



# APPENDICES

**PART 1**

## ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 24 June 2020  
Commencing at 5.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive - EATON

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Upon request.



12.2 Title: Request for Rates Concession – Lot 11 Temple Road, Picton East (J & P Corporation Pty Ltd)

*Reporting Department:* Corporate and Community Services

*Reporting Officer:* Mr Ray Pryce - Accountant

*Legislation:* Local Government Act 1995

Overview

Council is requested to consider an application by the owner for a concession or write-off for rates levied in 2017/18 and 2018/19 on land at Lot 11 Temple Road, Picton East.

Location Plan



Background

Prior to 2009, the site was substantially vacant, the northern part being used mainly for storage of machinery and equipment by the owner.

Since 2009, the site has been progressively developed with construction of substantial sized sheds and warehouses. The first of these was completed in 2011 and by January 2017, the site housed eight major industrial buildings and a few smaller structures.

The zoning changed in December 2014 from “General Industry” to “Development”.

Historically, rates for the property have been raised on the basis of unimproved value which, according to the terms of the Local Government Act 1995 (the Act), is generally for land used predominantly for rural purposes.

On 10 March 2017, the land owners were advised by letter that the Shire intends to apply to the Minister for Local Government to change the valuation from unimproved value to be gross rental value, as being the appropriate valuation basis for the current land use. The Act describes gross rental value as being appropriate for land used predominantly for non-rural purposes. The letter also advised that the change would result in an increase in annual rates of approximately \$140,000. This estimate was based on the current gross rental value supplied by Landgate.

On 9 May 2017, officers submitted a written application to the Department of Local Government and Communities seeking ministerial approval to change the valuation basis from unimproved value to be gross rental value.

On 31 May 2017, interim approval of the change in valuation basis was received from the Department of Local Government and Communities.

On 11 July 2017, formal confirmation of the Minister's approval and gazettal of the change of method of valuation was received from the Department of Local Government and Communities.

On 19 July 2017, notification in writing of approval of the change in method of valuation was conveyed to the land owner.

On 28 July 2017, a written request was received from the owner seeking a 'phasing-in' of the change in rating over a three year period.

On 9 August 2017, the annual rates account for 2017/2018 was issued using the previous unimproved value as the new gross rental value was not yet received from Landgate. The annual rates were \$7,142.40.

On 13 October 2017, upon receipt from Landgate of the new gross rental value for the property (effective from 1 August 2017), the rates were amended and a revised rate notice issued to the owner J & P Corporation Pty Ltd. The effect of the change was to increase the general rates by \$168,103.12. This increase was greater than the previous estimate of \$140,000 provided in March 2017, due to a higher valuation in the triennial general revaluation of all properties within the Shire of Dardanup, in force from 1 July 2017.

On 20 November 2017, the owner advised the Shire that an objection to the gross rental value had been lodged with Landgate and that they would address the issue (the original request for a concession) once that objection was finalised.

On 13 December 2017, Landgate advised the Shire that the outcome of the objection lodged by J & P Metals was a reduction to the gross rental value.

On 19 December 2017, the rates were adjusted and a revised rate notice issued. The effect was a rates reduction of \$36,911.26 from the previous rate notice. In net terms, this meant that the adjusted increase in annual rates due to the change from unimproved value to gross rental value was \$131,191.86.



All rates for 2017/18 were paid and no further correspondence was received from the owner until 21 August 2018 when the owner requested an update on the status of their original request for a concessional arrangement that was made on 28 July 2017.

### Legal Implications

#### Local Government Act 1995 – Section 6.28

##### 6.28. *Basis of rates*

(1) *The Minister is to —*

- (a) *determine the method of valuation of land to be used by a local government as the basis for a rate; and*
- (b) *publish a notice of the determination in the Government Gazette.*

(2) *In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —*

- (a) *where the land is used predominantly for rural purposes, the unimproved value of the land; and*
- (b) *where the land is used predominantly for non-rural purposes, the gross rental value of the land.*

(3) *The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.*

(4) *Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the Valuation of Land Act 1978 as at 1 July in each financial year.*

(5) *Where during a financial year —*

- (a) *an interim valuation is made under the Valuation of Land Act 1978; or*
- (b) *a valuation comes into force under the Valuation of Land Act 1978 as a result of the amendment of a valuation under that Act; or*
- (c) *a new valuation is made under the Valuation of Land Act 1978 in the course of completing a general valuation that has previously come into force,*

*the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.*

#### Local Government Act 1995 – Section 6.31

##### 6.31. *Phasing in of certain valuations*

*Schedule 6.1 which deals with the phasing in of valuations has effect.*

#### Local Government Act 1995 – Schedule 6.1

##### *Schedule 6.1 — Provisions relating to the phasing in of valuations*

###### *[Section 6.31]*

##### *1. Phasing in of certain valuations*

- (1) *Where a general valuation under the Valuation of Land Act 1978 in respect of gross rental values comes into force in a district, the local government of the district may, when imposing the general rate, resolve that that general valuation, in relation to all land where*

*an increased valuation thereby results, is to be phased in over a 3 year period, and effect is to be given to that resolution over that period by the local government —*

- (a) in the first year of assessment for which the new valuation would otherwise be used, applying instead as the valuation of the land for the purposes of rating, a phased in valuation (being the former valuation plus 1/3 of the difference between the former valuation and the new valuation); and*
  - (b) in the second such year, applying the former valuation plus 2/3 of that difference; and*
  - (c) in the third year, applying the new valuation,*
- but where in relation to any land that general valuation results in a new valuation which is the same as or less than the former valuation, the local government is to apply the new valuation.*

*(2) For the purposes of subclause (1) —*

*former valuation means —*

- (a) the valuation that was in force immediately prior to the coming into force of the general valuation to which the phasing in applies; or*
- (b) in relation to rateable land where an interim valuation of the land under the Valuation of Land Act 1978 comes into force, the valuation determined for the purposes of this clause in accordance with subclause (6); and*

*new valuation —*

- (a) means the valuation determined or assessed for the purposes of the general valuation to which the phasing in applies; or*
  - (b) in relation to rateable land in respect of which an interim valuation under the Valuation of Land Act 1978 comes into force after the general valuation referred to in paragraph (a) comes into force, means that interim valuation.*
- (3) Where, during the phasing in of a valuation of any rateable land under subclause (1) the system of valuation is changed to valuation on the unimproved value of rateable land, subclause (1) is to cease to apply to that valuation.*
  - (4) Where an interim valuation of rateable land in a district comes into force during the period when a general valuation of rateable land in that district is being phased in under this clause, subclause (1) is to be construed so that the interim valuation is phased in in a like manner under this clause for the remainder of the phasing in period.*
  - (5) Where a local government resolves under subclause (1) that a general valuation is to be phased in over a 3 year period, it is to immediately request the Valuer General, at the same time as the Valuer General determines an interim valuation of rateable land that will come into force in the district during the first 2 years of the phasing in period, to determine a valuation of that land in accordance with subclause (6) and the local government is to give notice in writing immediately to the Valuer General when such last mentioned valuations are no longer required for the purposes of this clause.*
  - (6) A valuation of land that is requested to be made by the Valuer General for the purposes of this clause under subclause (5) is to be determined in accordance with the level of values prevailing in relation to land of the same or a similar character as the level used for the valuations that were last used by the local government for rating purposes prior to the coming into force of the general valuation that is currently in force in the district.*

## *2. Phasing in of rating based on gross rental values*

- (1) *Where, in respect of a financial year, a local government is required by a determination made by the Minister under section 6.28 to change in respect of the whole or a part of its district, from valuations on unimproved value to valuations on gross rental value, the local government may, when imposing the general rate for that financial year, resolve that the change to rating on the basis of valuations on gross rental value, in relation to rateable land in the district or that part of the district, is to be phased in over a 3 year period and effect is to be given to that resolution over that period by the local government —*
  - (a) *when imposing a general rate on the land in the first year of assessment for which rating would otherwise be wholly on the basis of valuations on gross rental value, rating the land on the basis of valuations on gross rental value in order to yield 1/3 of the estimated revenue from the rate and rating the same land on the basis of original valuations in order to yield 2/3 of the estimated revenue from the rate; and*
  - (b) *when imposing a general rate on the land in the second year, rating the land on the first mentioned basis in order to yield 2/3 of the estimated revenue from the rate and rating the same land on the second mentioned basis in order to yield 1/3 of the estimated revenue from the rate; and*
  - (c) *when imposing a general rate on such land in the third year, rating the land on the first mentioned basis in order to yield the whole of the estimated revenue from the rate.*
- (2) *In subclause (1) —*

*original valuations means the valuations on unimproved value last used by the local government for rating purposes in respect of the financial year immediately preceding the year mentioned in subclause (1)(a) and in relation to rateable land where an interim valuation of the land under the Valuation of Land Act 1978 comes into force, means the valuation determined for the purposes of this clause in accordance with subclause (6).*
- (3) *Where, during the phasing in of a change to rating on the basis of valuations on gross rental value in a district or part of a district under subclause (1), a general valuation under the Valuation of Land Act 1978 in respect of gross rental values comes into force in that district or part of a district, subclause (1) is to cease to apply to that change in the basis of rating.*
- (4) *Where an interim valuation of rateable land in a district or part of a district comes into force during the period when a change to rating on the basis of valuation on gross rental value in that district or portion of a district is being phased in under this clause, subclause (1) is to be construed so that the interim valuation is phased in in a like manner under this clause for the remainder of the phasing in period.*
- (5) *Where the local government resolves under subclause (1) that a change to rating on the basis of valuation on gross rental value in a district or part of a district is to be phased in over a 3 year period, it is to immediately request the Valuer General, at the same time as the Valuer General determines an interim valuation of rateable land that will come into force in that district or part of a district during the first 2 years of the phasing in period, to determine a valuation of that land in accordance with subclause (6) and is to give notice in writing immediately to the Valuer General when such last mentioned valuations are no longer required for the purposes of this clause.*
- (6) *A valuation of land that is requested to be made by the Valuer General for the purposes of this clause under subclause (5) is to be determined as a valuation on unimproved value in accordance with the level of values prevailing in relation to land of the same or a similar character as the level of valuations on unimproved value used for the valuations that were last used by the local government for rating purposes in respect of the financial year immediately preceding the year of assessment for which rating would otherwise be wholly on the basis of valuation on gross rental value.*

**Local Government Act 1995 – Section 6.12****6.12. Power to defer, grant discounts, waive or write off debts**

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant\* a discount or other incentive for the early payment of any amount of money; or
  - (b) waive or grant concessions in relation to any amount of money; or
  - (c) write off any amount of money,
- which is owed to the local government.

\* Absolute majority required.

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

[Section 6.12 amended by No. 64 of 1998 s. 39.]

**Local Government (Financial Management) Regulations 1996 – Regulation 26****26. Discounts for early payment etc., information about required**

- (1) The annual budget is to include for each discount or other incentive proposed to be granted for early payment of any money and in respect of each waiver or concession proposed in relation to any money —
- (a) in respect of a discount —
    - (i) the amount of the discount, or the percentage discount, to be allowed; and
    - (ii) the circumstances in which the discount will be granted;and
  - [(b) deleted]
  - (c) in relation to a waiver or concession —
    - (i) a brief description of the waiver or concession; and
    - (ii) a statement of the circumstances in which it will be granted; and
    - (iii) details of the persons or class of persons to whom it is available; and
    - (iv) the objects of, and reasons for, the waiver or concession.
- (2) The annual budget is to include, separately in relation to all general rates, each specified area rate, each service charge and all fees and charges imposed under the Act or any other written law an estimate of—
- (a) the total amount of the discounts which may be granted; and
  - (b) the total cost to the local government of each incentive scheme; and
  - (c) the total cost, or reduction of revenue, to the local government of a waiver or grant of a concession; and
  - (d) the total amount of money to be written off.

[Regulation 26 amended in Gazette 20 Jun 1997 p. 2840.]

## Local Government Act 1995 – Section 6.47

### 6.47. *Concessions*

*Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive\* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

*\* Absolute majority required.*

### Strategic Community Plan

Strategy 1.1.1 – To be equitable, inclusive and transparent in decision making. (Service Priority: High).

Strategy 1.1.2 – Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High).

Environment - None.

### Precedents

The Shire of Dardanup has not previously phased-in valuation changes, nor has the Council approved any rates concessions of this nature.

### Budget Implications

There is no provision within the 2018/19 budget for a concession on rates, therefore the grant of any concession or write-off will have a direct effect on this year's budget.

The total rates raised (excluding ESL) on this property for the last three financial years are:

- 2016/17 \$6,663.81
- 2017/18 \$131,191.86
- 2018/19 \$157,283.75

### Budget – Whole of Life Cost

The effect of a grant of any concession in this instance is limited to the 2018/19 budget.

The financial implications of offering a concession that related to the 2017/18 and 2018/19 financial years would be a reduced forecast Budget Surplus.

Council Policy Compliance - None.

Risk Assessment - Medium.

- *Financial Risk*

Although this request for a rates concession is isolated to a single property, any approval of a concession will set a precedent that may apply to any undeveloped previously rural property that undergoes new or enhanced structural development that changes its predominant use from rural to non-rural.

Officer Comment

Shire Rates Officers conduct periodic review of all properties within the Shire to ensure that the basis for the rates is appropriate to the use of the property.

As there is no differential rating system applied to Shire of Dardanup rates for properties with differing land use or zoning, the only basis for variation between properties is the type of valuation. To this end, Officers' assess each property against the basic criteria provided in the Local Government Act 1995, section 6.28 which includes the general principle that:

- Unimproved value is for land used predominantly for rural purposes; and
- Gross rental value is for land used predominantly for non-rural purposes.

Due to the significant industrial development on the subject land, officers assessed that its use should no longer be classified as rural. Notice of the proposal to change the valuation basis from unimproved value to be gross rental value was communicated to the land owner several months prior to the actual change, together with an estimate of the financial impact of the proposed change. No comment or submission was received from the land owner at that time.

When the proposal to change the valuation basis was approved by the Minister for Local Government and conveyed to the owner, the owner made the initial request for consideration of "phasing-in" the change over a three year period. Phasing-in was not permissible as the timing of the request was too late. The 2017/18 budget and rates were already adopted and did not include any terms for phasing in valuations.

When the 2017/18 notice for the amended rates was issued, the owner lodged with Landgate, an objection to the gross rental value. Subsequent correspondence from the owner indicated that they would address their request to the Shire once the Landgate objection was finalised.

After their valuation objection was upheld by Landgate and the rates bill reduced accordingly, no further correspondence was received from the owner regarding their initial request for concession and no further action was taken by Rates officers.

Recently, after the following year's rate notice was issued for 2018/19, the owner has requested re-consideration of their initial request for some dispensation of the increase in rates.

Once again, phasing-in the valuation is not permissible as the annual budget and imposition of rates were already adopted.

Council may consider granting a concession on the rates in accordance with the Local Government Act s 6.47. There is no known precedent for a concession on rates being granted in similar circumstances to this request.

A concession or write-off equivalent to the effect of phasing-in the change over three years would be:

Year	Rates Raised	Concession	Concessional Rate Charge
2017/18 (Year 1)	\$131,191.86	\$87,461.24	\$43,730.62
2018/19 (Year 2)	\$157,283.75	\$49,940.06	\$107,343.69
2019/20 (Year 3)	\$	\$0	\$
	<b>TOTAL</b>	<b>\$137,401.30</b>	

There is no requirement to grant a concession. However, taking account of the magnitude of the increase in rates as a result of the change in valuation method, Council may resolve to grant a concession for a portion of the rates.

Another factor for Council's consideration is that the commercial sheds were gradually constructed and available for occupancy since 2011, with the basis for rates only changing from UV to GRV on the 1 August 2017. This effectively enabled the sheds to be gradually built and leased out for a number of years before the increased rates were applied, effectively providing a concession over this period of time.

Council Role - Executive/Strategic.

#### Voting Requirements

Simple Majority to not grant a concession or write-off. (Absolute Majority if a concession or write-off is granted.)

#### OFFICER RECOMMENDED RESOLUTION

THAT Council do not grant a rates concession or write off rates that were levied in 2017/18 or 2018/19 as a result of the change in the valuation basis from UV to GRV for Lot 11 Temple Road, Picton East.

#### *Discussion:*

*Director Corporate & Community Services, Mr Phil Anastasakis advised Councillors of the following corrections to the Officer's Report:*

- *Page 15 – Budget Implications – 2017/18 should be \$138,334.26.*
- *Page 17 – 2017/18 (Year 1) Rates Raised should be \$138,334.26 and Concessional Rate Charge should read \$50,873.02.*



**ALTERNATE RESOLUTION****COUNCILLOR RECOMMENDED RESOLUTION**

MOTION      MOVED -    Cr. M T Bennett      SECONDED -    Cr. J Dow  
LOST

**THAT Council, in consideration of the increase in rates generated from the change in land valuation method from UV to GRV on Lot 11 Temple Road, Picton East, grant as a one off rates concession to J&P Corporation Pty Ltd, a rates refund of \$49,904.06 on their Picton East property - Lot 11 Temple Road, Picton East.**

MOTION LOST  
3/5

**ALTERNATE RESOLUTION***Change to Officer Recommendation*

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution.

*Council considers this a massive increase in rates and in excess of the initial estimate of \$140,000.*

**COUNCILLOR RECOMMENDED RESOLUTION**

320-18      MOVED -    Cr. T G Gardiner      SECONDED -    Cr. J Dow

**THAT Council, in consideration of the increase in rates generated from the change in land valuation method from UV to GRV on Lot 11 Temple Road, Picton East, grant as a one off rates concession to J&P Corporation Pty Ltd, a rates refund of \$17,283.75 on their Picton East property - Lot 11 Temple Road, Picton East.**

CARRIED  
6/2  
*By Absolute Majority*

RISK ASSESSMENT TOOL									
<b>OVERALL RISK EVENT:</b> Change in Basis of Valuation for Rates <b>RISK THEME PROFILE:</b> 3 - Failure to Fulfill Compliance Requirements (Statutory, Regulatory) 8 - Errors, Omissions and Delays									
<b>RISK ASSESSMENT CONTEXT:</b>									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Utilising the correct valuation basis impacts on the Shire's rate revenue dependent on the valuations	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Noncompliance with legislation that leads to qualified audit or external investigation	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Inconsistent or noncompliance can lead ratepayers to question Council's ability to manage finances effectively	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.



Land Use Declaration Form



Assessment Number: A8109

Property Owner: Elizabeth Suter

Property Address: 2 Charlotte St, Dardanup

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

- Stabling, agistment, training horses
- Orchards
- Viticulture
- Hobby farm
- Depot (trucking or other)
- Shop / Workshop
- Home Business - please describe

Other - please describe Veterinary Hospital Not run from home

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

NO

If you answered NO to question 3, what is the purpose of the activities?

[Empty box for purpose of activities]

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

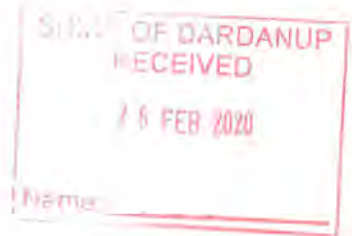
Owner Name(s) Elizabeth Sute

Owner Signature(s) [Signature]

Date 2.3.20



Land Use Declaration Form



Assessment Number: A8241

Property Owner: J&P Corporation Pty Ltd

Property Address: Lot 2 Banksia Rd, Crooked Brook

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

**YES**

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

Stabling, agistment, training horses

Orchards

Viticulture

Hobby farm

Depot (trucking or other)

Shop / Workshop

Home Business - please describe

Other - please describe

waste disposal landfill

Question 3

Does anyone derive income from these activities on your land? (Please circle)

**YES**

NO

If you answered NO to question 3, what is the purpose of the activities?

[Empty box for answer to Question 3]

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) PETER TOLMAGHOFF

Owner Signature(s) [Handwritten Signature]

Date 21/02/20





Land Use Declaration Form



Assessment Number: A11342

Property Owner: CPSS Pty Ltd

Property Address: Lot 81 Marginata Close, Crooked Brook

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

Stabling, agistment, training horses

Orchards

Viticulture

Hobby farm

Depot (trucking or other)

Shop / Workshop

Home Business - please describe

Other - please describe

Transfer section - shire of Dardanup

Composting Facility - Bunbury-Harvey Regional Council

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

NO

If you answered NO to question 3, what is the purpose of the activities?

[Empty box for purpose of activities]

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) PETER TOLMACHOFF

Owner Signature(s) [Signature]

Date 21/02/20

Please ensure all relevant questions are completed before returning this declaration. Thank you.

Enquiries to Rates Department (08) 9724 0371 or email rates@dardanup.wa.gov.au



Land Use Declaration Form



Assessment Number: A10593

Property Owner: GA & SM Brookes

Property Address: Lot 500 Moore Rd, Dardanup West

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

Stabling, agistment, training horses

Orchards

Viticulture

Hobby farm

Depot (trucking or other)

Shop / Workshop

Home Business - please describe

Other - please describe

Farming + Wood chipping

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

NO

If you answered NO to question 3, what is the purpose of the activities?

[Empty box for purpose of activities]

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) Geoff Brookes

Owner Signature(s) [Signature]

Date 17/2/20

Please ensure all relevant questions are completed before returning this declaration. Thank you.

Enquiries to Rates Department (08) 9724 0371 or email rates@dardanup.wa.gov.au



Land Use Declaration Form



Assessment Number: A9427

Property Owner: Julian and Jody Hatch

Property Address: 74 Nyleeta Close, Ferguson

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

**NO**

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

Stabling, agistment, training horses

Orchards

Viticulture

Hobby farm

Depot (trucking or other)

Shop / Workshop

Home Business - please describe

Other - please describe

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

**NO**

If you answered NO to question 3, what is the purpose of the activities?

[Empty box for purpose of activities]

Declaration

I/We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) Julian Hatch JODY HATCH.

Owner Signature(s) [Signature] [Signature]

Date 17/2/2020

Please ensure all relevant questions are completed before returning this declaration. Thank you.

Enquiries to Rates Department (08) 9724 0371 or email rates@dardanup.wa.gov.au





Land Use Declaration Form



Assessment Number: A9248

Property Owner: Lyndon Skeers and Piari Barnett

Property Address: 70 Nyleeta Close, Ferguson

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

Stabling, agistment, training horses

Orchards

Viticulture

Hobby farm

Depot (trucking or other)

Shop / Workshop

Home Business - please describe

Other - please describe

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

NO

If you answered NO to question 3, what is the purpose of the activities?

[Empty box for purpose of activities]

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) Lyndon Skeers Piari Skeers (nee Barnett)

Owner Signature(s) [Signatures]

Date 7/2/2020 5/2/2020

Please ensure all relevant questions are completed before returning this declaration. Thank you. Enquiries to Rates Department (08) 9724 0371 or email rates@dardanup.wa.gov.au



Land Use Declaration Form



Assessment Number: A8304

Property Owner: Twinstorm Pty Ltd

Property Address: 14799 South Western Hwy, Picton East

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

[ ] Stabling, agistment, training horses

[ ] Orchards

[ ] Viticulture

[ ] Hobby farm

[x] Depot (trucking or other)

[ ] Shop / Workshop

[ ] Home Business - please describe

[ ] Other - please describe

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

NO

If you answered NO to question 3, what is the purpose of the activities?

FUTURE DEVELOPMENT

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) TWINSTORM - CHARLES HULL

Owner Signature(s) [Signature]

Date 19.02.2020

Please ensure all relevant questions are completed before returning this declaration. Thank you.

Enquiries to Rates Department (08) 9724 0371 or email rates@dardanup.wa.gov.au



Land Use Declaration Form



Assessment Number: A8300

Property Owner: Sydney and Penelope Graham

Property Address: 14743 South Western Hwy, Picton East

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

- Stabling, agistment, training horses
- Orchards
- Viticulture
- Hobby farm
- Depot (trucking or other)
- Shop / Workshop
- Home Business - please describe

Other - please describe Caravan Sales Yard

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

NO

If you answered NO to question 3, what is the purpose of the activities?

[Empty box for purpose of activities]

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) Sydney and Penelope Graham

Owner Signature(s) [Signatures]

Date 24-2-20





Land Use Declaration Form



Assessment Number: A8301

Property Owner: Susan Clark

Property Address: Lot 8 South Western Hwy, Waterloo

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

- Stabling, agistment, training horses
- Viticulture
- Depot (trucking or other)
- Home Business - please describe
- Orchards
- Hobby farm
- Shop / Workshop

Other - please describe Just have No business

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

**NO**

If you answered NO to question 3, what is the purpose of the activities?

- ..... No activities - we live there.

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) Susan Clark

Owner Signature(s) [Signature]

Date 10.3.2020



Land Use Declaration Form



Assessment Number: A8282

Property Owner: Gary Ballantyne

Property Address: 14723 South Western Hwy, Picton East

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

Stabling, agistment, training horses

Orchards

Viticulture

Hobby farm

Depot (trucking or other)

Shop / Workshop

Home Business - please describe

Other - please describe

Question 3

Does anyone derive income from these activities on your land? (Please circle)

~~YES~~

~~NO~~

If you answered NO to question 3, what is the purpose of the activities?

[Empty box for purpose of activities]

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) G Ballantyne

Owner Signature(s) G Ballantyne

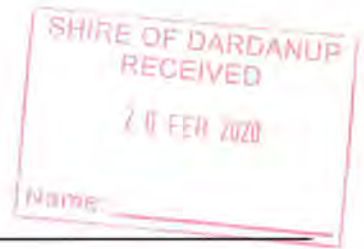
Date 4/3/20

Please ensure all relevant questions are completed before returning this declaration. Thank you.

Enquiries to Rates Department (08) 9724 0371 or email rates@dardanup.wa.gov.au



Land Use Declaration Form



Assessment Number: A8297

Property Owner: Robert, Thelma and Anita Britza

Property Address: 14677 South Western Hwy, Picton East

Question 1

Is a part of the property used for activities other than for your residence? (Please circle Yes or No)

YES

NO

If you answered YES to question 1, please proceed to Question 2

If you answered NO to question 1, please proceed to complete the Declaration at the end of this form.

Question 2

Which of the following land uses best describes the use of your property? (Please tick)

Stabling, agistment, training horses

Orchards

Viticulture

Hobby farm

Depot (trucking or other)

Shop / Workshop

Home Business - please describe

Other - please describe

Question 3

Does anyone derive income from these activities on your land? (Please circle)

YES

NO

If you answered NO to question 3, what is the purpose of the activities?

personal livestock and recreational horses.

Declaration

I / We declare the above information to be correct to the best of my / our knowledge

Owner Name(s) Robert, Thelma and Anita Britza

Owner Signature(s) *RNB* *TR Britza* *AB*

Date \_\_\_\_\_

Please ensure all relevant questions are completed before returning this declaration. Thank you.

Enquiries to Rates Department (08) 9724 0371 or email rates@dardanup.wa.gov.au





Address:  
266 Moore Rd  
Dardanup WA 6236

Postal Address:  
41 Gavins Gully Crt  
Dardanup WA 6236

Phone/Fax:  
P: 08 97262669  
F: 08 97262663

17/2/20

Shire of Dardanup  
1 Council Drive  
Eaton WA 6232  
Att: Chief Executive Officer



Re: Review of Rating Valuation Basis, Lot 500 Moore Rd Dardanup West

Dear Andre,

I am writing to you to relay my concerns about a recent letter received indicating the Shire is looking to change the way our rates are calculated.  
Our property, Lot 500 Moore Rd is not zoned commercial, however it has a special use zoning allowing for the activities we currently conduct on less than half the property.

The letter indicates that our rates could rise by \$33000 which is an increase of approximately 700%.  
We currently only have improvements on less than half of our property, of which a large portion is only used for log or chip storage.

I understand that sometimes processes need to change, but I am also concerned about the impact this would have on our business and consider this sort of increase to be unfair.

Could you please review the process used to calculate our possible new rate structure and confirm the shire's intentions.

Yours sincerely,

Geoff Brookes  
Managing Director



RISK ASSESSMENT TOOL									
<b>OVERALL RISK EVENT:</b> Annual Review of Delegations 2020 <b>RISK THEME PROFILE:</b> 3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory) 4 - Document Management Processes <b>RISK ASSESSMENT CONTEXT:</b> Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Local Government Act 1995 compliance requirement to review delegations annually	Major (4)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Notification from Dept. Local Government Non Compliance.	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.



# Change of Delegations 2020 - 2021

**Administration Centre – Eaton**

1 Council Drive | PO Box 7016

EATON WA 6232

Tel: 9724 0000 | Fax: 9724 0091

[records@dardanup.wa.gov.au](mailto:records@dardanup.wa.gov.au)

[www.dardanup.wa.gov.au](http://www.dardanup.wa.gov.au)

SHIRE OF DARDANUP

DELEGATION REGISTER

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1.2.2 Performing Functions Outside the District

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.3.20(1) Performing functions outside district
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Determine the circumstances where it is appropriate for the Local Government’s functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].</li> <li>2. <b>However this section does not apply to anything that the Shire does in the district of another local government if it is done on behalf of the local government of that district.</b></li> </ol>
<b>Council Conditions on this Delegation:</b>	A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant allocation within the Annual Budget and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met the matter must be referred for Council decision.
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.4 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> <del>s.3.28 When this Subdivision applies</del> <del>s.3.32 Notice of entry</del> <del>s.3.33 Entry under warrant</del> s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)]</li> <li>2. Authority to give notice and effect entry by opening a fence [s.3.36]</li> </ol> <p><del>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].</del></p> <p><del>2. — Authority to give notice of entry [s.3.32].</del></p> <p><del>3. — Authority to seek and execute an entry under warrant [s.3.33].</del></p> <p><del>4. — Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</del></p> <p><del>5. — Authority to give notice and effect entry by opening a fence [s.3.36]</del></p>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.8 Close Thoroughfares to Vehicles

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> 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
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>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)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so: <ul style="list-style-type: none"> <li>• give local public notice inviting submissions from any person, give written notice to surrounding land owners and the Commissioner of Main Roads s.50(4),(5) (This was just a rephrase of condition already in here)</li> <li>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>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]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. 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)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only).</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees



1.2.18 Granting Subdivision Clearances

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	To grant subdivision clearances where conditions have been met <del>or monies paid</del> covered by a bond, with the exception of particular subdivisions as directed by Council where Council requires those identified to be referred to Council for clearance.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Name</b>	<b>Position</b>
	Mr Luke Botica	Director Infrastructure
	Mrs Susan Oosthuizen	Director Sustainable Development
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>		

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Delegates exercising powers given by delegation are to keep records of exercised delegation in the Tardis Records System – ‘Executed Delegations Register’.

**Version Control:**

1	Delegated by Council at the Shire of Dardanup OCM held 26 June 2019, by resolution 180-19.
2	

1.2.23 Tenders for Goods and Services

<p><b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p><b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i></p>	<p><u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><u>Local Government Act 1995:</u> s.3.57 Tenders for providing goods or services <u>Local Government (Functions and General) Regulations 1996 :</u> 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</p>
<p><b>Delegate:</b></p>	<p><b>Chief Executive Officer</b></p>
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.11(1)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&amp;G r.11(f)].</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the expense is included in the adopted Annual Budget (F&amp;G.r.11(2)).</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14(5)].</li> <li>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</li> <li>9. Authority to accept, or reject tenders, only within the value detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)].</li> <li>10. Authority to determine that a variation proposed is minor in the context of the total goods or services sought through the invitation to tender, up to maximum of 10% or \$50,000 of the tender, whichever is the lesser. This delegation gives authority to then enter into minor variations with the successful tenderer <u>before</u> entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>12. Authority to decline any tender [F&amp;G r.18(5)].</li> <li>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</li> </ol>

	<p>the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&amp;G r.20(2)]</p> <p>14. Authority to:</p> <ul style="list-style-type: none"> <li>• Vary a contract that has been entered into with a successful tenderer, provided the variation does not change the scope of the original contract or increase the contract value up to maximum of 10% or \$50,000 of the tender, whichever is the lesser.</li> <li>• Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ul> <p>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) &amp; (7)].</p>
<p><b>Council Conditions on this Delegation:</b></p>	<p>a. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ol style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification; and</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers;</li> </ol> <p>b. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the:</p> <ul style="list-style-type: none"> <li>• proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,</li> <li>• current supply contract expiry is imminent. <del>And</del></li> <li>• <del>value of the proposed new contract has been included in the draft annual budget proposed for adoption.</del></li> </ul> <p>c. In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</p> <p>d. Provide Council with a written evaluation against the selection criteria for each tender to assist Council in deciding which tender Council to accept.</p>
<p><b>Express Power to Sub-Delegate:</b></p>	<p><u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees</p>

1.2.24 Over Length Vehicles

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO	
<b>Express Power or Duty Delegated:</b>		
<b>Delegate:</b>	<b>Chief Executive Officer</b>	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	The Chief Executive Officer authorised to support Restricted Access Vehicles (RAV) in accordance with the Shire endorsed RAV network road maps.	
	The Chief Executive Officer authorised to support the moving of grape harvesters and other specialist equipment through the Shire.	
	The Chief Executive Officer authorised to support the transport of oversize loads through the Shire.	
	The Chief Executive Officer authorised to support PBS applications where their performance meets the RAV network.	
	The Chief Executive Officer authorised to approve Restricted Access Vehicles (RAV) Categories 2 and 3 on the following roads:	
	<b>Road</b>	<b>Section</b>
	Copplestone Road	Martin-Pelusey Road to end
	Harris Road	Martin Pelusey Road to Shire Boundary
	King Tree Road	Wellington Mill Road to Mungalup Road
	Mungalup Road	Pile Road (Falcon Road) to Shire Boundary
	Pattersons Road	South Road to Ferguson Road
	Pile Road	Ferguson Road to Mungalup Road (Falcon Road)
	Queenwood Road	Ferguson Road to Trevena Road
	South Road	Pattersons Road to Mungalup Road
	Wellington Mill Road	Ferguson Road to Ferguson Road
The Chief Executive Officer be delegated authority to approve Restricted Access Vehicles (RAV) Category 4 on the following roads:		
<b>Road</b>	<b>Section</b>	
Harris Road	Martin Pelusey Road to Shire Boundary	
Martin Pelusey Road	Full Length	
Copplestone Road	Martin Pelusey Road to end.	
Giorgi Road	SW Highway to Temple Road.	

The following roads are approved RAV Network 2 and 3 roads and do not require any further approvals from the Shire of Dardanup:	
Road	Section
Banksia Road	1.52 SLK from Crooked Brook Road to Depiazzi Road (Panizza Road)
Busher Road	Moore Road to end of road
Depiazzi Road	Ferguson Road to Banksia Road (Panizza Road)
Dowdells Line	South Western Hwy to O'Connor Road
Ferguson Road	Waterloo Road to Shire Boundary
Giorgi Road	Full Length
Moore Road	2.68 km Section starting from Bunbury Outer Ring Road
O'Connor Road	Dowdells Line to Offer Road
Barcoo Close (Old Moore Road)	0.3 km Section starting from Moore Road
Waterloo Road	Full Length
The Chief Executive Officer be delegated authority to assess and approve applications and renewal applications for up to PBS 2B access to the following:	
Road	Section
Giorgi Road	SW Highway to Temple Road
The following roads are approved RAV Network 2, 3 and 4 roads and do not require any further approvals from the Shire of Dardanup:	
Road	Section
Andrew Foord Way	Kerr Road to Coleman Turn
Coleman Turn	Full Length
Delmarco Drive	Full Length
Golding Crescent	Full Length
Hardisty Court	Full Length
Kerr Road	Full Length
Nicholson Road	Full Length
Pedretti Road	Full Length
Ramsay Loop	Full Length
Warrego Road	Full Length
No Concessional Loading is allowed on Council roads except with the determination of the Council.	
The Chief Executive Officer be delegated authority to grant access to subsequent applicants, seeking access to the below up to RAV 7, Concessional Level 3 configuration.	
Road	Section
Moore Road	Full Length

	The Chief Executive Officer be delegated authority to assess and approve applications for up to RAV 4 AMMS Level 3 access to the following roads:	
	<b>Road</b>	<b>Section</b>
	Harris Road	(Shire Boundary to Martin Pelusey Road)
	Giorgi Road	SW Highway to Temple Road
<b>Council Conditions on this Delegation:</b>	In accordance with Main Roads WA advice requirements.	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees	

1.2.27 Approval of Subdivisional **Construction Engineering** Drawings

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	Planning and development Act – Section 170 Regs cl.83 sched 2 part 10
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve for construction <b>subdivisional engineering</b> drawings and specifications.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.2.34 Speak On Behalf of Local Government

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s. 2.8 (1) (d) Role of mayor or president s. 5.41 (f) Functions of CEO
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Chief Executive Officer is authorised to speak on behalf of the local government <b>if the president agrees (s 5.41 (f))</b>
<b>Council Conditions on this Delegation:</b>	The Chief Executive Officer may sub delegate on a case by case basis if the matter is considered urgent.
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees



9.1.4 Amendments to Building Envelopes and Building Exclusion Areas

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
<b>Delegate/s:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine development applications to amend building envelopes and building exclusion areas subject to no objections being received if advertised. Authority to issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
<b>Council Conditions on this Delegation:</b>	Delegation only to be exercised if no objections being received if advertised under Schedule 2, Part 8, cl.64 of the Deemed Provisions for Local Planning Schemes, <u>Planning and Development (Local Planning Schemes) Regulations 2015</u>  Delegation only to be exercised following appropriate consideration of matters listed in the Deemed Provisions, provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.1.6 Landscape Buffer to Australind Bypass Road (Forrest Highway)

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83)(Deemed Provisions)
<b>Delegate/s:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<p><del>Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.</del></p> <p>Authority to apply the provisions of clause 7.6 of Town Planning Scheme No.3 to vary a scheme requirement:</p> <ul style="list-style-type: none"> <li>• Landscape Buffer to Australind Bypass Road (Forrest Highway): clause 3.18.1(i) of Town Planning Scheme No. 3 preventing the development of buildings or structures with the landscape buffer to the Australind Bypass Road (Forrest Highway) subject to the proposal not requiring the removal of existing vegetation and no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, <u>Planning and Development (Local Planning Schemes) Regulations 2015</u></li> <li>• Allow the removal of dead, diseased or dangerous vegetation as well as the installation of fencing.</li> </ul>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.2 Variations to ~~Setbacks~~ under the Residential Design Codes

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83)(Deemed Provisions)
<b>Delegate/s:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<del>Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.</del>  Authority to determine variations to the Residential Design Codes.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.4 Variation to ~~Standards~~ Site and Development Standards and Requirements

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.6 Variation to Site and development Standards and Requirements  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83)(Deemed Provisions)
<b>Delegate/s:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to apply the provisions of clause 7.6 of Town Planning Scheme No.3 to vary <b>site and development standards and requirements, including the following:</b> <ul style="list-style-type: none"> <li>• <del>Landscape Buffer to Australind Bypass Road (Forrest Highway): clause 3.18.1(i) of Town Planning Scheme No. 3 preventing the development of buildings or structures with the landscape buffer to the Australind Bypass Road (Forrest Highway) subject to the proposal not requiring the removal of existing vegetation and no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, <u>Planning and Development (Local Planning Schemes) Regulations 2015</u></del></li> <li>• Construction Materials: Appendix VIII – Additional Requirements – Small Holding Zones clause 1(i) of Area 4 – Henty Brook Estate, clause 1(d) of Area 6 – Copplestone South, clause 1(l) of Area 10 – Garvey Road and clause 1(h) of Area 12 – Greenwood Heights requiring dwellings to be constructed from materials other than brick or stone subject to the materials of the proposed dwelling being of a standard which is compatible with the surrounding environment and no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, <u>Planning and Development (Local Planning Schemes) Regulations 2015</u></li> </ul>
<b>Council Conditions on this Delegation:</b>	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

1.2.7 Remove and Impound Goods - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.3.39 Power to remove and impound
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. An employee authorised by a local government for the purpose may remove and impound any goods that are involved in a contravention that can lead to impounding.[s.3.39]</li> <li>2. A person may use reasonable force to exercise the power given by subsection (2).[s.3.39]</li> </ol>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3.1 Social Media - CP026 - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ul style="list-style-type: none"> <li>• Authority to establish and terminate official Shire of Dardanup Social Media accounts.</li> <li>• Provide authority to selected Shire of Dardanup personnel who manage and moderate the Shire of Dardanup Social Media activities.</li> </ul>
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3.2 Mobile Traders on Eaton Foreshore - CP033 - REMOVED

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve:  1. Applications received during the Expression of Interest process that do not exceed the available trading positions and meeting all requirements.  2. Applications outside of the expression of interest process if available trading positions are not all occupied following the expression of interest process, for the remainder of the applicable financial year expiring 30 June.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3.3 Directional Signage Policy for Fixed Signs within Road Reserves - CP040 - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve the erection of any directional signage within any local authority road reserve in the Shire of Dardanup in accordance with the conditions listed in the Shire of Dardanup Council Policy Manual – CP040.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees



**1.3.4 Directional Signage Policy for Public Events and Activities – Temporary Signs within road Reserves - CP041 - REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve the placement of any temporary directional signs within any local authority road reserve in the Shire of Dardanup in accordance with the conditions listed in the Shire of Dardanup Council Policy Manual – CP041
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

**1.3.5 Donations and Grants - CP044 - REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to make payments for Personal Development in accordance with the Donations and Grants Policy (promote the personal development (non-professional) of individuals that reside within the Shire of Dardanup).  Authority to make payments in accordance with the Donations and Grants Policy (Minor Community Event Assistance).
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3.6 Bus Shelter Approval - CP045 - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve applications for bus shelters.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3.7 Events Requiring Temporary Road Closure - CP046 - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to consider and approve applications for the temporary closure of thoroughfare for events and works on Shire managed roads and accessways, subject to the following duration limits:  Events - Not exceeding 12 hours Works - Not exceeding four weeks
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3.8 Residential Road Verge - CP057 - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve the installation of any gardens, reticulation, landscaping or treatments other than grass to the verge between the front property line and the kerb in accordance with the Policy.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3. 9 Roadside Vegetation - CP058 - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve, after an on-site inspection, removal of necessary vegetation only, and within a minimum distance of one metre from the fence line. All requests for removing vegetation in excess of one metre from the fence, or more than 20 trees per kilometre, must be submitted to Council for prior approval.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees

1.3.10 Powers of Entry – Determine if an Emergency - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees	
<b>Express Power or Duty Delegated:</b>	<u>Local Government Act 1995:</u> s.3.34(2) Entry in emergency	
<b>Delegate/s:</b>	<b>Name</b>	<b>Position</b>
	Mr Phil Anastasakis	Deputy CEO
	Mr Luke Botica	Director Infrastructure
	Mrs Susan Oosthuizen	Director Sustainable Development
	Mr Nathan Ryder	<del>Manager Operations</del> Manager Infrastructure Planning & Design
	Mr Sergio Massimini	Manager Operations
	Mr Troy Williamson	Manager Assets
	<del>Mr Mick Saunders</del>	<del>Manager Assets</del>
	<del>Mr Brenton Scambler</del>	<del>Manager Development Services</del>
	Mr John Kowal	Manager Sport & Recreation
	Mrs Erin Hutchins	Coordinator Emergency & Ranger Services
Mr Murray Halden	Senior Ranger	
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s.3.34(2)].	
<b>Council Conditions on this Delegation:</b>		
<b>Express Power to Sub-Delegate:</b>	Nil.	



1.3.21 Use of Unmanned Aerial Vehicle (UAV) – Drone - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer	
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Local Government Act 1995:</u> s.5.44 CEO may delegate some powers and duties to other employees	
<b>Express Power or Duty Delegated:</b>	<u>Shire of Dardanup Policy Manual – CP043 – Use of Unmanned Aerial Vehicle - Drone</u>	
<b>Delegate/s:</b>	<b>Name</b>	<b>Position</b>
	Mr Sudi Mishra	Manager Information Services - <b>Acting</b>
	<del>Travis Ashe</del>	<del>GIS and Data Analyst</del>
	<del>Mr Vitalis Chifamba</del>	<del>Senior GIS Officer</del>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to approve all drone capture campaigns and be reasonably assured that any flight undertaken meets the standards outlined in the CASA Standard Operating Guide for very small RPA (100g < 2kg) remotely piloted aircraft, commercial flying with no license category, as modified from time to time.	
<b>Council Conditions on this Delegation:</b>		
<b>Express Power to Sub-Delegate:</b>	Nil	

9.1.7 Respond to Town Planning Correspondence - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> <u>Shire of Dardanup Local Planning Scheme No.3</u>
<b>Delegate/s:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to respond to correspondence relating to general town planning matters, reserve administration, vegetation clearing applications and provide recommendations with appropriate conditions.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.1.9 Advertising and Referrals of Planning Proposal - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Delegations by Local Government
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u>
<b>Delegate/s:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to advertise and refer applications for Structure plans, Local Development Plans and Development Approval to statutory authorities and affected residents for their determination and/or comment.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.1.10 Extractive Industry Contravention - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> <u>Part 7, s.7.12 Delegation of Functions</u> <u>Planning and Development Act 2005</u> <u>Local Government Act 1995</u>  <u>Shire of Dardanup Extractive Industries Local Law</u>
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development Act 2005</u>
<b>Delegate/s:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to deal with complaints and contravention of extractive industry licences and deal with contraventions accordingly.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> <u>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</u>

9.1.11 Direction Notice - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development Act 2005</u>  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development Act 2005</u>
<b>Delegate/s:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to Issue a written Direction Notice to owner or any other person undertaking a development, or any part of a development that is in contravention of a planning scheme or an interim development order or in contravention of planning control area requirements to:  1. Stop the development and not recommence the development or that part of the development.  2. To remove, pull down, take up, or alter the development and to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.1.12 Development in Bushfire Prone Areas - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10A – Bushfire risk management
<b>Delegate/s:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Unless exempt under Schedule 2, Part 10A, cl. 78B of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> ,  Authority to approve development in designated Bushfire Prone Areas, subject to an Application for Development Approval being accompanied by a BAL Assessment, prepared by an accredited Level 1 Bushfire Attack Level Assessor (unless circumstances warrant a basic BAL Assessment undertaken by the landowner / proponent as indicated in Clause 3.2.1 of the ‘ <u>Guidelines for Planning in Bushfire Prone Areas</u> ’).
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.1.14 Temporary Works and Uses - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 7, cl. 61, (1)(f) and (2)(d) – Development for which development approval not required
<b>Delegate/s:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to extend the 48 hour period for temporary works and uses to remain exempt from development approval under Schedule 2, Part 7, cl. 61, (1)(f) and (2)(d).
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers



9.2.1 Development that is noted with a 'P' in Appendix 1 of Shire of Dardanup Town Planning Scheme No.3 - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (Deemed Provisions)
<b>Delegate/s:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
<b>Council Conditions on this Delegation:</b>	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.2 Development that is shown as a 'D' or 'A' in Appendix 1 of Shire of Dardanup Town Planning Scheme No.3 - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (Deemed Provisions)
<b>Delegate/s:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
<b>Council Conditions on this Delegation:</b>	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.5 Development of Land - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (Deemed Provisions)
<b>Delegate/s:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
<b>Council Conditions on this Delegation:</b>	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.6 Amendments to a Development Approval - **REMOVED**

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions  <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
<b>Express Power or Duty Delegated:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (Deemed Provisions)
<b>Delegate/s:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority to:  1. Amending a Development Approval by extending the period within which the approved development must be substantially commenced in accordance with Schedule 2, Part 9, Clause 77 of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u>  2. Amending a Development Approval by amending or deleting conditions in accordance with Schedule 2, Part 9, Clause 77 of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> , subject to the original Development Approval having been granted under delegation.  3. Amending an aspect of a Development Approval which, if amended, would not substantially change the development approved in accordance with Schedule 2, Part 9, Clause 77 of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u>  4. Amending or deleting a condition of a Development Approval imposed by Council on the advice of an external advice agency, subject to the amendment or deletion being consistent with amended advice being received from the relevant external advice agency.
<b>Council Conditions on this Delegation:</b>	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
<b>Express Power to Sub-Delegate:</b>	<u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

9.2.9 Unauthorised Existing Developments - **REMOVED**

<p><b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p><b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i></p>	<p><u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions</p> <p><u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.10 Unauthorised Existing Developments</p> <p><u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (Deemed Provisions)</p>
<p><b>Delegate/s:</b></p>	<p><b>Chief Executive Officer</b></p>
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>1. Unauthorised existing developments that are denoted with a ‘P’ in Appendix 1 of Shire of Dardanup Town Planning Scheme No. 3, or are ancillary to the primary approved use of the property, subject to the existing unauthorised development or use complying with the provisions of the Scheme as required under Clause 7.10.</p> <p>2. Unauthorised existing developments that are denoted with a ‘D’ or ‘A’ in Appendix 1 of Shire of Dardanup Town Planning Scheme No. 3, subject to the existing unauthorised development or use complying with the provisions of the Scheme as required under Clause 7.10, subject to no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> , with the exception of the following uses:</p> <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Caravan Park</li> <li>• Motel</li> <li>• Tavern</li> <li>• Nightclub</li> <li>• Liquor Store</li> <li>• Industry - Extractive</li> <li>• Industry – Noxious or Hazardous</li> </ul>
<p><b>Council Conditions on this Delegation:</b></p>	<p>With the condition that unauthorised existing developments that are denoted with a ‘D’ or ‘A’ in Appendix 1 of Shire of Dardanup Town Planning Scheme No. 3 within the Landscape Protection Area be brought back to Council. [Res 163/16]. No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.</p>
<p><b>Express Power to Sub-Delegate:</b></p>	<p><u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</p>

9.1.1 Determination of Development Applications - **NEW**

<p><b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i></p>	<p>Local Government</p>
<p><b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i></p>	<p><u>Shire of Dardanup Local Planning Scheme No.3</u> Part 7, s.7.12 Delegation of Functions <u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
<p><b>Express Power or Duty Delegated:</b></p>	<p><u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 &amp; 83) (Deemed Provisions)</p>
<p><b>Delegate:</b></p>	<p><b>Chief Executive Officer</b></p>
<p><b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i></p>	<p>1. Authority to:</p> <ul style="list-style-type: none"> <li>• Determine applications in accordance with Structure Plans pursuant to cl. 27 of the deemed provisions.</li> <li>• Determine development applications, which modifies or varies a Local Development Plan pursuant to cl. 56 of the deemed provisions.</li> <li>• Determine any works or uses that are temporary and in existence longer than 48 hours pursuant to cl. 61 (1) (f) and cl. 61 (2) (d) of the deemed provisions.</li> <li>• Make determinations on the sufficiency of information provided with applications for planning consent pursuant to cl. 63 of the deemed provisions.</li> <li>• Advertise and provide notice of applications for planning approval or consent pursuant to cl. 64 of the deemed provisions.</li> <li>• Determine any development application for unauthorised development pursuant to cl. 65 – subsequent approval of development – of the deemed provisions.</li> <li>• Determine applications pursuant to cl. 68 of the deemed provisions for planning approval or refusal including:             <ol style="list-style-type: none"> <li>a) any conditions to be imposed or reasons for refusal;</li> <li>b) the period of validity; and</li> <li>c) the scope of the planning approval.</li> </ol> </li> <li>• Allow for the extension of the term within which any development approved must be substantially commenced in accordance with cl. 71 of the deemed provisions.</li> <li>• Determine an application for temporary development approval in accordance with cl.72 of the deemed provisions.</li> <li>• Determine an application for development within the timeframes in accordance with cl.75(1)(a) and (b) or agree to a longer time in writing in accordance with cl.75(1)(c) of the deemed provisions.</li> <li>• Determine an application for development in accordance with cl.75(3) of the deemed provisions.</li> <li>• Determine any amendment applications pursuant to cl. 77 (amending or cancelling development approval) of the deemed provisions.</li> </ul> <p>1. Amending a Development Approval by extending the period within which the approved development must be substantially commenced in accordance with Schedule 2, Part 9, Clause 77 of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u></p>

	<ol style="list-style-type: none"> <li>2. Amending a Development Approval by amending or deleting conditions in accordance with Schedule 2, Part 9, Clause 77 of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u>, subject to the original Development Approval having been granted under delegation.</li> <li>3. Amending an aspect of a Development Approval which, if amended, would not substantially change the development approved in accordance with Schedule 2, Part 9, Clause 77 of the <u>Planning and Development (Local Planning Schemes) Regulations 2015</u></li> <li>4. Amending or deleting a condition of a Development Approval imposed by Council on the advice of an external advice agency, subject to the amendment of deletion being consistent with amended advice being received from the relevant external advice agency.</li> </ol>
<p><b>Council Conditions on this Delegation:</b></p>	<ol style="list-style-type: none"> <li>1. Delegation only to be exercised following appropriate consideration of the matters listed in cl.67, 68 and 69, of Schedule 2 - Deemed Provisions.</li> <li>2. Where applications are required to undergo consultation in accordance with cl.64 of Schedule 2, Part 8 and cl.66 of Schedule 2, Part 9, delegation can only be exercised where concerns raised through consultation is not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design.</li> <li>3. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared.</li> <li>4. Delegation can only be exercised to the extent that the Scheme, or Council Policy provides for variations. Where variation to Council policy is proposed, a report to Council shall be prepared.</li> </ol>
<p><b>Express Power to Sub-Delegate:</b></p>	<p><u>Planning and Development (Local Planning Schemes) Regulations 2015</u> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</p>



**9.1.8 Greater Bunbury Region Scheme - NEW**

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**PLANNING AND DEVELOPMENT ACT 2005****INSTRUMENT OF DELEGATION****DELEGATION POWERS OF LOCAL GOVERNMENTS (GBRS) DEL 2014/01****Delegation to local governments of certain powers and functions of the  
Western Australian Planning Commission relating to the  
Greater Bunbury Region Scheme****Preamble**

Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 22 April 2014, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A TO DELEGATE to local governments, and to members and officers of those local governments, its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;
- B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the *Government Gazette* of 20 April 2012 (pages 1717—1722).

TIM HILLYARD, Secretary,  
Western Australian Planning Commission.

**PLANNING AND DEVELOPMENT ACT 2005****INSTRUMENT OF DELEGATION****SCHEDULE 1—Development on reserved land delegated to local governments**

1. Development on land in a regional road reservation where the local government accepts the recommendation and any advice of the advice agency.
2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation.

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3. Development on reserved land, which requires planning approval under the GBRS and which is—
  - (a) Ancillary and incidental development that does not conflict with the purposes of the reservation; and
  - (b) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
4. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development for which the local government decides to refuse.

**SCHEDULE 2—Development on zoned land delegated to local governments**

Applications for development on zoned land, excluding public works undertaken by public authorities—

1. On land abutting regional open space reservations, development which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of Main Roads Western Australia.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development which—
    - i. complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and
    - ii. is approved subject to conditions requiring compliance with that policy.
  - (c) Development for which the local government decides to refuse approval under the GBRS.
4. On land abutting a port installations, public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRS and which is of one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Water and/or the Water Corporation, as the case may be.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
6. On land in the Kemerton industrial zone buffer special control area (SCA No. 2), development which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of State Development and the Environmental Protection Authority.
  - (b) Development for which the local government decides to refuse under approval under the GBRS.
7. On land in the Glen Iris service corridor buffer special control area (SCA No. 3) development which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority.
  - (b) Development for which the local government decides to refuse approval under the GBRS.

8. On land in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) development which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Water Corporation.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
9. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRS—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
10. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRS—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Mines and Petroleum.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
11. Development of one or more of the following kinds which is on land partly or wholly within the land subject to the floodplain management policy area and which requires planning approval under the GBRS—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Water.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
12. Development in an activity centre which is for shop-retail purposes and which requires planning approval under the GBRS and which is for one or more of the following kinds—
  - (a) Development generally in accordance with a WAPC endorsed activity centres structure plan;
  - (b) Development for which the local government decides to refuse approval under the GBRS.
13. Development in the rural zone, other than for an animal husbandry-intensive, which requires planning approval under the GBRS and for which the local government decides to refuse approval under the GBRS.
14. Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m<sup>2</sup> to the improvements of an existing animal husbandry-intensive premises and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or Environmental Protection Authority.
  - (b) Development for which the local government decides to refuse approval under the GBRS.
15. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds—
  - (a) Development where the local government accepts the recommendation and any advice of the Department of Planning.
  - (b) Development for which the local government decides to refuse.

**SCHEDULE 3—Terms of delegations to determine development on reserved and zoned land**

1. Under clause 36 of the GBRS, an application for planning approval is to be submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such longer period as the WAPC allows.
2. An application for development on reserved land, excluding regional open space, shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.
3. An application for development on or abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.
4. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.



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5. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

6. An application for development abutting a port installations, public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.

7. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.

8. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.

9. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.

10. An application for development in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) shall be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.

11. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.

12. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.

13. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.

14. An application for an animal husbandry-intensive premises shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or the Environmental Protection Authority for advice and recommendation before being considered by the local government.

15. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.

16. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or delegate of, or a local government acting under delegated power, may determine the application on that basis.

17. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.

18. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.

19. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.

20. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.

#### SCHEDULE 4—Definitions

In this instrument of delegation, words have the meanings given to them in the Act and the GBRs. Unless the context otherwise requires—

‘Abutting’ reserved land means the zoned land shares a common boundary with reserved land.

‘Access’ means entry or exit (or both) from either a road or abutting development by a vehicle.

‘Activity centre’ means the category of activity centres set out in Table 2 of the *Activity Centres for Greater Bunbury Policy*, namely—

- City Centre
- District Centres
- Neighbourhood centres
- Special Centres
- Town Centres

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GOVERNMENT GAZETTE, WA

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'Advice agency' means a department, public authority or body which is requested to provide advice and recommendations on applications for planning approval under the GBRS as an agency responsible for reserved land or to which local governments refer applications under the terms of schedule 3.

'Animal husbandry-intensive' has the same meaning as in the *Town Planning Regulations 1967*.

'Forward to the WAPC' and similar expressions mean convey by mail, by hand or electronically to the Bunbury office of the Department of Planning.

'Net lettable area' means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, tea rooms and plant rooms and other service areas;
- (b) lobbies between lifts facing other lifts servicing the same floor
- (c) areas set aside for the provision of facilities or services to the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

'Non-conforming use' has the same meaning as it has in the Planning and Development Act 2005 section 172.

'Not acceptable' means that the local government wishes the application to be determined in a manner that is inconsistent with the advice and/or recommendation received from the advice agency which the local government was required to consult.

'Planning approval' and 'planning approval under the GBRS' mean the planning approval of the WAPC as required under the GBRS and by resolution of the WAPC under clause 27 of the GBRS, whether granted by the WAPC or by delegates of the WAPC including committees, officers, local governments and members and officers of local governments.

'Proximity' and 'in close proximity' mean that the development is, in the opinion of the WAPC or local government, sufficiently close to a policy area for the effects of activities in the policy area (such as noise, odour, spray drift or dust) to be likely to have an adverse effect on the proposed use, and/or for the effects of the development to be likely to have an adverse effect on uses in the policy area.

'Shop-retail' means the land use activities included in "Planning land use category 5: Shop/Retail" as defined by the Commission's South West Land Use and Employment Survey (as amended from time-to-time).

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Matter referred to	Where referred to			
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<b>Delegations in relation to zoned land</b>				
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clause 27	Preamble	-	- -
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Parts 7 and 8 (clauses 34-48)	Preamble, resolution	-	- -
<b>Activity Centres for Greater Bunbury</b>			

PL407\*

**PLANNING AND DEVELOPMENT ACT 2005  
AMENDMENT TO INSTRUMENT OF DELEGATION  
DEL 2012/02 POWERS OF OFFICERS**

**Amendment to the Instrument of Delegation to Officers of certain powers and functions of the Western Australian Planning Commission, as gazetted on 23 October 2012 and as amended by correction notice on 13 November 2012 and as subsequently amended by notices published on 6 September 2013 and 11 October 2013**

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution in the *Government Gazette*, delegate any function to a member, committee or officer of the WAPC or to a public authority or a member or officer of a public authority.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.

## 9.1.9 Strata Title Act 1985 - NEW

PL402

## PLANNING AND DEVELOPMENT ACT 2005

## INSTRUMENT OF DELEGATION

## Del 2020/01 Powers of Local Governments

Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the issuing of certificates of approval under section 15 of the *Strata Titles Act 1985*.

**Preamble**

Under section 16 of the *Planning and Development Act 2005* (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the *Government Gazette*, delegate any function under the Act or any other written law to a local government, a committee established under the *Local Government Act 1995* or an employee of a local government.

In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.

**Resolution under section 16 of the Act (delegation)**

On 19 March 2020, pursuant to section 16 of the Act, the WAPC RESOLVED—

- A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the *Strata Titles Act 1985* as set out in clause 1 of Schedule, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;

27 March 2020

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- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

**Schedule 1****1. Applications made under section 15 of the *Strata Titles Act 1985***

Power to determine applications for the issuing of a certificate of approval under section 15 of the *Strata Titles Act 1985*, except those applications that—

- (a) propose the creation of a vacant lot;
- (b) propose vacant air stratas in multi-tiered strata scheme developments;
- (c) propose the creation or postponement of a leasehold scheme;
- (d) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to—
  - i. a type of development; and/or
  - ii. land within an area,

which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.

**2. Reporting requirements**

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.



(Appendix ORD: 12.3A)



NORTH STAGE

SHIRAZ

GUM

GUERNSEY

SOUTH STAGE

WANDOO

WALNUT

TUCKIDALE

ROBUSTA

ROBUSTA ROAD

WANDOO WAY

PENINSULA LAKES

LEICESTER RAMBLE

EATON DRIVE

Future Access

\*

\*

\*

**RISK ASSESSMENT TOOL**

**OVERALL RISK EVENT:** Proposed Road Names (Parkridge Estate – South Stage)

**RISK THEME PROFILE:**

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

**RISK ASSESSMENT CONTEXT:** Strategic

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
<b>HEALTH</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	Developer does not use approved road names.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
<b>REPUTATIONAL</b>	Members of the public may disapprove of the proposed road names.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
<b>ENVIRONMENT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

## (Appendix ORD: 12.4A)

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**From:** KITIN Nick (LAM) <nick.kitin@mainroads.wa.gov.au>  
**Sent:** Tuesday, 10 March 2020 1:37 PM  
**To:** records@dardanup.wa.gov.au  
**Subject:** Dedication of the Bunbury Outer Ring Road  
**Attachments:** Document T D503044.pdf; T 2812-366.pdf; Deposited Plan 74957.pdf; Letter to Shire of Dardanup - request for council resolution for dedication, Bunbury Outer Ring Road.PDF; LDP 201902-0021.PDF

Dear Mr Schonfeldt

I refer to my email below regarding the Bunbury Outer Ring Road project.

Further to my request, I note that there is a drainage easement in favour of the Shire of Dardanup (Shire) that is registered over land proposed to be dedicated. The easement will need to be extinguished to facilitate dedication, and was omitted from my request in my letter dated 7 February 2020 (copy attached).

Lot 201 on DP 74957 held in CT 2812/366 is part of the land proposed to be dedicated under the Shire's control. Drainage easement D503044 is registered in favour of the Shire over Lot 201.

Please also include in the council resolution the following:

- Consent to the surrender or cancellation of the whole of easement D503044 contained within Lot 201 on DP 74957 held in CT 2812/366, as shown labelled 'A' on DP 74957.

My apologies for the omission in my initial request.

A copy of the relevant plans, title and document are attached.

If you require further information, please do not hesitate to contact me.

**Nick Kitin**

Land Assembly Manager  
Property Management Branch  
**Ph: 9323 4358**  
**w:** [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



**mainroads**  
WESTERN AUSTRALIA



---

**From:** KITIN Nick (LAM) <nick.kitin@mainroads.wa.gov.au>  
**Sent:** Friday, 7 February 2020 12:16 PM  
**To:** records@dardanup.wa.gov.au  
**Subject:** Dedication of the Bunbury Outer Ring Road

---

The files attached to this email were replaced with Attunity MFT download links.

Click the links below to download the files.

## (Appendix ORD: 12.4A)

- [DP219402.pdf](#) 469KB
- [DP402909.pdf](#) 906KB
- [LDP 201902-0012-5 \(Index\).PDF](#) 3459KB
- [LDP 201902-0012-5 highlighting roads to be dedicated under Shire of Dardanups control.pdf](#) 949KB
- [LDP 201902-0016-2.PDF](#) 1769KB
- [LDP 201902-0017-4.PDF](#) 2474KB
- [LDP 201902-0018-3.PDF](#) 2297KB
- [LDP 201902-0019-3.PDF](#) 2392KB
- [LDP 201902-0020-2.PDF](#) 2358KB
- [LDP 201902-0021.PDF](#) 1706KB
- [Letter to Shire of Dardanup - request for council resolution for dedication, Bunbury Outer Ring Road.pdf](#) 213KB
- [T LR3108-241.pdf](#) 113KB
- [T LR3165-906.pdf](#) 120KB

The files will be available for download from Attunity MFT until 21/02/2020

---

Dear Mr Schonfeldt

Please find attached a letter requesting a council resolution for the dedication of the Bunbury Outer Ring Road.

Also attached is a copy of the relevant Main Roads drawings depicting the land requirements for the road and road widening's within the boundaries of the Shire of Dardanup, and a copy of the plans and titles referred to in the letter.

If you have any queries, or require further information, please do not hesitate to contact me.

**Nick Kitin**

Land Assembly Manager  
Property Management Branch

**Ph: 9323 4358**

**w:** [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au)



mainroads  
WESTERN AUSTRALIA



D 503044 E



1987 JUN 25 AM 10:32

(Appendix ORD: 12 A)

No. D503044 ~~447531~~

GRANT OF EASEMENT

WITHDRAWN FROM REGISTRATION

FORM 10 VCH 609W \$25 M

FEES (office use)	\$	c
	35	
	12	
	47	

Parties: **MARK GELMI**  
**DARDANUP**

Lodged by **KEALL, BRINDEN,**  
 Solicitors,  
 9th Floor,  
 Address 150 St. George's Terrace,  
 PERTH WA 6000.  
 Box 95  
 Phone No. Tel: 321 8531  
 Ref: 6:KVV:DAR39917  
 HW:KVV6:CCC

Use this space for instructions if any documents are to issue to other than lodging party.

*ct to Prod. 27/5/87*

*1 DUP. C/T PRODUCED 27/3/87 S.J. Kelly*  
*CT. to G.M. Gelmi*

Titles, Crown Leases, Declarations, etc., lodged with this document. (To be filled in by person lodging.)

1. dup. easement x 2	} Received items No's. 2  LB  Rec. Clerk.
2. ....	
3. ....	
4. ....	
5. ....	
6. ....	

BELOW THIS LINE FOR OFFICE USE ONLY

Encumbrances not notified on face.  
*(ROAD MARKING) R/M*

New Titles to issue or Endorsing instruction.  
*NESS 6/14 11/5*

EXAMINED *K*  
 RE-EXAMINED: *elly*

Registered *25<sup>th</sup> June 1987*  
 at *10.32* o'clock and  
 particulars entered in the Register Book.

Initials of Signing Officer  
*[Signature]*  
**REGISTRAR OF TITLES**

**EASEMENT**

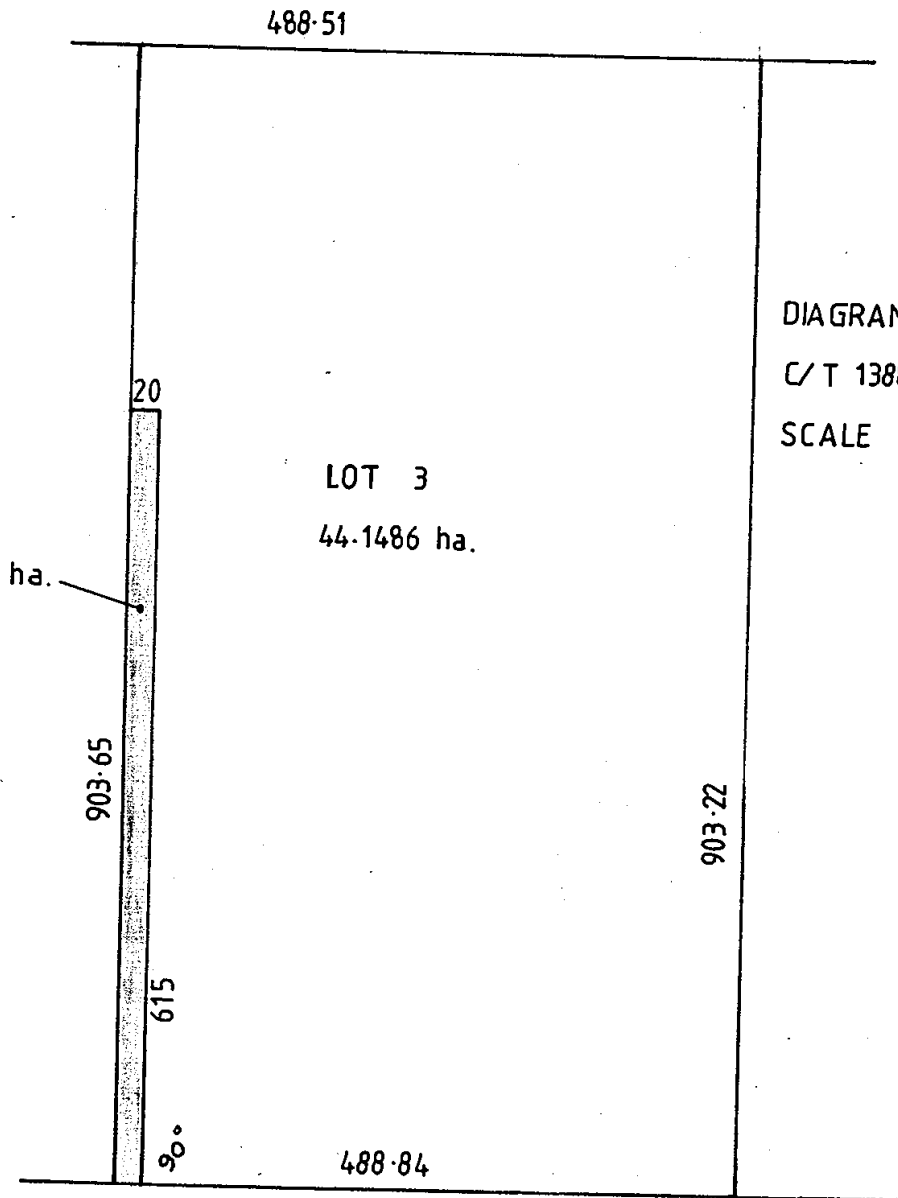


DIAGRAM 46933  
 C/T 1388/ 536  
 SCALE 1:50,000

LOT 3  
 44.1486 ha.

MOORE ROAD

EASEMENT FOR DRAINAGE  
 OVER LOT 3 OF BOYANUP LOT 353  
 IN FAVOUR OF  
 THE SHIRE OF DARDANUP  
 SHOWN IN BLUE

*G. M. Gilmour*  
 SHIRE PRESIDENT  
*[Signature]*  
 SHIRE CLERK

*[Signature]*  
 Shire Engineer - A.E.  
 (DRAFTSMAN)

properly guarded and to affix adequate signs or notices for the warning of persons likely to be endangered by such work.

EXECUTED by the parties as a Deed:-

SIGNED by GRAEME MARK GELMI) *G. M. Gelmi*  
in the presence of: )



THE COMMON SEAL of SHIRE OF)  
DARDANUP was hereunto )  
affixed by the authority of)  
a resolution of the Council)  
in the presence of: )

  
\_\_\_\_\_  
PRESIDENT

  
\_\_\_\_\_  
SHIRE CLERK



- (b) to make surveys and take levels;
- (c) to dig or break the soil of the said land and trench the said land;
- (d) to clean and repair any drain constructed on the said land;
- (e) to direct the flow of water from any adjoining land and/or road onto or through under or across the said land; and
- (f) to clear any trees or shrubs or undergrowth on the said land or to remove any obstruction as may be necessary in the course of carrying out any of the works enumerated above.

2. THE GRANTOR for himself and his successors in title and the registered proprietor or proprietors for the time being Lot 3 HEREBY COVENANTS with the Grantee -

(a) not without the consent of the Grantee on each occasion first had and obtained :

- (i) to fill or interfere with the land;
- (ii) to bridge or pipe the land;
- (iii) to place or cause permit or suffer to be placed or to remain on the land or any part thereof anything which does or may be likely to prevent or hinder the Grantee in the exercise of its rights and privileges hereunder;

(b) to indemnify and keep indemnified the Grantee from and against all damage:

(i) caused to the land by or arising out of or incidental to the construction, making or erection of any building or improvement constructed made or erected on Lot 3 by any person or corporation other than the Grantee;

or  
(ii) caused by or arising from or incidental to any damage to the land as referred to in sub-paragraph (i) of this paragraph.

3. THE GRANTEE HEREBY COVENANTS with the Grantor and his successors in title and the registered proprietor or proprietors for the time being of Lot 3 to complete any work from time to time commenced on the land with all convenient speed and consolidate and level off any holes or trenches on the land and reinstate and make good the surface of the land and to carry away all earth, fill and rubbish occasioned by the work and whilst the soil or surface is opened and during the progress of any maintenance work to the land and to ensure that the same is

EXEMPT

(SECTION 119 STAMP ACT)

For COMMISSIONER OF STATE TAXATION

WESTERN AUSTRALIA STAMP DUTY  
9MAR87 36092130 NDP \$0.00

WESTERN AUSTRALIA.  
Transfer of Land Act 1893 as amended

No.

D503044

~~D475131~~

Blank Instrument Form (see footnote)  
GRANT OF EASEMENT

a. Insert type of document here.

THIS DEED OF GRANT is made the 10<sup>th</sup> day of February 1986  
B E T W E E N : GRAEME MARK GELMI of 35 Avon Street,  
QUAIRADING, Farmer, (herein called "the Grantor") and  
SHIRE OF DARDANUP of Little Street, Dardanup, W.A. (herein  
called "the Grantee").

R E C I T A L S :

A. The Grantor is registered as the proprietor for the time being of an estate in fee simple in all that piece of land being -

Lot 3 on Diagram 46933 being the whole of the land in Certificate of Title Volume 1388 Folio 536 (herein referred to as "Lot 3").

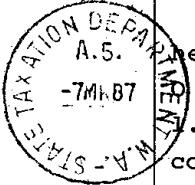
B. The Grantee is a Local Authority under the Public Works Act 1902-1985

C. The Grantor has agreed to grant to the Grantee certain drainage rights upon the terms and conditions hereinafter contained.

P E R A T I V E P A R T :

In consideration of the premises and for no monetary consideration whatsoever the Grantor being registered as the proprietor of an estate in fee simple in Lot 3 on behalf of himself and his successors in title and the registered proprietor or proprietors for the time being of Lot 3 HEREBY TRANSFERS AND GRANTS unto the Grantee free right liberty power and authority from time to time and at all times hereafter to enter upon that part of Lot 3 as is delineated and coloured blue on the plan annexed hereto (which said part is hereinafter referred to as "the said land") with workmen agents and contractors employed by or having authority of the Grantee in that behalf with or without motor vehicles engines and machines of any description for all or any of the following purposes -

- (a) to construct maintain repair alter and replace any drain or gutter for the purpose of carriage of water through under or upon the said land and for the purposes of constructing maintaining repairing or altering any cistern trap syphon manhole ventilator or other apparatus connected with or requisite to secure the safe and proper working of any storm water drain;



FORM APPROVAL No. 046 REGISTRAR OF TITLES

NOTE: This Form may be used only when the "Box Type" Form is not suitable. It may be completed in narrative style.

Sands & McDougall STOCK FORM 324



**mainroads**  
WESTERN AUSTRALIA

Enquiries: Nick Kitin  
Our Ref: 19/6247  
Your Ref:

7 February 2020

Chief Executive Officer  
Shire of Dardanup  
PO Box 7016  
Eaton WA 6232

**Via email**

Dear Mr Schonfeldt

**DEDICATION OF THE BUNBURY OUTER RING ROAD (NORTHERN AND CENTRAL SECTIONS)**

Main Roads Western Australia (MRWA) is arranging approvals to acquire land required to construct the new Bunbury Outer Ring Road (BORR).

The BORR will be a 27km road project that will improve road safety for local Bunbury residents, and enhance access for tourists to the South West region. The new road will improve access to the Bunbury port, and traffic movements for the freight transport industry.

The BORR is a \$850 million significant State road project jointly funded by the Federal and State governments.

The BORR will start at the intersection of the Forrest Highway and Clifton Road in Brunswick, and connect to the Bussell Highway in Gelorup. The BORR will pass through the Shire of Harvey, the Shire of Dardanup, the City of Bunbury, and the Shire of Capel.

The BORR will be placed under the control of the Commissioner of Main Road (CMR). Several local government roads will be up-graded and widened as part of this project.

Construction is targeted to commence in 2021, and be completed early 2024.

The land requirements for the road within the boundaries of the Shire of Dardanup (Shire) are depicted on Main Roads drawings 201902-0012-5 (Index), 201902-0016-2, 201902-0017-4, 201902-0018-3, 201902-0019-3, 201902-0020-2, and 201902-0021. A copy of the drawings are attached.

The proposed works will affect the following Crown land managed by the Shire:

- Part of Lot 99 on DP 219402 held in CLT 3108/241, being portion of Reserve 46073. Reserve 46073 is set aside for the purpose of 'Drain' and is a reserve without a management order.

Although Reserve 46073 does not have a management order, the Shire may still be maintaining the drain. Could you please confirm if the Shire is the responsible agency for the reserve, and if it is not, please advise which agency is.

## (Appendix ORD: 12.4A)

- Part of Lot 701 on DP 402909 held in CLT 3165/906, being portion of Reserve 35582. Reserve 35582 is set aside for the purpose of 'Public Recreation' with a management order in favour of the Shire.

A copy of the titles and plans are attached.

In order to dedicate the BORR as a road, the land required for the road will need to be excised from the above reserves. The Shire's consent will be required to excise land from its managed reserve.

MRWA will arrange and pay the cost of survey of the BORR.

It is possible that the excisions and dedications from the Crown land will not be finalised prior to the commencement of works. Should that be the case, consent from the Shire will be required for early entry onto the Shire's reserves to carry out the works.

To facilitate dedication of the BORR as a road, a council resolution pursuant to section 56 of the *Land Administration Act 1997* (LAA) will be required.

To allow construction of works and dedication of the BORR, MRWA requests the Shire please request council approve, and provide the following resolution:

1. Consent to the excision and dedication of land required for road purposes from Reserve 35582, as depicted on Main Roads drawing 201902-0020-2;
2. Support the excision and dedication of the land required for road purposes from Reserve 46073, as depicted on Main Roads drawing 201902-0018-3;
3. Dedication of the roads and road widening's within the Shire of Dardanup depicted on Main Roads drawings 201902-0012-5, 201902-0016-2, 201902-0017-4, 201902-0018-3, 201902-0019-3, 201902-0020-2, and 201902-0021 pursuant to section 56 of the *Land Administration Act 1997* (LAA);
4. Indemnify the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widening's, in accordance with section 56(4) of the LAA. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority, and they indemnify the Shire of Dardanup;
5. Consent to Main Roads Western Australia and its contractors to enter onto land under the Shire of Dardanup's control or management, to carry out any works in association with the BORR project. Entry to be permitted prior to the excision and dedication of the road or road widening's from the Shire of Harvey's reserves;
6. The Shire of Dardanup agreeing to accept the roads and road widening's highlighted green on the attached copy of Main Roads drawing 201902-0012-5, under its care, control, and maintenance following dedication;
7. Request the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserves 35582 and 46073, and dedicate the roads as depicted on the Main Roads drawings listed above.

Please note, with respect to S.56(4) of the LAA indemnity, MRWA indemnifies the Shire and the Minister for Lands against any costs or claims in accordance with S.56(4) of the LAA.

## (Appendix ORD: 12.4A)

Please advise me of the date of the council meeting that the resolution is passed, or provide me a copy of the minutes of the meeting. I will provide Lands with a copy of the minutes and arrange the dedication of the BORR with Lands.

Should you have any enquiries regarding this matter, please do not hesitate to contact me by email at [nick.kitin@mainroads.wa.gov.au](mailto:nick.kitin@mainroads.wa.gov.au) or telephone on 9323 4358.

Yours sincerely



Nick Kitin  
LAND ASSEMBLY MANAGER  
PROPERTY MANAGEMENT BRANCH

WESTERN



AUSTRALIA

REGISTER NUMBER

201/DP74957

DUPLICATE EDITION  
N/A

DATE DUPLICATE ISSUED  
N/A

RECORD OF CERTIFICATE OF TITLE  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME  
2812

FOLIO  
366

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 201 ON DEPOSITED PLAN 74957

REGISTERED PROPRIETOR:  
(FIRST SCHEDULE)

COMMISSIONER OF MAIN ROADS OF DON AITKEN CENTRE, WATERLOO CRESCENT, EAST PERTH  
(XF M271118 ) REGISTERED 14/5/2013

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:  
(SECOND SCHEDULE)

- 1. \*D503044 EASEMENT TO SHIRE OF DARDANUP FOR WATER DRAIN PURPOSES. SEE DEPOSITED PLAN 74957. REGISTERED 25/6/1987.
- 2. \*1655096 EASEMENT TO WESTERN POWER CORPORATION FOR ELECTRICITY TRANSMISSION PURPOSES. SEE DEPOSITED PLAN 74957. REGISTERED 9/10/2003.
- 3. \*M271118 TAKING ORDER. THE DESIGNATED PURPOSE OF ROADWORKS TO BUNBURY PORT ACCESS STAGE 2. REGISTERED 14/5/2013.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
\* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP74957  
 PREVIOUS TITLE: 1388-536  
 PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.  
 LOCAL GOVERNMENT AUTHORITY: SHIRE OF DARDANUP  
 RESPONSIBLE AGENCY: MAIN ROADS WESTERN AUSTRALIA

NOTE 1: M271118 NO DUPLICATE ISSUED.



AMENDMENTS	
No.	DESCRIPTION

APPROVED & DATE

**NOTES**

- DIMENSIONS AND AREAS ARE APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY.
- S.L.K. IS A M.R.W.A. STRAIGHT LINE KILOMETRE AND IS APPROXIMATE ONLY.

1:4000  
A 1

**LEGEND**

- LAND REQUIRED FOR ROAD PURPOSES.
- BOUNDARY TO BE SURVEYED.

**METADATA**

GROUND SURVEY STANDARD:  
DATE OF CAPTURE:  
MAPPING SURVEY STANDARD:  
DATE OF CAPTURE:  
MAIN ROADS PROJECT ZONE: PCG 94  
HEIGHT DATUM:



METROPOLITAN & SOUTHERN REGIONS DIRECTORATE  
SOUTH WEST REGION  
ROBERTSON DRIVE  
BUNBURY 6230  
Telephone (08) 9724 5600 Fax (08) 9724 5656

FILE NUMBER 18/3958  
DESIGNED / DRAWN A. SZELIGA 19/02/2019  
VERIFIED  
APPROVED

**BUNBURY OUTER RING ROAD**  
FORREST HWY TO SOUTH WESTERN HIGHWAY  
NORTHERN SECTION  
**LAND DEALINGS PLAN**  
SHEET 9 OF 10  
LOCAL AUTHORITY (211) SHRE OF HARVEY  
MRWA DRAWING NUMBER

**201902-0021**



MATCHLINE JOINS MRWA DRG 201902-0022

APPROVED & DATE

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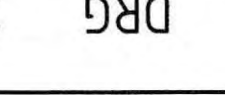
1:4000  
A 1

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**201902-0021**

ITEM	DESCRIPTION	C/T	OWNERSHIP/MANAGEMENT ORDER/PRIMARY INTEREST HOLDER	REMARKS	AREA REQUIRED	DRAWING NUMBER
68	LOT 200	2812/365	CESURA PTY LTD	EASEMENT: I655096 (WESTERN POWER CORPORATION)	1.3590 ha	201902-0083
69	LOT 201	2812/366	COMMISSIONER OF MAIN ROADS	EASEMENT: D603044 (SHRE OF DARWIN/UP)	(WHOLE)	201902-0084
70	LOT 500	2730/13	S.M. & G.A. BROOKES	EASEMENT: I655096 (WESTERN POWER CORPORATION) TAKING ORDER: 427/1118	5.2613 ha	201902-0085
71	LOT 104	2875/278	COMMISSIONER OF MAIN ROADS	EASEMENT: L103559 (ELECTRICITY NETWORKS CORPORATION) NOTIFICATION: L103559 NOT (GAGE: L84457)	53m <sup>2</sup>	201902-0085
				EASEMENT: C776847 (H510366) (ALINTAGAS NETWORKS PTY LTD) EASEMENT: I781878 (WESTERN POWER CORPORATION)	22.7971 ha	201902-0086







<b>RISK ASSESSMENT TOOL</b>									
<b>OVERALL RISK EVENT:</b> Dedication of the Bunbury Outer Ring Road - Consent to Surrender Drainage Easement									
<b>RISK THEME PROFILE:</b>									
3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)									
<b>RISK ASSESSMENT CONTEXT:</b> Strategic									
<b>CONSEQUENCE CATEGORY</b>	<b>RISK EVENT</b>	<b>PRIOR TO TREATMENT OR CONTROL</b>			<b>RISK ACTION PLAN</b> (Treatment or controls proposed)	<b>AFTER TREATMENT OR CONTROL</b>			<b>RESIDUAL RISK RATING</b>
		<b>CONSEQUENCE</b>	<b>LIKELIHOOD</b>	<b>INHERENT RISK RATING</b>		<b>CONSEQUENCE</b>	<b>LIKELIHOOD</b>	<b>RESIDUAL RISK RATING</b>	
<b>HEALTH</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	Approval not provided for surrender of drainage easement.	Moderate (3)	Almost Certain (5)	High (12 - 19)	Council will need to provide consent to surrender of the drainage easement to facilitate the road dedication as per Council Resolution 50-20.	Moderate (3)	Rare (1)	Low (1 - 4)	Low (1 - 4)
<b>REPUTATIONAL</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>ENVIRONMENT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.





