPET	(25,000)	(26,591)	(26,362)	(26,591)	(229)
	Total - Recreation & Culture	**(25,000)**	**(26,591)**	**(26,362)**	**(26,591)**	**(229)**
	Other Property & Services					
1.00	ERP SYSTEM IMPLEMENTATION	(300,000)	0	0	(75,297)	(75,297)
0.95	INFORMATION TECHNOLOGY HARDWARE >$5K	(35,000)	(50,000)	(45,826)	(47,398)	(1,572)
0.00	TOWN MAINTENANCE TRUCK TOOLS & EQUIPMENT	(15,000)	(15,000)	(12,500)	0	12,500
	Total - Other Property & Services	**(350,000)**	**(67,040)**	**(58,326)**	**(124,736)**	**(66,410)**
1.62	**Total - Furniture & Equipment**	**(375,000)**	**(93,631)**	**(84,688)**	**(151,327)**	**(66,639)**
	Roads					
	Housing					
0.22	THE VILLAGE - FOOTPATHS, HANDRAILS, KERBS	(30,150)	(30,150)	(22,611)	(6,600)	16,011
	Total - Housing	**(30,150)**	**(30,150)**	**(22,611)**	**(6,600)**	**16,011**

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS

Capital Expenditure Total
Level of Completion Indicators
0%
20%
40%
60%
80%
100%
Over 100%

Percentage YTD Actual to Annual Budget

Expenditure over budget highlighted in red.

% of Completion	*Level of completion indicator, please see table at the top of this note for furt*	Adopted Annual Budget	Amended Annual Budget	YTD Budget	Total YTD	Variance (Under)/Over
	Assets					
		$	$	$	$	$
	Transport					
0.65	RURAL ROAD SHOULDER RECONSTRUCTION	(148,698)	(187,501)	(98,108)	(121,996)	(23,888)
0.88	RURAL ROAD RESHEETING	(74,086)	(84,086)	(70,060)	(74,289)	(4,229)
1.00	RRG GRANT - MT ADAMS ROAD - SLK 0.0 - SLK 12.0KM	(449,763)	0	0	(2,362)	(2,362)
0.70	MOUNT HORNER WEST ROAD -SLK 0.00 - 0.000 8KM	(182,708)	(262,898)	(178,633)	(183,473)	(4,840)
0.00	PIGGERY LANE -SLK 0.00 - 0.000 4KM	(152,797)	(152,797)	(68,932)	0	68,932
0.11	VEGETATION PROGRAM	(156,750)	(156,750)	(52,250)	(17,367)	34,883
1.16	RRG GRANT - MOUNT ADAMS ROAD (SLK 12.0 - 22.6)	(27,761)	(65,184)	(59,955)	(75,725)	(15,770)
1.00	RRG GRANT - POINT LEANDER ASPHALT & INFRASTRUCTURE -SLK :	(463,000)	(10,743)	(9,879)	(10,743)	(864)
1.00	RRG GRANT - POINT LEANDER ASPHALT & INFRASTRUCTURE -SLK	(347,500)	(4,687)	(4,308)	(4,687)	(379)
1.00	RRG GRANT - POINT LEANDER ASPHALT & INFRASTRUCTURE -SLK (	(196,500)	(2,756)	(2,531)	(2,756)	(225)
1.00	BLENHEIM ROAD	(85,859)	(85,859)	(78,983)	(85,992)	(7,009)
1.38	R2R - WATER SUPPLY ROAD -SLK 0.00 - 0.000 6KM	(215,468)	(345,845)	(345,845)	(475,971)	(130,126)
	Total - Transport	**(2,500,890)**	**(1,384,662)**	**(973,998)**	**(1,080,916)**	**(106,918)**
0.77	**Total - Roads**	**(2,531,040)**	**(1,414,812)**	**(996,609)**	**(1,087,516)**	**(90,907)**
	Infrastructure - Other					
	Housing					
0.50	THE VILLAGE - SOAKWELLS & DOWNPIPES	(10,000)	(10,000)	(8,330)	(5,002)	3,328
0.00	TWO HENRY ROAD - LANDSCAPING	(8,440)	(8,440)	(7,030)	0	7,030
	Total - Housing	**(18,440)**	**(18,440)**	**(15,360)**	**(5,002)**	**10,358**
	Community Amenities					
0.00	TRANSFER STATION CONCRETE BUND FOR OIL TANKS	(34,000)	(34,000)	(34,000)	0	34,000
1.18	TRANSFER STATION CARPARK	(36,560)	(36,560)	(36,560)	(43,084)	(6,524)
	Total - Community Amenities	**(70,560)**	**(70,560)**	**(70,560)**	**(43,084)**	**27,476**
	Recreation And Culture					
1.07	SURF BEACH STABILISATION	(187,551)	(192,503)	(190,593)	(206,587)	(15,994)
1.00	BOAT RAMP DESIGN	(88,876)	(101,197)	(101,197)	(101,197)	0
0.00	DONGARA ENTRY STATEMENTS - BRAND HIGHWAY	(17,300)	(17,300)	(14,410)	0	14,410
1.00	PLAYGROUNDS REPLACEMENT	0	(35,200)	(29,330)	(35,200)	(5,870)
0.03	GRANNY'S BEACH RETICULATION	(5,000)	(5,000)	(4,160)	(150)	4,010
1.00	FORESHORE - PRECINCT	(700,000)	0	0	0	0
1.00	FORESHORE PAVILLION - CORE PRECINCT	(700,000)	0	0	0	0
0.00	GOLF CLUB ENTRY STATEMENT	(8,760)	(8,760)	(7,300)	0	7,300
0.18	TREE PLANTING	(12,000)	(12,000)	(10,000)	(2,175)	7,825
	Total - Recreation And Culture	**(1,719,487)**	**(371,959)**	**(356,990)**	**(345,308)**	**11,681**
	Transport					
0.96	DRAINAGE, KERBING & FOOTPATH RENEWAL	(56,360)	(56,360)	(25,580)	(54,005)	(28,425)
0.24	BLENHEIM ROAD LANDSCAPING	(15,000)	(15,000)	(12,500)	(3,530)	8,970
0.92	SIGNAGE RENEWAL - TOWN & RURAL	(5,000)	(5,000)	(4,160)	(4,622)	(462)
1.17	TECHNICAL STUDIES - INFRASTRUCTURE RENEWAL	(16,000)	(22,660)	0	(26,410)	(26,410)
0.00	MILO CROSSING UPGRADE	(4,000,000)	(4,000,000)	0	0	0
	Total - Transport	**(4,092,360)**	**(4,099,020)**	**(42,240)**	**(88,567)**	**(46,327)**
	Economic Services					
0.61	KAILIS DRIVE ENTRY STATEMENT	(84,717)	(84,717)	(84,717)	(51,259)	33,458
	Total - Economic Services	**(84,717)**	**(84,717)**	**(84,717)**	**(51,259)**	**33,458**
0.12	**Total - Infrastructure - Other**	**(5,985,564)**	**(4,644,696)**	**(569,867)**	**(537,433)**	**32,434**
0.39	**Grand Total**	**(10,976,794)**	**(8,060,449)**	**(2,935,833)**	**(3,117,551)**	**(125,400)**

NOTE 15
EXPLANATION OF SIGNIFICANT VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.
The material variance adopted by Council for the 2023/24 year is $10,000 and 10%.

	Var. $	Var. %	Var. ▲▼	Significant Var. S	Timing/ Permanent	Explanation of Variance
Revenue from operating activities						
Interest Earnings	30,472	15%	▲	S	Permanent	Interest rates have remained high during the financial year, resulting in higher interest earnings, which are $30k above budget at the end of April 2024.
Expenditure from operating activities						
Employee Costs	(626,869)	(21%)	▼	S	Permanent	Employee Costs are 21% higher than ytd budget; This is mostly due to the redirection of labour from capital works to maintenance works, following the delay and deferment of some capital works. Overall employee costs (capital & operating) are tracking well against budget.
Financing Actvities						
Self-Supporting Loan Principal	(23,345)	(41%)	▼	S	Timing	Timing of Self Supporting Loan repayment.
Transfer to Reserves	(23,786)	(63%)	▼	S	Timing	An adjustment is pending to align actual and budgeted transfers to reserves. This will be actioned as part of the financial year end process.

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

25 June 2024

Item CC03-06/24
Attachment 1
May 2023/24
Budget Amendments

May 2023/24 Budget Amendments

Account	2023/24 Current Revised Budget $	Budget Amendment	Revised Budget after Amendments	*Reason*
Rates Revenue	6,378,690	461,350	6,840,040	*Recognition of additional Interim and back rates revenue.*
Materials and Contracts	(4,390,931)	160,000	(4,230,931)	*Due to the deferment of works for Mount Adams road and delay in works for Milo Crossing, labour was redistributed from capital to operating maintenance works. As such, a budget amendment is required to reflect this redistribution. It is worth noting that overall, capital and operating employee costs are almost on par with budget.*
Employee Costs	(3,619,042)	(621,350)	(4,240,392)	
Water Supply Road	(345,845)	(130,126)	(475,971)	*Budget amendment to recognise internal plant operating costs. Due to difficulty in sourcing gravel, a different material was used to seal the road, which required a second application, hence the extra use of plant equipment.*
General Road Maintenance - Rural Roads	(434,207)	130,126	(304,081)	
	(2,411,335)	**0**	**(2,411,335)**	

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

25 June 2024

Item CEO01-06/24
Attachment 1

Register of Delegations 2024
Council to CEO – Annual Review

Shire of Irwin
Register of Delegated Authority

REVIEW

There are no reviews to display

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INTRODUCTION

Introduction

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

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

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

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

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

"Nothing in this Division is to read as preventing –

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

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

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

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Delegations and authorisations under other Legislation

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

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

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

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

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

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DELEGATIONS

Delegation	**10 Information to be available to the public [PUBLISHED, BUT MARKED FOR REMOVAL]**
Category	CEO to Employees
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and dutiesto other employees
Express power or duty delegated	*Local Government Act 1995:* s.5.95 Limits on rights to inspect local government information *Local Government (Administration) Regulations 1996:* r.29B copies of certain information not to be provided (Act s.5.96)
Function	1. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B]. 2. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Administration) Regulations 1996.*
Delegates	Manager Finance
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* *Freedom of Information Act 1992* Office of the information commissioner WA (FOI)
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 Recordkeeping plan Council Policy CP24 Recordkeeping
Date adopted	8 March 2021
Adoption references	Approved by CEO see Altus ECM record INT21/6D3D1ABB
Last reviewed	27 June 2023

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14.02.2023 - as advised during meeting with CEO, new delegate to be Manager, Finance. Subsequently advised by WALGA (on 23.02.23) that no Council-CEO delegation required for this Delegation as legislation allows for CEO to be the delegator.	---

DRAFT

Delegation	**11 Financial Management Systems and Procedures [PUBLISHED, BUT MARKED FOR REMOVAL]**
Category	CEO to Employees
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Financial Management) Regulations1996:* r.5 CEO's Duties as to financial management
Function	1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the: a. Collection of money owed to the Shire of Irwin; b. Safe custody and security of money collected or held by the Shire of Irwin; c. Maintenance and security of all financial records, including payroll, stock control and costing records; d. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; e. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; f. Making of payments in accordance with Delegated Authority EMP10 – Payment from the Municipal or Trust Funds; g. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. [FM r.5]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.*
Delegates	Manager Finance
Conditions	a. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. b. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – Regulation 19 *Local Government (Financial Management) Regulations 1996* *Local Government (Audit) Regulations 1996* Accounting Manual
Policy	CEO to Employee delegation EMP10 – Payment from the Municipal or Trust Funds Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations

DRAFT

Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19
Date adopted	24 February 2023
Adoption references	14.02.2023 - as advised during meeting with CEO, new delegate to be Manager, Finance.
Last reviewed	14 February 2023

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14.02.2023 - as advised during meeting with CEO, new delegate to be Manager, Finance. Subsequently advised by WALGA (on 23.02.23) that no Council-CEO delegation required for this Delegation as legislation allows for CEO to be the delegator.	---

DRAFT

Delegation	**12 Audit - CEO review of systems and procedures [PUBLISHED, BUT MARKED FOR REMOVAL]**
Category	CEO to Employees
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government (Audit) Regulations 1996:* r.17 CEO to review certain systems and procedures
Function	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Irwin's systems and procedures in relation to i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)] in accordance with procedural requirements of r.17. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Audit) Regulations 1996.*
Delegates	Manager Finance
Conditions	a. audit results are to be presented to the Chief Executive Officer for review before submission to the audit committee. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	Local Government Act 1995 – Section 5.46(3) Local Government (Audit) Regulations 1996
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	Local Government Act 1995 – Section 5.46(3)
Date adopted	24 February 2023
Adoption references	As per notes dated 14/2 and 23/2/2023 in amendments.
Last reviewed	14 February 2023

DRAFT

Delegation	**13 Infringement Notices [DRAFT]**
Category	CEO to Employees
Head of power	01 Local Government Act 1995
Delegator	CEO
Express power to delegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	*Local Government Act 1995:* s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice
Function	1. Authority to determine that the Shire is satisfied that within 28 days after the owner of a vehicle that was served a notice and the owner submits that the vehicle had been stolen or unlawfully taken, or was being unlawfully used, at the time the offense is alleged to have been committed. [s.9.13(6)(b)] 2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19]. 3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid, by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20(1),(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Audit) Regulations 1996.*
Delegates	Manager Community Services
Conditions	a. A delegate or authorised person who participated in a decision to issue an infringement notice, is NOT to determine any matter related to that infringement notice under this Delegation. b. See specific delegations under the Building Act and the Parking and Parking Facilities Local Law for reference to delegations under s.9.13, s.9.19 and s.9.20 of the Local Government Act 1995. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* – Section 5.46(3) *Local Government (Audit) Regulations 1996*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	Local Government Act 1995 – Section 5.46(3) All exercises of delegated authority are to be recorded within the Shire's ICT system

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14.02.2023 - as advised during meeting with CEO, new delegate to be Manager, Community Services. Subsequently advised by WALGA (on 23.02.23) that no Council-CEO delegation required for this Delegation as legislation allows for CEO to be the delegator.	---

DRAFT

Delegation	**40 Infringement Notices - Extensions and Withdrawals [DRAFT]**
Category	CEO to Employees
Head of power	04 Cat Act 2011
Delegator	CEO
Express power to delegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Express power or duty delegated	*Cat Act 2011:* s.64 Extension of time The CEO of a local government may, in a particular case, extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed. s.65 Withdrawal of notice (1) Within one year after the notice was given the CEO of the local government may, whether or not the modified penalty has been paid, withdraw an infringement notice by sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn. (2) Where an infringement notice is withdrawn after the modified penalty has been paid, the amount is to be refunded.
Function	1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65]. *Actions under this Delegation are required to comply with procedural and form requirements detailed in the Cat Act 2011 and Cat Regulations 2012.*
Delegates	Manager Community Services
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Cat Act 2011* *Cat Regulations 2012*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Cat Act 2011* s.47 (3) A person to whom a power or duty is delegated under this Division is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. All exercises of delegated authority are to be recorded within the Shire's ICT system.

DRAFT

Delegation	**100 Tenders for Goods and Services [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services
Function	1. Authority to call tenders [F&G r.11(1)]. 2. Authority with regards to the following, ~~because~~due ~~of~~to the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is $250,000 or less [F&G.r.11(2). r.11(2)(aa) the supply of the goods or services is associated with a state of emergency; r.11(2)(h) the following apply- i. the goods or services are to be supplied by — I. a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or II. Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362; r.11(2)(ja) the contract is a renewal or extension of the term of a contract (the original contract) r.11(3) For the purposes of subregulation (2)(aa) a supply of goods or services is associated with a state of emergency if — see [F&G r.11(3)] for further information 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, by taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14 (5)].

DRAFT

	8. Authority to evaluate tenders, by written evaluation, of the extent to which each tender satisfies the criteria and decide which is the most advantageous [F&G r.18(4)]. 9. Authority to accept a tender which does not exceed the value detailed as a condition on this Delegation and in accordance with s.5.43(b). and; Authority to accept and reject tenders in accordance with the requirements of the Functions and General Regulations [F&G r.18]. 10. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender and negotiate minor variations with the successful tenderer before entering into a contract, in accordance with Council Conditions on this delegation. [F&G r.20(1) (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline to accept any tender [F&G r.18(5)]. 13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)] 14. Authority to: i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or as per Council conditions on this delegation ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j)(ja). [F&G r.21A] and before the contract is to expire. 15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) (7)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.*
Delegates	CEO

DRAFT

Conditions	a. Sole supplier arrangements may only be approved where a record is retained that evidences: i. A detailed specification; ii. The outcomes of market testing of the specification; iii. The reasons why market testing has not met the requirements of the specification; and iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: i. proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, ii. current supply contract expiry is imminent, iii. value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and iv. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council. c. Tender exempt procurement is required to have the expense included in the adopted annual budget, unless exercising the requirement for emergency purchasing under the definition of Emergency or a declared State of Emergency. d. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is $250,000 or less and the expense is included in the adopted Annual Budget. e. A minor variation negotiation, in relation to an invitation to Tender, is subject to a maximum 20% variation and is not to exceed $500,000. f. The variation of a contract is subject to a maximum limit of a 15% increase of the contract value. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996*
Policy	Council Policy - CP20 Purchasing Management Policy MP04 Purchasing
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 Local Government (Functions and General) Regulations 1996 r.17 Tender Register (1) The CEO is responsible for keeping the tenders register and making it available for public inspection

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
28 Feb 2023	Amended delegation	Adopted by Coumcil at OCM 28.02.2023	Minute reference: 100223

DRAFT

Delegation	**101 Payments from the Municipal or Trust Funds [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* *Local Government (Financial Management) Regulations 1996:* r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.*
Delegates	CEO
Conditions	a. Authority to make payments is subject to Council approved budget. b. or the payments have been authorised by a resolution of Council in advance, or authorised in advance by the Shire President in an emergency. c. A list of payments is presented to Council in accordance with Financial Management Regulations 13. d. All payments are signed by two delegated signatories, one being the CEO the other sub -delegated by the CEO. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Acting Manager Community Services Community Emergency Services Manager Human Resource Supervisor Manager Community Services Manager Finance Manager Operations

DRAFT

Subdelegate conditions	a. Authority to make payments is subject to Council approved budget. b. or the payments have been authorised by a resolution of Council in advance, or authorised in advance by the Shire President in an emergency. c. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. d. Payments by cheque and EFT transactions must be approved jointly by two delegates. In the case of payroll authorisation, one of these delegates must be the CEO. e. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods/service received, must be undertaken independent of the payment approval. f. Payments with Corporate Credit Card shall not exceed the credit limit of the card.
Statutory framework	*Local Government Act 1995* – Section 5.46(3) *Local Government (Financial Management) Regulations 1996*
Policy	Council Policy – CP20 Purchasing
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	Correction to Amendment comment above - Manager Finance and Chief Operating Officer given delegation 14/02/2023 (not 2022).	---
22 Feb 2023	Amended delegation	Following subdelegates added, on instruction of CEO, as follows: - 20/08/2022: Human Resources Supervisor (refer amendment comment 20/8/22 in EMP101); - 23/08/2022: Community Emergency Services Manager (refer amendment comment 23/08/22 in EMP101); - 14/09/2022: Manager, Community Services (refer amendment comment 14/09/22 in EMP101); - 15/02/2022: Manager Finance and Chief Operating Officer (ALTUS folder: 3.00342; ref: INT23/14767209).	---
8 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	---

Delegation	**102 Trust Fund [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.6.9(4) Trust fund -
Function	1. Authority to transfer money, where money has been held in the trust fund for 10 years it may be transferred to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Development Manager Finance Manager Operations
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**103 Expression of Interest Goods and Services [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services *Local Government (Functions and General) Regulations 1996:* r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.*
Delegates	CEO
Conditions	a. Compliance with Delegation CEO100 - Tender for Goods and Services b. Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996*
Policy	Council Policy - CP20 Purchasing
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded within the Shire's ICT system.

DRAFT

Delegation	**104 Application of Regional Price Preference Policy [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Functions and General) Regulations 1996:* r.24G Adopted regional price preference policy, effect of
Function	1. Authority to decide when not to apply the regional price preference policy to a particular tender in the future for a contract of that type [F&G r.24G]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	*Local Government Act 1995* – Section 5.46(3) *Local Government (Functions and General) Regulations 1996*
Policy	Council Policy - CP01 Localised Purchasing (Regional Price Preference) Council Policy - CP20 Purchasing
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded within the Shire's ICT system.

DRAFT

Delegation	**105 Appoint Authorised Persons [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Function	1. Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act. [s.3.24 and s.9.10]. 2. Authority to appoint authorised persons for the purposes of section 9.16 of the Local Government Act 1995, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004. 3. Authority to appoint authorised person for the purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. A Register of Authorised Persons is to be maintained as a Local Government Record. b. Only persons who are appropriately qualified and trained may be appointed as authorised persons. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	*Local Government Act 1995* *Graffiti Vandalism Act 2016*
Policy	Schedule of Authorised Persons Management Policy - MP02 Purchasing Order Authorisation

DRAFT

Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 Exercises of delegated authority to be recorded in the Shire's ICT system.

DRAFT

Delegation	**106 Compensation for Damage Incurred when Performing Executive Functions [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.22(1) Compensation s.3.23 Arbitration
Function	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. Delegation is limited to settlements which do not exceed a material value of $5,000. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Operations
Subdelegate conditions	Delegation is limited to settlements which do not exceed a material value of $5,000. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – regulation 19 All exercises of delegated authority are to be recorded within the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**107 Powers of Entry [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
Function	1. Authority to exercise powers of entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28]. 2. Authority to give notice of entry [s.3.32]. 3. Authority to seek and execute an entry under warrant [s.3.33]. 4. Authority to execute entry in an emergency, without notice if not practicable. Using such force as is reasonable [s.3.34(1) (3) (5)]. 5. Authority to give notice and effect entry by opening a fence [s.3.36]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. Delegated authority under s.3.34(1) and (3) may only be used, where there is imminent or substantial risk to public safety or property. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services
Subdelegate conditions	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. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995*

DRAFT

Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) ~~Local~~All ~~Government~~exercises ~~(Administration)~~of ~~Regulations~~delegated ~~1996~~authority ~~r~~are to be recorded into the Shire's ICT system.~~19~~

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**108 Declare Vehicle is Abandoned Vehicle Wreck [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.3.40A(4) Abandoned vehicle wreck may be taken
Function	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegation CEO109 Confiscated or Uncollected Goods or alternatively, referred to Council for ~~Council~~a decision. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services
Subdelegate conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegation CEO109 Confiscated or Uncollected Goods or alternatively, referred for Council decision. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	Local Government Act 1995
Policy	Council Policy CP43 Disposal of Property Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – regulation 19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**109 Confiscate or Uncollected Goods [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A, or removed under s.3.40 or 3.40A to be collected until the costs of removing and/or impounding and keeping them have been paid to the local government. [s.3.46] 2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43. [s.3.47] 3. Authority to recover expenses if goods are removed and impounded under section 3.39 and the alleged offender is convicted, by action in a court of competent jurisdiction. [s.3.48] *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Function and General) Regulations 1996.*
Delegates	CEO
Conditions	a. May be disposed of by any means considered to provide best value, provided the process is transparent and accountable. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services
Subdelegate conditions	May be disposed of by any means considered to provide best value, provided the process is transparent and accountable. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations 1996*
Policy	Council Policy CP43 Disposal of Property Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations

DRAFT

Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – regulation 19 All exercises of delegated authority are to be recorded within the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**110 Disposal of Sick or Injured Animals [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995:* s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	1. Authority to determine when an impounded animal is ill or injured to an extent that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses if goods are removed and impounded under section 3.39 and the alleged offender is convicted, by action in a court of competent jurisdiction [s.3.48]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	As per the Local Government Act a. On the condition that the animal has been impounded for no less than 7 days and reasonable steps have been taken to notify the owner [s.3.47A(2)(i)(3)]. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services
Subdelegate conditions	1. Authority to determine when an impounded animal is ill or injured to an extent that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. In accordance with the Local Government Act: On the condition that the animal has been impounded for no less than 7 days and reasonable steps have been taken to notify the owner, allowed the owner a reasonable opportunity to collect the animal. [s.3.47A,,B(2)(i)(ii)(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Statutory framework	*Local Government Act 1995*

Policy	Council Policy CP43 Disposal of Property Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – regulation 19 All exercises of delegated authority to be recorded in the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**111 Close Thoroughfares to Vehicles [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*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
Function	1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)]. 2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks [s.3.50(1a) (2) (4)]. 3. Authority to revoke an order to close a thoroughfare [s.3.50(6)]. 4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions & General) Regulations 1996.*
Delegates	CEO

DRAFT

Conditions	As per the Local Government Act a. Before doing anything to which section 3.51 applies, fixing or alter the level or alignment of a public thoroughfare or draining water from a public thoroughfare or other public place onto adjoining land, a person having an interest is to be notified in writing. If any land is likely to be adversely affected by doing of the thing, give local public notice. Allow reasonable time for submissions and consider any submissions made. [s3.51]. b. In determining to close a thoroughfare for a period exceeding 4 weeks [s.3.50(1a) (2) (4)] and before doing so, to: • give; public notice • give written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a) (2) (4)]. c. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. d. Maintain access to adjoining land [s.3.52(3)] (relevant to the metropolitan area or a Townsite only). *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Operations Technical Services Supervisor

DRAFT

Subdelegate conditions	As per the Local Government Act: a. Before doing anything to which section 3.51 applies, fixing or alter the level or alignment of a public thoroughfare or draining water from a public thoroughfare or other public place onto adjoining land, a person having an interest is to be notified in writing. If any land is likely to be adversely affected by doing of the thing, give local public notice. Allow reasonable time for submissions and consider any submissions made. [s3.51]. b. In determining to close a thoroughfare for a period exceeding 4 weeks [s.3.50(1a) (2) (4)] and before doing so, to: • give; public notice • give written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and • consider submissions relevant to the road closure/s proposed [s.3.50(1a) (2) (4)]. c. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)]. d. Maintain access to adjoining land [s.3.52(3)] (relevant to the metropolitan area or a Townsite only). *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995*
Policy	Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – regulation 19 All exercies of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**112 Control Reserves and Certain Unvested Facilities [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land that is vested in or placed under the control and management of the Shire of Irwin, that it could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Development
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – regulation 19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**113 Obstruction of Footpaths and Thoroughfares [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	1. Authority to give, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to: [ULP r.5(2)] a. prevent damage to the footpath; or b. prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. 2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) (4)]. 3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. 4. Authority to require an owner or occupier of land to remove anything that has fallen from the land or from anything on the land and is obstructing a public thoroughfare [ULP r.7A]. 5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Delegates	CEO

DRAFT

Conditions	a. Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Development Manager Operations
Subdelegate conditions	Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* *Local Government (Uniform Local Provisions) Regulations 1996*
Policy	**Local Law** Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – regulation 19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**114 Gates Across Public Thoroughfares [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	1. Authority to provide, or refuse to provide permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)]. 2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)]. 3. Authority to impose conditions on granting permission [ULP r.9(4)]. 4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)]. 5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Delegates	CEO
Conditions	a. Each approval provided must be recorded in the Shire of Irwin's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 9(8). *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Development Manager Operations
Subdelegate conditions	Each approval provided must be recorded in the Shire of Irwin's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 9(8). *Actions under this Delegation are required to comply with any related local law and/or policies.*

DRAFT

Statutory framework	*Local Government Act 1995* *Local Government (Uniform Local Provisions) Regulations 1996*
Policy	**Local Law** Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**115 Public Thoroughfare – Dangerous Excavations [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11 (4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Delegates	CEO
Conditions	Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. *Actions under this Delegation are required to comply with any related local law, policies and procedures.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Development Manager Operations Technical Services Supervisor

DRAFT

Subdelegate conditions	Permission may only be granted where, the proponent has: a. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. b. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. c. Provided evidence of sufficient Public Liability Insurance. d. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. *Actions under this Delegation are required to comply with any related local law, policies and procedures.*
Statutory framework	*Local Government Act 1995* *Local Government (Uniform Local Provisions) Regulations 1996*
Policy	**Local Law** Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* – regulation 19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

Delegation	**116 Crossing – Construction, Repair and Removal [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r,12 (1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to, subject to regulation 14(2), give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to, if the person fails to comply with the notice, construct or repair the crossing as the notice required and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law, policies and procedures.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Development Manager Operations Technical Services Supervisor
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* – Section 5.46(3) *Local Government (Uniform Local Provisions) Regulations 1996*

DRAFT

Policy	Council Policy P20 Vehicle Crossover Policy Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations **Local Law** Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**117 Private Works on, over or under Public Places [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996* r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including but not limited to those prescribed in r.17(5) [ULP r.17(5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Delegates	CEO
Conditions	Permission may only be granted where, the proponent has: i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity. *Actions under this Delegation are required to comply with any related local law, policies and procedures.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	*Local Government Act 1995* *Local Government (Uniform Local Provisions) Regulations 1996*
Policy	**Local Law** Activities on Thoroughfares and Trading Places in Thoroughfares and Public Places Local Law

DRAFT

Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into Shire's ICT system.

DRAFT

Delegation	**118 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) 1996* r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Function	1. Authority to give notice to an owner and/or occupier of land if it is considered that clearing the owner and/or occupier's land might cause local government land having a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) 1996.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Development Manager Operations Technical Services Supervisor
Subdelegate conditions	a. Consult with the Manager Development prior to issuing a notice under this delegation. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* *Local Government (Uniform Local Provisions) Regulations 1996*
Policy	**Local Law** Prevention and Abatement of Sand Drift Local Law 2004 Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**119 Disposal of Property [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.3.58(2) & (3) Disposing of Property *Local Government (Functions & General) Regulations 1996* r.30 Disposition of property excluded from Act s.3.58
Function	1. Authority to dispose of property: (a) to the highest bidder at public auction [s.3.58(2)(a)]. (b) to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]. 2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of local public notice [s.3.58(3)]. 3. Authority to dispose of property excluded from Act s.3.58 [(F&G) r.30(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Functions & General) Regulations 1996.*
Delegates	CEO
Conditions	a. acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph [s5.43(d)], that amount being a maximum value of $50,000 or less. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	*Local Government Act 1995* *Local Government (Functions and General) Regulations ~~1995~~1996*
Policy	Council Policy CP43 Disposal of Property
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Revoked	14 February 2023 - Sub-delegation revoked as advised by CEO on 21.02.2023 - not to be sub-delegated at this time.	---

DRAFT

Delegation	**120 Defer, Grant Discounts, Waive or Write off Debts [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.6.12 Power to defer, grant discounts, waive or write off debts
Function	1. Waive a debt which is owed to the Shire of Irwin. [s.6.12(1)(b)] 2. Waive or grant a concession in relation to money which is owed to the Shire of Irwin. [s.6.12 (1)(b)] 3. Write off any amount of money which is owed to the Shire of Irwin. [s.6.12(1)(c)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. b. A debt may only be waived or concession be granted for charitable; or not for profit community groups. c. A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Irwin. i. Limited to individual debts valued below $1,000 or cumulative debts of a debtor valued below $1,000. Write off of debts greater than these values must be referred for Council *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Finance

DRAFT

Subdelegate conditions	a. This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge. b. A debt may only be waived or concession be granted for charitable; or not for profit community groups. c. A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Irwin. i. Limited to individual debts valued below $1,000 or cumulative debts of a debtor valued below $1,000. Write off of debts greater than these values must be referred for Council. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995*
Policy	Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
18 Jul 2023	New delegation	Additional sub-delegation added for Peter Bracegirdle	Altus INT23/5F9E3DB

Delegation	**121 Power to Invest and Manage Investments [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.6.14 Power to invest *Local Government (Financial Management) Regulations 1996* r.19 Investments, control procedures for
Function	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose, under the Trustees Act Part III. [s.6.14(1)] 2. Authority to establish and document internal control procedures to be followed by employees in the investment and management of investments. [FM r.19] *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.*
Delegates	CEO
Conditions	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy C15 Management of Investments. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17] *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Finance

DRAFT

Subdelegate conditions	a. All investment activity must comply with the Financial Management Regulation 19C and Council Policy C15 Management of Investments. b. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. c. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. d. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17] *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* *Local Government (Financial Management) Regulations 1996*
Policy	Council Policy C15 Management of Investments Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

Delegation	**122 Rate Record Amendment [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.6.39(2)(b) Rate record
Function	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. Delegates must comply with the requirements of s.6.40 of the Act. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Finance
Subdelegate conditions	Delegates must comply with the requirements of s.6.40 of the Act. *Actions under this Delegation are required to comply with any related local law and/or policies*.
Statutory framework	*Local Government Act 1995*
Policy	Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**123 Agreement as to Payment of Rates and Service Charges [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.6.49 Agreement as to payment of rates and service charges
Function	1. Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person [s.6.49]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Finance
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995*
Policy	CP14 Debt Recovery Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**124 Determine Due Date for Rates or Service Charges [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.6.50 Rates or service charges due and payable
Function	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Irwin [s.6.50]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. The annual budget process captures the due dates for rates and service charges, however this delegation allows for minor adjustments for administrative purposes. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Delegation	**125 Recovery of Rates or Service Charges [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.6.56 Rates or service charges recoverable in court
Function	1. Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction. [s.6.56(1)] 2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears. [s.6.64(3)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. Decisions under this delegation must comply with Council Policy CP14 Debt Recovery and CP41 Financial Hardship for a declared State of Emergency. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	*Local Government Act 1995*
Policy	Council Policy CP14 Debt Recovery Council Policy CP41 Financial Hardship – for a declared State of Emergency
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Delegation	**126 Recovery of Rates – Lessee to Pay Rent [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.6.60 Local Government may require lessee to pay rent
Function	1. Authority to give notice, if payment of a rate or service charge imposed in respect of any land is due and payable, notice may be given to the lessee of the land requiring the lessee to pay to the Shire of Irwin any rent as it falls due in satisfaction of the rate or service charge. [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	a. Decisions under this delegation must comply with Council Policy CP14 Debt Recovery and CP41 Financial Hardship for a declared State of Emergency. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Finance
Subdelegate conditions	a. Decisions under this delegation must comply with Council Policy CP14 Debt Recovery. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995*
Policy	Council Policy CP14 Debt Recovery
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - previously not sub-delegated. Sub-delegated to Manager Finance as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**127 Rate Record - Objections [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.6.76 Grounds of objection
Function	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)(6)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.*
Delegates	CEO
Conditions	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Finance
Subdelegate conditions	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995* Note - Decisions under this delegation may be referred for review by the State Administration Tribunal.
Policy	Council Policy CP14 Debt Recovery Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations

DRAFT

Record keeping	Local Government Act 1995 – Section 5.46(3) Local Government (Administration) Regulations 1996 r.19 All exercises of delegated authority is to be recorded into the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**128 Issuing Notices to Owner or Occupier of Land [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.3.25 Notices requiring certain things to be done by owner or occupier of land s.3.26 Additional powers when notices given
Function	1. Authority to give a person who is the owner or, unless Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice [s.3.25(1)]. 2. Authority to do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given, If the person who is given the notice (notice recipient) fails to comply with it [s.3.26(2)]. 3. Authority to recover the cost of anything it does under subsection (2) as a debt due from the person who failed to comply with the notice [s.3.26(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Development Manager Operations
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Local Government Act 1995*
Policy	Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority to be recorded into the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**129 Actions on Land that is not Local Government Property [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government Act 1995* s.3.27 Particular things local Governments can do on land that is not local government property
Function	1. Authority to do any of the things prescribed in Schedule 3.2, in performing its general function, even though the land on which it is done is not local government property and the local government does not have consent to do it [s.3.27(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Operations Operations Maintenance Supervisor Parks & Gardens Supervisor Technical Services Supervisor
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local laws and/or policies.*
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

DRAFT

Delegation	**130 Works Required for Supply of Gas or Water [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Local Government (Uniform Local Provisions) Regulations 1996:* r.20(1) Works required for supply of gas or water — Sch. 9.1 cl. 11
Function	1. Where the Local Government is responsible for supplying water or gas, authority to carry out works that are necessary for the purpose of providing, maintaining or modifying the supply system [ULP r.20(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government (Uniform Local Provisions) Regulations 1996.*
Delegates	CEO
Conditions	a. Works may only be undertaken where there is an approved budget allocation. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	*Local Government Act 1995* *Local Government (Uniform Local Provisions) Regulations 1996*
Record keeping	*Local Government Act 1995* – Section 5.46(3) *Local Government (Administration) Regulations 1996* r.19 All exercises of delegated authority are to be recorded into the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Revoked	14 February 2023 - Sub-delegation removed as advised by CEO on 21.02.2023 - i.e. NO sub-delegation at this time.	---

Delegation	**131 Complaints Officer [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Local Government
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*The Local Government (Model Code of Conduct) Regulations 2021* 11(3)- The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.
Function	Authority to receive complaints and withdrawals of complaints alleging a breach of a requirement set out in the Model Code of Conduct.
Delegates	CEO
Conditions	The CEO may authorise, as Complaints Officers, one or more persons to receive complaints and withdrawals of complaints for the purposes of Division 3 of the Code of Conduct. Delegation is in accordance with section 5.42 of the Local Government Act 1995 [Council Decision 28/21(4)]. It is noted that the CEO, or another employee designated by the CEO, is the Complaints Officer for the purposes of s5.120 of the Local Government Act 1995, to deal with matters pursuant to Division 4 of the Code of Conduct. The CEO has not chosen to designate another employee for these purposes.
Express power to subdelegate	Local Government Act 1995 s.5.44 CEO may delegate some powers and duties to other employees
Statutory framework	*Local Government Act 1995* *Local Government (Model Code of Conduct) Regulations 2021*
Record keeping	All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

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

DRAFT

Delegation	**132 Request Information (s.14) ROAD TRAFFIC (ADMINISTRATION) ACT 2008 [DRAFT]**
Category	CEO to Employees
Head of power	Road Traffic (Administration) Act 2008
Delegator	CEO
Express power to delegate	r.7(2)(n) Disclosure of information to prescribed persons
Express power or duty delegated	*Road Traffic (Administration) Act 2008* s.14 – Disclosure of information to prescribed persons *Road Traffic (Administration) Regulations 2014* r.7 – Disclosure of information to prescribed persons
Function	Nominate Prescribed Persons to the CEO of the Public Authority for the purpose of requesting information on an ad hoc basis from the Department of Transport, Driver and Vehicle Services (DVS) and Release of Information (ROI) section via email.
Delegates	Manager Community Services Senior Customer Service Officer
Conditions	The information disclosed to the nominated persons will only be used in connection with the administration of the Acts and Regulations specifically the: • *Local Government Act 1995;* • *Caravan Parks and Camping Grounds Act 1995;* • *Animal Welfare Act 2002;* • *Dog Act 1976;* • *Litter Act 1979;* • *Cat Act 2011;* • *Local Government (Miscellaneous Provisions) Act 1960;* and • *Bush Fires Act 1954.* Any information provided by the Department of Transport cannot be used for a purpose other than the authorised purpose for which it was disclosed.
Statutory framework	*Road Traffic (Administration) Act 2008* *Road Traffic (Administration) Regulations 2014* *Local Government Act 1995*

DRAFT

Delegation	**200 Grant a Building Permit [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	*Building Act 2011:* *s.127(1) & (3) Delegation: special permit authorities and local government*
Express power or duty delegated	*Building Act 2011:* s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	1. Authority to require an applicant to provide any documentation or information, within a specified time of not more than 21 days that it requires to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit before the building work is complete [s.27(1) (3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23 and 24]. 5. Authority to approve an application for a new responsible person for a building permit [r.26]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	**a. As per Building Regulation 2012** Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Building Act 2011*: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegates	EHO/Building Surveyor Manager Development

DRAFT

Subdelegate conditions	In accordance with Building Regulations 2012 r.5: Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Building Act 2011* *Building Regulations 2012* *Building Services (Registration Act) 2011* – Section 7 *Home Building Contracts Act 1991*–Part 3A, Division 2 – Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage of Western Australia Act ~~1990~~2018*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Building Act 2011* s.130 All exercises of delegated authority to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included, to accommodate staffing updates. As instructed by the CEO.	---

DRAFT

Delegation	**201 Demolition Permits [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit *Building Regulations 2012:* r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	1. Authority to require an applicant to provide any documentation or information, within a specified time of not more than 21 days that it requires to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit, before demolition works are complete. [s.27(1) (3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	**a. As per Building Regulation 2012** Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegates	EHO/Building Surveyor Manager Development

DRAFT

Subdelegate conditions	**In accordance with Building Regulations 2012 r.5:** Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Building Act 2011* *Building Regulations 2012* *Building Services (Registration Act) 2011* – Section 7 *Home Building Contracts Act 1991*–Part 3A, Division 2 – Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage of Western Australia Act ~~1990~~2018*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Building Act 2011 s.130* All exercises of delegated authority are to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	---

DRAFT

Delegation	**202 Occupancy Permits or Building Approval Certificates [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* Division 3 — Making and dealing with applications for occupancy permits and building approval certificates s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration *Building Regulations 2012* r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	1. Authority to require an applicant to provide any documentation or information required, within a specified time of not more than 21 days in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit, while the occupancy permit or building approval certificate has effect. [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	**a. As per Building Regulation 2012** Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications in accordance with r.5. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section
Subdelegates	EHO/Building Surveyor Manager Development

DRAFT

Subdelegate conditions	**In accordance with Building Regulations 2012 r.5:** Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Building Act 2011* *Building Regulations 2012* *Building Services (Registration Act) 2011* – Section 7 *Home Building Contracts Act 1991*–Part 3A, Division 2 – Part 7, Division 2 *Building and Construction Industry Training Levy Act 1990* *Heritage of Western Australia Act ~~1990~~2018*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Building Act 2011 s.130* All exercises of delegated authority are to be recorded in the Shire's ICT system.

Amendments

Date	Type	Amendment	References
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
15 Dec 2023	Amended delegation	the role of EHO/ Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	---

DRAFT

Delegation	**203 Authorised and Approved Persons/Officers [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.96(3)(6) Authorised persons s.99(3) Limitation on powers of authorised person *Building Regulations 2012:* r.70 Approved officers and authorised officers
Function	1. Authority to designate a local government employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that employee [s.99(3)]. 3. Authority to appoint a specified employee of the local government as an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004 [70(1),(1A)]. 4. Authority to appoint to be an authorised officer for the purposes of the Criminal Procedure Act 2004 section 6(b), a person appointed under the Local Government Act 1995 section 9.10(1) and authorised for the purpose of performing functions under section 9.16 of that Act [70(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Building Act 2011*: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegate conditions	Not sub delegated
Statutory framework	*Building Act 2011* Section 97. A permit authority must be give an identity card to each person designated by it as an authorised person. *Building Regulations 2012*
Record keeping	*Building Act 2011 s.130* *All exercises of delegated authority are to be recorded into the Shire's ICT system.*

DRAFT

Delegation	**204 Building Orders [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.110(1) Building Orders s.111(1) Notice of proposed building order other than building order (emergency) s.117 Revocation of building order s.118(2) (3) Permit authority may give effect to building order if non-compliance s.133(1) Prosecutions
Function	1. Authority to make Building Orders in relation to: a. Building work b. Demolition work c. An existing building or incidental structure [s.110(1)]. 2. Authority to give notice of a proposed building order and consider submissions received in response [s.111(1)(c)]. 3. Authority to, by notice in writing revoke a building order at any time. [s.117(1)]. 4. If there is non-compliance with a building order, authority to cause an authorised person to: a. take any action specified in the order; or b. commence or complete any work specified in the order; or c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. 5. Authority to take court action to recover as a debt from a person who has been served with a copy of a building order the reasonable costs and expenses incurred in doing anything under s.118(2) in relation to the order. [s.118(3)]. 6. Authority to initiate a prosecution for an offense against this Act [s.133(1)] (see Council conditions) *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012. b. Authority to initiate a prosecution for an offense against this Act [s.133(1)] is limited to non-compliance with a building order made pursuant to section 110 of the Building Act 2011. *Actions under this Delegation are required to comply with any related local law and/or policies.*

DRAFT

Express power to subdelegate	*Building Act 2011*: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegates	EHO/Building Surveyor Manager Development
Subdelegate conditions	**In accordance with Building Regulations 2012 r.5:** Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Building Act 2011*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Building Act 2011 s.130* All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	---

Delegation	**205 Inspection and Copies of Building Records [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.131(2) Inspection, copies of building records
Function	1. Authority to, on application by an interested person and on payment of the prescribed fee, if any — (a) allow the interested person to inspect a building record; and (b) provide to the interested person a copy of a building record [s.131(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegates	EHO/Building Surveyor Manager Development
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Building Act 2011*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations Management Policy - Acting Through (to be developed)
Record keeping	*Building Act 2011 s.130* All exercises of delegated authority are to be recorded into the Shire's ICT System.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	---

DRAFT

Delegation	**206 Referrals and Issuing Certificates [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Act 2011:* s.145A Local Government functions
Function	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance that is signed by a building surveyor who is employed by the local government whether or not - a. the building or incidental structure that is the subject of the application is, or is proposed to be, located in the local government's district; or b. the applicant is an owner or occupier of land in the local government's district [s.145A(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegates	EHO/Building Surveyor Manager Development
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Building Act 2011*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Building Act 2011 s.130* All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates, As instructed by the CEO.	---

DRAFT

Delegation	**207 Private Pool Barrier – Alternative and Performance Solutions [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Regulations 2012:* r.51 Approvals by permit authority
Function	1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]. 2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51 (3)]. 3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Building Act 2011:* s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegates	EHO/Building Surveyor Manager Development
Subdelegate conditions	**In accordance with Building Regulations 2012 r.5:** Decisions under this delegated authority should be either undertaken or informed by a person having the appropriate experience or qualifications. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Building Act 2011*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations

DRAFT

Record keeping	*Building Act 2011 s.130* All exercises of delegated authority are to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	---

DRAFT

Delegation	**208 Smoke Alarms – Alternative Solutions [DRAFT]**
Category	Council to CEO
Head of power	02 Building Act 2011
Delegator	Local Government
Express power to delegate	*Building Act 2011:* s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	*Building Regulations 2012:* r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	1. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61]. In accordance with Division 3 – Smoke Alarms. *Actions under this Delegation are required to comply with procedural requirements detailed in the Building Act 2011 and Building Regulations 2012.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	Building Act 2011: s.127(6A) The CEO of a local government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section.
Subdelegates	EHO/Building Surveyor Manager Development
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Building Act 2011*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Building Act 2011 s.130* All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---
15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO	---

DRAFT

Delegation	**300 Firebreaks [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	1. Authority to, subject to subsection s.33(2) give written notice to all owners or occupiers of land within the District, or shall give notice to all owners or occupiers of land in its district by publishing a notice in the Government Gazette and in a newspaper circulating in the area requiring within a time specified in the notice and to the satisfaction of the Shire of Irwin: a. clearing and maintaining of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated operation with any other person carry out a similar operation on adjoining or neighbouring land [s.33(1)]. 2. Authority to direct a Bush Fire Control Officer or any other officer of the local government to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government [s.33(5)]. 3. Authority to, at the request of the owner or occupier of land within Shire of Irwin district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier in a court of competent jurisdiction as a debt due from the owner or occupier to the local government. [s.33(6)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Policy	Council Policy - CP02 Fire Management
Record keeping	All exercises of delegated authority to be recorded in the Shire's ICT system.

DRAFT

Delegation	**301 Make Request to FES Commissioner – Control of Fire [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.13(4) Duties and powers of bush fire liaison officers
Function	1. Authority to request on behalf of the Shire of Irwin that the FES Commissioner authorise a Bush Fire Liaison Officer or another person to take control of all operations in relation to the fire. [s.13(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Policy	Council Policy - CP02 Fire Management
Record keeping	All exercises of delegated authority is to be recorded into the Shire's ICT system.

DRAFT

Delegation	**302 Prohibited Burning Times - Vary [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government s. 17(10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8)
Express power or duty delegated	*Bush Fires Act 1954:* s.17(7) Prohibited burning times may be declared by Minister.
Function	1. Authority to, subject to subsection s.17(7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by — (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or (b) imposing a further period of prohibited burning times. [s.17(7)] In accordance with the provisions of s.17(7B) (8). *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	Chief Bush Fire Control Officer Shire President
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Policy	Council Policy - CP02 Fire Management
Record keeping	All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**303 Restricted Burning Times - Vary [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954*: s.18(5) Restricted burning times may be declared by FES Commissioner *Bush Fire Regulations 1954*: r.15C Local government may prohibit burning on certain days
Function	1. Authority, subject to subsection s.18(5B), where seasonal conditions warrant it and after consultation with an authorised CALM Act officer if forest land is situated in its district, to - (a) vary the restricted burning times in respect of that year in the district or a part of the district by — (i) shortening, extending, suspending or reimposing a period of restricted burning times; or (ii) imposing a further period of restricted burning times; or (b) vary the prescribed conditions by modifying or suspending all or any of those conditions. [s.18(5)]. 2. Authority, by notice published in a newspaper circulating in its district, to prohibit the burning of the bush in that district on Sundays and specified public holidays during restricted burning times, and may, by subsequent notice so published, revoke that notice. [r.15C] *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Policy	Council Policy - CP02 Fire Management
Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**304 Prohibited and/or Restricted Burning Times – Control Activities [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954*: s.18(11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) (3) (4) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land *Bush Fire Regulations 1954*: r.15 Permit to burn form of and applying for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times

DRAFT

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

DRAFT

DRAFT

Delegation	**305 Control of Operations Likely to Create Bush Fire Danger [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.27D Requirements for carriage and deposit of incendiary material *Bush Fires Regulations 1954:* r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times r.39D Explosives, use of r.39E Fireworks, use of
Function	1. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning), in accordance with provisions in s.27D (2) (3). Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer. 2. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: a. a person operating a bee smoker device during a prescribed period [r.39CA(5)]. b. a person operating welding apparatus, or a power operated abrasive cutting disc [r.39C(3)]. c. a person using explosives [r.39D(2)]. d. a person using fireworks [r.39E(3) *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Policy	Council Policy - CP02 Fire Management
Record keeping	All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**306 Burning Garden Refuse / Open Air Fires [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 *Bush Fires Regulations 1954:* r.27(3) Permit, issue of
Function	1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)]. 2. Authority to, by notice of published in the Gazette and a newspaper circulating in the its district, prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]: a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27 (3) and r.33(5)]. b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District, specified by the Shire of Irwin in a notice in writing given by it to the duly authorised officer for the Shire of Irwin [r.34]. 3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: a. camping or cooking [s.25(1)(a)]. b. conversion of bush into charcoal or in or about a lime kiln for the production of lime, in consultation with a bush fire control officer or authorised CALM Act officer [s.25(1)(b)]. 4. Authority to prohibit the lighting of fires in the open area for the purposes of camping or cooking for such period during the prohibited burning times, as specified in a note published in the Gazette and newspaper circulating in the District and authority to cancel or vary such notice [s.25(1a) and (1b)]. 5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person and any person acting under his instructions from lighting a fire and to determine conditions on the notice [s.25A(5)(6)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*

DRAFT

Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Record keeping	All exercises of delegated authority is to be recorded into the Shire's ICT system.

DRAFT

Delegation	**307 Appoint Bush Fire Control Officer/s and Fire Weather Officer [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.38 Local Government may appoint bush fire control officer
Function	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. 2. Authority to issue directions to an appointed Bush Fire Control Officer or to an officer of a bush fire brigade registered by the Shire of Irwin to burn, subject to the provision of the Bush Fires Act 1954, on or at the margins of a road reserve under the care, control and management of the Shire of Irwin [s.38(5A)]. 3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Policy	Bush Fire Brigades Local Law
Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**308 Control and Extinguishment of Bush Fires [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. a. Where it is proposed that the fire will be lit on land within 3km of the boundary of forest land, and an authorised CALM Act officer is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Record keeping	All exercises of delegated authority is to be recorded in the Shire's ICT system.

DRAFT

Delegation	**308 Control and Extinguishment of Bush Fires [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)]. a. Where it is proposed that the fire will be lit on land within 3km of the boundary of forest land, and an authorised CALM Act officer is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Record keeping	All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**309 Recovery of Expenses Incurred through Contraventions of this Act [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.58 General penalty and recovery of expenses incurred
Function	1. Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Irwin or those on behalf of the Shire of Irwin to do, in accordance with the provisions of s.58 (3) (3A) (3B) (4). *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**310 Prosecution of Offences [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954:* s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
Function	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act in accordance with the provisions of s.59 (1) (2) (3) (4) (5). 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	Bush Fire Control Officer CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	*Bush Fires Act 1954* - s.50
Record keeping	All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**311 Withdrawal of Infringement Notices [DRAFT]**
Category	Council to CEO
Head of power	03 Bush Fires Act 1954
Delegator	Local Government
Express power to delegate	*Bush Fires Act 1954:* s.48 Delegation by local government
Express power or duty delegated	*Bush Fires Act 1954*: s.59A(5) Alternative procedure – infringement notices
Function	1. Authority to withdraw an infringement notice for an offence against this Act, at any time within 60 days after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer, to the alleged offender at his last known place of residence or business, advising the alleged offender that the infringement notice has been withdrawn, and, in that event, the amount of any prescribed penalty that has been paid shall be refunded [s.59A (5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Bush Fire Act 1954.*
Delegates	CEO
Conditions	a. The person who issued an infringement and/or notice is not permitted to determine an objection, extend time, withdraw or revoke an infringement and/or notice, as is applicable, for the same applicant and/or issue. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Statutory framework	Bush Fires Act 1954 - s.50
Record keeping	All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Delegation	**400 Cat Registrations [DRAFT]**
Category	Council to CEO
Head of power	04 Cat Act 2011
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags *Cat Regulations 2012* Schedule 3, cl.1(4) Fees Payable
Function	1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9 (1)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. 3. Authority to cancel a cat registration [s.10]. 4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. 5. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the shire of Irwin's District [Regs. Sch. 3 cl.1(4)]. 6. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat. [Schedule 3 s.1(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and Cat Regulations 2012.*
Delegates	CEO
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. b. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Manager Community Services

DRAFT

Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Cat Act 2011* *Cat Regulations 2012*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Cat Act 2011* s.47 All exercises of delegated authority is recorded in the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - previously not sub-delegated. Sub-delegated to Manager Community Services as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**401 Cat Control Notices [DRAFT]**
Category	Council to CEO
Head of power	04 Cat Act 2011
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011*: s.26 Cat control notice may be given to cat owner
Function	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Irwin's District [s.26]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Delegates	CEO
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Manager Community Services
Subdelegate conditions	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Cat Act 2011* *Cat Regulations 2012*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	Cat Act 2011 s.47 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**402 Approval to Breed Cats [DRAFT]**
Category	Council to CEO
Head of power	04 Cat Act 2011
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)]. 2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information, within a specified time of not more than 21 days, required to determine the application [s.37(4)]. 3. Authority to cancel an approval to breed cats if one or more of the things set out in s.37(2) applies in respect of the approved cat breeder [s.38]. 4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)]. 5. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Delegates	CEO
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Manager Development
Subdelegate conditions	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Cat Act 2011* *Cat Regulations 2012*

DRAFT

Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	*Cat Act 2011* s.47 All exercises of delegated authority are to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**403 Appoint Authorised Person [DRAFT]**
Category	Council to CEO
Head of power	04 Cat Act 2011
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s. 48 Authorised persons
Function	1. Authority to appoint authorised persons by issuing a certificate of authorisation [s.48]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Manager Community Services
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Cat Act 2011* *Cat Regulations 2012*
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	Cat Act 2011 s.47 All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - not previously sub-delegated. Sub-delegated to Manager Community Services as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**404 Recovery of Costs – Destruction of Cats [DRAFT]**
Category	Council to CEO
Head of power	04 Cat Act 2011
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat Act 2011:* s.49(3) Authorised person may cause cat to be destroyed
Function	1. Authority to recover the amount of the costs associated with the destruction and the disposal of a cat from the owner in a court of competent jurisdiction. [s.49(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	*Cat Act 2011* *Cat Regulations 2012*
Record keeping	Cat Act 2011 s.47 All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**405 Applications to Keep Additional Cats [DRAFT]**
Category	Council to CEO
Head of power	04 Cat Act 2011
Delegator	Local Government
Express power to delegate	*Cat Act 2011:* s.44 Delegation by local government
Express power or duty delegated	*Cat (Uniform Local Provisions) Regulations 2013:* r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	1. Authority to require any document or additional information to be provided within a specified time of not more than 21 days to determine an application. [r.8(3)] 2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application. [r.8 (4)] 3. Authority to grant or refuse approval for additional number of cats specified in an application or less than the amount specified in the application, to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats. [r.9] 4. Notices of decisions must include advice as to review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013. *Actions under this Delegation are required to comply with procedural requirements detailed in the Cat Act 2011 and associated Regulations.*
Delegates	CEO
Conditions	a. Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the *Cat Act 2011*. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Cat Act 2011:* s.45 Delegation by CEO of local government
Subdelegates	Manager Community Services
Subdelegate conditions	Notices of decisions must include advice as to review rights in accordance with r.11 of the *Cat (Uniform Local Provisions) Regulations 2013*. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Cat Act 2011* *Cat (Uniform Local Provision) Regulations 2013*

Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	Cat Act 2011 s.47 All exercises of delegated authority are to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**500 Refuse or Cancel Registration [DRAFT]**
Category	Council to CEO
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.15(2) (4A) Registration periods and fees s.16(2) (3) Registration procedure s.17A(2) If no application for registration made
Function	1. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Irwin's District [s15(4A)]. 2. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)]. 3. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions as per the requirements the Dog Act 1976 because - [s.16(3) and s.17A(2)]. a. the applicant, owner or registered owner has been convicted or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or b. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or c. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or d. the dog is required to be microchipped but is not microchipped; or e. the dog is a dangerous dog [s.16(3) and s.17A(2)]. 4. Authority to apply to a Justice of the Peace for an order to seize a dog following a decision to refuse or cancel a registration where the owner/applicant was given proper notice of the reason for the decision and has not applied to the State Administrative Tribunal for the decision to be reviewed within the time fixed. [s.17(4)]. 5. Authority to cause the dog to be seized, if an order for the seizure of the dog is made under subsection (4) or (5), and detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.

Subdelegate conditions	Not sub-delegated
Statutory framework	*Dog Act 1976*
Policy	Dog Local Law 2000
Record keeping	*Dog Act 1976* s.10AA All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**501 Kennel Establishments [DRAFT]**
Category	Council to CEO
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.27 Licensing of approved kennel establishments
Function	1. Authority to grant a licence to keep an approved kennel establishment, upon an application received in the Shire's prescribed manner and form. If due notice of the proposed use of the land was required to be given to persons in the locality, the Shire shall have regard to any objections raised. [s.27(4)]. 2. Authority to cancel a licence for a kennel buy the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months [s.27(6)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegates	Manager Development
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Dog Act 1976*
Policy	An error has occurred while processing HtmlTextBox 'htmlTextBox1': The 'br' start tag on line 1 position 130 does not match the end tag of 'div'. Line 1, position 207.
Record keeping	*Dog Act 1976* s.10AA All exercises of delegated authority are to be recorded into the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - previously not sub-delegated. Sub-delegated to Manager Development as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**502 Appoint Authorised Persons [DRAFT]**
Category	Council to CEO
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.11 Staff and Services
Function	1. Authority to appoint authorised persons to exercise the powers conferred on an authorised person by this Act [s.3 s.11(1)(2)(3) and s.29(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	*Dog Act 1976*
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**503 Recovery of Moneys Due Under this Act [DRAFT]**
Category	Council to CEO
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.29(5) Power to seize dogs
Function	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	*Dog Act 1976*
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**504 Dispose of or Sell Dogs Liable to be Destroyed [DRAFT]**
Category	Council to CEO
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.29(11) Power to seize dogs
Function	1. Authority to dispose of or sell a dog which is liable to be destroyed pursuant to subsection (10) [s.29(11)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	*Dog Act 1976*
Policy	Dog Local Law 2000 Council Policy CP43 Disposal of Property
Record keeping	*Dog Act 1976* s.10AA All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**505 Declare a Dangerous Dog [DRAFT]**
Category	Council to CEO
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	1. Authority to declare an individual dog to be a dangerous dog by notice in writing given in accordance with section 33F [s.33E(1)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Delegates	CEO
Conditions	a. If the Chief Executive Officer declares a Dangerous Dog, objections are to be referred to Council. b. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Statutory framework	*Dog Act 1976*
Policy	Dog Local Law 2000
Record keeping	*Dog Act 1976* s.10AA All exercises of delegated authority are to be recorded into the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Revoked	14 February 2023 - Sub-delegation revoked as advised by CEO on 21.02.2023 - not to be sub-delegated at this time.	---

Delegation	**506 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke [DRAFT]**
Category	Council to CEO
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1)(2)(5) Local government may revoke declaration or proposal to destroy
Function	1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)]. 4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)]. 5. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: (a) a notice declaring a dog to be dangerous; or (b) a notice proposing to cause a dog to be destroyed. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Delegates	CEO
Conditions	a. If the Chief Executive Officer declares a Dangerous Dog, objections are to be referred to Council. b. The Chief Executive Officer may further delegate to a person which is determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated

DRAFT

Statutory framework	*Dog Act 1976*
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA All exercises of delegated authority are to be recorded in the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

DRAFT

Delegation	**507 Determine Recoverable Expenses for Dangerous Dog Declaration [DRAFT]**
Category	Council to CEO
Head of power	05 Dog Act 1976
Delegator	Local Government
Express power to delegate	*Dog Act 1976:* s.10AA Delegation of local government powers and duties
Express power or duty delegated	*Dog Act 1976:* s.33M(1)(a) Local Government expenses to be recoverable
Function	1. Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Dog Act 1976 and associated Regulations.*
Delegates	CEO
Conditions	a. The Chief Executive Officer may further delegate to a person which are determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Dog Act 1976:* s.10AA(3) The delegation may expressly authorise the delegate to further delegate the power or duty.
Subdelegate conditions	Not sub-delegated
Statutory framework	*Dog Act 1976*
Policy	Dog Local Law 2000
Record keeping	Dog Act 1976 s.10AA All exercises of delegated authority to recorded into the Shire's ICT system. *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*

DRAFT

Delegation	**600 Food Business Registrations [DRAFT]**
Category	Council to CEO
Head of power	06 Food Act 2008
Delegator	Enforcement Agency (Local Government)
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Function	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Delegates	CEO
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, see ww2.health.wa.gov.au for up-to-date DoH CEO approved documents. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	*Food Act 2008*
Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system. Note - Decisions under this delegation may be referred for review by the State Administration Tribunal.

DRAFT

Delegation	**601 Appoint Authorised Officers and Designated Officers [DRAFT]**
Category	Council to CEO
Head of power	06 Food Act 2008
Delegator	Enforcement Agency (Local Government)
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Function	1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)]. 2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)]. 3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Delegates	CEO
Conditions	a. In accordance with s.122(2) the Department of Health (DoH) CEO may issue guidelines that describe the qualifications and experience that are appropriate for a person to be appointed as an authorised officer. See ww2.health.wa.gov.au for up-to-date DoH CEO approved guidelines. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	*Food Act 2008*
Record keeping	All exercises of delegated authority to be recorded in the Shire's ICT system.

DRAFT

Delegation	**602 Determine Compensation [DRAFT]**
Category	Council to CEO
Head of power	06 Food Act 2008
Delegator	Enforcement Agency (Local Government)
Express power to delegate	*Food Act 2008:* s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Function	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)(3)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2)(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Delegates	CEO
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time. b. Compensation under this delegation may only be determined upon documented losses up to a maximum of $1,000. Compensation requests above this value are to be reported to Council. c. The person who seized an item is not permitted to determine an objection, extend time, withdraw or revoke and/or compensation, as is applicable. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	Food Act 2008 *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*
Record keeping	All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**603 Prohibition Orders [DRAFT]**
Category	Council to CEO
Head of power	06 Food Act 2008
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67 (4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Delegates	CEO
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	Food Act 2008 *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*
Record keeping	All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**604 Debt Recovery and Prosecutions [DRAFT]**
Category	Council to CEO
Head of power	06 Food Act 2008
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
Function	1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs s.54(1) and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)]. 2. Authority to institute proceedings for an offence under the Food Act 2008 within 12 months after the date of which the offense is alleged to have been committed, or within 6 months if proceedings are in respect of a food sample [s.125]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Delegates	CEO
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	*Food Act 2008*
Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**605 Food Business List – Preparation, Maintenance and Public Access**
Category	Council to CEO
Head of power	06 Food Act 2008
Delegator	Local Government
Express power to delegate	*Food Act 2008:* s.118Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	*Food Act 2008:* r.51 Enforcement agency may make list of food businesses publicly available
Function	1. Authority to prepare and maintain a list of — (a) food businesses notified to the agency in respect of any premises under section 107; and (b) food businesses registered by the agency in respect of any premises under section 110 [s.115]. 2. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Food Act 2008 and associated Regulations.*
Delegates	CEO
Conditions	a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health (DoH) CEO Guidelines, as amended from time to time. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Statutory framework	Food Act 2008
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	27 June 2023

DRAFT

Delegation	**700 Give Notice Requiring Obliteration of Graffiti [DRAFT]**
Category	Council to CEO
Head of power	07 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Graffiti Vandalism Act 2016* s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function	1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, if applicable with s.18(1), requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)]. 2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner s.19(3) and to take action to recover reasonable costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Graffiti Vandalism Act 2016*: s.17 Delegation by CEO of local government
Subdelegates	Manager Community Services Manager Operations
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Graffiti Vandalism Act 2016* *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*
Policy	An error has occurred while processing HtmlTextBox 'htmlTextBox1': The 'br' start tag on line 1 position 96 does not match the end tag of 'html'. Line 1, position 173.
Record keeping	All exercises of delegate authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**701 Notices – Deal with Objections and Suspension of Effect of Notices [DRAFT]**
Category	Council to CEO
Head of power	07 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Graffiti Vandalism Act 2016* s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	1. Authority to deal with an objection to a notice [s.22(3)]. 2. Authority, where an objection has been lodged against a notice or a decision or for a review of a decision, to: i. determine that there are urgent reasons why the effect of the notice or decision should not be suspended; or ii. suspension of the effect of the notice or decision is reasonably likely to endanger the safety of any person, cause damage to property or to create a serious public nuisance [s.24(1)(b)]; and ii. to give notice to the affected person in writing of its decision explaining its reasons under subsection s.24(1)(b) [s.24(3)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	a. The person who issued an infringement and/or notice is not permitted to determine an objection, extend time, withdraw or revoke an infringement and/or notice, as is applicable, for the same applicant and/or issue. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Graffiti Vandalism Act 2016*: s.17 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	Graffiti Vandalism Act 2016 *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal*
Record keeping	All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Delegation	**702 Obliterate Graffiti on Land not Local Government Property**
Category	Council to CEO
Head of power	07 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Graffiti Vandalism Act 2016* s.25(1) Local government graffiti powers on land not local government property
Function	1. Authority to determine to obliterate graffiti that is visible from a public place and has been applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent to do it [s.25 (1)]. a. Subject to exercising Powers of Entry. *Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	Graffiti Vandalism Act 2016
Date adopted	28 July 2020
Adoption references	130720
Last reviewed	27 June 2023

DRAFT

Delegation	**703 Powers of Entry [DRAFT]**
Category	Council to CEO
Head of power	07 Graffiti Vandalism Act 2016
Delegator	Local Government
Express power to delegate	*Graffiti Vandalism Act 2016:* s.16 Delegation by local government
Express power or duty delegated	*Graffiti Vandalism Act 2016* s.28 Notice of entry s.29 Entry under warrant
Function	1. Authority to give notice, not less than 24 hours before, of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Graffiti Vandalism Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	*Graffiti Vandalism Act 2016:* s.17 Delegation by CEO of local government
Subdelegate conditions	Not sub-delegated
Statutory framework	*Graffiti Vandalism Act 2016*
Record keeping	All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Delegation	**800 Appoint Authorised Officer or Approved Officer (Asbestos Regs) [DRAFT]**
Category	Council to CEO
Head of power	08 Public Health Act 2016
Delegator	Local Government
Express power to delegate	*Health (Asbestos) Regulations 1992:* r.15D(7) Infringement Notices
Express power or duty delegated	*Health (Asbestos) Regulations 1992:* r.15D(5) Infringement Notices
Function	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2. [r.15D(5)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	Nil – the *Health (Asbestos) Regulations 1992* do not provide a power to sub-delegate.
Statutory framework	*Health (Miscellaneous Provisions) Act 1911* *Public Health Act 2016* *Health (Asbestos) Regulations 1992* *Criminal Procedure Act 2004 – Part 2*
Record keeping	All exercises of delegated authority to be recorded in the Shire's ICT system.

DRAFT

Delegation	**801 Enforcement Agency Reports to the Chief Health Officer [DRAFT]**
Category	Council to CEO
Head of power	08 Public Health Act 2016
Delegator	Enforcement Agency (Local Government)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.22 Reports by and about enforcement agencies
Function	1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Irwin [s.22(1)]. 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016*
Record keeping	All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Delegation	**802 Designate Authorised Officers [DRAFT]**
Category	Council to CEO
Head of power	08 Public Health Act 2016
Delegator	Enforcement Agency (Local Government)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.24(1) and (3) Designation of authorised officers
Function	1. Authority to designate a person or class of persons as authorised officers for the purposes of: a. The *Public Health Act 2016* or other specified Act b. Specified provisions of the *Public Health Act 2016* or other specified Act c. Provisions of the *Public Health Act 2016* or another specified Act, other than the specified provisions of that Act. Including: a. an environmental health officer or environmental health officers as a class; OR b. a person who is not an environmental health officer or a class of persons who are not environmental health officers; OR c. a mixture of the two [s.24(1) and (3)]. Subject to each person so appointed being appropriately qualified and experienced s.25(1)(a) and has regard to any guidelines issued under s.29. *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	a. Subject to each person appointed being; 1. Appropriately qualified and experienced [s.25(1)(a)]; and 2. Issued with a certificate, identity card identifying the authorised officer [s.30 and 31] b. A register (list) of authorised officers is to be maintained in accordance with s.27. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016*
Record keeping	All exercises of delegated authority are to be recorded to be in the Shire's ICT system.

DRAFT

Delegation	**803 Determine Compensation for Seized Items [DRAFT]**
Category	Council to CEO
Head of power	08 Public Health Act 2016
Delegator	Enforcement Agency (Local Government)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.264 Compensation
Function	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act in relation to the item and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264]. *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	a. Compensation is limited to a maximum value of $100, with any proposal for compensation above this value to be referred for Council's determination. *Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016* *Note – Decisions under this delegation may be referred for review by the State Administration Tribunal.*
Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**804 Commence Proceedings [DRAFT]**
Category	Council to CEO
Head of power	08 Public Health Act 2016
Delegator	Enforcement Agency (Local Government)
Express power to delegate	*Public Health Act 2016:* s.21 Enforcement agency may delegate
Express power or duty delegated	*Public Health Act 2016* s.280 Commencing Proceedings
Function	1. Authority to commence proceedings for an offence under the Public Health Act 2016 [s.280] *Actions under this Delegation are required to comply with procedural requirements detailed in the Public Health Act 2016 and associated Regulations.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local laws and/or policies.*
Express power to subdelegate	Nil – Unless a Regulation enacted under the *Public Health Act 2016*, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Statutory framework	*Public Health Act 2016*
Record keeping	All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Delegation	**900 Illegal Development [DRAFT]**
Category	Council to CEO
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	*Planning and Development Act 2005*: s.16(3)(e) - Delegation by Commission
Express power or duty delegated	*Planning and Development Act 2005*: s.214(2), (3) and (5) Illegal development, responsible authority's powers as to s.215 Illegal development, responsible Authority's powers to remove
Function	1. Authority to give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements. [s.214(2)] 2. Authority to give a written direction to the owner or any other person who undertook an unauthorised development: (a) to remove, pull down, take up, or alter the development; and (b) to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. [s.214(3)] 3. Authority to give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order. [s.214(5)] 4. Authority to recover any expenses incurred by a responsible authority under subsection s.215 (1) may be recovered from the person to whom the direction was given as a debt due in a court of competent jurisdiction. [s.215] See Council conditions. Note - Authority to prosecute a person for an office under Division 2 Offences irrespective of whether or not a direction has been given under section 214. [s.224] Authority to give an infringement notice can be issued under section 234. *Actions under this Delegation are required to comply with procedural requirements detailed in the Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Planning Scheme 05.*
Delegates	CEO Manager Development
Conditions	a. The authority to recover expenses is only exercisable by the Chief Executive Officer. *Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Statutory framework	*Planning and Development Act 2005* Part 13
Policy	An error has occurred while processing HtmlTextBox 'htmlTextBox1': The 'br' start tag on line 1 position 96 does not match the end tag of 'html'. Line 1, position 173.

DRAFT

Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to delegations as advised by CEO at meeting 14/2/23 (Old role of A/Manager Infrastructure and Development removed). Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles.	---

DRAFT

Delegation	**901 Waiving or Refunding Planning Application Fee [DRAFT]**
Category	Council to CEO
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	*Planning and Development Act 2005:* s.16(3)(e) - Delegation by Commission
Express power or duty delegated	*Planning and Development Regulations 2009* r.52 Local Government may waive or refund fee
Function	1. Authority to waive or refund, in whole or in part, payment of a fee for a planning service. [r.52] *Actions under this Delegation are required to comply with procedural requirements detailed in the Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Planning Scheme 05.*
Delegates	CEO Manager Development
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Statutory framework	*Planning and Development Act 2005* Part 13
Policy	An error has occurred while processing HtmlTextBox 'htmlTextBox1': The 'br' start tag on line 1 position 96 does not match the end tag of 'html'. Line 1, position 173.
Record keeping	All exercises of delegated authority to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to delegations as advised by CEO at meeting 14/2/23 (Old role of A/Manager Infrastructure and Development removed). Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles.	---

Delegation	**902 Grant a Certificate [DRAFT]**
Category	Council to CEO
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	*Planning and Development Act 2005*: s.16(3)(e) - Delegation by Commission
Express power or duty delegated	*Liquor Control Act 1988*: s.40 Certificate of planning authority as to whether use of premises complies with planning laws
Function	1. Authority to grant a certificate, with or without conditions, to support an application for a licence under the *Liquor Control Act 1988*. [s.40(1) & (4)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Planning Scheme 05.*
Delegates	CEO Manager Development
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Statutory framework	*Planning and Development Act 2005* Part 13
Policy	An error has occurred while processing HtmlTextBox 'htmlTextBox1': The 'br' start tag on line 1 position 96 does not match the end tag of 'html'. Line 1, position 173.
Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**903 Subdivision Clearances [DRAFT]**
Category	Council to CEO
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	*Planning and Development Act 2005:* s.16(3)(e) - Delegation by Commission
Express power or duty delegated	*Planning and Development Act 2005*: s.157(1) When approval of subdivision deemed to be approval under planning scheme
Function	1. Upon subdivision approval by the Commission, authority under the planning scheme to approve the carrying out of works necessary to enable the subdivision of the land that are — (a) shown on the plan of subdivision; or (b) required by the Commission to be carried out as a condition of approval of the plan of subdivision. *Actions under this Delegation are required to comply with procedural requirements detailed in the Planning and Development Act 2005, Planning and Development Regulations 2009 and Local Planning Scheme 05.*
Delegates	CEO Manager Development
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Policy	Code of Conduct - Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Delegation	**904 Local Planning Scheme No.5 [DRAFT]**
Category	Council to CEO
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	*Planning and Development (Local Planning Schemes) Regulations 2015* s.82 Delegations by local government s.84 Other matters relevant to delegations under this Division *Local Government Act 1995*: s.5.45 Other matters relevant to delegations under this Division s.5.46 Register of, and records relevant to, delegations to CEO and employees *Local Planning Scheme 5 (The Scheme)* 11.3 Delegation of functions

DRAFT

Express power or duty delegated	**PART 4 – ZONES AND THE USE OF THE LAND** 4.3 Zoning table **PART 5 – GENERAL DEVELOPMENT REQUIREMENTS** 5.3 Special application of residential design codes 5.5 Variations to site and development standards and requirements 5.7 Home businesses, home occupations and cottage industries 5.8 Car Parking Standards 5.9 Car Parking – Cash in Lieu or Staging 5.10 Secondhand Dwellings 5.11 Ancillary Dwellings 5.12 Waste Disposal 5.15 Development of land without constructed road frontage 5.16 Land liable to flooding and the Irwin River Floodplain 5.17 Development of lots with more than one street frontage 5.18 Outbuildings 5.21 Retaining Walls, fence or screen wall construction 5.22 Traffic Entrances 5.23 Flora preservation and planting 5.25 Residential Zone 5.26 Special Residential Zone 5.30 Rural Residential Zone and the Rural Smallholdings Zone 5.34 Structure Planning Areas **PART 6 SPECIAL CONTROL AREAS** 6.2 Water Supply Protection Area **PART 7 HERITAGE** 7.4 Heritage Assessment 7.5 Variations to Scheme provisions for a heritage place or heritage area **PART 8 – DEVELOPMENT OF LAND** 8.1 Requirement for approval to commence development 8.3 Amending or revoking a planning approval 8.4 Unauthorised existing developments **PART 9 – APPLICATION FOR PLANNING APPROVAL** 9.4 Advertising of applications **PART 10 PROCEDURE FOR DEALING WITH APPLICATIONS** 10.1 Consultations with other authorities 10.6 Temporary planning approval **PART 11 ENFORCEMENT AND ADMINISTRATION** 11.1 Powers of the Local Government 11.2 Removal and repair of existing advertisements
Function	**PART 4 – ZONES AND THE USE OF LAND** 1 Change the use of land from one use to another. [cl.4.3.3 & 4.3.4] **PART 5 – GENERAL DEVELOPMENT REQUIREMENTS** 2 Approve a Grouped Dwelling development containing a maximum of two (2) dwelling units, subject to relevant provision of R20 and The Scheme. [cl.5.3.1]

DRAFT

3 Approve Ancillary Dwelling as per the provision of the development application process, Zoning Table and the Residential Design Codes. [cl.5.3.3 & 5.11]

4 Approve an application for planning approval that does not comply with a standard or requirement prescribed under The Scheme, unconditionally or subject to such conditions as the local government thinks fit. Except for development in respect of which the Residential Design Codes apply. [cl.5.5.1] In accordance with cl.5.5.2 & 5.5.3.

5 Issue an annual approval to conduct a home business, home occupation or industry-cottage. Re-issue or refuse to re-issue annual approvals. [cl.5.7.1 & 5.7.2].

6 Authority to determine parking standards not specified in The Scheme [cl5.8.1]

7 Authority to permit car parking to be provided in stages subject to the landowner setting aside an area of land sufficient to accommodate the total car parking requirement for the development and entering into a legal agreement to satisfactorily complete all the remaining parking when required to do so by the local government. [cl5.9.1]

8 Refuse a development application until the road has been constructed or access by means of a constructed road is provided. Or grant approval to the application subject to a condition requiring the applicant to pay a sum of money in or towards the cost of constructing the road or part thereof and any other condition it considers fit to impose. Or require other legal arrangements are made for permanent access. [cl.5.15]

9 Refuse an application for planning approval for any building or development located on land which is considered as being liable to flooding or inundation. [cl.5.16]

10 Decide which street frontage the street setback shall be applied and allow up to a 50% reduction in the street frontage setback to the other street, where development is proposed on a lot with frontage to more than one street or road, and the lot is in a zone or zones other than Residential. Except where development is subject to the Residential Design Codes. [cl.5.17]

11 Approve Outbuildings, through a development application, that are consistent with The Scheme. [cl.5.18]

12 Approve, through a development application, retaining walls or boundary fences in accordance with The Scheme. [cl.5.21.1 & 5.21.2]

13 Refuse to permit more than one vehicular entrance or exit to or from any lot. May require separate entrances and exits; or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or reduce traffic hazards. [cl.5.22.1]

14 Authority to as a condition of any approval for new development or change of use, require existing accesses to major roads to be closed where access from a secondary street is or can be made possible. [cl.5.22.2]

15 Authority to approve to vary the position of any required firebreak to avoid destruction of vegetation due to the physical features on the subject land. [cl.5.23.4]

16 May, by notice served upon individual landowners or developers of land, require the preservation of groups and/or corridors of indigenous flora and thereafter no landowner shall cut, remove or otherwise destroy any such flora unless the Shire rescinds the notice or orders. And may impose conditions on a planning approval or request conditions on a subdivision approval. [cl.5.23.5 & 5.23.6]

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

DRAFT

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

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

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

21 Notwithstanding the provisions of sub-clause 5.34.4.4, may approve the construction of the following structures outside of the building envelopes—
• Water tanks;
• Windmills;
• Stock watering and feed troughs; and
• Roofed structure open on all sides for the purposes of providing shelter to animals.
[cl.5.34.4.5]

PART 6 SPECIAL CONTROL AREAS
22 Authority to refuse a use or development where DWER advises that a use or development should be refused, nothwithstanding that a use or development may be classified as 'P' in the zoning table. [cl.6.2.5]

PART 7 HERITAGE
23 May require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List. [cl.7.4]

24 May vary any site or development requirement specified in The Scheme or the Residential Design Codes, where desirable to –
a) Facilitate the conservation of a heritage place entered in the Register of Places under the Heritage of Western Australia Act 1990 or listed in the Heritage List under Clause 7.1.1; or
b) Enhance or preserve heritage values in a heritage area designated under Clause 7.2.1.
In accordance with the procedures set out in Clause 5.5.2.

PART 8 – DEVELOPMENT OF LAND
25 Approve and or refuse, with or without conditions, subject to Clause 8.2, all development on land zoned and reserved under The Scheme and in accordance with Part 9 Application for Planning Approval [8.1] With regard to the following:
a) For the purpose of a use of land mentioned in the Zoning table of the LPS5 and designated 'P', 'D' or 'A'.
b) On a Local Reserve under the LPS05 for the purpose for which the land is reserved under. [cl.3.4]
c) On Land specified in Schedule No.2 Additional Uses of the LPS05 for the purpose specified with respect to that land in Schedule No.2.
d) On land specified in Schedule No.3 Restricted Uses for the purpose specified with respect to that land in Schedule No.3.
e) For the purpose of a use of land mentioned in Schedule No.4 Special Use Zones of LPS05 and designated 'P', 'D' or 'A'.
f) To the erection placement and display of advertisements and the use of land or buildings for that purpose in accordance with The Scheme.

26 Revoke or amend, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval. [cl.8.3]

DRAFT

	27 Grant planning approval, for an unauthorised development, if the development conforms to the provisions of The Scheme and in accordance with Part 9 Application for Planning Approval. [cl.8.4] **PART 9 APPLICATION FOR PLANNING APPROVAL** 28 May give notice or require the applicant to give notice of an application for planning approval in accordance with Part 9 and for the purpose of a use or commence or carry out development which involves a use which is- a) An 'A' use under Clause 4.3.2; or b) A use not listed in the Zoning Table [cl.9.4.1] **PART 10 PROCEDURE FOR DEALING WITH APPLICATIONS** 29 May consult with any other statutory, public, or planning authority it considers appropriate in considering any application for planning approval. [cl.10.1.1] 30 May impose conditions limiting the period of time for which a temporary planning approval is granted. [cl.10.6] **PART 11 ENFORCEMENT AND ADMINISTRATION** 31 May, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of The Scheme are being observed. [cl.11.1.2] 32 May by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement, where an existing advertisement at, or at any time after, the coming into force of The Scheme, is, in the opinion of the local government, in conflict with the amenity of the locality. [cl.11.2.1] 33 Where, in the opinion of the local government, an advertisement has deteriorated to a point where it is in conflict with the aims of The Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to – a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or b) remove the advertisement. [cl.11.2.2] *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Planning Scheme 05, local planning policies and the standards and policies of the Western Australia Planning Commission.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Planning and Development (Local Planning Schemes) Regulations 2015* s.83 Local Government CEO may delegate powers s.84 Other matters relevant to delegations under this Division
Subdelegates	Manager Development
Subdelegate conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Statutory framework	*Planning and Development Act 2005 Part 13* *Planning and Development (Local Planning Schemes) Regulations 2015* *Local Planning Scheme 05*

DRAFT

Policy	Local Planning Policy – Advertising Signs Local Planning Policy – Developer Contributions for Upgrades to Roads and Footpaths Local Planning Policy – Extractive Industries LPP01 Local Planning Policy – Shipping Containers Local Planning Policy – Water Sensitive Urban Design Local Planning Policy – Wind Turbines Code of Conduct – Employees Council Policy CP24 Recordkeeping Management Policy MP10 Exercising of Delegations
Record keeping	Local Government Act s.5.46 All exercises of delegated authority are to be recorded into the Shire's ICT system.

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	---

DRAFT

Delegation	**905 Strata Title Applications - Certificates of Approval [DRAFT]**
Category	Council to CEO
Head of power	09 Planning and Development Act 2005
Delegator	Council
Express power to delegate	*Planning and Development Act 2005*: Section 16(3)(e) - Delegation by Commission
Express power or duty delegated	*Strata Titles Act 1985:* s.23 Requirement for local government approval
Function	1 Authority to provide written subdivision approval in accordance with s.15 if the parcel is situated in the Shire of Irwin district, if the subdivision involves — (a) 2 or more lots being consolidated into 1 lot; or (b) 1 or more lots being converted into common property; or (c) the removal, from the parcel, of land comprised of common property. [s.23(1)] 2 If the subdivision is approved, it is subject to any planning (scheme by-laws) condition attached to the local government approval. [s.23(2)] *Actions under this Delegation are required to comply with procedural requirements detailed in the Strata Titles Act 1985 and associated legislation.*
Delegates	CEO Manager Development
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	s.16(6) Delegation by Commission – A delegate must not further delegate any function.
Statutory framework	*Planning and Development Act 2005* Part 13 *Strata Titles Act 1985* SOI Local Planning Scheme No.5
Policy	An error has occurred while processing HtmlTextBox 'htmlTextBox1': The 'br' start tag on line 1 position 96 does not match the end tag of 'html'. Line 1, position 173.
Record keeping	All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
14 Feb 2023	Amended delegation	14 February 2023 - amendments to delegations as advised by CEO at meeting 14/2/23 (Old role of A/Manager Infrastructure and Development removed). Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles.	---

Delegation	**CEO1000 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000 [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	*Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000*
Function	Authority to administer the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000, subject to Part 9, Division 1 of the Local Government Act 1995. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Operations
Statutory framework	*Local Government Act 1995*
Policy	P22 Stallholder Permits
Record keeping	*Local Government Act 1995* – Section 5.46(3) All exercises of delegated authority are to be recorded in the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper. Manager Regulatory Services role no longer exists. Delegation changed to Manager Community Services.	---

Delegation	**CEO1001 Bush Fire Brigades Local Law**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power or duty delegated	Bush Fire Brigades Local Law
Function	Authority to administer the Bush Fire Brigades Local Law, subject to Part 9, Division 1 of the Local Government Act 1995. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Bush Fire Brigades Local Law.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	Local Government Act 1995
Policy	CP02 Bush Fire Management E21 Protective Clothing Volunteer Bush Fire Brigades
Record keeping	Local Government Act 1995 s.5.46(3)
Date adopted	22 September 2020
Adoption references	050920
Last reviewed	27 June 2023

DRAFT

Delegation	**CEO1002 Cemeteries Local Law 2000 [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Cemeteries Local Law 2000
Function	Authority to administer the Cemeteries Local Law, subject to Part 9, Division 1 of the Local Government Act 1995. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Cemeteries Local Law.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Operations
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises of delegated authority are to be recorded into the Shire's ICT system.

DRAFT

Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper. Manager Corporate & Community role no longer exists. Delegation changed to Manager Community Services.	---

Delegation	**CEO1003 Dogs Local Law [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Dogs Local Law 2000
Function	Authority to administer the Dogs Local Law, subject to Part 9, Division 1 of the Local Government Act 1995. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Dogs Local Law.*
Delegates	CEO
Conditions	Actions under this Delegation are required to comply with any related local law and/or policies.
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Operations
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises of delegated authority are to be recorded into the Shire's ICT system.

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Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Following subdelegates added on instruction of CEO, as follows: Manager Infrastructure and Development and Manager Regulatory Services roles no longer exist. Delegation changed to Manager Operations and Community Services.	---

Delegation	**CEO1004 Extractive Industries Local Law 2000 [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Extractive Industries Local Law 2000
Function	Authority to administer the Extractive Industries Local Law, subject to Part 9, Division 1 of the *Local Government Act 1995*. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Extractive Industries Local Law 2000.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Operations
Statutory framework	*Local Government Act 1995*
Policy	LLP Extractive Industries
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises of delegated authority are to be recorded in the Shire's ICT system.

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Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegations amended to Manager Operations and Manager Community Services.	---

Delegation	**CEO1005 Health Local Laws 2002 [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995:* s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health Local Laws 2002
Function	Authority to administer the Health Local Laws, subject to Part 9, Division 1 of the Local Government Act 1995. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Health Local Laws 2002.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Development Manager Operations
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises to be delegated authority are to be recorded into the Shire's ICT system.

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Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles, no longer exist. Delegations amended to Manager Development ang Manager Operations.	---

Delegation	**CEO1006 Local Government Property Local Law [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Property Local Law 2000
Function	Authority to administer the Local Government Property Local Law, subject to Part 9, Division 1 of the Local Government Act 1995. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Government Property Local Law.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Development Manager Operations
Statutory framework	Local Government Act 1995
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises of delegated authority are to be recorded in the Shire's ICT system.

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Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegations amended to Manager Development and Manager Operations.	---

Delegation	**CEO1007 Local Law Relating to Signs, Hoarding and Bill Posting [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Law Relating to Signs, Hoarding and Bill Posting 2005
Function	Authority to administer the Local Law Relating to Signs, Hoarding and Bill Posting, subject to Part 9, Division 1 of the Local Government Act 1995. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Law Relating to Signs, Hoarding and Bill Posting.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Operations
Statutory framework	*Local Government Act 1995*
Policy	LLP Advertising Signs
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises of delegated authority are to be recorded into the Shire's ICT system.

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Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegation amended to Manager Community Services and Manager Operations.	---

Delegation	**CEO1008 Local Laws Relating to Fencing [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Law Relating to Fencing 2002
Function	Authority to administer the Local Law Relating to Fencing, subject to Part 9, Division 1 of the *Local Government Act 1995*. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Local Law Relating to Fencing.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Operations
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises of delegated authority are to be recorded in the Shire's ICT system.

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Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegation amended to Manager Community Services and Manager Operations.	---

Delegation	**CEO1009 Meeting Procedures Local Law 2016 [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Meeting Procedures Local Law 2016
Function	Authority to administer the Meeting Procedures Local Law 2016, subject to Part 9, Division 1 of the Local Government Act 1995. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Meeting Procedures Local Law 2016.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Not sub-delegated
Statutory framework	*Local Government Act 1995*
Policy	CP36 Council or Committee Meeting attendance by telephone, video conference or other electronic means
Record keeping	*Local Government Act 1995* s.5.46(3)

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Delegation	**CEO1010 Parking and Parking Facilities Local Law 2000 [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Parking and Parking Facilities Local Law 2000
Function	Authority to administer the Parking and Parking Facilities Local Law 2000, subject to Part 9, Division 1 of the *Local Government Act 1995*. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Parking and Parking Facilities Local Law 2000.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995:* s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Operations
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises of delegated authority are to be recorded into the Shire's ICT system.

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Amendments			
Date	**Type**	**Amendment**	**References**
20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegations amended to Manager Community Services and Manager Operations.	---

Delegation	**CEO1011 Prevention and Abatement of Sand Drift Local Law 2004 [DRAFT]**
Category	Council to CEO
Head of power	01 Local Government Act 1995
Delegator	Council
Express power to delegate	*Local Government Act 1995*: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Prevention and Abatement of Sand Drift Local Law 2004
Function	Authority to administer the Prevention and Abatement of Sand Drift Local Law 2004, subject to Part 9, Division 1 of the *Local Government Act 1995*. *Actions under this Delegation are required to comply with procedural requirements detailed in the Local Government Act 1995 and Prevention and Abatement of Sand Drift Local Law 2004.*
Delegates	CEO
Conditions	*Actions under this Delegation are required to comply with any related local law and/or policies.*
Express power to subdelegate	*Local Government Act 1995*: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Manager Community Services Manager Operations
Statutory framework	*Local Government Act 1995*
Record keeping	*Local Government Act 1995* s.5.46(3) All exercises of delegated authority are to be recorded into the Shire's ICT system.

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Delegation	Date	Type	Amendment	References
10 Information to be available to the public	14 Feb 2023	Amended delegation	14.02.2023 - as advised during meeting with CEO, new delegate to be Manager, Finance. Subsequently advised by WALGA (on 23.02.23) that no Council-CEO delegation required for this Delegation as legislation allows for CEO to be the delegator.	Nil
11 Financial Management Systems and Procedures	14 Feb 2023	Amended delegation	14.02.2023 - as advised during meeting with CEO, new delegate to be Manager, Finance. Subsequently advised by WALGA (on 23.02.23) that no Council-CEO delegation required for this Delegation as legislation allows for CEO to be the delegator.	Nil
13 Infringement Notices	14 Feb 2023	Amended delegation	14.02.2023 - as advised during meeting with CEO, new delegate to be Manager, Community Services. Subsequently advised by WALGA (on 23.02.23) that no Council-CEO delegation required for this Delegation as legislation allows for CEO to be the delegator.	Nil
100 Tenders for Goods and Services	28 Feb 2023	Amended delegation	Adopted by Coumcil at OCM 28.02.2023	Minute reference: 100223
101 Payments from the Municipal or Trust Funds	14 Feb 2023	Amended delegation	Correction to Amendment comment above - Manager Finance and Chief Operating Officer given delegation 14/02/2023 (not 2022).	Nil
101 Payments from the Municipal or Trust Funds	22 Feb 2023	Amended delegation	Following subdelegates added, on instruction of CEO, as follows: - 20/08/2022: Human Resources Supervisor (refer amendment comment 20/8/22 in EMP101); - 23/08/2022: Community Emergency Services Manager (refer amendment comment 23/08/22 in EMP101); - 14/09/2022: Manager, Community Services (refer amendment comment 14/09/22 in EMP101); - 15/02/2022: Manager Finance and Chief Operating Officer (ALTUS folder: 3.00342; ref: INT23/14767209).	Nil

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Delegation	Date	Type	Amendment	References
101 Payments from the Municipal or Trust Funds	8 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	Nil
102 Trust Fund	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
102 Trust Fund	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	
106 Compensation for Damage Incurred when Performing Executive Functions	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	
107 Powers of Entry	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil

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Delegation	Date	Type	Amendment	References
108 Declare Vehicle is Abandoned Vehicle Wreck	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
109 Confiscate or Uncollected Goods	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
110 Disposal of Sick or Injured Animals	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
111 Close Thoroughfares to Vehicles	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil

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Delegation	Date	Type	Amendment	References
111 Close Thoroughfares to Vehicles	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	
112 Control Reserves and Certain Unvested Facilities	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
113 Obstruction of Footpaths and Thoroughfares	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
113 Obstruction of Footpaths and Thoroughfares	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

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Delegation	Date	Type	Amendment	References
114 Gates Across Public Thoroughfares	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
114 Gates Across Public Thoroughfares	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO, as follows: Mark Jones in position of Manager Operations (acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	
115 Public Thoroughfare – Dangerous Excavations	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
115 Public Thoroughfare – Dangerous Excavations	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations(acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	
116 Crossing – Construction, Repair and Removal	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil

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Delegation	Date	Type	Amendment	References
116 Crossing – Construction, Repair and Removal	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations(acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	
118 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
118 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations(acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	
119 Disposal of Property	14 Feb 2023	Revoked	14 February 2023 - Sub-delegation revoked as advised by CEO on 21.02.2023 - not to be sub-delegated at this time.	Nil
120 Defer, Grant Discounts, Waive or Write off Debts	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
120 Defer, Grant Discounts, Waive or Write off Debts	18 Jul 2023	New delegation	Additional sub-delegation added for Peter Bracegirdle	Altus INT23/5F9E3DB

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Delegation	Date	Type	Amendment	References
121 Power to Invest and Manage Investments	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
122 Rate Record Amendment	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
123 Agreement as to Payment of Rates and Service Charges	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
126 Recovery of Rates – Lessee to Pay Rent	14 Feb 2023	Amended delegation	14 February 2023 - previously not sub -delegated. Sub-delegated to Manager Finance as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil

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Delegation	Date	Type	Amendment	References
127 Rate Record - Objections	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
128 Issuing Notices to Owner or Occupier of Land	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
128 Issuing Notices to Owner or Occupier of Land	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations(acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	
129 Actions on Land that is not Local Government Property	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
129 Actions on Land that is not Local Government Property	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations(acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper.	

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Delegation	Date	Type	Amendment	References
130 Works Required for Supply of Gas or Water	14 Feb 2023	Revoked	14 February 2023 - Sub-delegation removed as advised by CEO on 21.02.2023 - i.e. NO sub-delegation at this time.	Nil
131 Complaints Officer	23 Feb 2021	New delegation	OCM Decision #120221	OCM Decision #120221
131 Complaints Officer	23 Feb 2021	New delegation	OCM Decision #130221	OCM Decision #130221
131 Complaints Officer	23 Feb 2021	New delegation	Adopted by Absolute Majority OCM 23 Feb 2021 Minute#120221	Adopted by Absolute Majority OCM 23 Feb 2021 Minute#120221
200 Grant a Building Permit	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
200 Grant a Building Permit	15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included, to accommodate staffing updates. As instructed by the CEO.	Nil
201 Demolition Permits	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
201 Demolition Permits	15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	Nil

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Delegation	Date	Type	Amendment	References
202 Occupancy Permits or Building Approval Certificates	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
202 Occupancy Permits or Building Approval Certificates	15 Dec 2023	Amended delegation	the role of EHO/ Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	Nil
204 Building Orders	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
204 Building Orders	15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	Nil
205 Inspection and Copies of Building Records	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
205 Inspection and Copies of Building Records	15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	Nil

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Delegation	Date	Type	Amendment	References
206 Referrals and Issuing Certificates	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
206 Referrals and Issuing Certificates	15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates, As instructed by the CEO.	Nil
207 Private Pool Barrier – Alternative and Performance Solutions	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
207 Private Pool Barrier – Alternative and Performance Solutions	15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO.	Nil
208 Smoke Alarms – Alternative Solutions	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
208 Smoke Alarms – Alternative Solutions	15 Dec 2023	Amended delegation	The role of EHO/Building Surveyor included to accommodate staffing updates. As instructed by the CEO	Nil

DRAFT

Delegation	Date	Type	Amendment	References
400 Cat Registrations	14 Feb 2023	Amended delegation	14 February 2023 - previously not sub -delegated. Sub-delegated to Manager Community Services as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
401 Cat Control Notices	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
402 Approval to Breed Cats	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
403 Appoint Authorised Person	14 Feb 2023	Amended delegation	14 February 2023 - not previously sub -delegated. Sub-delegated to Manager Community Services as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil

DRAFT

Delegation	Date	Type	Amendment	References
405 Applications to Keep Additional Cats	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
501 Kennel Establishments	14 Feb 2023	Amended delegation	14 February 2023 - previously not sub -delegated. Sub-delegated to Manager Development as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
505 Declare a Dangerous Dog	14 Feb 2023	Revoked	14 February 2023 - Sub-delegation revoked as advised by CEO on 21.02.2023 - not to be sub-delegated at this time.	Nil
900 Illegal Development	14 Feb 2023	Amended delegation	14 February 2023 - amendments to delegations as advised by CEO at meeting 14/2/23 (Old role of A/Manager Infrastructure and Development removed). Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles.	Nil
901 Waiving or Refunding Planning Application Fee	14 Feb 2023	Amended delegation	14 February 2023 - amendments to delegations as advised by CEO at meeting 14/2/23 (Old role of A/Manager Infrastructure and Development removed). Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles.	Nil

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Delegation	Date	Type	Amendment	References
904 Local Planning Scheme No.5	14 Feb 2023	Amended delegation	14 February 2023 - amendments to sub-delegations as advised by CEO at meeting 14/2/23. Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles. 22 February 2023 - Council to CEO and CEO to Employee delegations combined into the one template (as approved by CEO).	Nil
905 Strata Title Applications - Certificates of Approval	14 Feb 2023	Amended delegation	14 February 2023 - amendments to delegations as advised by CEO at meeting 14/2/23 (Old role of A/Manager Infrastructure and Development removed). Amendments required due to staffing changes, change in staff titles and responsibilities falling under these new titles.	Nil
CEO1000 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2000	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations(acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper. Manager Regulatory Services role no longer exists. Delegation changed to Manager Community Services.	Nil
CEO1002 Cemeteries Local Law 2000	20 Jun 2023	Amended delegation	Following subdelegate added on instruction of CEO,as follows: Mark Jones in position of Manager Operations(acting), from 29/05/2023 position review replaces existing role of COO, vacated by Ted Roper. Manager Corporate & Community role no longer exists. Delegation changed to Manager Community Services.	Nil
CEO1003 Dogs Local Law	20 Jun 2023	Amended delegation	Following subdelegates added on instruction of CEO, as follows: Manager Infrastructure and Development and Manager Regulatory Services roles no longer exist. Delegation changed to Manager Operations and Community Services.	Nil

DRAFT

Delegation	Date	Type	Amendment	References
CEO1004 Extractive Industries Local Law 2000	20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegations amended to Manager Operations and Manager Community Services.	Nil
CEO1005 Health Local Laws 2002	20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles, no longer exist. Delegations amended to Manager Development ang Manager Operations.	Nil
CEO1006 Local Government Property Local Law	20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegations amended to Manager Development and Manager Operations.	Nil
CEO1007 Local Law Relating to Signs, Hoarding and Bill Posting	20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegation amended to Manager Community Services and Manager Operations.	Nil
CEO1008 Local Laws Relating to Fencing	20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegation amended to Manager Community Services and Manager Operations.	Nil
CEO1010 Parking and Parking Facilities Local Law 2000	20 Jun 2023	Amended delegation	Manager Infrastructure and Development & Manager Regulatory Services roles no longer exist. Delegations amended to Manager Community Services and Manager Operations.	Nil

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SHIRE OF IRWIN
DONGARA-PORT DENISON
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Ordinary Council Meeting

25 June 2024

Item ID01-06/24
Attachment 1

Development Delegated Authority Report
May 2024

SHIRE OF IRWIN
DONGARA-PORT DENISON
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May 2024 Development Delegated Authority Report
(Records of exercise of delegated powers or duties)

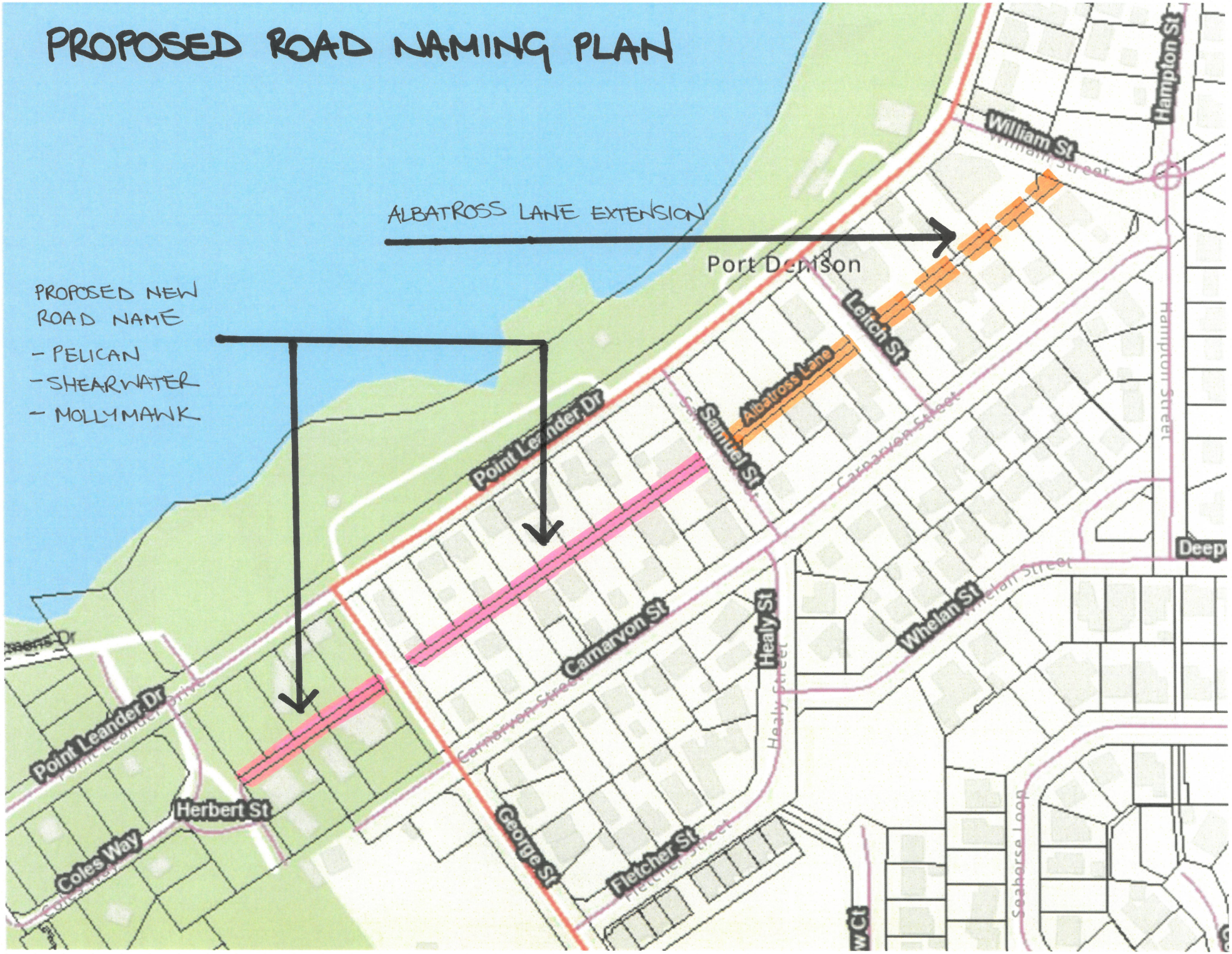
Function	Officer	Date of decision	Decision	Description	Address
Building Permit	Environmental Health Officer / Building Surveyor	1 May 2024	Granted	Carport x 2	Lot 71 (No. 35) Church Street, Dongara
		2 May 2024	Granted	Transportable Dwelling x 2	Lot 18 (No. 9) Francis Road, Port Denison
		3 May 2024	Granted	Dwelling	Lot 754 (No. 32) Retreat Boulevard, Port Denison
		6 May 2024	Granted	Shed	Lot 6 Sheoak Road, Springfield
		7 May 2024	Granted	Patio	Lot 112 Loxton Drive, Bookara
		7 May 2024	Granted	Retaining Wall	Lot 204 (No. 188) Blenheim Road, Springfield
		8 May 2024	Granted	Dwelling	Lot 287 (No. 4) Herbert Street, Port Denison
		9 May 2024	Granted	Shed	Lot 166 (No. 179) Padbury Road, Dongara
		9 May 2024	Granted	Shed	Lot 134 Brearley Road, Bookara
		9 May 2024	Granted	Patio	Lot 279 (No. 5) Tulloch Drive, Dongara
		14 May 2024	Granted	Shed	Lot 120 Loxton Drive, Bookara
		16 May 2024	Granted	Shed	Lot 552 (No. 26) Ocean Drive, Port Denison
		16 May 2024	Granted	Patio	Lot 132 (No. 4) Delmage Street, Dongara
		16 May 2024	Granted	Shed	Lot 189 (No. 4) Russ Street, Port Denison
		27 May 2024	Granted	Deck	Lot 4 (No. 101) Point Leander Drive, Port Denison
		28 May 2024	Granted	Shed, Carport and Retaining Wall	Lot 366 (No. 6) Dent Court, Port Denison
		30 May 2024	Granted	Dwelling	Lot 579 (No. 2) Sunset Cove, Dongara
Development Approval	Manager Development	1 May 2024	Granted	Single House (Future Ancillary Dwelling)	Lot 752 (No. 128) North Shore Drive, Dongara
		8 May 202	Granted	Relocated Building Envelope	Lot 120 Loxton Drive, Bookara
		10 May 2024	Granted	Chalet Park (Cabins x 8) and Local Development Plan Amendment	Dongara Tourist Park (R32182) – Lot 300 George Street, Port Denison
		22 May 2024	Granted	Single House (Carport)	Lot 104 (No. 99) Brennand Road, Dongara
		27 May 2024	Granted	Agriculture – Intensive, Industry – Cottage and Use Not Listed (Commercial Vehicle Parking)	Lot 342 (No. 151) Fane Road, Bonniefield

SHIRE OF IRWIN
DONGARA-PORT DENISON
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Ordinary Council Meeting

25 June 2024

Item ID02-06/24
Attachment 1
Proposed Road Naming Plan


PROPOSED ROAD NAMING PLAN
ALBATROSS LANE EXTENSION
PROPOSED NEW ROAD NAME
- PELICAN
- SHEARWATER
- MOLLYMAWK
Port Denison
William St
Hampton St
Leitch St
Albatross Lane
Samuel St
Point Leander Dr
Cameron Street
Camarvon St
Healy St
Whelan St
Hampton Street
Point Leander Drive
Herbert St
Coles Way
George St
Fletcher St
Seahorse Loop

SHIRE OF IRWIN
DONGARA-PORT DENISON
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Ordinary Council Meeting

25 June 2024

Item ID03-06/24
Attachment 1
Application for Development Approval

The Shire of Irwin,

11 Waldeck Stret,

Dongara WA 6525

17th May, 2024

To Whom It May Concern.

I, Malcolm Poulter of 43 Philbey Road, Dongara, have been asked to write confirming why I need a storage container on my property.

My concern is hygiene – I am a registered and licensed bee-keeper. I have my stainless steel benches and stainless steel 50/70/100 and 200 kg vats as storage vessels in my wife's kitchen with an 8 frame spinner and a thermostatically controlled storage vessel which holds 150 tubs in it.

There is also numerous boxes of empty tubs for honey. A kitchen is for cooking and eating in – not for processing and bottling honey every 4 – 8 weeks or less.

If I put it in my shed my concern is hygiene – mice, insects, flys, dust etc. all over my processing implements and mice and cockroaches nesting in boxes of empty honey (tubs new) not very hygienic.

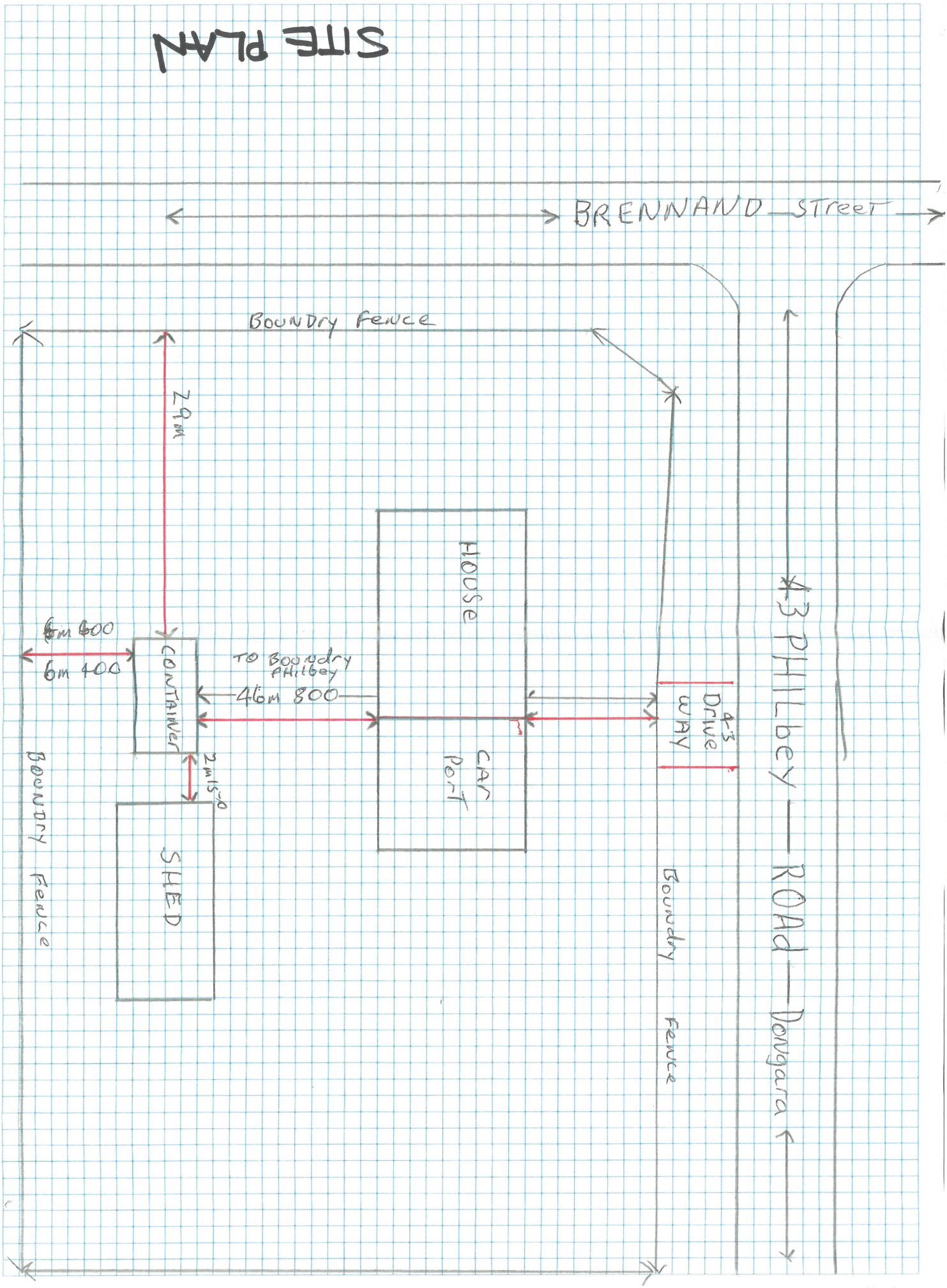
I have a new 20 ft. container, fully lined and vermin proof which weighs approx. 3.5 ton on a concrete slab with hot and cold running water on a stainless steel bench with stainless steel sink, new air con and 2 x fluorescent lights on the ceiling - all in working order. This container has been passed by the Shire's Health and Safety Officer. All of my stainless steel benches and vessels for storage of honey and a heated controlled vessel which holds 150 full tubs of honey need to be housed out of the house. All stainless steel containers have lids on so the honey does not crystallise.

If the public wants to see it – it's bottled, it's hygienically clean and tidy at all times.

Out of the house gives me a happy wife.

Malcolm Poulter.

Mobile: 0409 293 608


SITE PLAN
BRENNAND STreet
Boundry Fence
29m
6m 600
6m 400
CONTAINER
TO Boundry AHilbey
46m 800
HOUSE
CAR Port
4.3 Drive WAY
43 PHILbey ROAd Dongara
Boundry Fence
2m 15-0
SHED
BOUNDRY Fence

A3 5 mm





SITE PHOTOS





SITE PHOTOS

LA & GM Fewster

38 Philbey Road Dongara WA
6525

Shire of Irwin
Waldeck street
Dongara.

To whom it may concern,

I am writing this letter to inform you that we have been asked to confirm that we have no objection to the installation of a "Sea Container" at the property located at 43 Philbey Road.

I can confirm that we have no objections to the container placement.

Regards,
Les Fewster

LA & GM Fewster
Phone: 0429927976

16/05/2024

To Shire of Irwin 7/5/2024

To whom it may Concern,
I give Malcolm Poulter consent to have a 20 ft Container to process and sell honey from his container at 43 Philbey Rd. Dongara.

J A. Slick and [illegible]

Malcolm neighbour at
35 Philbey Road
Dongara.

I, Jeffery Schnaars of 33 Brennand rd Dongara, have no objections to Malcolm Poulter of 43 Philby rd Dongara having a sea container on the said property Sincerely Jeffery Schnaars

3:23 pm

RCS mess...

From: Malcolm Poulter <[redacted]>
Sent: Monday, May 27, 2024 3:34 PM
To: Shire Of Irwin <reception@irwin.wa.gov.au>
Subject: Fwd: Letter to Shire of Irwin RE: Container alongside boundary.

For Muarry
From Malcom Poulter

On Mon, 27 May 2024, 9:16 am Peta-Jane Ruffles, <[redacted]> wrote:

Good morning,

I have spoken with Mal Poulter regarding the container alongside the boundary fence between his property and mine (34 Brennand Rd).

We have no objections to the transportable being placed there as long as normal noise restrictions are adhered to for a built up area. In addition, we have discussed softening the view of the container and Mal has agreed to plant some trees to enable that.

Regards,

Peta-Jane Ruffles

34 Brennand Rd

SHIRE OF IRWIN
DONGARA-PORT DENISON
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Ordinary Council Meeting

25 June 2024

Item ID03-06/24
Attachment 2
Street Photos

STREET PHOTOS (27/05/2024)




A
PHILBEY
ROAD


BRENNAN D
ROAD
B

SHIRE OF IRWIN
DONGARA-PORT DENISON
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Ordinary Council Meeting

25 June 2024

Item ID03-06/24
Attachment 3
Shipping Containers
Local Planning Policy

Policy Number	Policy Title

LPP01 Local Planning Policy - Shipping Containers

DEFINITIONS

Shipping Container: means a large metal container originally intended to carry goods on a sea vessel. For the purpose of this Policy, a 'shipping container' shall also include a relocatable 'box-type' storage container or unit. A shipping container modified for the purpose of human habitation is not addressed in this policy and will be assessed by the local government as a dwelling.

Outbuilding: means an enclosed, non-habitable structure that is detached from a dwelling.

POLICY

1.0 Citation

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Irwin *Local Planning Scheme No. 5.* It may be cited as the Local Planning Policy - Shipping Containers.

The local government may prepare a local planning policy in respect of any manner related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent the policy is consistent with the Scheme.

2.0 Policy Objectives

2.1 To establish guidelines for the assessment of proposals to place shipping containers or other similar relocatable storage units on land within the municipality.

2.2 To ensure an acceptable quality of development is achieved that does not detrimentally impact on the amenity of neighbouring properties, the streetscape or the overall area.

3.0 Policy Provisions

3.1 Development approval is required for all shipping containers, unless the shipping container is:

a) Located in the 'Industry' zone, or in the 'General Farming' zone on a lot greater than 20 hectares, where the shipping container meets the relevant development requirements for the zone in which it is located and, in the 'General Farming' zone, is not visible from any adjoining public place or road;
b) Associated with the temporary loading or unloading of goods, provided that it is located entirely within the associated property and does not remain on site for more than 14 days; or
c) Fully enclosed in an approved outbuilding.

3.2 For the purposes of assessment and approval, the local government will classify a shipping container or other similar relocatable storage unit as an outbuilding ancillary to the approved use of the land.

3.3 The placement of a shipping container or other relocatable storage unit will not be permitted on land zoned 'Residential' or 'Special Residential,' unless on a temporary basis in accordance with Clause 3.1(b) or if fully enclosed in an approved outbuilding.

3.4 In all other zones, a shipping container may only be granted approval if it is:

a) in good repair, with no visible rust marks;
b) a uniform colour to complement the building to which it is ancillary or surrounding natural landscape features;
c) appropriately screened by means of siting, structures or vegetation, from neighbouring properties and any public road; and
d) not considered to detrimentally impact the amenity of the land or of any adjoining land or development.

3.5 Shipping containers must not:

a) Obstruct vehicle or pedestrian sightlines;
b) Be used for human habitation; and
c) Be located over septic tanks, leach drains or other effluent disposal utilities, or within:
    i. 1.8m from drains; and
    ii. 1.2m from tanks.

3.6 The table below details the maximum number of shipping containers that may be considered per lot within the different zones, and any additional development requirements to those outlined in the Local Planning Scheme and in the general requirements above:

Zoning	Maximum Number of Containers	Additional Requirements
General Farming (lots less than 20 hectares)	Two (2)	• No portion of the shipping container shall be visually prominent from any adjoining public place or road.
General Farming (lots greater than 20 hectares)	-	• Development Approval not required if container meets all relevant Local Planning Scheme requirements and is not visible from any public place or road.
Industry	-	• Development Approval not required if container meets all relevant Local Planning Scheme Requirements.
Light and Marine Industry	Two (2)	• Shipping containers shall not impact upon any parking or landscaping requirements. • These limits may be varied if the container is an operational part of an approved land use on the site.
Rural Residential	Two (2)	• The whole portion of the shipping container is to be behind existing approved buildings. • No portion of the shipping container shall be visually prominent from any adjoining public place or road.
Rural Smallholdings	Two (2)	• No portion of the shipping container shall be visually prominent from any adjoining public place or road.
Town Centre, Neighbourhood Centre and Service Commercial	One (1)	• No portion of the shipping container shall be visually prominent from any adjoining public place or road. • Shipping containers shall not impact upon any parking or landscaping requirements.

		• Shipping containers will only be approved in association with a commercial use and on a temporary basis for up to one year, in association with a current building permit.
Special Use Zone	At the discretion of the local government	• The use of the container must relate directly to, and be ancillary to, an approved use of the property. • Shipping containers shall not impact upon any parking or landscaping requirements.
Local Planning Scheme Reserves	At the discretion of the local government	• The use of the container must relate directly to, and be ancillary to, the ultimate purpose of the reserve. • Shipping containers will not be approved within road reserves or on road verges.

3.7 The Western Australian Building Act 2011 requires a Building Permit for any sea containers that will be located on a site for longer than 30 days.

3.8 Applications for sea containers may be advertised to adjoining landowners at the discretion of the local government.

4.0 Application Requirements

Development Applications for the use of a shipping container must include the following information:

- A signed Development Application form and payment of the Application fee;
- A site plan showing the proposed location of the shipping container in relation to boundary setbacks, natural features, existing development and adjoining buildings, to a scale of no less than 1:100;
- A written statement outlining the intended use of the shipping container, the dimensions and height of the container and how it addresses the requirements of this local planning policy; and
- Photographs and / or elevation drawings of the shipping container.

Date of Adoption:	23/07/2019	**Adoption Ref:**	Minute 080719 (NPP198896)
Date of Review:	23/07/2019	**Review Frequency:**	biennial
Responsible Directorate:	Manager Regulatory Services		
Legislation:	Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Irwin Local Planning Scheme No. 5		
Related Policies and/or Procedures:			

SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

25 June 2024

Item IO01-06/24
Attachment 1

Point Leander Drive Roundabout Design
GHD Report – Black Spot Information

Report

16 May 2024

To	Peter Traylen	**Contact No.**	08 9927 0000
Copy to		**Email**	ptraylen@irwin.wa.gov.au
From	Steve McDermott / Antoinette Krause	**Project No.**	12634555
Project Name	Point Leander Drive/Blenheim Road roundabout		
Subject	Point Leander Drive/Blenheim Road roundabout – Black Spot information		

Dear Peter

1. Introduction

A review of the Point Leander Drive/Blenheim Road roundabout location has been undertaken with a view to a subsequent Road Safety Inspection for Black Spot purposes.

1.1 Purpose of this report

The purpose is to consider requirements and likely justification for a Black Spot application and Road Safety Inspection.

2. Scope and limitations

2.1 Scope of work

Review of available traffic and crash data and Main Roads WA requirements for Black Spot submission.

2.2 Limitations

This report: has been prepared by GHD for Shire of Irwin and may only be used and relied on by Shire of Irwin for the purpose agreed between GHD and Shire of Irwin as set out this report.

GHD otherwise disclaims responsibility to any person other than Shire of Irwin arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

Accessibility of documents

If this report is required to be accessible in any other format, this can be provided by GHD upon request and at an additional cost if necessary.

GHD has prepared this report on the basis of information provided by Shire of Irwin and others who provided information to GHD (including Government authorities)], which GHD has not independently verified or checked beyond the agreed scope of work. GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

3. Assumptions

Google Street view used as part of the review, no site inspection has been undertaken, it is assumed the Street View is adequate for preliminary purposes.

4. Review

GHD have reviewed Main Roads WA CARS and the Pre-Qualified Black Spot Locations and no sites are identified for either State or Federal funding.

The Black Spot Program directly targets roads with a proven crash history or locations identified as high-risk. Funding for the program is mainly focused on the most cost-effective treatment of hazardous road location.

4.1 Crash data

4.1.1 Point Leander Drive/Blenheim Road roundabout.

There have been no reported crashes at the intersection between 1 January 2019 to 31 December 2023.

4.1.2 Blenheim Road 200 m from intersection

A review of the crash data for each approach is as follows:

Point Leander Drive 200 m south from intersection – 1 (Fatal)

The crash diagram describes the fatal crash as follows:

"A car from south collides with rear of station wagon.
REGO1 north on Port Leander Drive, Port Denison. Passenger B was seated in the front passenger seat. REGO2 travelling north on Port Leander Drive, behind REGO1. Driver B has commenced slowing with the intention of turning into the driveway of her home when REGO2 was stuck at speed from behind by REGO1. The force of the collision pushed REGO1 100 metres further down the road with both vehicle coming to rest near house number 169 on the opposite verge. Passenger B and Driver B died at the scene from their injuries."

The collision diagram is shown in Figure 1.

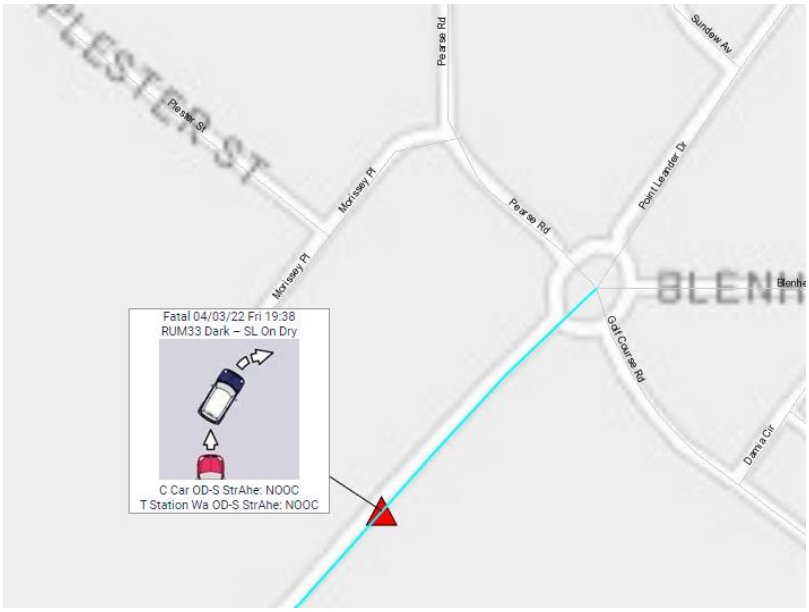


Figure 1 Point Leander Drive - Collision diagram

4.1.3 Point Leander Drive 200 m north from intersection

Point Leander Drive 200 m north from intersection – 0 reported crashes.

4.1.4 Golf Course Road 200 m east from intersection

Golf Course Road 200 m east from intersection – 0 reported crashes.

4.1.5 Pearse Road 200m west from intersection – 0

Pearse Road 200m west from intersection – 0 reported crashes

4.2 Black Spot criteria

The following document refers:

STATE BLACK SPOT PROGRAM DEVELOPMENT AND MANAGEMENT GUIDELINES AN INITIATIVE OF MAIN ROADS WESTERN AUSTRALIA AND THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION Issue Date April 2010 Amended April 2022.

Main Roads WA criteria for Black Spot Applications is identified in the following table.

Criteria	Australian Government Black Spot State and Local Roads	State Black Spot Highways and Main Roads		State Black Spot Local Roads	
Crash Criteria		**Metro**	**Rural**	**Metro**	**Rural**
Intersection or Mid-Block or Short Road Section (< 3 kilometres)	3 casualty crashes over five years	10 crashes over 5 years	3 crashes over 5 years	5 crashes over 5 years	3 crashes over 5 years
Road Length (≥ 3 kilometres)	Average of 0.2 casualty crashes per km per annum over five years	Average of 3 crashes per km over 5 years	Average of 1 crash per km over 5 years	Average of 2 crashes per km over 5 years	Average of 1 crash per km over 5 years

Crash Period	5 years (eg. 2009 to 2013 for 2015-20016 program)	5 years (e.g. 2009 to 2013 for 2015-2016 program)		5 years (eg.2009 to 2013 for 2015-2016 program)	
BCR					
Minimum	≥ 2.0	≥ 1.0		≥ 1.0	
Discount Rate	5%	5%		5%	
Costs for Calculating BCR	Includes capital costs, contributions by others, routine maintenance and specific maintenance	Includes capital costs, contributions by others, routine maintenance and specific maintenance.		Includes capital costs, contributions by others, routine maintenance and specific maintenance.	

Main Roads WA criteria for Black Spot Applications based on Road Safety Inspections is identified in the following table.

Criteria	Australian Government Black Spot State and Local Roads	State Black Spot Highways and Main Roads	State Black Spot Local Roads
Projects Based on Road Safety Inspection			
Projects	Yes up to 30%	Yes up to 50% of program. Director Budget and Investment Planning may vary percentage up to a higher level.	Yes up to 50% of program. Advisory Committee may vary percentage up to a higher level.
Ranking of Audit Projects	Yes	Yes	Yes
Project Completion	Project should be completed within the time frame of the program	One re-programming year is allowed	One re-programming year is allowed
Staged Construction	Not normally	Yes	Yes
Recognition			
Signing during Construction	≤ $100,000 during construction only.	$50,000 - $100,000 during construction only.	$50,000 - $100,000 during construction only.
Signing Post Construction	≥ $100,000 + permanent signing for 2 years Any other signposting relating to the project must be endorsed by the Minister.	Over $100,000 - permanent signing for 1 year.	Over $100,000 - permanent signing for 1 year.
Environment, Heritage, Aboriginal Clearances	Yes	Yes	Yes
Design and Technical Clearances	Yes	Yes	Yes
Roundabouts and Pedestrian Facilities	Ensures needs of cyclists and pedestrians are properly catered for.	Ensures needs of cyclists and pedestrians are properly catered for.	Ensures needs of cyclists and pedestrians are properly catered for.
Traffic Control Signals	Main Roads approval required	Main Roads approval required	Main Roads approval required
Detailed Design Audits	Yes for all projects	Yes for all projects	Yes for all projects
Pre Opening Audits	Yes over $100,000	Yes over $100,000	Yes over $100,000
Criteria	Australian Government Black Spot State and Local Roads	State Black Spot Highways and Main Roads	State Black Spot Local Roads
Evaluation of Completed Projects/Programs	BTRE (Canberra)	Independent Research Consultant	Independent Research Consultant

4.2.1 Road Safety Inspection requirements

The above mentioned document indicates the following:

" 5.6.3 Road Safety Inspection (Potential Crash Sites) A formal Road Safety Inspection shall be conducted in accordance with the Main Roads Western Australia Policy and Guidelines for Road Safety Audit. Road Safety Inspection reports must be submitted on the IPWEA Road Safety Portal and be less than 3 years old. It is desirable that a WALGA RoadWise officer participates as a Specialist Advisor in a Road Safety Audit team. Prioritisation of projects nominated on the basis of Road Safety Inspections will be assessed taking into consideration the recommendations of the Road Safety Inspection. Commencing in 2023/24, the Road Safety Inspection Score must be determined for each road safety inspection project using Crash Map."

The crash history does not indicate a significant safety issue at the roundabout controlled intersection.

A Road Safety Inspection would need to be undertaken to identify specific safety issues and recommended measures. This is further discussed in Section 4.2.2.

4.2.2 Preliminary assessment

A review of available data and Google Street View is discussed in the following section.

Road hierarchy and speed limit

A review of Main Roads WA Mapping System indicates Point Leander Drive is a Local Distributor Road.

Other roads at the intersection are Access Roads.

The speed limit on each Road is as follows:

– Point Leander Drive (north and south) - 60km/h
– Blenheim Road - 60km/h
– Golf Course Road – 50km/h
– Pearse Road – 50km/h

Traffic data (Main Roads WA Traffic Map)

The Shire of Irwin have undertaken traffic surveys at the locations shown in Figure 2.

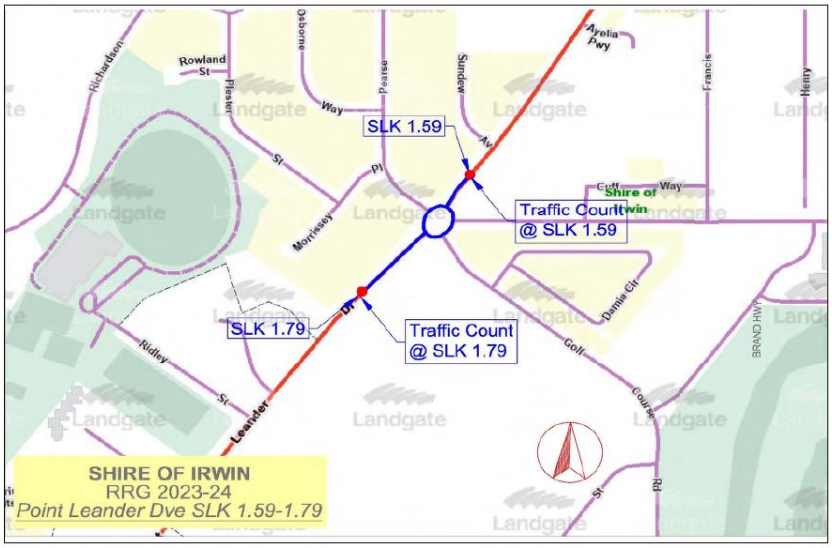


Figure 2 Traffic survey locations

Daily traffic volumes on Point Leander Drive are 2973vpd.

The speed limit on Point Leander Drive is 60km/h.

Speed data for Point Leander Drive at SLK 1.59 (north of the roundabout) 14 April 2022 to 20 June 2022 indicates 62 vehicles exceed 60km/h and 42 between 80km/h and 140km/h.

Speed data for Point Leander Drive at SLK 1.79 (south of the roundabout) 14 April 2022 to 20 June 2022 indicates 53 vehicles exceed 60km/h and 14 between 80km/h and 140km/h.

Maximum speeds are high on Point Leander Drive.

Google Maps and Street view commentary

- Long straight road approach to roundabout on Point Leander Drive, speed of approach may be high. Negotiation speed of roundabout may be high. Pre-deflection may be required to slow approaching traffic.
- Fatal crash on Point Leander Drive on northbound approach (night time), approximately 100m south of roundabout. Street lighting/level of illumination, stopping sight distance to be assessed. Surveys indicate some high recorded speed.
- Tactile ground surface indicators appear to be misaligned or missing at the roundabout, potentially misleading for vision impaired pedestrians. Pram ramps may not align correctly.
- Pedestrians crossing Point Leander Drive at roundabout on south east corner, may be unsighted by left turning traffic on Golf Course Road due to vegetation. A pedestrian may not be able to see traffic turning left from Golf Course Road.
- Prominence of roundabout may not be adequate on Point Leander Drive, requiring chevrons on the island. Additional advanced intersection warning signs likely to be required for the roundabout together with a drop tag identifying the side roads for each approach.
- Roundabout sight distance criteria likely to be impacted by vegetation on south east corner for northbound traffic on Point Leander Drive.
- Roundabout sight distance criteria likely to be impacted by tree on south west corner for westbound traffic on Point Leander Drive.

4.3 Discussion with Main Roads WA

GHD met with Jerolina Rankin, Main Roads WA Mid West Gascoyne branch, on 16 May 2024 in Geraldton. A draft version of this memorandum (dated 09.05.2024) was provided for background purposes and to inform the discussion. The following points are noted:

- MRWA encourages Blackspot applications if issues have been identified
- In this case, it will be an inspection-based application. A formal Road Safety Inspection is to be undertaken. This will be critical to the proposed Black Spot application.
- The findings of the Road Safety Inspection is to be reported in a Corrective Actions Report.
- Providing information on any reported near misses will be advantageous.
- The Shire should demonstrate that works can be undertaken for a value less than $2million
- A staged approach is preferred.
- It will be advantageous if the Shire can demonstrate that the timing of works will be aligned with other planned/funded works to achieve efficiency, optimization and cost savings.
- A concept design is not required. Corrective actions and proposed treatments can be demonstrated on aerial imagery and through the Corrective Actions Report.
- Closing date for the State Black Spot Local Roads application is 7 July 2024.
- Application is through the Crash Map platform.

4.4 Conclusion

The site does not meet usual Black Spot criteria however there would appear to be a number of issues that could be addressed. It is recommended that a Road Safety Inspection is undertaken to confirm safety issues, with a view to a submission for Black Spot funding.

A 85 percentile speed check on Point Leander Drive for each approach is recommended to identify if a approach speed issue exists.

A night time inspection is also recommended to confirm any safety issues.

Project name		Point Leander Drive/Blenheim Road roundabout					
Document title		Report | Point Leander Drive/Blenheim Road roundabout – Black Spot information					
Project number		12634555					
File name		G:\61\12634555\Tech\RSI input					
Status Code	**Revision**	**Author**	**Reviewer**		**Approved for issue**		
			Name	**Signature**	**Name**	**Signature**	**Date**
S2	A	S McDermott/ Antoinette Krause	Antoinette Krause		Antoinette Krause		09.05.24
S4	0	S McDermott/ Antoinette Krause	Antoinette Krause		Antoinette Krause		16.05.24
[Status code]							
[Status code]							
[Status code]							

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SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

Ordinary Council Meeting

25 June 2024

Item IO01-06/24
Attachment 2

Point Leander Drive Roundabout
Kerb and Drainage Survey



LEGEND

EDGE OF KERB SURVEYED

EXPLANATORY NOTE

TITLE BOUNDARIES AS SHOWN HEREON WERE NOT MARKED AT THE TIME OF SURVEY.

PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF UNDERGROUND SERVICES AND DETAILED LOCATIONS OF ALL SERVICES.

AERIAL IMAGE SOURCED FROM LOCATE WA - LANDGATE

REVISIONS

0	08/12/23	ORIGINAL ISSUE	GT

00 20 40 60
ALL DISTANCES ARE IN METRES

SURVEYED BY:	JH	1/12/23
DRAWN BY:	GT	08/12/23
CHECKED BY:	LC	15/12/23
APPROVED BY:	LC	15/12/23

AREA FILE: 949
CONT. INT'VAL: N/A
V DATUM: AHD
H DATUM: JCG94
FIELD Bk: TDC600#2

HTD
SURVEYORS & PLANNERS
HILLE, THOMPSON & DELFOS
24 Durlacher Street, GERALDTON W.A.
PHONE: (08) 9921 3111
EMAIL: htdsurveys@htds.com.au
WEBSITE: http://www.htds.com.au

BEST PRACTICE CERTIFICATION ISO9001 QUALITY MANAGEMENT SYSTEM

CLIENT: SHIRE OF IRWIN

PT LEANDER - BLENHEIM ROUNDABOUT
AS CONSTRUCTED KERB - PREWORKS

POINT LEANDER DRIVE, PORT DENISON - SHIRE OF IRWIN

SCALE 1 : 1000
ALL DISTANCES IN METRES

SHEET SIZE A4

DWG No. 42723MS1-1-0